

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE  
6A-4.0282                   Specialization Requirements for the  
  Endorsement in Athletic Coaching  
  – Academic Class

PURPOSE AND EFFECT: The purpose of the rule development is to consider a rule amendment to add other accredited training organizations as providers of cardiopulmonary resuscitation (CPR) training for the CPR certificate. The effect will be a rule that is aligned with the providers that are recognized and accepted by the Department of Health.

SUBJECT AREA TO BE ADDRESSED: Certification requirements for athletic coaches.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 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: Beverly Gregory, Chief, Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, FL 32399-0400; (850)245-0431

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE:  
6A-6.021                   State of Florida High School  
  Diplomas

PURPOSE AND EFFECT: The purpose of the rule development is to update information on scores needed to obtain a GED and expand documentation types to be more in line with national General Educational Development Testing Service (GEDTS) guidelines. The effect will be to align the State of Florida more with national guidelines.

SUBJECT AREA TO BE ADDRESSED: GED passing scores and related documentation.

SPECIFIC AUTHORITY: 1001.02(1), 1003.435(1)(5) FS.

LAW IMPLEMENTED: 1003.435 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: Teresa Bestor, Director, Adult Education and GED Programs, Division of Workforce Education, 325 West Gaines Street, Room 644, Tallahassee, FL 32399-0400; (850)245-9906

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

**DEPARTMENT OF REVENUE**

**Division of Child Support Enforcement**

RULE NO.:                   RULE TITLE:  
12E-1.005                   Collection and Distribution of  
  Payments

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule Development is to give notice that the Department is developing a revised rule for the distribution and disbursement of child support payments collected pursuant to Section 409.2558, Florida Statutes.

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

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is the Department’s distribution of support collections, to include: the method for determining a collection or refund to be undistributable to the final intended recipient; use of location resources to locate persons due a support collection or refund; the method for determining a collection to be unidentifiable; and, the process for a parent to reclaim support collections declared to be undistributable or unidentifiable. The Department encourages interested parties to submit written comments or other material that might assist the Department in revising the distribution and disbursement rule.

SPECIFIC AUTHORITY: 409.026, 409.2567 FS.

LAW IMPLEMENTED: 409.2554, 409.2557, 409.2561, 409.2567, 409.2569 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone

(850)922-9558, e-mail address: scruggsp@dor.state.fl.us. If you are 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: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address: scruggsp@dor.state.fl.us

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

**DEPARTMENT OF TRANSPORTATION**

RULE NO.: 14-91.007  
 RULE TITLE: Selection and Award Process  
 PURPOSE AND EFFECT: A new subsection (9) is added to Rule 14-91.007, F.A.C., to clarify the compensation of design-build firms.

SUBJECT AREA TO BE ADDRESSED: A new subsection (9) is being added to Rule 14-91.007, F.A.C.

SPECIFIC AUTHORITY: 334.044(2), 337.11(7)(b) FS.

LAW IMPLEMENTED: 337.025, 337.11(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 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-91.007 Selection and Award Process.

(1) through (8) No change.

(9) The Department shall pay design-build firms submitting fully responsive proposals that are not selected a lump sum amount, stipend, as determined by the solicitation in order to stimulate competition and for the work product contained in the firm’s responsive technical bid proposals. The Department will not pay the selected design-build firm a stipend. An unselected short list design-build firm that submits a responsive bid proposal in response to the Department request for detailed proposals will receive a stipend in exchange for the work product contained in that bid proposal. The Department reserves the right to use any of the concepts,

ideas, technologies, techniques, methods, processes, and information that are contained within the bid proposals without any further compensation therefore.

(a) In order to receive the stipend, the unselected short listed design-build firms must enter into a contract with the Department immediately after short listing. The contract is required to document the terms and conditions for the stipend.

(b) The Department’s criteria to determine the stipend amount shall include the following: complexity of the project, technical expertise, time and resources required for the proposal, and value of work product contained in the technical proposal. The intent to compensate and the stipulated amount of the stipend will be set forth in the request for proposals package.

(c) A stipend is not intended to compensate the design-build firms for the total cost of preparing the bid proposal.

Specific Authority 334.044(2), 337.11(7)(b) FS. Law Implemented 337.025, 337.11(7) FS. History—New 3-13-88, 6-13-90, Amended 2-20-96, 9-3-96, 10-18-00, \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Office of Tourism, Trade and Economic Development**

RULE NOS.:	RULE TITLES:
27M-2.002	Application Procedures for Certification of a Facility For a Professional Sports Franchise
27M-2.003	Certification as a Facility for a New Professional Sports Franchise
27M-2.004	Certification as a Facility for Retained Professional Sports Franchise

PURPOSE AND EFFECT: The proposed rule development involves the creation of two new rules within Chapter 27M-2, Florida Administrative code, related to the certification of new and retained professional sports franchises, as authorized by Section 288.1162, Florida Statutes (2007). The proposed rules provide application requirements and methods for granting certifications of facilities for new and retained professional sports franchises.

SUBJECT AREA TO BE ADDRESSED: The proposed rules provide application requirements and methods for granting certifications of facilities for new and retained professional sports franchises.

SPECIFIC AUTHORITY: 288.1162 FS.

LAW IMPLEMENTED: 288.1162 FS.

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

DATE AND TIME: Friday, October 19, 2007, 9:00 a.m.  
 PLACE: Office of Tourism, Trade, and Economic Development, The Capitol, Suite 1902, 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 48 hours before the workshop/meeting by contacting: Michelle Ramsey, Senior Attorney, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399, whose telephone number is (850)487-2568. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Ramsey, Senior Attorney, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399, whose telephone number is (850)487-2568

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:  
 40D-1.002                      Delegation of Authority

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to adopt by reference the First Amendment to the Well Construction Permitting Agreement between the District and the Marion County Health Department. The effect will be to continue the delegation of authority to the Marion County Health Department to administer the well construction regulatory program in that county for two more years (through October 1, 2009).

SUBJECT AREA TO BE ADDRESSED: Amend Rule 40D-1.002, F.A.C., to incorporate by reference the First Amendment to the Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.002 Delegation of Authority.

(1) through (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) through (b) No change.

(c) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, effective May 21, 2006, and the First Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, effective \_\_\_\_\_, 2007.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS. Law Implemented 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:  
 40D-1.603                      Permit Application Procedures

PURPOSE AND EFFECT: District rules specify the number of copies of each application form that must be submitted when application is made for a new water use permit or environmental resource permit or a modification of an issued permit. The District is currently expanding its capability to accept permit applications electronically. The purpose of the proposed rule amendment is to state that any requirement to submit multiple copies of an application shall not apply when the application package is received through the District's electronic permitting process. The effect will be to clarify that when application for a permit or permit modification is made electronically, only one copy is necessary.

SUBJECT AREA TO BE ADDRESSED: Amend Rule 40D-1.603, F.A.C., to provide that any requirement to submit multiple copies of an application shall not apply when the complete application package is received electronically through the District's electronic permitting process.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.116, 373.118, 373.229, 373.413 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.603 Permit Application Procedures.

(1) A permit application shall be:

(a) through (c) No change.

(d) Any requirement to submit multiple copies of an application shall not apply when the complete application package is received electronically through the District's electronic permitting process.

(2) through (7) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.116, 373.118, 373.229, 373.413 FS. History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, 11-8-00, 9-26-02, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:	RULE TITLE:
40D-2.091	Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rule amendment is to correct the stated number of days (from 14 days to 21 days) in which a person, whose substantial interests may be affected by proposed agency action on a water use permit, may file a petition for hearing on such water use permits; and to delete references to repealed rules. The effect will be to state correctly the time period in which petitions for a hearing may be filed.

SUBJECT AREA TO BE ADDRESSED: Amend Section 1.6 of the District's Basis of Review (BOR) for Water Use Permit Applications to state that interested persons have 21 days from receipt of notice of proposed agency action to file a petition for an administrative hearing and to delete references to repealed rules. Amend Rule 40D-2.091, F.A.C., to incorporate by reference the revised BOR.

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 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-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" (\_\_\_\_) (~~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) No change.

(3) "Irrigation Water Use Form – Annual Crops" Form 46.20-010 WUP-10 (10/01);

(4) "Irrigation Water Use – Annual Recreational/Aesthetic/Golf" Form 46.20-009 WUP-11 (10/01);

(5) "Irrigation Water Use – Summer/Fall Seasonal", 46.20-011 WUP-13 (10/01); and

(6) "Irrigation Water Use – Winter/Spring Seasonal", 46.20-012 WUP-12 (10/01).

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, \_\_\_\_\_.

Water Use Permit Information Manual  
Part B, Basis of Review

1.6 APPLICATION REVIEW PROCESS

Once the permit application and appropriate information supplements are received, District staff will identify any deficiencies in the application and request any needed information within 30 days of receipt. District staff will evaluate the application in terms of water needs and potential impact and may request clarification of the information submitted. District staff will work with the Applicant to obtain all of the information necessary to support the application. However, it is the Applicant's responsibility to provide the information requested. Staff will notify the Applicant when all information has been received and the application is complete. Once the application is complete, the District must issue or

deny the permit within 90 days. Typically, permits authorizing withdrawals <500,000 gpd will be issued or denied within 60 days.

The District has established two procedures for issuing permits, based on the quantity of water permitted. The Governing Board must approve all permits authorizing annual average withdrawals ≥500,000 gpd. District staff typically issues permits authorizing withdrawals of <500,000 gpd unless the permit involves unusual circumstances. Permits which do not require Governing Board approval may be issued in a shorter period of time than those which must be approved by the Governing Board.

If a permit requires Governing Board approval, District staff will prepare a staff report and recommendation. This information is delivered to the permit applicant and interested persons and constitutes proposed agency action. Any person whose substantial interest may be affected by action on a permit and objects to it may file a petition for hearing within 21 ~~44~~ days of receipt of the proposed agency action. Procedures for filing a petition for hearing are described in Chapter 120, F.S., and Chapter 28-106, F.A.C. Part V of Chapter 40D-1, F.A.C. (See Rules 40D-1.521 and 40D-1.571, F.A.C.) If no petition for hearing ~~objection~~ is filed, the permit will be acted on at the next Governing Board meeting indicated in the notice. If a valid objection is received, a hearing may be scheduled or the objection may be resolved through negotiations.

For permits which do not require Governing Board approval, District staff prepares the permit which constitutes final agency action. Objectors may file a petition for hearing within 21 ~~44~~ days of receipt of final agency action. If no request for hearing is timely filed, the permit stands as issued by District staff.

General water use permits may be issued by District staff for applications which meet the following criteria:

1. The average annual daily withdrawal is less than 500,000 gpd;
2. The application meets the Conditions for Issuance set forth in Rule 40D-2.301, F.A.C.

Amended 1-1-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-4.331	Modification of Permits
40D-4.351	Transfer of Permits
40D-4.381	General Conditions

PURPOSE AND EFFECT: The purpose of this rulemaking is to establish a process in Environmental Resource Permitting rules to allow the completed phase of permitted surface water management system construction project to be transferred to the operation phase prior to completion of the entire project. The effect of the rule revisions will be to establish a uniform procedure whereby permittees may request that independently

functioning phases of a construction project authorized by an ERP be transferred to the operation phase and to the responsible operation and maintenance entity while allowing the originally issued permit to remain active until completion of construction of the entire project. Minor amendments are also made to the ERP general conditions concerning requirements for transferring a construction permit to the operation phase.

SUBJECT AREA TO BE ADDRESSED: Amend Rule 40D-4.331, F.A.C., to provide that a request to transfer an independently functioning portion of a permitted system to operation phase shall include an application for formal modification of the construction permit. Amend Rule 40D-4.351, F.A.C., to provide that a request to transfer a constructed portion of a permitted system to operation phase shall include information demonstrating that the constructed portion is capable of functioning independently in compliance with permit conditions. Amend Rule 40D-4.381, F.A.C., to revise the general conditions for ERPs to clarify that in order to transfer responsibility for operation and maintenance of a permitted surface water management system, the Permittee shall complete, at a minimum, compensation for impacts to wetlands or other surface waters as well as construction of the surface water management system, and that the permit will not be transferred to the operation and maintenance entity until the operation phase becomes effective.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426, 373.429, 403.805 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked, suspended or expired.

(1) No change.

(2) Applications to modify a construction permit shall be made by formal or letter modification:

(a) Formal modifications. ~~By formal application and review using the same criteria as new applications, pursuant to Rules 40D-4.101, 40D-4.301, and 40D-4.302, F.A.C., unless~~

~~the proposed modification involves an outparcel construction within a permitted commercial project. A request for modification involving construction within an outparcel of a permitted commercial or industrial development should be made using the form "General Environmental Resource Permit Application for Modification Related to Outparcel Construction Within Permitted Commercial Projects", adopted by reference in Rule 40D-1.659, F.A.C.~~

1. Except for those projects meeting the criteria for letter modifications in subsection (b), an alteration of the design of the surface water management system shall be reviewed in accordance with the same criteria as new applications pursuant to Rules 40D-4.101, 40D-4.301 and 40D-4.302, F.A.C.

2. A request for modification involving construction within an outparcel of a permitted commercial or industrial development should be made using District Form No. LEG-R.001.00(2/05), adopted by reference in Rule 40D-1.659, F.A.C.

3. A request to transfer an independently functioning portion of a permitted system to operation phase shall include an application for formal modification of the construction permit to identify the constructed phase separate from the remaining unconstructed project.

(b) Except for projects identified in subsection (2)(a), applications to modify a permit may be made by letter, provided the requested modification does not:

- 1. through 6. No change.
- (3) through (4) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 403.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, \_\_\_\_\_.

40D-4.351 Transfer of Permits.

- (1) No change.
- (2) Conversion to Operation Phase.
- (a) through (c) No change.

(d) A request to transfer a portion of a permitted system to operation phase shall include a demonstration by the applicant that the constructed portion of the system is capable of functioning independently in compliance with all conditions for permit issuance. Such a request shall be accompanied by a formal application to modify the existing construction permit to identify the constructed phase separate from the remaining unconstructed project. The 45 day time period allowed to convert a construction permit to operation phase shall not commence until the formal modification of the construction permit is issued.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(2), 403.805 FS. History—New 10-1-84, Amended 6-29-93, 10-3-95, 7-22-03, 2-1-05, 5-4-05, \_\_\_\_\_.

40D-4.381 General Conditions.

(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and Chapter 40D-40, F.A.C.

(a) through (g) No change.

(h) The permittee shall complete, at a minimum, construction of all aspects of the surface water management system, including wetland compensation for impacts to wetlands or other surface waters (grading, mulching, planting), compensation for floodplain encroachment or loss of historic basin storage, water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system and prior to transfer of responsibility for operation and maintenance of the system to a local government or other responsible entity.

(i) through (k) No change.

(l) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to conversion to operation phase and the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

(m) through (n) No change.

(o) The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions in subsection (1) above, the District in accordance with subsections 2.6 through 2.6.3 of the Basis of Review, adopted by reference in Rule 40D-4.091, F.A.C., determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit ~~shall may~~ not be transferred to the operation and maintenance entity approved by the District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until the permit is transferred pursuant to subsection 2.6.1 of the Basis of Review, adopted by reference in Rule 40D-4.091, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(p) through (x) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History—Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(7), 16J-4.11, 16J-4.10(3), Amended 10-1-84, 3-1-88, 10-3-95, 10-16-96, 10-11-01, 2-19-04, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.001  
 RULE TITLE: Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The handbook update contains corrected instructions for entering the National Provider Identifier and expanded instructions on entering the National Drug Code for injectable medications on the claim form. The effect will be to incorporate by reference in rule Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

SUBJECT AREA TO BE ADDRESSED: Medicaid Providers Who Bill on the CMS-1500.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS.

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

DATE AND TIME: Tuesday, October 23, 2007, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9711, girardk@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006, updated January 2007 and November 2007, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider

Support, and then on Handbooks. Paper copies of the handbook may be obtained by calling Provider Inquiry 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 FS. History–New 10-1-03, Amended 7-2-06, 3-7-07, \_\_\_\_\_.

**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."

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

RULE NOS.: 63E-7.013, 63E-7.016  
 RULE TITLES: Safety and Security, Program Administration

PURPOSE AND EFFECT: The rule establishes the requirements for the administration and operation of state operated and contracted residential commitment programs for juvenile offenders.

SUBJECT AREA TO BE ADDRESSED: The rule sections address safety and security in the physical plant, daily operations, and in crisis situations. In addition to physical security features, key control, escape prevention and control of contraband, the rule addresses facility staffing and supervision, offender classification, controlled observation, transportation, mail and visitation, and other aspects of a safe and secure facility environment. The rule also addresses program administration, including required reporting, the keeping of logbooks, records management, audit and review, and staff evaluation.

SPECIFIC AUTHORITY: 985.64, 985.601(3)(a), 985.441(1)(b), 985.03(44) FS.

LAW IMPLEMENTED: 985.601(3)(a), 985.441(1)(b) FS.

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

DATE AND TIME: Thursday, October 25, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3200, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: [lydia.monroe@djj.state.fl.us](mailto:lydia.monroe@djj.state.fl.us)

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-13.0046  
 RULE TITLE: Citation Authority

PURPOSE AND EFFECT: The Board proposes the rule amendment to add as a citation offense to pay the one-time fee by February 28, 2008.

SUBJECT AREA TO BE ADDRESSED: Citation authority.

SPECIFIC AUTHORITY: 456.077, 466.004(4) FS.

LAW IMPLEMENTED: 456.072(3)(a), 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-5.101	Definitions
64E-5.103	Records
64E-5.106	Units of Exposure and Dose
64E-5.316	Control of Access to High Radiation Areas
64E-5.317	Control of Access to Very High Radiation Areas
64E-5.501	Definitions
64E-5.502	General Requirements
64E-5.507	Therapeutic X-Ray Systems of Less Than 1 MeV
64E-5.508	X-Ray and Electron Therapy Systems with Energies of 1 MeV and Above
64E-5.511	Registration of Radiation Machines
64E-5.801	Registration Requirements
64E-5.802	General Requirements for the Issuance of a Registration Certificate for Particle Accelerators
64E-5.803	Particle Accelerators for Therapeutic Use on Humans

PURPOSE AND EFFECT: There have been no substantive changes to the rules affecting radiation therapy in at least 13 years. In that time, the use of such machines has changed, and new technologies, such as the miniature x-ray tubes used in electronic brachytherapy, have been created. The purpose of

this development is to review those rules and amend and/or adopt new rule language as necessary to address radiation therapy practices, procedures, personnel and equipment, and also to ensure compliance with current statutory requirements. A new Part XVI will be established for therapeutic radiation machines and most existing rules in other Parts of Chapter 64E-5, F.A.C., that are related to therapeutic radiation machines or radiation therapy will be amended or moved to Part XVI.

SUBJECT AREA TO BE ADDRESSED: Radiation therapy machines and associated devices and equipment; radiation therapy simulation systems; installation, maintenance & repair; general administrative and facility requirements; shielding and safety design; technical requirements; safety procedures; radiation protection devices; personnel licensure, education, training and supervision; quality assurance/management; authorized users; radiation safety committee; radiation safety officer; radiation protection program, including authority and responsibilities; surveys and survey instruments; calibration; definitions; forms; registration; records; notifications; reporting; signage; posting; written directives; mobile services; dosimetry; and computer systems.

SPECIFIC AUTHORITY: 404.022, 404.051, 404.071, 404.081, 404.131, 404.141, 404.22 FS.

LAW IMPLEMENTED: 404.022, 404.031, 404.051, 404.071, 404.081, 404.091, 404.101, 404.131, 404.141, 404.161, 404.162, 404.163, 404.22 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 23, 2007, 10:30 a.m. – 11:30 a.m.  
 PLACE: 4042 Bald Cypress Way, Room 240P, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: James Futch, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4266. If you are 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: James Futch, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4266; James\_Futch@doh.state.fl.us

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



**DEPARTMENT OF HEALTH****Division of Family Health Services**

RULE NOS.: RULE TITLES:

64F-18.002 Definitions

64F-18.003 Procedure

PURPOSE AND EFFECT: The Department proposes to amend the existing rules.

SUBJECT AREA TO BE ADDRESSED: The amendments affect definitions and the procedures for insulin distribution.

SPECIFIC AUTHORITY: 385.204 FS.

LAW IMPLEMENTED: 385.204 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: Sarah Cawthon, Department of Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-18.002 Definitions.

(1) "Bona fide resident" means a person living in Florida with the intent to remain ~~as evidenced by self-declaration.~~

(2) "Current prescription" means a prescription written by a licensed health care practitioner who is authorized by law to prescribe medicine within 3 months of application and effective for up to no more than 6 12 months after it is written. The prescription must be written by a licensed health care practitioner authorized by law to prescribe medicine and include the following information:

(a) Person's name (printed or typed);

(b) Person's date of birth;

(c) Physician's state license number;

(d) Physician's name (printed or typed);

(e) Physician's phone number;

(f) Date of prescription;

(g) Type of insulin to be issued;

(h) Medication dosage;

(i) Amount of medication to be issued at each visit – up to a three month supply;

(j) Whether and how many refills are allowed.

(3) "Designated agent" means any pharmacy that has entered into a written agreement with a county health department to provide insulin to approved insulin distribution program participants.

(4) "Family" means one or more persons living in one dwelling place who are related by blood, marriage, law or conception. A single adult, over 18, living with relatives is considered to be a separate family.

(5)(4) "Federal poverty guidelines" mean the poverty guidelines defined by subsection 64F-16.001(7), F.A.C.

(6) "Gross family income" means the sum of income available to a family at the time of application. Gross family income is based on all income to be earned or received or anticipated to be earned or received in a current month. Gross family income does not include Supplemental Security Income (SSI) or any income received by the SSI eligible individual(s) and any income received by the minor sibling(s) of the eligible individual(s). Gross family income includes the following:

(a) Wages and salary;

(b) Child support;

(c) Alimony;

(d) Unemployment compensation;

(e) Worker's compensation for lost income;

(f) Veteran's pension;

(g) Social Security;

(h) Pension or annuities;

(i) Dividends, interest on savings, stocks or bonds;

(j) Income from estates or trusts;

(k) Net rental income or royalties;

(l) Net income from self-employment;

(m) Contributions;

(n) Public assistance or welfare payments;

(o) Cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which are readily available to the family;

(p) Other case income.

(7) "Net family income" means gross family income minus the standard work-related, child care and child support expenses or deductions as used in determining presumptive eligibility for Medicaid.

(8)(5) "Self declaration" means a written statement regarding assets, insurance coverage, income, family size and ~~or~~ residency made by a person applying for the insulin distribution program services. Self-declaration does not include any documentation other than the signature of the person making the statement. The self-declaration statement that the department requires under this chapter shall include a signed acknowledgement by the applicant that the statement is true at the time it is made and that the applicant understands that the county health department provider shall have the option of verifying the information provided statement.

(9) "Verification" means to confirm the accuracy of information through sources other than the self-declaration statement of the individual that originally supplied the information.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History—New 12-19-00, Amended.

64F-18.003 Procedure.

(1) A person wishing to participate in the insulin distribution program can obtain an application from any county health department. The application is form number DH2105, 3/07, ~~40/00~~, “Insulin Distribution Program Application ~~Form~~” which is incorporated herein by reference. A copy of this form can be obtained from any ~~local~~ county health department or its designated agent.

(2) Every 12 months a client must submit a completed application to the county health department or designated agent of the department who will approve the application based upon the following criteria:

(a) The applicant must be a bona fide Florida resident;

(b) The applicant must be unable to pay for insulin because the applicant:

1. Is uninsured, or lacking insurance that provides coverage for ~~would reimburse the applicant for~~ insulin, and

2. Has a net family income at or below 100% of Federal poverty guidelines, and

3. Has no more than \$2,500 per family in private funds, bank accounts or assets other than their homestead to defray the cost.

(c) The applicant must submit a current prescription for insulin, ~~and~~

(d) The applicant must self-declare assets, insurance coverage, family size and residency.

(e) The applicant must sign a statement of income, specifying all gross income available to the applicant and the number of people dependent upon that income. The statement shall include a signed acknowledgement that the statement is true at the time it is made and that the person making the statement understands that the CHD will attempt to verify the statement.

(3) The county health department will verify the applicant’s income as follows:

(a) Verification may be made by telephone, in written form, or by face to face contact. Verification does not require written documentation to confirm an applicant’s statement. Verification can include:

1. A statement from a government agency which attests to the applicant’s financial status.

2. A statement from the applicant’s or family member’s employer.

3. Pay stubs for four consecutive weeks.

4. A statement from a source providing unearned income to the applicant or family unit.

(b) If the CHD is unable to verify wages paid or an employer will not verify wages paid, the statement provided by applicant may be accepted as accurate.

(c) If the applicant declares zero income, the CHD may require the applicant to describe in detail their living circumstances and how they obtain basic necessities such as food, shelter, clothing, medical care, and transportation.

(4) The county health department has authority to make the final determinations of eligibility for the insulin distribution program.

(5)(~~4~~) If the Department of Health’s pharmaceutical budget permits, applicants or current insulin distribution program clients with a net family income of 101-200% of Federal poverty guidelines that meet the requirements in paragraph (2)(a), and subparagraphs (2)(b)1. and 3. above will be eligible for the insulin distribution program or to continue in the program and receive insulin at reduced cost based on a sliding fee scale as set forth in Chapter 64F-16, F.A.C.

(6)(~~e~~) If an otherwise unqualified applicant, as defined above, is temporarily without current financial resources to purchase insulin, the county health department may provide a one month supply of insulin to this applicant once annually.

(7)(~~3~~) If at any time the applicant experiences a change in status, which could affect his or her eligibility, the applicant must report this change to the county health department within thirty days of this change.

(8)(~~4~~) The county health department will assist clients receiving insulin through this program, who become or are found to be ineligible, in locating another source of insulin. The county health department will continue to provide insulin to the client until another source can be found for up to 1 year after the determination of ineligibility.

(9)(~~5~~) County health departments or their designated agents will maintain records regarding their dispensing of insulin under this program for five years. These records shall include a copy of the Insulin Distribution Program Application ~~Form~~ and a copy of the applicant’s prescriptions for insulin.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History—New 12-19-00, Amended.

**DEPARTMENT OF HEALTH**

**Vital Statistics**

RULE NOS.:

64V-1.011

64V-1.015

RULE TITLES:

Burial-Transit Permit to be Issued

Termination of Pregnancies;

Reporting

PURPOSE AND EFFECT: Purpose of proposed amendment is to add language allowing for the issuance of a burial transit report which can be printed from the Department’s electronic death registration system and used in lieu of a burial transit permit. Also repealing the rule requiring reporting of Termination of Pregnancies to the department as such reporting will be transferred to the Agency for Healthcare Administration, as agreed between the two departments.

SUBJECT AREA TO BE ADDRESSED: Burial Transit Permit and Termination of Pregnancy Reporting.

SPECIFIC AUTHORITY: 382.003(7), (10), 382.006, 381.0011(13) FS.

LAW IMPLEMENTED: 382.006, 382.003(7), 390.112 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 23, 2007, 10:00 a.m.

PLACE: Department of Health, State Office of Vital Statistics, 1217 Pearl St., Boorde Bldg., Rm. 420, Jacksonville, FL 32202  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Wright, Operations Manager, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, (904)359-6900, ext. 1004

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-32.002	Definitions
67-32.004	General Program Restrictions
67-32.005	Application Procedures
67-32.006	Terms and Conditions of Loan
67-32.007	Scoring, Ranking, and Funding Guidelines
67-32.009	EHCL Credit Underwriting Procedures
67-32.011	Fees

PURPOSE AND EFFECT: Pursuant to Section 420.5087(3)(d), Florida Statutes, the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-32, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

DATE AND TIME: October 22, 2007, 10:30 a.m.

PLACE: Florida Housing Finance Corporation, Closing Room A, 227 North Bronough Street, Tallahassee, Florida 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: Jody Bedgood (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: Derek Helms, EHCL Administrator. The preliminary text of the proposed rule development is available 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.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.:	RULE TITLE:
68B-14.005	Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation

PURPOSE AND EFFECT: Participants in the black sea bass fishery have requested a volumetric equivalency for the current specifications on black sea bass traps similar to the existing equivalency provision in the stone crab and blue crab rules for traps for these species. The purpose of this rule amendment is to allow for a less narrowly-defined configuration for black sea bass traps for the commercial harvest of black sea bass. The effect will be to allow the legal use of black sea bass traps to 8 cubic feet in volume.

SUBJECT AREA TO BE ADDRESSED: Black sea bass traps.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General

Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

## Section II Proposed Rules

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation.

(1) Allowable gear.

(a) No change.

(b) 1. The outer dimensions do not exceed 2 feet in height, 2 feet in width, and 2 feet in depth or a volume of 8 cubic feet, and the throat or entrance does not exceed 5 inches in height and 2 inches in width at its narrowest point.

2. through 6. No change.

(2) through (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 2-1-90, 3-1-94, 10-4-95, 7-15-96, 1-1-98, 12-31-98, 6-1-99, Formerly 46-14.005, Amended 1-1-03, 3-1-05, 7-17-05, 7-1-07, \_\_\_\_\_.

### DEPARTMENT OF MILITARY AFFAIRS

RULE NO.: 70-1.001  
RULE TITLE: Family Readiness Program

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish an application form to be used by all applicants requesting assistance from the Family Readiness Program, with the effect of ensuring that all applications for assistance are processed using one standardized format.

SUBJECT AREA TO BE ADDRESSED: Family Readiness Program Application Form.

SPECIFIC AUTHORITY: 250.5206(8) FS.

LAW IMPLEMENTED: 250.5206 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: Lieutenant Colonel Elizabeth Masters, at (904)823-0132

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE OR FROM THE Department of Military Affairs Open Government web site located at [www.dma.state.fl.us](http://www.dma.state.fl.us).

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Consumer Services

RULE NO.: 5J-14.003  
RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.003, F.A.C., is to define additional terms used to implement Section 849.094, F.S.

SUMMARY: Rule 5J-14.003, F.A.C., defines terms used in the administration of the game promotion statute.

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: 849.094(8) FS.

LAW IMPLEMENTED: 849.094(1), 849.094(3), 849.094(5) FS.

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

DATE AND TIME: Tuesday, October 30, 2007, 1:00 p.m.

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)488-2221

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 5J-14.003 Definitions.

(1) “Commencement of the game promotion” shall mean the date the game promotion begins which is disclosed in the filing made to the Department pursuant to Section 849.094(3), Florida Statutes.

(2) As used in these rules, “element” shall mean:

(a) A unique component of a contest, game of chance, or gift enterprise;

(b) Which is allocated to a single participant by operation of the rules of the contest, game of chance, or gift enterprise; and

(c) Which is the factor determining whether or not the participant is entitled to a prize under the rules of the contest, game of chance, or gift enterprise.

(3) "In connection with the sale of consumer products or services" shall mean the opportunity for a consumer to participate in the contest, game of chance, or gift enterprise directly results from the completion of a single retail sales transaction between a merchant or service provider and an end-use purchaser of the product or service.

(a) Any means by which a player may provide direct consideration for continued participation in the contest, game of chance, or gift enterprise after completion of the retail sales transaction is not "in connection with the sale of consumer products or services" and shall be deemed separate and apart from participation in the game promotion.

(b) Conversion of any prize awarded by participation in the contest, game of chance, or gift enterprise directly into additional opportunities to continue such participation is not "in connection with the sale of consumer products or services" and shall be deemed separate and apart from participation in the game promotion.

(4) "Operator" shall include "sponsor," "promoter," or "administrator."

Specific Authority 849.094(8) FS. Law Implemented 849.094(1), 849.094(3), 849.094(5) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)488-2221

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: LuAnn Stiles, Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)488-2221

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.: 5J-14.004  
 RULE TITLE: Separate Promotions

PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.004, F.A.C., is to clarify the statutory requirement for filing each game promotion separately.

SUMMARY: Rule 5J-14.004, F.A.C., applies the requirement for filing separate game promotions to situations where a single entity simultaneously operates similar games.

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: 849.094(8) FS.

LAW IMPLEMENTED: 849.094(3) FS.

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

DATE AND TIME: Tuesday, October 30, 2007, 3:00 p.m.

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)488-2221

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-14.004 Separate Promotions.

(1) Each single contest, game of chance, or gift enterprise is a separate game promotion.

(2) A single contest, game of chance, or gift enterprise consists of a finite number of readily-identifiable elements, entitling a player to an award of one of the designated prizes, within a greater number of elements which do not entitle the player to a prize award.

(3) Multiple physical locations linked to a central data processing facility, which is owned, controlled, or maintained by the Operator, do not constitute a single game promotion if:

(a) The contests, games of chance, or gift enterprises conducted at one or more of the physical locations have different rules of operation; or

(b) The contests, games of chance, or gift enterprises conducted at one or more of the physical locations award different designated prizes; or

(c) The contests, games of chance, or gift enterprises conducted at one or more of the physical locations have different periods of duration; or

(d) The odds of a player receiving a winning element in one location are adjusted constantly by one or more mathematical calculations, whether performed in the central data processing facility or in a separate physical location, and thus differ at any time from the odds of another player in another location receiving a winning element; or

(e) Without notice to any player, each separate location may proceed immediately to a subsequent contest, game of chance, or gift enterprise once the winning elements for all designated prizes are awarded to players.

Specific Authority 849.094(8) FS. Law Implemented 849.094(3) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: LuAnn Stiles, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 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."

**ADMINISTRATION COMMISSION**

RULE NO.: 28-101.001  
RULE TITLE: Statement of Agency Organization and Operation

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to clarify the filing date of documents not filed during business hours.

SUMMARY: The purpose of this proposed rule amendment is to clarify the filing date of documents not filed during business hours.

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: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)7. 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: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

28-101.001 Statement of Agency Organization and Operation.

(1) No change.

(2) The Statement of Agency Organization and Operation shall:

(a) through (d) No change.

(e) State whether documents can be filed by electronic mail or facsimile transmission, including applicable telephone numbers and electronic mail addresses where filings may be submitted, and set forth the acceptable nature and scope of such filings, including the following:

1. That a party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause, and that the party shall produce it upon the request of other parties.

2. That a party who elects to file a document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the agency as a result.

3. That the filing date for a document transmitted by electronic mail or by facsimile shall be the date the agency receives the complete document. Any document received by the office of the agency clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

(f) through (g) No change.

(3) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)7. FS. History--New 4-1-97, Amended 1-15-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

**ADMINISTRATION COMMISSION**

RULE NO.: 28-104.005  
 RULE TITLE: Time for Consideration of Emergency Petition

PURPOSE AND EFFECT: The purpose of the proposed amendment is to add a requirement that an agency inform interested persons of the right to submit comments in the notice.

SUMMARY: The purpose of the proposed amendment is to add a requirement that an agency inform interested persons of the right to submit comments in the notice.

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: 120.54(5)(b)8., 120.542(3) FS.

LAW IMPLEMENTED: 120.542(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

28-104.005 Time for Consideration of Emergency Petition.

(1) No change.

(2) Within 5 days after filing a petition for emergency variance or waiver with the agency clerk, the agency shall give notice of receipt of the petition on its website, if it has one. The agency shall also give notice by any procedure that is fair under the circumstances or provide notice of the petition to the Department of State for publication in the first available issue of the Florida Administrative Weekly. Any notice under this subsection shall inform interested persons of the right to submit comments. ~~Any interested persons or other agencies~~ may submit written comments on the petition for emergency variance or waiver within 5 days after publication of the notice required herein. The notice and comment requirements in this subsection shall not apply if the agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, which final order shall recite with particularity the facts underlying such finding.

(3) through (5) No change.

Specific Authority 120.54(5)(b)8., 120.542(3) FS. Law Implemented 120.542(3) FS. History–New 4-1-97, Amended 1-15-07\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

**ADMINISTRATION COMMISSION**

RULE NO.: 28-106.301  
 RULE TITLE: Initiation of Proceedings

PURPOSE AND EFFECT: The purpose of the proposed amendment is to reflect statutory requirements.

SUMMARY: The purpose of the proposed amendment is to reflect 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: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5), 120.569, 120.57 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: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

28-106.301 Initiation of Proceedings.

(1) No change.

(2) All petitions filed under these rules shall contain:

(a) through (e) No change.

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency’s proposed action; ~~and~~

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency’s proposed action; and

(h) A statement that no material facts are in dispute.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History–New 4-1-97, Amended 9-17-98, 1-15-07\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

ADMINISTRATION COMMISSION

RULE NO.: 28-106.302
RULE TITLE: Notice of Proceeding
PURPOSE AND EFFECT: The purpose of the proposed amendment is to add statutory requirements.

SUMMARY: The purpose of the proposed amendment is to add 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: 120.54(5) FS.

LAW IMPLEMENTED: 120.569, 120.57 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: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

28-106.302 Notice of Proceeding.

(1) No change.

(2) The agency may schedule a hearing on the matter for the purpose of taking oral evidence or argument. If it does so, the agency shall serve written notice at least 14 days prior to the hearing, setting forth the place, date, and time of the hearing, and legal authority and jurisdiction under which the hearing is to held.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History--New 4-1-97, Amended 3-18-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

ADMINISTRATION COMMISSION

RULE NO.: 28-106.501
RULE TITLE: Emergency Action

PURPOSE AND EFFECT: The purpose of the proposed amendment is to clarify the rule and comport with statutory language.

SUMMARY: The purpose of the proposed amendment is to clarify the rule and comport with statutory language.

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: 120.54(5) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.60(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

28-106.501 Emergency Action.

(1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall enter an emergency order summarily suspending, limiting, or restricting a license, or taking such other emergency action as is authorized by law.

(2) The agency's emergency order shall include a notice of the licensee's (or person or entity subject to the agency's jurisdiction) right to an immediate appeal of the emergency final order pursuant to Section 120.569(2)(n) or 120.60(6), F.S.

(3) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60(6) FS. History--New 1-15-07, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007



**ADMINISTRATION COMMISSION**

RULE NO.: 28-106.601  
 RULE TITLE: Conflict

PURPOSE AND EFFECT: The purpose of the proposed rule is to address conflicts of interest when an agency is entering a final order.

SUMMARY: The purpose of the proposed rule is to address conflicts of interest when an agency is entering a final order.

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: 120.54(5) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.60 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: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

Part VI Conflict

28-106.601 Conflict.

Following receipt of a recommended order, the agency attorney or qualified representative who acts on behalf of the agency in the conduct of the hearing will not serve as legal advisor to the agency head during subsequent proceedings which result in the issuance of the final order.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60 FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

**ADMINISTRATION COMMISSION**

RULE NOS.: 28-112.001  
 RULE TITLES: Petition for Exception to Uniform Rules Relating to State Employment

28-112.002 Final Disposition on Petition for Exception

PURPOSE AND EFFECT: Proposed new rules address petitions for exception to uniform rules relating to state employment.

SUMMARY: Proposed new rules address petitions for exception to uniform rules relating to state employment.

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: 14.202 FS.

LAW IMPLEMENTED: 110.201, 110.217 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: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULES IS:

EXCEPTION TO UNIFORM RULES RELATING TO STATE EMPLOYMENT

28-112.001 Petition for Exception to Uniform Rules Relating to State Employment.

(1) The agency head shall file a petition with the Administration Commission for an exception to uniform rules as provided in Sections 110.201(1)(b), and 110.217, F.S., that includes the following:

- (a) Grounds for the request for the exception.
- (b) Citation to the particular uniform rule for which each exception is sought.
- (c) Specific citation to the provisions of existing agency rule for which an exception is sought, if any.
- (d) Attachment of the proposed rule language as an exhibit to the petition.

(2) The agency shall publish notice of the petition in the next available edition of the Florida Administrative Weekly, after consultation with the agency clerk of the Administration Commission. The notice shall include:

- (a) The name of the agency seeking an exception:

(b) The uniform rule from which the exception is sought;

(c) The date the matter is expected to be heard by the Administration Commission; and

(d) The contact name, address, and phone number where a copy of the petition may be obtained.

(3) The Administration Commission shall provide interested persons with the opportunity to file written statements or make oral presentations in support of or in opposition to the exception.

Specific Authority 14.202 FS. Law Implemented 110.201, 110.217 FS. History—New \_\_\_\_\_.

28-112.002 Final Disposition on Petition for Exception.

The Administration Commission shall publish, at the agency's expense, notice in the next available edition of the Florida Administrative Weekly of the disposition of the petition, and shall transmit a copy of the notice to the Joint Administrative Procedures Committee, the Department of State, and any person who requests a copy.

Specific Authority 14.202 FS. Law Implemented 110.201, 110.217 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Administration Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-210.102      RULE TITLE: Legal Documents and Legal Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement Section 948.6038, Florida Statutes, which requires the Department of Corrections to charge inmates and place liens on inmate accounts for the cost of postage for mail to courts, attorneys, parties to a lawsuit, and other persons required to be served.

SUMMARY: The proposed rule implements Section 948.6038, Florida Statutes, which requires the Department of Corrections to charge inmates and place liens on inmate accounts for the cost of postage for mail to courts, attorneys, parties to a lawsuit, and other persons required to be served.

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

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11, 945.6038 FS.

LAW IMPLEMENTED: 944.09, 944.11, 945.6038 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.102 Legal Documents and Legal Mail.

(1) through (9) No change.

(10)(a) The institution shall furnish postage for mail to courts and attorneys and for pleadings to be served upon each of the parties to a lawsuit for those inmates who have insufficient funds to cover the cost of mailing the documents at the time the mail is submitted to the mailroom, but not to exceed payment for the original and two copies except when additional copies are legally required. The inmate shall be responsible for proving that copies in addition to the routine maximum are legally necessary. Submission of unstamped legal mail to the mailroom or mail collection representative by an inmate without sufficient funds shall be deemed to constitute the inmate's request for the institution to provide postage and place a lien on the inmate's account to recover the postage costs when the inmate receives funds.

(b) At the time that postage is provided to an inmate for this purpose, the Bureau of Finance and Accounting, Inmate Trust Fund Section, shall place a hold on the inmate's account for the cost of the postage. The cost of providing the postage shall be collected from any existing balance in the inmate's trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account, subject to priorities of other liens, and all subsequent deposits to the account will be applied against the unpaid costs until the debt has been paid.

(11) through (16) No change.

Specific Authority 20.315, 944.09, 944.11, 945.6038 FS. Law Implemented 944.09, 944.11, 945.6038 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, 8-25-03, 9-20-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2007

**DEPARTMENT OF ELDER AFFAIRS**

**Statewide Public Guardianship Office**

RULE NOS.:	RULE TITLES:
58M-2.001	Professional Guardian Registration
58M-2.003	Professional Guardian Coursework and Competency Examination
58M-2.007	Electronic Fingerprint Criminal History Record Check

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise terminology; delete obsolete language; add a new rule for electronic fingerprint criminal history record check; update the registration form and add a new form for renewal registration.

SUMMARY: Professional Guardian Registration, including updating the registration forms; and electronic fingerprint criminal history record checks.

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: 744.1083(6), 744.102(16), 744.1085, 744.3135 FS.

LAW IMPLEMENTED: 744.102(16), 744.1083, 744.1085, 744.3135 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 31, 2007, 9:30 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference 225F, Tallahassee, FL 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Abbie Messer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000; telephone number (850)414-2000, SunCom 994-2000; Email address: messera@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULES IS:

58M-2.001 Professional Guardian Registration.

~~(1) A person serving as a guardian in the State of Florida must be registered as a professional guardian prior to submitting an application for appointment as guardian to a Florida court for the guardian's third case involving monetary compensation for services rendered to a ward.~~

~~(1)(2) Persons who are an applicant~~ required to register with Department of Elder Affairs' Statewide Public Guardianship Office (SPGO) as a professional guardian must complete the Professional Guardian Registration Form, DOEA/SPGO Form 001, ~~with all requested information. The Professional Guardian Registration Form, DOEA/SPGO Form 001, effective July 2007<sup>5</sup>, which~~ is incorporated herein by reference and ~~may~~ can be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or at <http://elderaffairs.state.fl.us/english/public.html>. The Professional Guardian Employee Registration Form, DOEA / SPGO Form 002, July \_\_\_\_\_, 2007 which is incorporated herein by reference and may be obtained from SPGO or at <http://elderaffairs.state.fl.us/english/public.html> must also be completed and submitted for all Professional Guardian Employees.

~~(2)(3) The Professional Guardian Registration Form~~ shall be signed by the registrant applicant (or corporate officer if the registrant applicant is a corporation).

~~(3)(4) The completed registration form shall be filed with the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000,~~ by hand-delivery or mail. ~~No~~ Facsimile submissions will not be accepted.

~~(4)(5) The following items must either accompany the registration form or must be on file with SPGO, for the registration application to be deemed complete:~~

(a) Credit history report for guardians as specified in Section 744.3135, F.S.;

(b) Criminal history record for guardians as specified in Section 744.3135, F.S.;

(c) Documentation of bonding as required under specified in Section 744.1085, F.S.;

~~(5)(d) For the initial registration, the applicant must submit proof of completion of the required training, as well as, proof of competency by evidence of satisfactory completion of a Department of Elder Affairs approved examination a copy of the certificate of attendance for the required professional guardian instruction and training. Thereafter, copies of certificates of attendance for continuing education unit requirements; For annual renewals, proof of receipt of the minimum continuing education requirements must be submitted, if not on file.~~

~~(6)(e) A registration fee of thirty-five twenty-five dollars (\$35) (\$25) for each professional guardian~~ in the form of a personal check, money order, or cashier's check made payable to the Statewide Public Guardianship Office must be submitted with the registration form.

~~(6) An applicant required to register with SPGO as a professional guardian must submit the Professional Guardian Registration Form to SPGO with the registration fee annually.~~

(7)(a) The registration period begins the day the registration application is approved by SPGO and ends on the registrant's bond anniversary date. For multi year bonds, the annual registration expiration date will be determined by the day and month that the bond expires.

(b) SPGO may prorate the registration fee up to by 50% registration fees for initial registrants whose bond registrations that will expire in less than 6 months.

(8)(e) Annual Renewals: A completed DOEA/SPGO Form 001 for annual renewal of a registration An applicant shall be submitted annual registration materials to SPGO at least no later than 30 days prior to the expiration date of the current registration applicant's bond anniversary date to ensure that a lapse in continued registration does not occur. If the renewal form is not received 30 days prior to expiration, registrants may request expedited processing for an additional fee. All fees must be received with the completed registration form prior to the registration being processed by SPGO.

(7) SPGO will issue the annual registration license to the applicant upon approval.

(9)(8) If a professional guardian hires an employee with assigned fiduciary responsibilities during the professional guardian's registration period, then the professional guardian shall submit an amended DOEA/SPGO Form 001 that includes the new employee information to SPGO for approval prior to the employee assuming any fiduciary responsibilities.

Specific Authority 744.1083(6) FS. Law Implemented 744.102(16), 744.1083, 744.1085, 744.3135 FS. History–New 5-4-03, Amended 12-12-05,\_\_\_\_\_.

58M-2.003 Professional Guardian Coursework and Competency Examination.

(1) Information about the professional guardian coursework and competency examination may be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or online at <http://elderaffairs.state.fl.us>.

(2) Completion of the required professional guardian instruction and training course is a mandatory requirement in order for the registrant applicant to be eligible to take the competency examination.

(3) Registrants must score a minimum of 75% correct response on both sections of the Professional Guardian Competency Examination or must receive a waiver from SPGO prior to the registration. The applicant must achieve a score of 75% or better on the Professional Guardian Competency Examination.

(4) If the registrant applicant fails to successfully complete either portion of the Professional Guardian Competency Examination in three (3) attempts, then the registrant applicant shall be is required to re-take the professional guardian instruction and training course prior to being eligible to before sitting again for the competency examination again.

Specific Authority 744.1083(6), 744.1085(6)(b) FS. Law Implemented 744.102(16), 744.1083, 744.1085, 744.3135 FS. History–New 12-12-05, Amended\_\_\_\_\_.

58M-2.007 Electronic Fingerprint Criminal History Record Check.

Per Section 744.3135(3), F.S., a professional guardian and their fiduciary employees may use electronic fingerprinting methods. Registrants must use an approved SPGO provider. A list of approved providers of electronic fingerprinting will be maintained by SPGO. This list will include the fee charged by each provider and if the provider requires an appointment or prepayment. This list may be obtained from the Statewide Public Guardianship Office or at <http://elderaffairs.state.fl.us/english/public.html>.

Specific Authority 744.3135 FS. Law Implemented 744.3135 FS. History–New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Abbie Messer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-10.008  
RULE TITLE: Mediation

PURPOSE AND EFFECT: The Board proposes the rule amendment to include an additional reason for permitting mediation.

SUMMARY: An additional cause for allowing mediation will be added to the rule.

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

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

SPECIFIC AUTHORITY: 455.0235(1), 489.507(3) FS.

LAW IMPLEMENTED: 455.2235 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-10.008 Mediation.

Pursuant to Section 455.2235, F.S., the Board designated the following areas as appropriate for mediation:

(1) Section 489.533(1)(q), F.S.; License number not in ad, or wherever else required.

(2) Section 489.533(1)(r), F.S.: Any complaint that is based on non-completion of contract for not having a final inspection done; this would only be considered if the appropriate permit has been obtained in accordance with normal procedure.

Specific Authority 455.0235(1), 489.507(3) FS. Law Implemented 455.2235 FS. History—New 3-21-95, Amended 12-24-96,\_\_\_\_\_.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-2.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update the process for the request for a change of examination date and to delete the electronic fingerprinting processing fee.

SUMMARY: The process for the request for a change of examination date will be updated; the electronic fingerprint processing fee will be 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: 475.614 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 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: Thomas O’Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.001 Fees.

(1) through (11) No change.

(12) The fee for request for a change in examination date which must be in writing, shall

be:

(a) through (b) No change.

~~(13) Electronic Fingerprinting Processing Fee~~ \$61-00

~~(13)(14)~~ through ~~(15)(16)~~ No change.

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS. History—New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99, 11-15-99, 11-10-03, 2-21-06, 9-21-06, 12-4-06, 3-13-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-4.010 RULE TITLE: Supervision and Training of Registered Trainee Appraisers

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to decrease the number of trainee appraisers that the supervising appraiser may supervise. The rule amendment also updates the requirements for the contents of an appraisal.

SUMMARY: The number of trainee appraisers that may be supervised by the supervising appraiser will be decreased; the requirements for the contents of an appraisal will be updated.

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: 475.614 FS.

LAW IMPLEMENTED: 475.611, 475.6221, 475.6222 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: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.010 Supervision and Training of Registered Trainee Appraisers.

(1) through (3) No change.

(4) Any supervising appraiser, whether acting as primary or secondary supervisor, may not supervise more than 3 4 registered trainee appraisers at one time.

(5) No change.

(6) Appraisal logs shall be maintained by both the registered trainee appraiser and the supervisory appraiser in a format determined by the Department and shall, at a minimum, include the following for each appraisal:

(a) through (c) No change.

(d) Description of work performed; ~~and~~

(e) Number of work hours; ~~and~~

(f) Signature and state license certification number of the supervising appraiser.

(7) through (10) No change.

Specific Authority 475.614 FS. Law Implemented 475.611, 475.6221, 475.6222 FS. History--New 2-16-04, Amended 3-1-06, 12-4-06, 8-12-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-6.001 RULE TITLE: Experience Requirement

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to remove the requirement for client name and address on the appraisal experience log.

SUMMARY: The requirement for the client name and address to be listed on the appraisal experience log 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: 475.614, 475.615(2) FS.

LAW IMPLEMENTED: 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.628 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: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-6.001 Experience Requirement.

(1) through (4) No change.

(5) Experience as defined in subsection (2) above shall be accounted for on an appraisal experience log, which shall include the following minimum information: type of property, date of report, ~~client name and address~~, address of appraised property, description of work performed, number of work hours, and signature and license number of supervising appraiser (if applicable). The log and supporting documents shall be retained for a minimum of 5 years after licensure or certification. All work submitted for experience shall comply with the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(o), Florida Statutes. Types of acceptable experience are, as follows:

(a) through (e) No change.

(6) No change.

Specific Authority 475.614, 475.615(2) FS. Law Implemented 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.628 FS. History--New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00, 6-1-04, 3-1-06, 12-4-06, 4-18-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 6, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 31, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-8.001                      RULE TITLE: Citation Authority

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to include a fee for the violation of failing to register the firm or business name and location as required by Section 475.623, F.S.

SUMMARY: The fee for violation of failing to register the firm or business name and location as required by Section 475.623, F.S., will be added to the rule.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.224, 455.275, 475.622(1), 475.6221(1), 475.624(14), (18) 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: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-8.001 Citation Authority.

(1) No change.

(2) The following violations with accompanying fine may be disposed of by citation:

(a) Section 475.624(4), F.S. – has violated any of the provisions of Chapter 455 or 475, Part II, F.S., by –

1. through 4. No change.

5.a. Failing to register the name of the trainee as required by Section 475.6221(1), F.S.                      \$500.00  
b. No change.

6. Failing to notify the department of the termination of the relationship with the supervising appraiser as required by Section 475.6221(1), F.S.                      \$300.00

7. through 8. No change.

9. Failing to register the firm or business name and location as required by Section 475.623, F.S.                      \$500.00

(3) through (5) No change.

Specific Authority 475.614 FS. Law Implemented 455.224, 455.275, 475.622(1), 475.6221(1), 475.624(14), (18) FS. History–New 12-4-91, Amended 4-21-92, Formerly 21VV-8.001, Amended 8-8-93, 5-14-95, 3-26-96, 7-23-96, 7-10-97, 11-11-97, 11-20-05, 12-4-06,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 31, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-8.002                      RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to include a penalty for the violation of failing to provide direct supervision or training of trainee appraiser and to change the penalty for a supervisory appraiser employed by a trainee appraiser.

SUMMARY: A penalty for violation of failing to provide direct supervision or training of a trainee appraiser will be added to the rule; the penalty for a supervisor appraiser employed by a trainee appraiser will be changed.

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: 455.2273, 475.614 FS.

LAW IMPLEMENTED: 455.227, 475.622, 475.6221(3), 475.624, 475.626 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: Thomas O’Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

61J1-8.002 Disciplinary Guidelines.  
(1) through (2) No change.  
(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4):

THE FULL TEXT OF THE PROPOSED RULE IS:

VIOLATIONS RECOMMENDED RANGE OF PENALTY

(a) through (aa) No change.

(bb) Section 475.6221(3), F.S.

Supervisory appraiser employed by a trainee appraiser.

(cc) Section 475.6222, F.S., failure to provide direct supervision or training of trainee appraiser.

The usual action of the Board shall be to impose a penalty of up to a 5 year suspension to revocation and an administrative fine of \$54,000.00.  
The usual action of the Board shall be to impose a penalty of up to revocation and an administrative fine up to \$5,000.00.

(4) No change.

Specific Authority 455.2273, 475.614 FS. Law Implemented 455.227, 475.622, 475.6221(3), 475.624, 475.626 FS. History—New 1-7-92, Formerly 21VV-8.002, Amended 1-9-94, 8-17-97, 6-8-03, 12-4-06, \_\_\_\_\_.

statutory changes adopted in 2005. The Department believes that the regulatory costs of notification have been minimized to the extent possible.

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: 376.303, 376.30702, 376.3071 FS.

LAW IMPLEMENTED: 376.30702, 376.3071 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: Brian Dougherty, (850)245-7503, Brian.Dougherty@dep.state.fl.us

NAME OF PERSON ORIGINATING PROPOSED RULE:

Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

THE FULL TEXT OF THE PROPOSED RULES IS:

62-770.220 Notices.

(1) No change.

(2) Initial Notice of Contamination Beyond Property Boundaries – At any time during site rehabilitation conducted pursuant to this chapter, if the PRSR, its authorized agent, or other representative discovers from laboratory analytical results that comply with appropriate quality assurance protocols pursuant to Chapter 62-160, F.A.C., that contamination [as defined in subsection 62-770.200(9), F.A.C.] exists in any medium beyond the boundaries of the property at which site rehabilitation was initiated pursuant to this chapter, the PRSR shall give actual notice as soon as possible, but no later than 10 days from such discovery, to the Division of Waste Management at the Department’s Tallahassee Office. The actual notice shall be provided on Form 62-770.900(3) titled “Initial Notice of Contamination Beyond Property Boundaries,” effective date \_\_\_\_\_, hereby adopted and incorporated by reference. Copies of this form are available from the Department of Environmental Protection, Bureau of Petroleum Storage Systems, MS 4575, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form shall be ~~and~~ mailed

**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:

62-770.220 Notices

62-770.900 Forms

PURPOSE AND EFFECT: Amend existing rule to incorporate additional noticing provisions enacted by the 2005 Florida Legislature (HB 937).

SUMMARY: Adds language to the rule to reflect legislative changes. Clarifies duties of school boards in providing notice to teachers and parents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule changes, which add additional notice requirements regarding contaminated sites for Persons Responsible for Site Rehabilitation (to notify lessees and tenants) and for school boards (to notify teachers and parents or guardians of students), are mandated by



to the Department by “Certified Mail, Return Receipt Requested.” A copy of such notice shall be mailed simultaneously to the appropriate Department District Office, ~~and~~ to the County Health Department, and to all known lessees and tenants of the property at which site rehabilitation was initiated. The notice shall include the following information:

(a) The location of the property at which site rehabilitation was initiated pursuant to this chapter and contact information for the responsible party, its authorized agent, or other representative;

(b) A listing of all recordowners of any real property, other than the property at which site rehabilitation was initiated pursuant to this chapter, at which contamination has been discovered; the parcel identification number for any such real property; the owner’s address listed in the current county property tax office records; and the owner’s telephone number. This paragraph does not apply to notice provided to the lessees and tenants of the property at which site rehabilitation was initiated pursuant to this chapter;

(c) Separate table(s) by medium (groundwater, soil, surface water, or sediment) that list all the sampling locations; sampling date(s); names of contaminants detected above CTLs; their corresponding CTLs; the contaminant concentration(s); and whether the CTL is based on health or nuisance, organoleptic, or aesthetic concerns; and

(d) A vicinity map that shows all the sampling locations with corresponding laboratory analytical results and the date(s) on which the sample(s) was (were) collected, and that identifies the property boundaries of the property at which site rehabilitation was initiated pursuant to this chapter and the other property(ies) at which contamination has been discovered during such site rehabilitation.

(3) Subsequent Notice of Contamination Beyond Source Property Boundaries for Establishment of a Temporary Point of Compliance (TPOC) – Prior to the Department authorizing a temporary extension of the point of compliance beyond the boundary of the source property (i.e., the location from which the contamination originates) in conjunction with Natural Attenuation Monitoring pursuant to Rule 62-770.690, F.A.C., or Active Remediation pursuant to Rule 62-770.700, F.A.C., the PRSR shall provide ~~the following~~:

(a) No change.

(b) Copies of the notices ~~must be provided~~ to the Department as proof of compliance with this section.

(4) No change.

(5) When the PRSR is the Department, if the Department ceases to conduct the site rehabilitation (for example, a funding cap is reached), then the noticing requirements shall be assumed by the responsible party.

(6) Notice Requirements for Schools – If the property at which contamination has been discovered is the site of a school as defined in Section 1003.01, F.S., regardless of whether the school property is the site at which site rehabilitation was

initiated, then the school board of the district in which the property is located shall provide actual notice of the contamination to teachers and parents or guardians of students attending the school during the period of site rehabilitation. Such notice must be provided within 30 days of discovery or receipt of notification from the Department, whichever is earlier, and shall conform to the requirements in paragraphs 62-770.220(2)(a), (c), and (d), F.A.C. At least annually during the period of site rehabilitation, the school board of the district in which the property is located shall continue to provide such actual notice of the contamination, updated as appropriate, to teachers and parents or guardians of students attending the school. A representative copy of all notices shall be submitted to the Department at the time the notice is provided to the teachers and parents or guardians.

Specific Authority 376.303, 376.30702, 376.3071 FS. Law Implemented 376.30702, 376.3071 FS. History–New 4-17-05, Amended 8-4-05,\_\_\_\_\_.

62-770.900 Forms.

The forms used by the Department or by the FDEP local program in the Petroleum Contamination Cleanup Program are adopted and incorporated by reference in this rule. Each form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Petroleum Storage Systems, MS 4575, 2600 Blair Stone Road, Tallahassee, FL 32399-2400.

(1) through (2) No change.

(3) Form 62-770.900(3), Initial Notice of Contamination Beyond Property Boundaries (effective \_\_\_\_\_ April 17, 2005).

(4) through (5) No change.

Specific Authority 376.303, 376.30702, 376.3071 FS. Law Implemented 376.30702, 376.3071 FS. History–New 2-21-90, Formerly 17-770.900, Amended 9-23-97, 8-5-99, 4-17-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jean Yon, Director, Division of Waste Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Deputy Secretary for Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:           RULE TITLES:  
 62-780.220           Notices  
 62-780.900           Forms

PURPOSE AND EFFECT: Amend existing rule to incorporate additional noticing provisions enacted by the 2005 Florida Legislature (HB 937).

SUMMARY: Adds language to the rule to reflect legislative changes. Clarifies duties of school boards in providing notice to teachers and parents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule changes, which add additional notice requirements regarding contaminated sites for Persons Responsible for Site Rehabilitation (to notify lessees and tenants) and for school boards (to notify teachers and parents or guardians of students), are mandated by statutory changes adopted in 2005. The Department believes that the regulatory costs of notification have been minimized to the extent possible.

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: 376.30701, 376.30702, 403.7255 FS.

LAW IMPLEMENTED: 376.30701, 376.30702, 403.7255 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: Brian Dougherty, (850)245-7503, Brian.Dougherty@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-780.220 Notices.

(1) No change.

(2) Initial Notice of Contamination Beyond Property Boundaries. At any time during site rehabilitation conducted pursuant to this chapter, if the PRSR, its authorized agent, or other representative discovers from laboratory analytical results that comply with appropriate quality assurance protocols pursuant to Chapter 62-160, F.A.C., that contamination [as defined in subsection 62-780.200(11), F.A.C.] exists in any medium beyond the boundaries of the property at which site rehabilitation was initiated pursuant to this chapter, the PRSR shall give actual notice as soon as possible, but no later than 10 days from such discovery, to the Division of Waste Management at the Department's Tallahassee Office. The actual notice shall be provided on Form 62-780.900(1) titled "Initial Notice of Contamination Beyond Property Boundaries," effective date, hereby adopted and incorporated by reference. Copies of this form are

available from the Department of Environmental Protection, Bureau of Waste Cleanup, MS 4505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form shall be ~~and~~ mailed to the Department by "Certified Mail, Return Receipt Requested". A copy of such notice shall be mailed simultaneously to the appropriate Department District Office, ~~and~~ the County Health Department and to all known lessees and tenants of the property at which site rehabilitation was initiated. The notice shall include the following information:

(a) The location of the property at which site rehabilitation was initiated pursuant to this chapter and contact information for the PRSR, its authorized agent, or other representative;

(b) A listing of all record owners of any real property, other than the property at which site rehabilitation was initiated pursuant to this chapter, at which contamination has been discovered; the parcel identification number for any such real property; the owner's address listed in the current county property tax office records; and the owner's telephone number. This paragraph does not apply to notice provided to the lessees and tenants of the property at which site rehabilitation was initiated pursuant to this chapter;

(c) Separate table(s) by medium (groundwater, soil, surface water, or sediment) that list all the sampling locations; sampling date(s); names of contaminants detected above CTLs; their corresponding CTLs; the contaminant concentration(s); and whether the CTL is based on health or nuisance, organoleptic, or aesthetic concerns; and

(d) A vicinity map that shows all the sampling locations with corresponding laboratory analytical results and the date(s) on which the sample(s) was (were) collected, and that identifies the property boundaries of the property at which site rehabilitation was initiated pursuant to this chapter and the other property(ies) at which contamination has been discovered during such site rehabilitation.

(3) through (5) No change.

(6) Notice Requirements for Schools. If the property at which contamination has been discovered, is the site of a school as defined in Section 1003.01, F.S., regardless of whether the school property is the site at which site rehabilitation was initiated, then the school board of the district in which the property is located shall provide actual notice of the contamination to teachers and parents or guardians of students attending the school during the period of site rehabilitation. Such notice must be provided within 30 days of discovery or receipt of notification from the Department, whichever is earlier, and shall conform to the requirements in paragraphs 62-780.220(2)(a), (c) and (d), F.A.C. At least annually during the period of site rehabilitation, the school board of the district in which the property is located shall continue to provide such actual notice of the contamination, updated as appropriate, to teachers and parents or guardians of

students attending the school. A representative copy of all notices shall be submitted to the Department at the time the notice is provided to the teachers and parents or guardians.

Specific Authority 376.30701, 376.30702, 403.7255 FS. Law Implemented 376.30701, 376.30702, 403.7255 FS. History--New 4-17-05, Amended.

62-780.900 Forms.

The forms used by the Department in the Contaminated Site Cleanup Criteria program are adopted and incorporated by reference in this rule. Each form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Waste Cleanup, MS 4505, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; or to the applicable local district office of the Department.

(1) Form 62-780.900(1), Initial Notice of Contamination Beyond Property Boundaries (effective date 4-17-05).

(2) through (5) No change.

Specific Authority 376.30701, 376.30702 FS. Law Implemented 376.30701, 376.30702 FS. History--New 4-17-05, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jean Yon, Director, Division of Waste Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Deputy Secretary for Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-782.220	Notices
62-782.900	Forms

PURPOSE AND EFFECT: Amend existing rule to incorporate additional noticing provisions enacted by the 2005 Florida Legislature (HB 937).

SUMMARY: Adds language to the rule to reflect legislative changes. Clarifies duties of school boards in providing notice to teachers and parents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule changes, which add additional notice requirements regarding contaminated sites for Persons Responsible for Site Rehabilitation (to notify lessees and tenants) and for school boards (to notify teachers and parents or guardians of students), are mandated by statutory changes adopted in 2005. The Department believes that the regulatory costs of notification have been minimized to the extent possible.

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: 376.30702, 376.3078(4), 403.7255 FS.

LAW IMPLEMENTED: 376.30702, 376.3078(4), 403.7255 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: Brian Dougherty, (850)245-7503, Brian.Dougherty@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-782.220 Notices.

(1) No change.

(2) Initial Notice of Contamination Beyond Property Boundaries. At any time during site rehabilitation conducted pursuant to this chapter, if the PRSR, its authorized agent, or other representative discovers from laboratory analytical results that comply with appropriate quality assurance protocols pursuant to Chapter 62-160, F.A.C., that contamination [as defined in subsection 62-782.200(9), F.A.C.] exists in any medium beyond the boundaries of the property at which site rehabilitation was initiated pursuant to this chapter, the PRSR shall give actual notice as soon as possible, but no later than 10 days from such discovery, to the Division of Waste Management at the Department's Tallahassee Office. The actual notice shall be provided on Form 62-782.900(1) titled "Initial Notice of Contamination Beyond Property Boundaries," effective date, hereby adopted and incorporated by reference. Copies of this form are available from the Department of Environmental Protection, Bureau of Waste Cleanup, MS 4505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form shall be and mailed to the Department by "Certified Mail, Return Receipt Requested." A copy of such notice shall be mailed simultaneously to the appropriate Department District Office, and to the County Health Department and to all known lessees and tenants of the property at which site rehabilitation was initiated. The notice shall include the following information:

(a) The location of the property at which site rehabilitation was initiated pursuant to this chapter and contact information for the PRSR, its authorized agent, or other representative;

(b) A listing of all record owners of any real property, other than the property at which site rehabilitation was initiated pursuant to this chapter, at which contamination has been discovered; the parcel identification number for any such real property; the owner's address listed in the current county property tax office records; and the owner's telephone number,

This paragraph does not apply to notice provided to the lessees and tenants of the property at which site rehabilitation was initiated pursuant to this chapter:

(c) Separate table(s) by medium (groundwater, soil, surface water, or sediment) that list all the sampling locations; sampling date(s); names of contaminants detected above CTLs; their corresponding CTLs; the contaminant concentration(s); and whether the CTL is based on health or nuisance, organoleptic, or aesthetic concerns; and

(d) A vicinity map that shows all the sampling locations with corresponding laboratory analytical results and the date(s) on which the sample(s) was (were) collected, and that identifies the property boundaries of the property at which site rehabilitation was initiated pursuant to this chapter and the other property(ies) at which contamination has been discovered during such site rehabilitation.

(3) through (5) No change.

(6) Notice Requirements for Schools. If the property at which contamination has been discovered is the site of a school as defined in Section 1003.01, F.S., regardless of whether the school property is the site at which site rehabilitation was initiated, then the school board of the district in which the property is located shall provide actual notice of the contamination to teachers and parents or guardians of students attending the school during the period of site rehabilitation. Such notice must be provided within 30 days of discovery or receipt of notification from the Department, whichever is earlier, and shall conform to the requirements in paragraphs 62-782.220(2)(a), (c) and (d), F.A.C. At least annually during the period of site rehabilitation, the school board of the district in which the property is located shall continue to provide such actual notice of the contamination, updated as appropriate, to teachers and parents or guardians of students attending the school. A representative copy of all notices shall be submitted to the Department at the time the notice is provided to the teachers and parents or guardians.

Specific Authority 376.30702, 376.3078(4), 403.7255 FS. Law Implemented 376.30702, 376.3078(4), 403.7255 FS. History—New 4-17-05, Amended \_\_\_\_\_.

62-782.900 Forms.

The forms used by the Department in the Drycleaning Solvent Cleanup Program are adopted and incorporated by reference in this rule. Each form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Waste Cleanup, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; or to the applicable local district office of the Department.

(1) Form 62-782.900(1), Initial Notice of Contamination Beyond Property Boundaries (effective \_\_\_\_\_, April 17, 2005).

(2) through (5) No change.

Specific Authority 376.30702, 376.3078(4) FS. Law Implemented 376.30702, 376.3078(4) FS. History—New 8-5-99, Amended 4-17-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jean Yon, Director, Division of Waste Management  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Deputy Secretary for Regulatory Programs and Energy  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-785.220	Notices
62-785.900	Forms

PURPOSE AND EFFECT: Amend existing rule to incorporate additional noticing provisions enacted by the 2005 Florida Legislature (HB 937).

SUMMARY: Adds language to the rule to reflect legislative changes. Clarifies duties of school boards in providing notice to teachers and parents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule changes, which add additional notice requirements regarding contaminated sites for Persons Responsible for Site Rehabilitation (to notify lessees and tenants) and for school boards (to notify teachers and parents or guardians of students), are mandated by statutory changes adopted in 2005. The Department believes that the regulatory costs of notification have been minimized to the extent possible.

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: 376.30702, 376.81, 403.7255 FS.

LAW IMPLEMENTED: 376.30702, 376.81, 403.7255 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: Brian Dougherty, (850)245-7503, Brian.Dougherty@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-785.220 Notices.

(1) No change.

(2) Initial Notice of Contamination Beyond Property Boundaries. At any time during site rehabilitation conducted pursuant to this chapter, if the PRFBSR, its authorized agent, or other representative discovers from laboratory analytical

results that comply with appropriate quality assurance protocols pursuant to Chapter 62-160, F.A.C., that contamination [as defined in subsection 62-785.200(13), F.A.C.] exists in any medium beyond the boundaries of the property at which site rehabilitation was initiated pursuant to this chapter, the PRFBSR shall give actual notice as soon as possible, but no later than 10 days from such discovery, to the Division of Waste Management at the Department's Tallahassee Office. The actual notice shall be provided on Form 62-785.900(3) titled "Initial Notice of Contamination Beyond Property Boundaries," effective date, hereby adopted and incorporated by reference. Copies of this form are available from the Department of Environmental Protection, Bureau of Waste Cleanup, MS 4505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form shall be and mailed to the Department by "Certified Mail, Return Receipt Requested." A copy of such notice shall be mailed simultaneously to the appropriate Department District Office, and to the County Health Department and to all known lessees and tenants of the property at which site rehabilitation was initiated. The notice shall include the following information:

(a) The location of the property at which site rehabilitation was initiated pursuant to this chapter and contact information for the PRFBSR, its authorized agent, or other representative;

(b) A listing of all record owners of any real property, other than the property at which site rehabilitation was initiated pursuant to this chapter, at which contamination has been discovered; the parcel identification number for any such real property; the owner's address listed in the current county property tax office records; and the owner's telephone number. This paragraph does not apply to notice provided to the lessees and tenants of the property at which site rehabilitation was initiated pursuant to this chapter;

(c) Separate table(s) by medium (groundwater, soil, surface water, or sediment) that list all the sampling locations; sampling date(s); names of contaminants detected above CTLs; their corresponding CTLs; the contaminant concentration(s); and whether the CTL is based on health or nuisance, organoleptic, or aesthetic concerns; and

(d) A vicinity map that shows all of the sampling locations with corresponding laboratory analytical results and the date(s) on which the sample(s) was (were) collected, and that identifies the property boundaries of the property at which site rehabilitation was initiated pursuant to this chapter and the other property(ies) at which contamination has been discovered during such site rehabilitation.

(3) through (5) No change.

(6) Notice Requirements for Schools. If the property at which contamination has been discovered is the site of a school as defined in Section 1003.01, F.S., regardless of whether the school property is the site at which site rehabilitation was initiated, then the school board of the district in which the property is located shall provide actual notice of the contamination to teachers and parents or guardians of students

attending the school during the period of site rehabilitation. Such notice must be provided within 30 days of discovery or receipt of notification from the Department, whichever is earlier, and shall conform to the requirements in paragraphs 62-785.220(2)(a), (c) and (d), F.A.C. At least annually during the period of site rehabilitation, the school board of the district in which the property is located shall continue to provide such actual notice of the contamination, updated as appropriate, to teachers and parents or guardians of students attending the school. A representative copy of all notices shall be submitted to the Department at the time the notice is provided to the teachers and parents or guardians.

Specific Authority 376.30702, 376.81, 403.7255 FS. Law Implemented 376.30702, 376.81, 403.7255 FS. History–New 4-17-05, Amended \_\_\_\_\_.

62-785.900 Forms.

The forms used by the Department or by the delegated local program in the Brownfields Cleanup Criteria program are adopted and incorporated by reference in this rule. Each form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Waste Cleanup, MS 4505, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; to the applicable local district office of the Department; or to the applicable delegated local program.

(1) through (2) No change.

(3) Form 62-785.900(3), Initial Notice of Contamination Beyond Property Boundaries (effective \_\_\_\_\_ April 17, 2005).

(4) through (5) No change.

Specific Authority 376.30702, 376.81 FS. Law Implemented 376.30702, 376.81 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jean Yon, Director, Division of Waste Management  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Deputy Secretary for Regulatory Programs and Energy  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-11.004  
 RULE TITLE: Special Purpose Examination Passing Score

PURPOSE AND EFFECT: The purpose and effect is to adopt a passing score for the National Board of Chiropractic Examiners Special Purpose Examination for chiropractic.

SUMMARY: Establishes a passing score for the National Board of Chiropractic Examiners Special Purpose Examination for chiropractic.

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: 460.406(1)(f) FS.

LAW IMPLEMENTED: 460.406(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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.004 Special Purpose Examination Passing Score.

The Board adopts a passing score as set by the National Board of Chiropractic Examiners for the National Board of Chiropractic Examiners Special Purpose Examination for chiropractic.

Specific Authority 460.406(1)(f) FS. Law Implemented 460.406(1)(f) FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-12.012      RULE TITLE: Medical Faculty Certificate Fee

PURPOSE AND EFFECT: The purpose and effect is to establish Medical Faculty Certificate Fees.

SUMMARY: Medical Faculty Certificate Fees are established. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.013(2), 460.405, 460.4062(1), (3) FS.

LAW IMPLEMENTED: 456.013(2), 460.4062(1), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.012 Medical Faculty Certificate Fees.

(1) The application fee shall be \$100.00.

(2) The initial license fee shall be \$100.00.

(3) The fee for biennial renewal of a medical faculty certificate shall be \$100.00.

Specific Authority 456.013(2), 460.405, 460.4062(1), (3) FS. Law Implemented 456.013(2), 460.4062(1), (3) FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-13.007      RULE TITLE: Continuing Education During Initial Licensure Period

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to add additional required continuing education that initial licensees must complete during the first twelve (12) months of licensure.

SUMMARY: Specifies additional required continuing education that initial licensees must complete during the first twelve (12) months of licensure.

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

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

SPECIFIC AUTHORITY: 456.013(6), 460.405, 460.408 FS.

LAW IMPLEMENTED: 456.013(6), 460.408 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.007 Continuing Education During Initial Licensure Period.

(1) During the first twelve (12) months after initial licensure, practitioners are required to attend one (1) full day at a Florida Board of Chiropractic Medicine meeting at which disciplinary hearings are conducted as provided in subsection 64B2-13.004(8), F.A.C. Beginning April 1, 2008, practitioners are required to attend six (6) hours of record keeping/documentation and coding and two (2) hours in the area of ethics and boundaries. Once the hours required by Rule 64B2-13.0045, F.A.C., have been met, licensed practitioners shall not be required to complete any other continuing education requirements during the biennium in which they receive initial licensure.

(2) No change.

Specific Authority 456.013(6), 460.405, 460.408 FS. Law Implemented 456.013(6), 460.408 FS. History—New 1-25-88, Formerly 21D-13.007, 61F2-13.007, 59N-13.007, Amended 11-13-01, 5-4-03, 6-28-04, 11-9-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2007

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.013  
 RULE TITLE: Dental Examination Requirements and Grading

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise some of the procedures and requirements that are part of the Florida Dental Examination.

- |  |                |
|--|----------------|
| 1. Class II Amalgam <u>and Class III Composite</u> on a Patient  | 30%            |
| a. Preparation   | <del>2/3</del> |
| b. Restoration   | <del>1/3</del> |
| 2. Demonstration of Periodontal Skills on a Patient:   | 20%            |
| Definitive debridement (root planing, deep scaling/removal of subgingival calculus, and removal of plaque, stain and supragingival calculus) |                |

SUMMARY: The rule amendment will revise some of the procedures and requirements that are part of the Florida Dental Examination.

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: 456.017(1)(b), 466.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), (2), 466.006(4), 466.009 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.013 Dental Examination Requirements and Grading.

(1) through (2) No change.

(3) PRACTICAL OR CLINICAL EXAMINATION:

(a) To take the Practical or Clinical Examination, it is the applicant's responsibility to provide a patient who is at least 18 years of age and whose medical history is consistent with that prescribed by the board in order for patients to qualify as a patient for the examination. An applicant will be allowed no more than ~~two~~ three attempts to qualify a patient during the specified check-in period for each restorative procedure requiring a patient and one attempt to qualify a patient during the specified check-in period of the Periodontal part. Candidates for the state dental practical or clinical examination may assess patients for suitability as board patients at any dental office under the direct supervision of a Florida licensed dentist, or at any accredited dental school under direct supervision of a school faculty member.

(b) No change.

(c) The Practical or Clinical Examination for dental licensure shall consist of the following four (4) seven (7) parts and each part shall be passed with a grade of at least 75% be graded as to each part as follows:

3. Restoration of Class II Composite Resin with Cusp Replacement on Specified Tooth	10%
<del>3.4. Demonstration of Endodontic Skills on Specified Teeth</del>	<del>10%</del>
<del>4.5. Demonstration of Prosthetics Skills:</del>	<del>20%</del>
Preparation for a 3-unit fixed partial denture on a specified model and	
Preparation of an Anterior Crown on a Specified Model	
<del>6. Class IV Composite Restoration on a Specified Tooth</del>	<del>5%</del>
<del>7. Class II Amalgam Restoration with a Cusp Replacement on a Specified Tooth</del>	<del>5%</del>

(d) The Practical or Clinical Examination shall include the following parts and procedures and be graded on criteria as described below each examination part or procedure. Listed criteria are to be accorded equal importance in grading. Equal importance does not mean that each criterion has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed part or procedure potentially useless or harmful to the patient in the judgment of the examiner, could result in a failing grade on the part or procedure. ~~The criteria do not have assigned numerical or point value but are utilized in making a holistic evaluation of the part or procedure.~~

1. No change.

(I) Outline form – all prepared surfaces smooth and acceptable extensions without weakening tooth surfaces.

(II) through (IV) No change.

(VI) Management of soft tissue is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if ~~a criteria is missed to a severe enough degree so as to render the completed part or procedure potentially useless or harmful to the patient in the judgment of at least two examiners. Examples of such instances are~~ caries remaining in a completed preparation; if gross overcutting occurs; if mechanical exposure occurs; if the preparation is prepared or attempted on the wrong tooth or wrong surface; or if the candidate fails to attempt or complete the procedure.

b. No change.

(I) Functional anatomy – appropriate occlusal and interproximal anatomy.

(II) through (V) No change.

(VI) Management of soft tissue – is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if ~~a criteria is missed to a severe enough degree so as to render the completed part or procedure potentially useless or harmful to the patient in the judgment of at least two examiners. Examples of such instances are~~ there is a total lack of contact; gross overhang; tissues grossly mutilated (may require suturing or surgical intervention); ~~if the preparation for the restoration is prepared or attempted to be prepared on the wrong tooth or wrong surface; or there is a failure to attempt or complete the procedure.~~

2. Demonstration of Periodontal Skills on a Patient. Must be performed on a minimum of ~~6-8~~ 5 teeth, none of which shall have a full crown restoration, ~~three each~~ of which shall have pockets at least 4 mm. in depth, ~~twelve surfaces~~ with obvious subgingival calculus detectable by visual or tactile means must

be identified and treated by the candidate (no more than four surfaces may be on incisors); and radiographic evidence of osseous destruction; at least one tooth shall be a multi-rooted molar which shall be in proximal contact with at least one other tooth; three surfaces must be on interproximal surfaces of posterior teeth, i.e. molars or premolars; none of the ~~6-8~~ 5 teeth shall be primary teeth. All calculus appearing on radiographs must be detectable by visual or tactile means. The periodontal exercise shall be a definitive debridement (root planing, deep scale of subgingival calculus, and plaque, stain and supragingival calculus removal). Six pocket depth measurements on each of one anterior and one posterior tooth selected by the examiners must be made by the candidate. The teeth selected by the examiner must not be among the 6-8 teeth chosen by the candidate for treatment. The following areas will be assessed in determining a grade.

a. through e. No change.

f. Accuracy of pocket depth measurements.

~~g.f.~~ Management of soft tissue is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if there is gross mutilation of gingival tissue or if the candidate fails to attempt or complete the part.

~~3. Restoration of a Class II Composite Resin with Cusp Replacement on a Specified Tooth. The following areas will be assessed in determining a grade for this part.~~

~~a. Functional anatomy – appropriate occlusal, and interproximal anatomy.~~

~~b. Proximal contour and contact – contact is considered present if there is definite, but not excessive, resistance to the passage of dental floss through the contact area.~~

~~e. Margins – suitable continuity with the cavosurface margin should be smooth with the absence of trauma or mutilation.~~

~~d. Gingival overhang – overhang is considered to be excess composite resin in either a proximal or gingival direction at the gingival cavosurface margin.~~

~~e. Proper handling of material including but not limited to condensing, curing, and finishing.~~

~~f. Re-establishment of correct tooth morphology.~~

~~g. Management of soft tissue is considered appropriate in the absence of trauma or mutilation.~~

~~h. Mutilation of adjacent tooth structure or restoration during finishing procedures.~~



Additionally, a grade of zero (0) is mandatory if the restoration is completed or is attempted to be completed on the wrong tooth or wrong surface; if there is a lack of contact; gross overhang; or if the candidate fails to attempt to complete the part.

3.4. Demonstration of Endodontic Skills on Specified Teeth. The following areas will be assessed in determining a grade for this part:

a. through d. No change.

Additionally, a grade of zero (0) is mandatory if a criteria is missed to a severe enough degree so as to render the completed part or procedure potentially useless or harmful to the patient in the judgment of at least 2 examiners. Examples of such instances are the occurrence of: a perforation occurs, the candidate fails to retrieve, or fails to successfully instrument around a broken instrument, the preparation is prepared or attempted to be prepared on the wrong tooth, or the candidate fails to attempt or complete the part.

4.5. Demonstration of Prosthetics Skills – Preparation for a 3-unit fixed partial denture and a single-unit Anterior Ceramic Crown on a specified model. The following areas will be assessed in determining a grade for this part:

a. through e. No change.

f. Management of soft tissue is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if a criteria is missed to a severe enough degree so as to render the completed part or procedure potentially useless or harmful to the patient in the judgment of at least 2 examiners. Examples of such instances are if the preparation is prepared or is attempted to be prepared on the wrong tooth or wrong surface; if the wrong type of preparation is performed or attempted to be performed, or if the candidate fails to attempt or complete the procedure.

6. Class IV Composite Restoration on a Specified Tooth—The following areas will be assessed in determining a grade for this part:

a. Functional anatomy—appropriate occlusal, incisal and interproximal anatomy.

b. Proximal contour and contact—contact is considered present if there is definite, but not excessive, resistance with dental floss through the contact area.

c. Margins—suitable continuity with the cavosurface margin should be smooth with the absence of trauma or mutilation.

d. Gingival overhang—overhang is considered to be excess amalgam in either a proximal or gingival direction at the gingival cavosurface margin.

e. Proper handling of material including but not limited to condensing, curing, and finishing.

f. Re-establishment of correct tooth morphology.

g. Management of soft tissue is considered adequate in the absence of trauma or mutilation.

h. Mutilation of adjacent tooth structure or restoration during finishing procedures.

Additionally, a grade of zero (0) is mandatory if the preparation for the Class IV lesion is prepared or attempted to be prepared or the restoration is completed or attempted to be completed on the wrong tooth or wrong surface; if the interproximal contact has not been re-established, or if the candidate fails to attempt or complete the part.

7. Class II Amalgam Restoration with a Cusp Replacement on a Specified Tooth. The following areas will be assessed in determining a grade for this part:

a. Functional anatomy—acceptable occlusal and interproximal anatomy.

b. Proximal contour and contact—contact is considered present if there is definite, but not excessive resistance to the passage of dental floss through the contact area.

c. Margins—suitable continuity with the cavosurface margin should be smooth with the absence of trauma or mutilation.

d. Gingival overhang—overhang is considered to be excess amalgam in either a proximal or gingival direction at the gingival cavosurface margin.

e. Proper handling of material including but not limited to condensing and finishing.

f. Management of soft tissue is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if there is lack of contact; gross overhang; if the restoration is completed or attempted to be completed on the wrong tooth or wrong surface; or if the candidate fails to attempt or complete the part.

(e) The grading system used during the Practical or Clinical Examination is as follows:

The quality of a candidate's work on the four parts of the Clinical or Practical Examination is graded in accordance with a detailed analytic scoring guide and specific scoring criteria for each component of each task. The examiners use four competency levels to rate clinical skills on the four parts of the Clinical or Practical Examination:

Mandatory 0 – Complete failure and critically deficient

Marginally Substandard – Below minimal acceptable dental treatment

Minimally Acceptable – Minimal acceptable dental treatment

Satisfactory – Optimal dental treatment

Three examiners independently evaluate all rated treatment criteria for each part of the Clinical or Practical Examination and the median competency level in each category (criteria) is determined. These median competency levels are translated into a numerical score. Candidates must earn at least 75% of the maximum possible raw score on each part to pass that part.

Critical errors (Mandatory 0) are given special consideration. Critical errors are errors of commission or omission that would be serious enough to endanger a patient's oral or general health, or could lead to patient injury or may jeopardize the overall treatment of the patient. A corroborated critical error, such as perforation while preparing an access opening for an endodontic procedure will result in failure of the Endodontic part of the Clinical or Practical Examination even though other rated treatment criteria for the Endodontic part are acceptably completed.

A candidate's score on a part of the Clinical or Practical Examination may also be affected by certain conduct or errors that warrant a penalty deduction from the total score on that part. An example of a penalty deduction on a part is the loss of all points if two treatment selections for either the Amalgam or the Composite procedure are not acceptable or a second treatment selection is not presented if the first treatment selection is rejected.

- 0 Complete failure
- 1 Unacceptable dental treatment
- 2 Below minimal acceptable dental treatment
- 3 Minimal acceptable dental treatment
- 4 Better than minimally acceptable dental treatment
- 5 Outstanding dental treatment

(f) A final grade of ~~75%~~ 3 or better, ~~as a general average~~ is required on each of the four (4) parts of ~~to pass~~ the Practical or Clinical Examination ~~to pass the Practical or Clinical Examination.~~

(g) If an applicant fails to achieve a final grade of ~~75%~~ 3 or better ~~on each of the four (4) parts of, as a general average,~~ ~~on~~ the Practical or Clinical Examination ~~because of a failing grade on just one part,~~ the applicant shall be required to retake only that part(s) that the applicant has failed (i.e. scored below ~~75%~~). On any such retake, the applicant shall be required to obtain a passing grade on the part(s) that ~~is/are~~ retaken. ~~A failing grade on the retaken part shall not be averaged to obtain a passing score on the Practical or Clinical Examination.~~

~~(h) If an applicant fails to achieve a final grade of 3 or better, as a general average, on the Practical or Clinical Examination because of a failing grade on more than one part, the applicant shall be required to retake the entire Practical or Clinical Examination.~~

~~(h)(i) Whenever an applicant is repeating only one part of the Practical or Clinical Examination and that part requires the use of a patient, that candidate shall be allowed the same amount of time to complete the part that is allowed candidates currently taking the part for the first time. Whenever a candidate is repeating only one part of the Practical or Clinical Examination and that part is performed on a mannequin, that candidate shall be allowed 3 hours to complete the part.~~

~~(i)(i)~~ As provided in Section 466.006(4)(b)3., F.S., if an applicant fails to pass the Practical or Clinical Examination in three (3) attempts, the applicant shall not be eligible for reexamination unless she or he completes additional educational requirements as specified by the Board.

~~(j) Any of the parts of the Practical or Clinical Examination utilizing a patient may be terminated in the interest of Patient Safety.~~

(4) No change.

THIS RULE SHALL TAKE EFFECT AUGUST 1, 2008.

Specific Authority 456.017(1)(b), 466.004(4), ~~466.006(4)~~ FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.009 FS. History—New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05, 7-17-07, 8-1-08.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.: 64F-17.001 RULE TITLE: Materials Incorporated by Reference

PURPOSE AND EFFECT: To incorporate a Department manual by reference and to update references to other materials incorporated by reference.

SUMMARY: The Procedure Manual for Sponsors of Day Care Homes is being incorporated by reference.

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

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

SPECIFIC AUTHORITY: 383.011(2)(c) FS.

LAW IMPLEMENTED: 383.011(1)(i) 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: Julia P. Forrester, Department of Health Office of the General Counsel, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, FL 32399-1703

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-17.001 Materials Incorporated by Reference.

(1) Title 7 Code of Federal Regulations, Part 226, as published January 1, 2007, and Title 7 Code of Federal Regulations, Parts 3015 and 3016, as published January 1, 2007, are incorporated by reference.

(2) The Department of Health's publications entitled "Procedure Manual for Sponsors of Unaffiliated Centers," dated August 1, 2006, the "Procedure Manual for Sponsors of Day Care Homes," dated April 1, 2007, and the "Procedure Manual for Sponsors of Affiliated Child Care Centers," dated September, 2007 are incorporated by reference.

(3) Copies of materials incorporated by reference may be obtained from www.doh.state.fl.us/ccfp or by writing to the Department of Health, 4052 Bald Cypress Way, Bin #A-17, Tallahassee, Florida 32399-1727.

Specific Authority 383.011(2)(c) FS. Law Implemented 383.011(1)(i) FS. History--New 7-22-99, Amended 2-20-04, 4-10-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Philip Reeves

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Annette Phelps

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

August 8, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

September 7, 2007

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NOS.:	RULE TITLES:
64F-19.001	Definitions
64F-19.002	Eligibility
64F-19.003	Certification and Authorization
64F-19.004	Enrollment Period
64F-19.005	Waiver Program Enrollment Process
64F-19.006	Management of Minors
64F-19.007	Non-Covered Services
64F-19.008	Continuation of Services
64F-19.009	Termination of Services
64F-19.010	Due Process for Waiver Applicants and Clients
64F-19.011	Approved Form; Incorporation

PURPOSE AND EFFECT: The Department proposes to amend the existing language in this chapter.

SUMMARY: Each rule was updated to recognize changes in definitions or terminology and modifying the application process so that it is more efficient.

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: 154.011(5), 383.0011(13), 381.0051(7), 409.919 FS.

LAW IMPLEMENTED: 154.011, 381.0051, 383.011, 383.103, 409.9121, 409.9122 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: Marie Melton, Infant Maternal and Reproductive Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-19.001 Definitions.

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

(1) "CHD" means County Health Department.

(2) "Client" means a woman who has been approved and is presently enrolled in the Program.

(3) "Continuation of Services" means the amount of time the Program is funded, based on availability of funds.

(4) "CPT Codes" means the codes used within the FMMIS System.

(5) "Eligibility Determination" means the process of determining if a woman meets the qualifications for enrollment in the Program.

(6) "Enrollment" means the process of being registered in the Program as a client for one (1) calendar year.

(7) "Family Planning Services" means for the purpose of the Program:

(a) Counseling and supply visits;

(b) Initial and annual family planning visits;

(c) Laboratory services;

(d) Other Family Planning Services as prescribed in subsection 59G-1.010(86), F.A.C. and Section 409.905(3), F.S.; and

(e) Treatment of abnormal laboratory results.

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

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

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

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

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

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

64F-19.002 Eligibility.

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

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

(2) ~~The waiver applicant Client~~ must be eligible for the Program on or after December 1, 2006~~3~~;

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

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

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

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

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

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

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

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

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

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

64F-19.003 Certification and Authorization.

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

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

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

64F-19.004 Enrollment Period.

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

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

64F-19.005 Waiver Program Enrollment Process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

64F-19.006 Management of Minors.

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

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

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

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

64F-19.007 Non-Covered Services.

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

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

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

64F-19.008 Continuation of Services.

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

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

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

64F-19.009 Termination of Services.

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

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

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

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

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

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

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

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

- (a) A description of the action the agency intends to take;
- (b) The reasons for the intended action;
- (c) Information about the waiver applicants or clients' rights to request a hearing;

(d) An explanation of the circumstances under which Medicaid services will continue if a hearing is requested;

(e) A statement that requests for a hearing must be filed with the agency clerk within twenty-one (21) days of receipt of the written notice of agency action;

(f) A statement that the hearing shall occur within ninety (90) days of the request; and

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

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

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

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

64F-19.011 Approved Form; Incorporation.

The following form used by the Department in its dealings with the public is listed as follows and is hereby adopted and incorporated by reference, and can be obtained from the Department office by writing to the Department of Health, Family Health Services, 4052 Bald Cypress Way, Bin #A-13, Tallahassee, FL 32399. DH 3212, entitled “Health Insurance Application for Extended Family Planning Benefits,” (11/06). ~~(05/04)~~.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marie Melton  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janet Temkin  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NOS.:	RULE TITLES:
65G-7.001	Definitions
65G-7.002	Determination Need for Assistance; Informed Consent Requirement
65G-7.003	Medication Administration Training Course
65G-7.004	Validation Requirements
65G-7.005	Medication Administration Procedures
65G-7.006	Medication Errors
65G-7.007	Storage Requirements
65G-7.008	Documentation and Record Keeping
65G-7.009	Off-site Medication Administration

PURPOSE AND EFFECT: To establish standards and procedures for training direct service providers to provide agency clients with medication administration assistance or assistance with self-administration of medication. The rule also provides requirements for labeling medication, documentation and recordkeeping, storage and disposal of medication, instructions concerning the safe administration of medication or supervision of self-administered medication, informed consent requirements, records, and training curriculum.

SUMMARY: The proposed rules comply with legislative directive for rulemaking on the above subject matter areas, per Section 393.506(5), Florida Statutes.

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: 393.501 FS.

LAW IMPLEMENTED: 393.506(5) 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 three days before the workshop/meeting by contacting: If you are 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: Michelle Ledbetter, 4030 Esplanade Way, Tallahassee, Florida 32399-0950; telephone (850)488-4879

THE FULL TEXT OF THE PROPOSED RULES IS:

MEDICATION ADMINISTRATION

65G-7.001 Definitions.

The terms and phrases used in this chapter shall have the meanings defined below:

(1) “Administration of medication” means the obtaining and giving of one or more doses of medicinal drugs by a legally authorized person to an Agency client for his or her consumption.

(2) “Area Office” is the local office responsible for managing one of the Agency’s fourteen service areas.

(3) “Advanced Registered Nurse Practitioner (ARNP)” means a registered nurse certified by the Florida Board of Nursing as an ARNP and who holds a valid and active license in full force and effect pursuant to Section 464.012, F.S., or the applicable licensing laws of the state in which the service is furnished.

(4) “Authorized representative” means the client’s parent if the client is a minor, the client’s authorized guardian, court-appointed guardian advocate, health care surrogate, or a health care proxy appointed in accordance with Chapter 765, F.S., or any other client advocate legally authorized to make decisions on behalf of a client.

(5) “Central Office” is the Agency’s headquarters, situated at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257.

(6) “Client’s record” means a file maintained for each client that contains the client’s name and date of birth, written authorization for routine medical/dental care from the client or guardian and medical summary, the name address and telephone of the client’s physician and dentist, a record of the client’s illnesses and accidents, the legal status of the client, current services and implementation plan, and client financial documentation.

(7) “Controlled medication” means any substance enumerated in Schedules I, II, III, IV, and V in Section 893.03, F.S.

(8) “Corrective Action Plan,” for purpose of this rule, means a written plan of action developed by the Agency for the purpose of correcting cited deficiencies in compliance with this rule chapter.

(9) “Enteral medication” means medication delivered by tube via the body’s gastrointestinal system.

(10) “Facility” means a residential facility licensed under Chapter 393, F.S., or other facility staffed by direct service providers where Agency clients receive training, respite care, or other services on a regularly scheduled basis.

(11) “Inhaled medication” means the delivery of medication droplets or moisture suspended in a gas, such as oxygen, by inhalation through the nose or mouth.

(12) “Medical Case Manager” means a registered nurse or ARNP employed by the Agency to provide nursing consultation and technical assistance to an Area office regarding the medical care of Agency clients.

(13) “Medication Administration Record” or “MAR” means the daily record maintained for each client that documents medication information as required by this rule chapter.

(14) “Medication Assistance Provider” means a direct service provider not otherwise licensed to administer medication who has successfully completed an agency-approved training course and has current validation to provide clients with medication administration or to assist clients with self-administration of medication.

(15) “Nebulizer” means an atomizer equipped to produce an extremely fine spray for deep penetration of the lungs.

(16) “Over-the-counter (OTC) medication” means a medication for general distribution and use without a prescription in the treatment of human illnesses, ailments, or injuries.

(17) “Ophthalmic medication” means a solution or ointment to be instilled into the eye or applied on or around the eyelid.

(18) “Oral medication” means any medication in tablet, capsule, or liquid form introduced into the gastrointestinal tract by mouth.

(19) “Otic medication” means solutions or ointments to be placed in the outer ear canal or applied around the outer ear.

(20) “Parenteral” means injected into the body through some route other than the alimentary canal.

(21) “Physician” means a doctor of medicine or osteopathy who holds a valid and active license in full force and effect pursuant to the provisions of Chapter 458 or 459, F.S., or the applicable laws of the state in which the service is furnished.

(22) “Prescribed medication” means simple or compound substances or mixtures of substances that are prescribed for the cure, mitigation, or prevention of disease or for health maintenance and that are prescribed by a licensed practitioner authorized by the laws of the state to prescribe such substances, dispensed by a licensed pharmacist or licensed dispensing practitioner in accordance with the laws of the state in which the practitioner is licensed, and dispensed on a prescription that is recorded in and retrievable from the pharmacist’s or practitioner’s records.

(23) “Prescription” means any order for drugs, medical supplies, equipment, appliances, devices, or treatments written or transmitted by any means of communication by a licensed practitioner authorized by the laws of the state to prescribe such drugs, supplies, equipment, appliances, devices, or treatments, or by the lawfully designated agent of such practitioner, and intended to be filled, compounded, dispensed or furnished by a person authorized by the laws of the state to do so.

(24) “PRN” (“pro re nata”) means the administration of medication on an as-needed basis rather than according to a prescribed schedule.

(25) “Provider” means a person or entity that has a provider agreement in effect with the Agency to deliver approved medical or allied services, goods, care, to Agency developmental disability clients.

(26) “Rectal medication” means any prescribed medication, capsule, enema or suppository to be administered via the rectum.

(27) “Registered Nurse (RN)” means a graduate of an approved formal program of study in professional nursing who holds a valid and active license in full force and effect pursuant to provisions of Chapter 464, F.S., or the applicable laws of the state in which the service is furnished.

(28) “Supported living services” means the provision of supports necessary for an adult who has a developmental disability to establish, live in, and maintain his or her own household in the community.

(29) “Supervised self-administered medication” means direct, face-to-face observation of a client during the client’s self-administration of medication and includes instruction or other assistance necessary to ensure correct self-administration of the medication.

(30) “Topical medication” means a salve, lotion, ointment, cream, shampoo or solution applied locally to a body part.

(31) “Transdermal patch” means an adhesive patch containing a pre-measured amount of topical medication that is absorbed into the body via the epidermis (outer layer of skin) at a fixed rate.

(32) “Unlicensed” means, for purposes of this rule, not authorized, certified, or otherwise permitted by other Florida law to administer medication or to supervise self-administration of medication.

(33) “Validation” means an unlicensed direct service provider’s demonstration of competency in administering or supervising self-administration of a medication to a client, certified by a licensed, registered nurse or licensed physician following the provider’s successful completion of an Agency-approved medication administration training course.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History—New \_\_\_\_\_.

65G-7.002 Determining Need for Assistance; Informed Consent Requirement.

(1) An Agency client’s need for assistance with medication administration or ability to self-administer medication without supervision must be documented by the client’s physician, physician assistant, or ARNP on an “Authorization for Medication Administration,” APD Form 65G7-01, (00/00/00).

(2) A client who is authorized, as provided above, to self-administer medication without supervision shall be encouraged to do so. The medication assistance provider shall assist the client by making the medication available and reminding the client to take medication at appropriate times.

(3) The medication assistance provider must maintain a current Authorization in the client’s MAR, reviewed by the client’s physician, physician assistant, or ARNP at least annually and upon any significant change to the client’s medical condition or self-sufficiency.

(4) An unlicensed direct service provider is not authorized to administer medication or assist a client with self-administration of medication unless he or she has successfully completed an Agency-approved medication administration training course and has obtained a current validation.

(5) In addition to an executed Authorization for Medication Administration, the medication assistance provider must also obtain from the client or the client’s authorized representative an “Informed Consent for Medication Administration” APD Form 65G7-02 (00/00/00), before providing a client with medication administration assistance. The Informed Consent will contain a description of the medication routes and procedures that the medication assistance provider is authorized to supervise or administer.

(6) The medication assistance provider may not also act as the client’s health care surrogate or proxy, or sign the Medication Administration Informed Consent form referenced above. Direct service providers or other facility staff may witness the execution of the form.

(7) A medication assistance provider will limit his or her assistance to the minimum necessary to ensure proper administration or self-administration of the medication while preserving the client’s independence.

(8) The requirements of this rule chapter do not apply to the following:

(a) Health care practitioners whose professional licenses include administration of medication;

(b) Client family members or friends who provide medication assistance without compensation, as permitted by Section 464.022(1), F.S.;

(c) Unlicensed direct service providers employed by or under contract with intermediate care facilities for the developmentally disabled, licensed home health agencies, assisted living facilities, hospices, or health care service pools; and

(d) Clients authorized to self-administer medication without assistance or supervision, as documented by an executed Authorization, APD Form 65G7-01 (00/00/00).

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History—New \_\_\_\_\_.

65G-7.003 Medication Administration Training Course.

(1) Medication administration training courses not offered through the Agency must be approved by the Agency in order to provide qualification for validation. To obtain Agency approval, a course provider must submit an application on a “Medication Administration Provider/Course Approval Form,” APD Form 65G7-03 (00/00/00).

(2) The application must include the following information: the total number of training course hours; a course syllabus; a detailed outline of the contents of the course; minimum instructor qualifications; and the names, qualifications, and license numbers of all proposed instructors known at the time of the application.

(3) If the Agency denies an application for course approval, it will identify the reasons for the denial in writing. A course may be resubmitted to the Agency with modifications.

(4) Only licensed registered nurses or ARNPs may conduct training courses for medication administration assistance certification.

(5) Medication administration training courses must provide training curriculum and step-by-step procedures covering, at a minimum, the following subjects:

(a) Safe storage, handling, and disposal of medications;

(b) Comprehensive understanding of and compliance with medication instructions on a prescription label, a health care practitioner’s order, and a MAR;



(c) The medical indications and purposes for commonly used medications, their common side effects, and symptoms of adverse reactions;

(d) The proper administration of oral, transdermal, ophthalmic, otic, rectal, inhaled or topical medications;

(e) Safety and sanitation practices while administering medication;

(f) Medication administration documentation and record-keeping requirements;

(g) Medical errors and medical error reporting;

(h) Determinations of need for medication administration assistance and informed consent requirements;

(i) Procedural arrangements for clients who require medication offsite; and

(j) Validation procedures for medication administration assistance.

(6) Medication administration courses may be administered either through web-based distance learning or in a traditional classroom setting, utilizing an Agency or Agency-approved medication administration training curriculum.

(7) A course provider applying for Agency approval of web-based distance learning must submit documentation indicating the following:

(a) The means by which the course will demonstrative interactivity between the student and course provider within a maximum of 24 hours, which interactivity promotes student involvement and demonstrates that the course measures learning and addresses comprehension of content at regular intervals;

(b) The means by which the course provider is able to monitor student enrollment, participation, and course completion;

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by the student to complete the course;

(d) The means by which the provider will assure qualified instructors will be available to answer questions and provide students with necessary support during the course; and

(e) A requirement that the student complete a statement at the end of the course indicating that he/she personally completed each module/session of instruction.

(8) Each medication administration course must consist of a minimum of four hours of instruction and classroom courses must be limited to no more than 20 participants for each class.

(9) Any material change to an approved course curriculum or protocol requires new agency approval for that course.

(10) The Agency shall assign to approved courses a course number that the course provider must display in the course syllabus and all other materials used in connection with the course.

(11) The Agency may deny or withdraw course approval for any of the following acts or omissions:

(a) Obtaining or attempting to obtain course approval through fraud, deceit, false statements, or misrepresentation of material facts, whether such statements are made knowingly or negligently;

(b) Failure to provide complete and accurate information in the initial application for approval or in any notification of change in information;

(c) Failure to notify the Agency within six weeks of a change in the information required for course approval;

(d) Falsification of any records regarding the course conducted by the provider or persons attending the course;

(e) Failure to maintain any required records regarding the course conducted by the provider or persons who attended the course;

(f) Failure to maintain the course curriculum in the format and content approved by the Agency;

(g) Advertisement or administration of the course before the date it is approved by the Agency;

(h) Administration of the course training by unqualified instructors;

(i) Failure to maintain records of course administration and attendance.

(12) As a prerequisite to validation as a medication assistance provider, the applicant must achieve a score of at least 80% on an agency provided or agency-approved medication administration training course exam. Upon successful completion of the examination, the course provider shall issue the examinee a certificate containing the name of the provider, the course number, date(s) of course administration, name of the student and, for classroom-based courses, the name and signature of the course instructor.

(13) Medication assistance providers must maintain proof of certification and validation. Employers of medication administration assistance providers also must maintain a copy of the certificate and proof of current validation for each direct service employee providing medication assistance.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History—New \_\_\_\_\_.

#### 65G-7.004 Validation Requirements.

(1) An unlicensed direct service provider applying for validation as a medication assistance provider must be assessed and validated at least annually, through demonstration, as competent to administer medication or to supervise the self-administration of medication. Successful completion of an Agency-approved medication administration course is a prerequisite to an assessment of competency validation.

(2) Only a registered nurse licensed pursuant to Chapter 464 or a physician licensed pursuant to Chapter 458 or 459, F.S., may validate the competency of an unlicensed direct service provider to provide medication administration assistance.

(3) The applicant for validation must complete an on-site assessment with 100% competency documented on a "Validation Certificate." APD Form 65G7-004 (00/00/00). The form must contain the following information:

(a) The name and address of the applicant being validated and, if an employee, the name of the employing entity;

(b) The date of assessment and validation;

(c) A description of the medication routes and procedures that the applicant is authorized to supervise or administer;

(d) Any limitations on the applicant's validation to administer medication, such as limitations on validated routes of medication administration;

(e) The printed name and original signature of the validating nurse or physician as it appears on his or her license; and

(f) The validating nurse or physician's license number and license expiration date.

(4) Successful assessment and validation requires that the applicant demonstrate in an actual on-site client setting his or her capability to correctly administer medication and supervise the self-administration of medications in a safe and sanitary manner as required by this rule chapter, including a demonstration of the following proficiencies:

(a) The ability to comprehend and follow medication instructions on a prescription label, physician's order, and a MAR;

(c) The ability to administer medication by oral, transdermal, ophthalmic, otic, rectal, inhaled, or topical administration routes;

(d) The ability to obtain pertinent medication information, including the purpose of the medication, its common side effects, and symptoms of adverse reactions to the medication, either from the package insert that comes from the pharmacy, or a Physician's Desk Reference or other professionally recognized medication resource, and maintaining this information for easy access and future reference;

(e) The ability to write legibly, convey accurate information, and comply with medication administration record-keeping requirements;

(f) Knowledge of the proper storage and handling of medications;

(g) Knowledge of proper disposal of expired or unused medications;

(h) Knowledge of special requirements relating to storage and disposal of controlled medications;

(i) Requirements for obtaining authorizations for assistance with medication administration, authorization for self-administration of medication without supervision, and informed consent for medication assistance; and

(j) Adequate training on the correct positioning and use of any adaptive equipment or use of special techniques required for the proper administration of medication.

(5) When a client is prescribed a medication requiring an administration route for which the medication assistance provider has not been validated, the provider must obtain an assessment and validation for that specific administration route before administering the medication to the client.

(6) A medication assistance provider must be re-validated annually at least 60 days before the expiration of his or her current validation. An unlicensed direct service provider may not under any circumstances administer or supervise the self-administration of medication before receiving validation or following expiration of an annual validation.

(7) Medication assistance providers who fail to acquire re-validation before the expiration of the current validation must retake the medication administration training course and obtain current validation before assisting with the administration or self-administration of medication.

(8) Any employer or contractor who offers medication assistance provider services is responsible for maintaining a record of the provider's training certification and annual validation and for making such records available for Agency review upon request.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History—New \_\_\_\_\_.

65G-7.005 Medication Administration Procedures.

(1) Upon certification and validation as provided by this rule chapter, unlicensed direct service providers are authorized to assist with the administration of prescribed medications via the following medication routes:

- (a) Oral;
- (b) Transdermal;
- (c) Ophthalmic;
- (d) Otic;
- (e) Rectal;
- (f) Inhaled; and
- (g) Topical.

(2) A validated medication assistance provider must comply with the following requirements:

(a) Before providing any medication assistance, become familiar with the client's medical history and medication background and locate the name and contact numbers of the client's prescribing practitioner for consultation regarding the prescribed medications;

(b) Perform appropriate hand sanitation measures before providing medication assistance, with repeated sanitization as needed during medication administration;

(c) Assist only one client at a time with medication administration in a quiet location free from distraction;

(d) Following medication administration or assistance with self-administration, return each client's medication to its portable or permanent medication storage location before assisting another client;

(e) Limit administration, or assist in administration, to medications prescribed in writing by the client's health care practitioner and properly labeled and dispensed in accordance with Chapters 465 and 499, F.S.;

(f) Immediately report torn, damaged, illegible, or mislabeled prescription labels to the dispensing pharmacist or health care practitioner and, if a client is residing in a residential facility, notify the facility supervisor;

(g) Check the directions and expiration date of each medication to ensure that expired prescription medications or those no longer prescribed are not administered;

(h) Verify that the correct medication is administered to the correct client, at the correct time, with the correct dosage, by the correct route, and for the correct reason, as prescribed by the health care practitioner;

(i) Observe complete ingestion of oral medication before leaving the client and before recording or documenting the administration of the medication on the MAR;

(j) Record the date, time, dosage, and name of each medication in the MAR immediately following administration and sign the entries;

(k) Observe the client directly for a minimum of 20 minutes following the first three doses of a new or PRN medication in order to detect and respond immediately to potential side effects, unless ordered differently by the prescribing health care practitioner, and review the MAR for any special instructions by the prescribing practitioner regarding required observations.

(3) A medication assistance provider may not assist with the administration of any OTC medication or medication samples without a written order by the client's primary care physician or ARNP.

(4) Medications may not be crushed, diluted, or mixed without written instructions from the prescribing health care practitioner in the MAR.

(5) The medication assistance provider is responsible for ensuring that the prescription for that medication is promptly refilled so that a client does not miss a prescribed dosage of medication.

(6) The medication assistance provider may not assist with PRN medications, including OTC medications, unless a health care practitioner has provided written directions for the

medication. The provider must attach to the client's MAR a copy of the prescription or order legibly displaying the following information:

(a) The name of the medication;

(b) The prescription number;

(c) The prescribed dosage; and

(d) Specific directions for use, including the medical basis for the medication, the time intervals for administration, the maximum number of doses, the maximum number of days that the medication should be administered, and conditions under which the health care practitioner should be notified.

(7) A medication assistance provider may not perform the following acts of assistance:

(a) Prepare syringes for a client's use during the self-administration of medication via a subcutaneous, intra-dermal, intra-muscular or intravenous route;

(b) Administer, or supervise self-administration of, medications that are inserted vaginally, administered enterally, or administered via a tracheostomy;

(c) Mix or pour medications administered through intermittent positive pressure breathing machines or nebulizers, unless the medication assistance provider and client who self-administers medication with supervision have received one-on-one, step-by-step, training in the proper use and maintenance of such equipment from a certified equipment technician, respiratory therapist, or a registered nurse, with documentation in the client's file of the date of training, the name and qualifications of the persons providing the training, and a description of the breathing equipment that was the subject of the training;

(d) Administer medications via a subcutaneous, intra-dermal, intra-muscular or intravenous route;

(e) Perform irrigation of partial or full thickness wounds (such as vascular ulcers, diabetic ulcers, pressure ulcers, surgical wounds) or apply agents used in the debridement of necrotic tissues in wounds of any type; and

(f) Assist a client with medications for which the health care provider's prescription does not specify the medication schedule, medication amount, dosage, route of administration, purpose for the medication, or with medication which would require professional medical judgment by the medication assistance provider.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History—New \_\_\_\_\_.

#### 65G-7.006 Medication Errors.

(1) A "medication error" is any of the following actions:

(a) Administration of a wrong medication;

(b) Administration of a wrong dose;

(c) Administration of medication via the wrong route;

(d) Administration of medication for any symptom, illness, or reason other than the one for which the medication was prescribed;

(e) Failure to administer medication or assist with self-administration within 60 minutes of the prescribed dosage time;

(f) Administration of a medication, or the provision of a self-administered medication, to the wrong client;

(g) Failure to immediately and accurately document administration on the MAR;

(h) Failure to fill newly prescribed medications within twenty-four hours of receipt of the prescription;

(i) Failure to promptly refill current medications, resulting in one or more missed doses of medication;

(j) Administration or assistance with self-administration of an expired or improperly labeled medication; and

(k) Failure to conduct an accurate medication count for controlled medications.

(2) Immediately following a medication error, the medication assistance provider or facility administrator must take the following steps:

(a) Notify any supervisory personnel;

(b) In the case of administration of a wrong medication or a wrong dosage, observe the client closely for a minimum period of 20 minutes after the medication was administered or self-administered, immediately report any observed changes in the client's condition to the prescribing health care practitioner, and call 911 to request emergency services if the client exhibits respiratory difficulty or other potentially life-threatening symptoms;

(c) Notify the client's prescribing health care practitioner of any omitted doses of medication, request that the practitioner prepare and fax a medication directive addressing the medication omission to the client's home, facility, or pharmacy and document the client's health care practitioner's response; and

(d) Fully document all observations and contacts made regarding a medication error in a "Medication Error Report," APD Form 65G7-05 (00/00/00), and place a copy of the Report in the client's file.

(3) If a medication error occurs in a facility, the medication assistance provider must submit copies of the Report to the facility administrator and to the Agency area office within 24 hours of discovering the error.

(4) If a medication error occurs in a client's home and the medication assistance provider committed the error, the provider must submit a Medication Error Report to the Agency area office within 24 hours of the discovering the error and maintain a copy of the report in the client's file or other location easily accessible for review.

(5) Following a medication count, the medication assistance provider must report a discrepancy in the accounting of controlled substances by 5:00 p.m. of the next business day following discovery of the error to the Area office and, if applicable, to the facility supervisor.

(6) If the Agency Medical Case Manager determines that a medication assistance provider's medication error justifies corrective action, including additional training, the Area Office will notify the provider in writing of the necessary corrective action plan, including a specific and reasonable timeframe for completion of the corrective action plan. If the medication assistance provider fails to comply with the corrective action plan, the Agency will revoke the medication assistance provider's validation, subject to the provisions of Chapter 120, Florida Statutes.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History—New \_\_\_\_\_.

#### 65G-7.007 Storage Requirements.

(1) Medication assistance providers must observe the following medication storage requirements:

(a) Store each medication at the temperature appropriate for that medication, including refrigeration if required;

(b) Destroy any prescription medication that has expired or is no longer prescribed and document the medication disposal on a "Medication Destruction Record," APD 65G7-06 (00/00/00), and sign the Record before a third-party witness;

(c) Maintain medication samples in their original containers labeled by the dispensing health care practitioner with the client's name, the practitioner's name, and the directions for administering the medication. The medication assistance provider must initial and add to the label the date the medication is opened.

(d) Maintain OTC medications in their original stock containers.

(2) A residential facility or supported living client who does not require medication assistance or supervised self-administration may store his or her medication in secure, locked place within his or her room. However, a client's medications must be centrally stored and retrieved by the medication assistance provider if:

(a) The client's physician documents in the client's file that leaving the medication in the personal possession of the client would constitute a threat to the health, safety, or welfare of the client or others;

(b) The client fails to securely maintain the medication in a locked place;

(c) The medication assistance provider, facility administrator, or Agency determines that, based on the home's physical arrangements or the habits of other residents, the client's personal possession of medication poses a threat to the safety of others; or

(d) The client or the client's authorized representative requests that the client's medication be centrally stored.

(3) If the client requiring medication assistance is residing or receiving services in a facility setting, the medications must be centrally stored in a locked container in a secured enclosure.

(4) Either a licensed health care practitioner or medication assistance provider must securely maintain keys to the locked containers and storage enclosures containing controlled medications, and provide written procedural provisions for accessibility to medications in cases of emergency.

(5) Stored medications must be organized and maintained in a manner that ensures their safe retrieval and minimizes medication errors.

(6) Medications requiring refrigeration must be stored in a refrigerator in their original containers within a locked storage container clearly labeled as containing medications.

(7) Each medication must be returned to its portable or permanent storage unit immediately following medication administration assistance.

(8) Controlled medication storage requires the following additional safeguards:

(a) The medications must be stored separately from other prescription and OTC medications in a locked container within a locked enclosure.

(b) For facilities operating in shifts, a medication assistance provider must perform controlled medication counts for each incoming and outgoing personnel shift, as follows:

1. The medication count must be performed by a medication assistance provider and witnessed by another medication assistance provider;

2. Both providers must verify count accuracy by documenting the amount of medication present and comparing that amount to both the previous count and number of doses administered between counts;

3. The providers must record the medication count on a "Controlled Medication Form," APD Form 65G7-007 (00/00/00), signed and dated by the providers verifying the count; and

4. Immediately document and report any medication discrepancies to the facility supervisor.

(e) For facilities with only one medication assistance provider per shift, the medication assistance provider must conduct, document, and sign a daily medication count on the Controlled Medication Form; and

(f) For facilities with no shifts, the medication assistance provider must conduct, document, and sign a controlled medication count at least once each day on the Controlled Medication Form, using the same counting and documentation technique described above.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History—New \_\_\_\_\_.

#### 65G-7.008 Documentation and Record Keeping.

(1) An up-to-date MAR shall be maintained for each client requiring assistance with medication administration, except when the client is off-site. The medication assistance provider must document the administration of medication or supervision of self-administered medication immediately on the MAR. Each MAR page must include the following information:

(a) The client's name;

(b) Any client food or medication allergies;

(c) The name of each medication prescribed for the client;

(d) The medication strength (i.e., 5mg/ tsp);

(e) The prescribing health care practitioner for each medication;

(f) The date that the medication was ordered and any date the medication was changed (including D/C date);

(g) Prescribed dosage for each medication;

(h) Scheduled time of administration for each medication;

(i) Prescribed route of administration for each medication;

(j) Prescribed instructions for crushing, mixing or diluting of specific medications, if applicable;

(k) The dates each medication was administered;

(l) The initials and signature of the medication assistance provider who assisted with medication administration;

(m) A record of any medication dosage refused or missed, documented by the medication assistance provider responsible for administering the scheduled dosage, by drawing a circle around the appropriate space on the MAR and initialing it; and

(n) The reasons for not administering a medication, annotated and initialed by the medication assistance provider in the comments section of the MAR using the following system, or a comparable numbering and coding system containing the same information: 1 – home, 2 – work, 3 – ER/hospital, 4 – refused, 5 – medication not available (explain on back of MAR), 6 – held by MD (explain on back of MAR), 7 – other (explain on back of MAR).

(2) Each client's central record must contain the following medication documentation readily available to the medication assistance provider and for Agency review upon request:

(a) Completed MAR pages;

(b) A list of potential side effects, adverse reactions, and drug interactions for each medication;

(c) A record of drug counts for each controlled medication;

(d) Written determination by the client's physician that the client requires assistance with the administration of his or her medications; and

(e) The original Informed Consent form permitting a medication assistance provider to assist with the administration of medication.

(7) The validated medication assistance provider or the provider’s employer must maintain documentation that the medication assistance provider has completed an approved medication administration course and is currently validated as competent to assist with the administration of medication.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History–New \_\_\_\_\_.

65G-7.009 Off-site Medication Administration.

(1) If a client will be away from a licensed residential facility or supported living home and requires during that time administration of medication by persons other than the medication assistance provider, the medication assistance provider must comply with the following requirements to assure that the client has appropriate medications during his or her absence:

(a) Provide an adequate amount of medication for administration of all dosages the client requires while away;

(b) Perform a count of the medication amounts provided to the client for administration during the absence and a second count of the medication amounts received upon the client’s return;

(c) Record both medication counts in a “Off-site Medication Form,” APD Form 65G7-08 (00/00/00).

(2) Medication may not be transferred from its original container to a weekly pill organizer or otherwise co-mingled unless the client’s primary care provider determines that the client is able to self-administer that medication without supervision; in that case, only the client, the client’s family member, or a legal guardian may transfer the medications from the original container.

(3) The medication assistance provider must provide the name and telephone number of a contact person and the name and telephone number of the client’s prescribing practitioner to the person who will assist the client with medication administration while the client is offsite.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Becky Maguire, Chief, Residential and Clinical Supports

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jane E. Johnson, Director

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

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007 and June 1, 2007

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

RULE NOS.:	RULE TITLES:
69V-40.001	Definitions
69V-40.002	Adoption of Forms

69V-40.008	Fees and Commissions
69V-40.015	Payment of Guaranty Fund Claims
69V-40.020	Changes of Address
69V-40.021	Fictitious Name Registration
69V-40.022	Quarterly Report Filing Requirements
69V-40.025	Mortgage Broker Examination
69V-40.027	Mortgage Broker Pre-licensing Education Requirement
69V-40.0271	Professional Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives
69V-40.028	Permit for Mortgage Business School
69V-40.0281	Mortgage Business Schools Prohibited Practices and Advertising/Publicity
69V-40.029	Mortgage Business School Permit Renewal
69V-40.031	Application Procedure for Mortgage Broker License
69V-40.043	Mortgage Broker License Renewal and Reactivation
69V-40.051	Application Procedure for Mortgage Brokerage Business License
69V-40.053	Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation
69V-40.058	Application Procedure for Mortgage Brokerage Business Branch Office License
69V-40.099	Amendments, Change of Name, Change of Entity and Change in Control or Ownership
69V-40.100	Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender
69V-40.105	Branch Office License for Transfer in Ownership or Control of Saving Clause Mortgage Lender
69V-40.156	Third-party Fee Accounts
69V-40.160	Principal Brokers
69V-40.165	Branch Brokers
69V-40.170	Books and Records
69V-40.177	Mortgage Brokerage and Lending Transaction Journal
69V-40.200	Application Procedure for Mortgage Lender License
69V-40.205	Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation

69V-40.220	Application Procedure for Correspondent Mortgage Lender License
69V-40.225	Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation
69V-40.240	Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office License
69V-40.242	Principal Representative
69V-40.265	Mortgage Brokerage and Lending Transaction Journal
69V-40.270	Financial Guaranty in Lieu of Uniform Single Audit
69V-40.285	Noninstitutional Investor Funds Account

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to chapter 494, Florida Statutes, relating to mortgage brokering and lending. The proposed rules implement and reflect the statutory changes, which pertain to the licensing and regulation of mortgage brokers, mortgage broker businesses, mortgage lenders, and mortgage business schools.

SUMMARY: Chapter 2006-213, Laws of Florida, contains amendments to chapter 494, Florida Statutes, relating to mortgage brokering and lending. The proposed rules implement and reflect the statutory changes, which pertain to the licensing and regulation of mortgage brokers, mortgage broker businesses, mortgage lenders, and mortgage business schools. The proposed rules mandate electronic filing of forms, fees, and reports; specify the process to be followed when a person or group of persons proposes to acquire a controlling interest in a licensee; require certain persons associated with the applicant or licensee to submit biographical and fingerprint information to the Office of Financial Regulation; provide that if an application is withdrawn or denied, all fees are nonrefundable; provide that if the information contained in any application form, or in any amendment thereto, becomes inaccurate for any reason, the applicant/licensee shall file an amendment correcting such information within thirty (30) days; require mortgage business schools that are applying for a permit to submit their training materials to the Office for review; and streamline and specify other provisions relating to the licensing/permitting process. The proposed rules also authorize the Office to collect an additional \$19.25 from applicants to cover the cost of performing a national criminal history background check. Outdated provisions relating to the Guaranty Fund are repealed.

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

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

SPECIFIC AUTHORITY: 215.405, 494.0011, 494.00016, 494.0029, 494.0031, 494.0032, 494.0033, 494.0034, 494.0035, 494.0036, 494.0061, 494.0062, 494.0064, 494.0065, 494.0076 FS.

LAW IMPLEMENTED: 120.595, 120.60, 120.695, 494.001, 494.0011, 494.0016, 494.0017, 494.0025, 494.0029, 494.00295, 494.0031, 494.0032, 494.0033, 494.0034, 494.0035, 494.0036, 494.0038, 494.0039, 494.00331, 494.00311, 494.004, 494.0041, 494.0042, 494.0043, 494.0061, 494.0062, 494.064, 494.065, 494.066, 494.067, 494.0072 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: Greg Oaks, Bureau Chief, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, FL 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-40.001 Definitions.

The definitions provided in Section 494.001, F.S., and the following defined terms, shall apply to this rule chapter and shall serve as the Office of Financial Regulation's interpretation unless the language of the rule indicates to the contrary:

(1) through (10) No change.

~~(11) "Moral Turpitude" shall be defined as follows: "Moral turpitude involves duties owed by persons to society as well as acts contrary to justice, honesty, principle or good morals." This includes, but is not limited to, theft, extortion, use of the mail to obtain property under false pretenses, tax evasion, and the sale of (or intent to sell) controlled substances.~~

~~(11)(12)~~ For purposes of Rules 69V-40.100, 69V-40.200, 69V-40.220, and 69V-40.242, F.A.C.:

(a) "Operate" shall mean to exercise power or influence over the business operations.

(b) "Exercise" shall mean the discharge of an official duty or function.

(c) "Control" shall mean to have the influence and power to make decisions for the business.

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.001, 494.004(1), 494.0041(2)(a), (i), 494.0043, 494.0061(2), (8), 494.0062(2), (11), 494.0067(5), 494.0072(2)(i) FS. History—Revised 9-23-65, Renumbered from 3-3.01 to 3D-40.01 on 9-8-75, Formerly 3D-40.01, Amended 12-7-89, 6-23-91, 8-24-92, 2-11-93, 11-17-93, 4-14-94, 9-7-94, 5-14-95, 7-25-96, 12-12-99, 12-8-02, Formerly 3D-40.001, Amended \_\_\_\_\_.

69V-40.002 Adoption of Forms.

(1) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapter 69V-40.001-.290, Florida Administrative Code:

(a) Application for Mortgage Brokerage Business and Lender License, Form OFR-494-01, effective XX/XX/2007;

(b) Application for Branch Office License, Form OFR-494-02, effective XX/XX/2007;

(c) Application for Licensure as a Mortgage Broker, Form OFR-494-03, effective XX/XX/2007;

(d) Application for a Mortgage Business School Permit, Form OFR-494-04, effective XX/XX/2007;

(e) Mortgage Brokerage and Mortgage Lending Act Surety Bond, Form OFR-494-05, effective XX/XX/2007;

(f) Mortgage Lender License Renewal and Reactivation Form, Form OFR-494-06, effective XX/XX/2007;

(g) Mortgage Broker License Renewal and Reactivation Form, Form OFR-494-07, effective XX/XX/2007;

(h) Quarterly Report Form, Form OFR-494-08, effective XX/XX/2007;

(i) Mortgage Brokerage Deposit Account Form, Form OFR-494-09, effective XX/XX/2007;

(j) Mortgage Brokerage Transaction and Lending Journal, Form OFR-494-10, effective XX/XX/2007;

(k) Calculation of Aggregate Value of Mortgage Loans Serviced, Form OFR-494-11, effective XX/XX/2007;

(l) Non-Institutional Investor's Funds Account Form, Form OFR-494-12, effective XX/XX/2007;

(m) FL921050Z, Florida Fingerprint Card, effective XX/XX/2007.

(2) All forms adopted by this rule are available on the Office's website at [www.flofr.com](http://www.flofr.com) and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0041, 494.0042 FS. History--New \_\_\_\_\_.

69V-40.008 Fees and Commissions.

(1) No change.

(2)(a) In determining the total mortgage brokerage fee, all compensation for the following services, by whatever name called, shall be included:

1. Arranging for a conditional mortgage loan commitment between a borrower and a lender;

2. Taking an application, assembling information and preparing all paperwork and documentation necessary for a conditional mortgage loan commitment;

3. Reviewing, analyzing, and evaluating a borrower's financial statements, income, and credit history; and

4. Incidental services utilized in arranging for and procuring a conditional loan commitment, such as, courier services, express mailings, and long distance telephone charges, except as provided in subparagraph (3)(a)12., below.

5. Premiums and other charges for insurance written in connection with a loan, except as provided in ~~subparagraph (3)(a)5.~~ paragraph (5) below.

(b) The total mortgage brokerage fee shall include all compensation for the services described in paragraph (2)(a), whether or not the compensation is to be received by the licensee, a co-broker, an affiliate, or an independent third party.

(c) A good faith estimate does not supplant or substitute for the agreement required by Section 494.0038(1), Florida Statutes.

(3)(a) In addition to stating the total mortgage brokerage fee, the licensee shall provide a good faith estimate of costs for services or products that may be incurred or expended on behalf of the borrower in arranging for the loan. Services or products for which costs shall be estimated, but which are not required to be included in the mortgage brokerage fee include the following:

1. through 4. No change.

5. Charges for title insurance as defined in Section 624.608, F.S., abstract of title, title search fee, and fees for an attorney's title opinion. A licensee may not receive or accept any monetary consideration or inducement in connection with the issuance of a title insurance policy in a transaction in which he was involved;

6. through 11. No change.

12. Incidental fees, such as, courier services and express mailings if pre-authorized in writing by the borrower;

13. through 17. No change.

(b) The costs enumerated in paragraph (3)(a) may be charged and collected provided they are itemized and supported by an actual expenditure.

(4) through (10) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0041, 494.0042 FS. History--Revised 9-23-65, Amended 9-1-67, 5-8-68, Renumbered from 3-3.08 to 3D-40.08 on 9-8-75, Amended 9-29-75, 4-27-77, Joint Administrative Procedures Committee Objection Filed -- See FAW Vol. 2, No. 19, May 7, 1976, Joint Administrative Procedures Committee Objection Withdrawn--See FAW Vol. 3, No. 30, July 29, 1977, Amended 7-6-78, 2-5-80, 8-17-83, Formerly 3D-40.08, Amended 1-5-87, 5-24-89, 8-24-92, Formerly 3D-40.008, Amended \_\_\_\_\_.

69V-40.015 Payment of Guaranty Fund Claims.

~~(1)(a) Subsequent to the expiration of two (2) years from the date the first complete and valid notice was received by the Office of Financial Regulation, the Office of Financial Regulation shall determine which claims have met the conditions prescribed in former subsection 494.042(2) and Section 494.043, F.S.~~



~~(b)1. The Office of Financial Regulation shall use the following formula for claims that have satisfied the requirements of former Sections 494.042 and 494.043, F.S., prior to the expiration of two years from the date the first complete and valid notice was received by certified mail by the Office of Financial Regulation:~~

~~2. The ratio of the Aggregate Amount to the Total Claim Amount shall never exceed one hundred (100) percent.~~

~~(2)(a) After taking into account claims that have satisfied the requirements of former subsection 494.042(2) and Section 494.043, F.S., prior to the expiration of two years from the date the first complete and valid notice was received by certified mail by the Office of Financial Regulation, the Office of Financial Regulation shall pay Individual Claim Amounts which have satisfied former subsection 494.042(2) and Section 494.043, F.S., in the order that certified mail notices required by former subsection 494.043(1)(e) or 494.043(2), F.S., were filed with the Office of Financial Regulation.~~

~~(b) The total amount of all claims paid shall not exceed the applicable Aggregate Amount.~~

~~(3) Claims filed by persons as tenants by the entirety shall be treated as the claim of one eligible claimant with respect to payment from the fund.~~

~~(4) Obtaining a lien pursuant to the Florida Enforcement of Foreign Judgments Act, Sections 55.501-509, F.S., shall be deemed to satisfy the requirements of obtaining a judgment from a Florida court of competent jurisdiction codified in former subsection 494.042(2), F.S., and former subsection 494.043(1)(a), F.S.~~

~~(5)(a) In the event that the licensee or registrant is subject to bankruptcy proceedings, in order to obtain payment from the fund, all claimants file with the Office of Financial Regulation a copy of such claimant's proof of claim by certified mail as required by former subsection 494.043(2), F.S.~~

~~(b) In the event that a claimant complies with former subsection 494.043(1)(e), F.S., and thereafter the licensee or registrant becomes subject to the provisions of the bankruptcy code, the former subsection 494.043(1)(e), F.S., notice shall be used to determine:~~

~~1. The date the two-year period referred in former subsection 494.044(1), F.S., expires; and~~

<del>Aggregate Amount</del>	<del>Individual</del>	<del>Amount</del>
<del>Total Claim</del>	<del>x Claim</del>	<del>= of</del>
<del>Amount</del>	<del>Amount</del>	<del>Payment</del>

~~2. The priority of payments with respect to such claimant should such claimant fail to satisfy the statutory requirements for payments prior to the expiration of the two-year period referred in former subsection 494.044(1), F.S.~~

~~(6) Any person who has met all requirements of former Section 494.042, F.S., and former Section 494.043, F.S., shall assign such right, title, and interest in the judgment, to the~~

~~extent of their recovery from the fund to the Office of Financial Regulation using the Mortgage Brokerage Guaranty Fund Assignment, Form OFR-MBGF-002, effective 6-23-91, which is hereby incorporated by reference, available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(7) Payment or disbursement from the fund shall be in accordance with Section 216.331, F.S., and shall be paid by warrant to any person who has been determined by a Florida court of competent jurisdiction to have suffered monetary damages as a result of any violation of this chapter by a licensee or registrant.~~

~~(8) In the event that sufficient funds are not available to pay claims which have been approved for payment, guaranty fund payments shall be made in the order that such claims were filed with the Office of Financial Regulation; provided that, claims approved by final order which have been appealed or are otherwise subject to further pending proceedings shall not be considered until such appeal or other proceedings have been completed.~~

~~Specific Authority 494.0011(2) FS. Law Implemented 494.0017 FS. History—New 6-23-91, Amended 11-17-93, 7-25-96, Formerly 3D-40.015, Repealed.~~

69V-40.020 Changes of Address.

~~All licensees shall notify the Office of Financial Regulation of any change of address in writing to the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~Specific Authority 494.0011(2) FS. Law Implemented 494.0031, 494.0032, 494.0033, 494.0034, 494.0036, 494.0039, 494.0061, 494.0062, 494.0064, 494.0065, 494.0066, 494.0067 FS. History—New 10-1-91, Amended 8-24-93, 7-25-96, 12-12-99, Formerly 3D-40.020, Repealed.~~

69V-40.021 Fictitious Name Registration.

~~No mortgage business school, mortgage brokerage business or lender person having a license or permit pursuant to Chapter 494, F.S., will be permitted to use a fictitious name unless they have provided evidence to the Office of Financial Regulation that such fictitious name is duly registered with the Florida Secretary of State, pursuant to Section 865.09, F.S.~~

~~Specific Authority 494.0011(2) FS. Law Implemented 494.0029(3)(e), 494.0031(3)(e), 494.0041(2)(q), 494.0072(2)(q), 865.09 FS. History—New 8-7-97, Formerly 3D-40.021, Amended.~~

69V-40.022 Quarterly Report Filing Requirements.

~~(1) through (2) No change.~~

~~(3) The report shall may be filed electronically on Form OFR-494-08 OFR-MX-QR-E by accessing the Office of Financial Regulation's website at www.dbf.state.fl.us/lofr.com or the report may be filed on Form OFR-MX-QR in a typed format. Forms OFR-MX-QR and OFR-MX-QR-E are hereby~~

~~incorporated by reference and are available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(a) Any person may petition for a waiver of the requirement of electronic filing of quarterly reports by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the quarterly report in a paper format. Such petitions are timely filed if received by the office by the quarterly report filing deadline.~~

~~(b) Any person granted a waiver pursuant to paragraph (3)(a) above will be provided a copy of Form OFR-494-08.~~

~~(4) All reports, written or electronic, shall be filed with received by the Office of Financial Regulation in Tallahassee within thirty (30) days after the last day of each calendar quarter. If the 30th day falls on a weekend or official holiday such reports will be considered timely filed received on the next business day.~~

~~(5) No change.~~

~~(6) Form OFR-494-08 is incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

~~Specific Authority 494.0011(2), 494.004(7)(c), 494.0067(9) FS. Law Implemented 494.0011(2), 494.004(7)(c), 494.0067(9) FS. History—New 11-7-00, Formerly 3D-40.022, Amended \_\_\_\_\_.~~

69V-40.025 Mortgage Broker Examination.

~~(1) Form and Grading. The Office of Financial Regulation or its designee shall be responsible for the administration and grade notification of the Mortgage Broker Examination. The Office of Financial Regulation or its designee shall notify each applicant of the time, place and date of the examination(s) and shall provide the applicant with an official admission notice which shall be required for admission to sit for the examination. Information contained on the official admission notice shall supersede any other information at the assigned examination location.~~

~~(2) Examination Proctors. All examinations shall be administered and supervised by proctors who are Office of Financial Regulation employees or its designees. During the examination the examinees shall abide by the instructions of the proctors.~~

~~Specific instructions for completion of the examination shall be communicated prior to the examination read by the proctor(s) and the examinees shall be permitted to ask reasonable questions relating to the instructions. The Office of Financial Regulation or its designee shall be responsible for determining that the student taking the examination is the actual person authorized to take the examination. Examinees shall not give or receive help from other examinees. There shall be no talking or communication between the examinees while the exam is in progress. Reference materials shall not be permitted in the examination room unless specifically authorized in the instructions.~~

(3) Cheating on an examination or violating test center or examination procedures published orally, in writing, or electronically at the test site by Office of Financial Regulation employees or its designees shall be grounds for denial of licensure by the Office of Financial Regulation. Admission after examination has commenced. Candidates arriving at the assigned examination location after the designated starting time shall be permitted to sit for the examination only after signing a statement clearly specifying the late arrival time and agreeing that they shall have only the time remaining in the examination period to complete the examination. Any candidate that refuses to sign such statement shall be disqualified from the examination and will be rescheduled for the next available examination date if that date is within the candidate's ninety (90) day application period. However, no candidate shall be admitted to the examination if any other candidate has completed the examination and left the examination room.

(4) Conduct which is grounds for exclusion. The following behavior(s) by any candidate is grounds for exclusion, anyone of which shall result in immediate removal from the examination room:

- (a) Unnecessary noise or other disturbance that interferes with the examination process.
- (b) Cheating or attempting to cheat.
- (c) Observing the examination questions or answers of those candidates being tested.
- (d) Removal of any examination materials from the examination room.

Conduct from candidates resulting in the exclusion from an examination may result in denial of licensure by the Office of Financial Regulation.

~~(5) Review procedures.~~ Candidates failing the examination will be notified of the review procedures and will automatically be rescheduled for the next examination date provided that date is within their ninety (90) day application period. Candidates who fail the examination may review their examination one time, for a fee, and must do so at the time and place designated. Candidates reviewing shall have the right to have access to the examination questions, booklet a copy of their examination responses, answer sheet and the correct answers grading key. Rules of examinee conduct during the review are the same as those for the examination.

~~(6) Examination content.~~ Examinations will be written and composed of 100 multiple choice questions. Examinations will be written according to the weight content area as provided in the candidate Study Guide. The following conditions shall apply:

- (a) Candidates must use a number 2 lead pencil to mark their choices on the answer sheet provided.
- (b) The examination will be scored on the basis of 100 points ~~for a perfect examination.~~

(c) An applicant who receives a grade of 75 points or higher shall be passed. A passing score will be valid for a period of 2 years ~~365 days~~ from the date of passing the examination.

(d) Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period.

(e) Candidates may use a non-programmable hand held or battery type calculator.

(f) ~~Test scores will be derived from the number of correct responses. Only those answers indicated by the candidate on the answer sheet will be used in computing the examination score.~~

(g) Candidates will not be permitted to refer to any notes, books or memoranda.

(7) Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period. Candidates will be permitted to may use a non-programmable hand held or battery type calculator.

~~(8)(7)~~ Notification of results. The applicant will be notified of the results of the examination by the Office of Financial Regulation or its designee. ~~Said notification will be sent via U.S. mail within 10 business days of the examination date.~~

Specific Authority 494.0011(2) FS. Law Implemented 494.0033(2)(b) FS. History—New 10-1-91, Amended 6-8-92, Formerly 3D-40.025, Amended \_\_\_\_\_.

69V-40.027 Mortgage Broker Pre-licensing Education Requirement.

(1) through (3) No change.

(4) Within five (5) days of completion of each twenty-four (24) hour mortgage broker course, ~~each~~ the school shall submit to the Office of Financial Regulation the full name of the student, the social security number of each student, the school's name, the school's license number, if applicable, and the completion date ~~a typed list of all students who successfully completed the course. Each In lieu of the typed list, the school shall may submit the required information on list on a 3.5" diskette, by e-mail, or by accessing the Office of Financial Regulation's website at [www.flofr.com](http://www.flofr.com) [www.dbf.state.fl.us](http://www.dbf.state.fl.us). The list shall include the full name of the student, the social security number of each student, the school's name, the school's license number, and the completion date.~~ Each mortgage business school shall maintain student completion records for at least three (3) years from the completion dates.

(5) An instructor of a school who teaches a pre-licensing course ~~that teaches the 24 hours of pre-licensing education~~ may use the course toward the satisfactory completion of the pre-licensing education requirement.

Specific Authority 494.0011(2), 494.0016 FS. Law Implemented 494.0016, 494.00295, 494.0033 FS. History—New 7-5-92, Amended 11-5-95, 11-24-97, 8-22-99, 12-9-01, Formerly 3D-40.027, Amended \_\_\_\_\_.

69V-40.0271 Professional Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives.

(1) ~~Effective October 1, 2001,~~ All persons licensed as a mortgage broker shall satisfactorily complete fourteen (14) hours of professional continuing education (~~“continuing education”~~) covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 69V-40, F.A.C.

(2) ~~Effective October 1, 2002,~~ The principal representative, and each loan originators, ~~and associates~~ of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause shall satisfactorily complete fourteen (14) hours of professional continuing education covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 69V-40, F.A.C.

(3) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage Business School or an accredited college, university, community college, or area vocational-technical school in this State which offers the fourteen (14) hour professional continuing education course(s). Qualifying hours of at least 4 hours may be obtained by attending training courses covering the provisions of Chapter 494, F.S., and Chapter 69V-40, F.A.C., that are conducted by the Office of Financial Regulation or its Regional Offices.

(4) For the purpose of this rule, the following definitions will apply:

(a) “Hour” shall mean 60 minutes of class time, of which 50 minutes shall be instruction, with a maximum of 10 minutes of break per hour.

(b) “School” shall mean any duly permitted and accredited Mortgage Business School and any accredited college, university, community college, or area vocational-technical school in this State, which offers the fourteen (14) hour professional continuing education course.

(c) “Student” shall mean all persons licensed as a mortgage broker, the principal representative, and loan originators of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause.

(d) "Good Cause" means an incident or occurrence which is beyond the control of the student and which prevents attendance. Examples of good cause include, but are not limited to, disabling accident, illness, call to military duty, or declared national emergency.

(5) The fourteen (14) hours of professional continuing education can be taken in one or more courses at one or more schools.

(6) Schools shall not issue certificates of completion to students who do not attend or complete the scheduled hours for any professional continuing education course.

(a) Schools shall be responsible for determining that the student attending or completing the professional continuing education course is the actual person scheduled to complete the class or session.

(b) At the discretion of the school, students may miss a class or session and attend a make-up class or session to complete the attendance requirements upon showing good cause.

(c) The school may hold makeup classes or sessions to accommodate the student.

(7) An instructor of a school who teaches a professional continuing education course may use the course toward the satisfactory completion of the professional continuing education requirement.

(8) Neither students nor instructors may earn professional continuing education credit for attending or instructing at any subsequent offering of the same professional continuing education course during any two (2) year period.

~~(9) The continuing education requirements are waived for the license renewal of the mortgage broker, for the biennial license period in which the individual became licensed as a mortgage broker.~~

~~(10) The continuing education requirements for the principal representative are waived for the license renewal of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause, for the biennial license period in which the principal representative completes the 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and also passed a written test in accordance with Rule 69V-40.025, F.A.C., in order to qualify to be designated as a principal representative.~~

~~(9)(11)~~ The professional continuing education courses may be offered through classroom instruction, electronic transmission ("Internet"), or distance education ("correspondence course").

~~(10)(12)~~ The professional continuing education courses taught by using the Internet and correspondence courses shall have:

(a) Course subject matter, assignment work, scholastic standards and other related requirements substantially similar to the course offered by classroom instruction, having due regard however, to the different methods of presentation.

(b) Shall provide students with instructions on how to contact an instructor to answer inquiries. The school shall also disclose to the student when the instructor will be available, however the instructor shall respond within 2 business days to the student's inquiries.

(c) When the course is in the form of a video tape or CD-Rom, the presentation must be of a quality that permits the student to view and listen to the presentation without interfering with the learning process.

~~(11)(13)~~ Within five (5) days of completion of each professional continuing education course, each permitted the school shall submit to the student a certificate of completion indicating successful completion of the course, and the number of hours that course consisted of. Within five (5) days of completion of each professional continuing education course, each permitted school shall submit to the Office of Financial Regulation the full name and mortgage broker license number or social security number of each student, the school's name and license number, the number of hours completed by the student, and the completion date for individuals licensed as mortgage brokers. Each permitted school shall submit the required information on the Office of Financial Regulation's website at www.flofr.com. The schools are not to submit copies of the continuing education requirement certificates to the Office of Financial Regulation. Each mortgage business school shall maintain all student course completion records for at least four (4) three (3) years from the completion dates.

Specific Authority 494.0011(2), 494.0029(3) FS. Law Implemented 494.0016, 494.0029, 494.00295, 494.0034, 494.0064, 494.0067 FS. History—New 12-9-01, Formerly 3D-40.027, Amended \_\_\_\_\_.

69V-40.028 Permit for Mortgage Business School.

(1) Application Process. Each person, school, or institution desiring to obtain a permit for a Mortgage Business School shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Business School Permit, Form OFR-494-04MBS-101, revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(b) A nonrefundable application fee of \$500 which shall be the permit fee for the annual period beginning October 1 of each year or any part thereof.

(c) A \$400 nonrefundable accreditation fee which shall be for the annual period beginning October 1 of each year or any part thereof.

(d) for schools teaching the 24-hour pre-licensing course, all training materials that the applicant plans to distribute to course participants including a copy of all teaching aids, such as flash cards, hand-outs, audio/video materials, computer disks/cd's, and any computer based training.

(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within thirty (30) days from the date of the request. Failure to respond to the request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application shall be denied pursuant to subsection 120.60(1), F.S.

(3) Amendments to Pending Applications. If the information contained in any application for a permit for a Mortgage Business School or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-04. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office. Requests to make changes which are material to the application may be deemed by the Office to be grounds for denial and a new application, accompanied by the appropriate filing fees, may be required.

~~(3) Refunds. If the application is withdrawn or denied, the application fee is nonrefundable. The accreditation fee shall be refunded when the application is withdrawn prior to a decision being rendered by the Office of Financial Regulation.~~

~~(4) Withdrawal of Application. An application may be withdrawn if the applicant submits a written request for same that is approved by the Office of Financial Regulation before the application is approved or denied.~~

~~(5) Valid Period of Permit. Upon approval of an application, a permit will be issued for the remainder of the annual license period, which ends each September 30th. The permit will be valid for this period unless the Office of Financial Regulation takes administrative action against it or unless the permit is terminated by the holder.~~

(4) Withdrawal of Application. An application may be withdrawn if the applicant submits a written request for same that is approved by the Office of Financial Regulation before the application is approved or denied. Withdrawals will be deemed effective upon receipt by the Office.

(5) Refunds. If the application is withdrawn or denied, all fees are non-refundable.

(6) Valid Period of Permit. Upon approval of an application, a permit will be issued for the remainder of the annual license period, which ends each September 30th. The permit will be valid for this period unless the Office of Financial Regulation takes administrative action against it or unless the permit is terminated by the holder.

(7) Form OFR-494-04 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0029(1), (3)(b) FS. Law Implemented 120.60(1), 494.0029 FS. History—New 11-5-95, Amended 8-22-99, 12-9-01, Formerly 3D-40.028, Amended.

69V-40.0281 Mortgage Business Schools Prohibited Practices and Advertising/Publicity.

(1) The following practices are prohibited from being used in any publicity or advertising done by mortgage business schools and will be considered a violation of subsections 494.0029(2)(3)(c) and (d), F.S.:

(a) Making any reference or comparison to another school (named or unnamed).

(b) Any type of guarantee of non-measurable outcomes, such as, but not limited to, “satisfaction guaranteed.”

(c) Any claim to being the only, largest, best, less expensive, or other such comparison.

(d) Any claim or reference as to a school’s knowledge of the State of Florida Mortgage Broker Test questions and answers.

(2) No change.

(3) Pass/Fail Ratio as used in subsection 494.0029(2)(3)(f), F.S., shall be defined as any reference to how a student or any group of students performed on the State Mortgage Broker Examination. No reference shall be made to any comparative superlatives such as, but not limited to, “excellent passing ratio” or “better than average results.”

(4) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0029, 494.00295 FS. History—New 8-14-97, Amended 12-9-01, Formerly 3D-40.0281, Amended.

69V-40.029 Mortgage Business School Permit Renewal.

(1) Each active Mortgage Business School permit shall be renewed for the annual period beginning October 1 of each year upon submission of the following:

(a) A permit renewal fee of \$500, ~~and a completed renewal form, Form OFR-MBS-202, Mortgage Business School Renewal Form, revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

(b) A recertification accreditation fee of \$400 for the school; ~~and~~

(c) For schools teaching the 24-hour pre-licensing course, all training materials that the applicant plans to distribute to course participants including a copy of all teaching aids, such as flash cards, hand-outs, audio/video materials, computer disks/cd’s, and any computer based training.

(2) Renewal fees shall be sent directly to the Office of Financial Regulation or may be paid electronically by the following the applicable instructions on the Office of Financial Regulation's website at www.flofr.com. The Office of Financial Regulation shall deem a renewal received upon receipt of the requisite fees and training materials at such time as it has been dated stamped by the Cashier's Office of the Department of Financial Services or the date the renewal process has been completed on the Office's website. All renewal fees and training materials must be received by September 30 of the year in which the permit expires. If September 30 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received.

~~(3)(2)~~ Failure to submit the fees and training materials ~~renewal form~~ required in subsection (1) prior to October 1 or each renewal year shall automatically result in the permit becoming expired. After the license has expired, there is no provision for reinstatement. A new application for a permit must be submitted as described in Rule 69V-40.028, F.A.C.

Specific Authority 494.0011(2), 494.0029(1), (3)(b) FS. Law Implemented 494.0029 FS. History--New 11-5-95, Amended 8-22-99, 12-9-01, Formerly 3D-40.029, Amended.

69V-40.031 Application Procedure for Mortgage Broker License.

(1) Each person desiring to obtain licensure as a mortgage broker shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Licensure as a Mortgage Broker, Form OFR-494-03 ~~OFR-MB-101, revised 03/05, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. The application must be completed and signed within thirty (30) days prior to receipt by the Office;~~

(b) The statutory nonrefundable application fee required by Section 494.0033, F.S., which shall be the fee for the biennial period beginning September 1 of each odd-numbered year or any part thereof;

(c) A completed fingerprint card (FL921050Z) mailed to the Office of Financial Regulation, 200 East Gaines St., Tallahassee, Florida 32399-0376; accompanied by a \$23 nonrefundable processing fee; and

(d) A nonrefundable fingerprint card processing fee of \$42.25;

~~(e)(d)~~ Evidence that the applicant has completed the mortgage broker education requirements of subsection 494.0033(3), F.S. and

(f) Evidence that the applicant has passed the mortgage broker examination as defined in Rule 69V-40.025, F.A.C.

(2) Request for Additional Information. Any request for additional information, including a passing score on the Mortgage Broker Examination, will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(3) Amendments to Pending Applications. ~~Amendment of Application.~~ If the information contained in an Application for Licensure as a Mortgage Broker or any amendment thereto becomes inaccurate for any reason ~~before the applicant becomes licensed;~~ the applicant shall file an amendment ~~be responsible for~~ correcting such ~~the inaccurate~~ information within thirty (30) ten (10) days of the change on Form OFR-494-03 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application ~~or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee(s) fee, may be required.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(5) Refunds. If the application is withdrawn or denied, the application fee and fingerprint processing fee are nonrefundable.

(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

~~(7) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights~~

~~and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(7) All applications, fees, data and forms required, except the fingerprint card, to be filed under this rule shall be filed electronically at [www.flofr.com](http://www.flofr.com). An application and fees submitted electronically on the Office's website shall be considered received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation is issued by the Office upon successful submission of an application and payment of all fees.

(8) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format.

(9) Form OFR-494-03 and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 120.60(1), 494.0033 FS. History—New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, 8-22-99, 12-12-99, 12-11-03, Formerly 3D-40.031, Amended 5-24-05, \_\_\_\_\_.

69V-40.043 Mortgage Broker License Renewal and Reactivation.

(1) Each active mortgage broker license shall be renewed for the biennial period beginning September 1 of each odd-numbered year upon submission of the statutory renewal fee required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and a completed renewal form, Form OFR-494-07MB-103, Mortgage Broker License Renewal and Reactivation Form, revised 10/01, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) through (5) No change.

(6) All applications, fees, data and forms required to be filed under this rule shall be filed electronically at [www.flofr.com](http://www.flofr.com).

(7) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format. If the payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

(8) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment.

(9) Form OFR-494-07 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.001(3), 494.00295, 494.00331(1), 494.0034 FS. History—New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, 12-12-99, 2-5-01, 12-9-01, Formerly 3D-40.043, Amended \_\_\_\_\_.

69V-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) Each person desiring to obtain licensure as a mortgage brokerage business shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for ~~Licensure as a Mortgage Brokerage Business and Lender License, Form OFR-494-01MB-201, revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) through (c) No change.

(2) Each ultimate equitable owner of 10% or greater interest, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, the chief executive officer and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from; Form OFR-494-01MBB-BIO-1 (revised 10/99), to the Office of Financial Regulation along with a ~~\$42.25~~ \$23 nonrefundable processing fee. ~~Form OFR MBB-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the operation of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(a)(e) If any ultimate equitable owner of 10% or greater interest, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, the individual owner, director, control person, member, partner, joint venturer, of the applicant or chief executive officer, holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).

~~(b)(d)~~ If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25.50% or more of the ownership interest or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

~~(c)(e)~~ Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in an Application for Licensure as a Mortgage Brokerage Business or in any amendment thereto becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall file an amendment be responsible for correcting such the inaccurate information within thirty (30) ten (10) days of the change on Form OFR-494-01 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all the application fees are is nonrefundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

~~(8) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(8) Form OFR-494-01 and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 215.405, 494.0011(2), 494.0031(2) FS. Law Implemented 494.0031, 494.0035 FS. History—New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-11-03, Formerly 3D-40.051, Amended.

69V-40.053 Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation.

(1) Each active mortgage brokerage business license shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0032, F.S., ~~and a completed renewal form. Form OFR-MB-707, Mortgage Brokerage Business License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) A mortgage brokerage business license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0032, F.S., ~~and submission of a completed reactivation form.~~ If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) Each active mortgage brokerage business branch office license shall be renewed in conjunction with the mortgage brokerage business license renewal upon submission of the statutory renewal fee required by Section 494.0032, F.S., ~~and a completed renewal form. Form OFR-MB-708, Mortgage Brokerage Business Branch Office License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(4) A mortgage brokerage business branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive branch office license may be renewed within six (6) months after becoming inactive upon



payment of the statutory renewal and reactivation fees required by Section 494.0032, F.S., ~~and submission of a completed reactivation form.~~ If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) A mortgage brokerage business license and branch office license that is not renewed within six months after the end of the biennial period automatically expires.

~~(6) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment. Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the internet.~~

~~(7) All applications, fees, data and forms required to be filed under this rule shall be filed electronically at www.flofr.com.~~

~~(8) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format. In the event the renewal payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.~~

Specific Authority 494.0011(2), 494.0032(2),~~(3)~~, 494.0036(2) FS. Law Implemented ~~494.001(7)~~, 494.0011(2), ~~494.0031(1)~~, 494.0032, 494.0036 FS. History—New 11-2-86, Amended 2-8-90, 10-1-91, 12-12-99, 11-1-00, 2-5-01, Formerly 3D-40.053, Amended \_\_\_\_\_.

69V-40.058 Application Procedure for Mortgage Brokerage Business Branch Office License.

(1) Every mortgage brokerage business which conducts mortgage brokerage business in this state from a branch office shall apply to the Office of Financial Regulation for a license to operate a branch office by submitting the following:

~~(a) A completed Application for Mortgage Brokerage Business Branch Office License, Form OFR-494-02MB-301, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) The statutory, nonrefundable license fee required by Section 494.0036, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year of any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

~~(4) Amendments to Pending of Applications.~~ If the information contained in an Application for Mortgage Brokerage Business Branch Office License ~~or in any amendment thereto~~ becomes inaccurate for any reason ~~before the applicant becomes licensed~~, the applicant shall file an amendment ~~be responsible for correcting such the inaccurate information within thirty (30) ten (10) days of the change on Form OFR-494-02 occurring by following the procedures set forth in this subsection.~~ An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application ~~or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all the license fees are ~~is~~ nonrefundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

(8) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0036(2) FS. Law Implemented 494.0036 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 8-22-99, 12-12-99, Formerly 3D-40.058, Amended \_\_\_\_\_.

69V-40.099 Amendments, Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed as a mortgage broker, mortgage brokerage business, mortgage lender, or correspondent mortgage lender, or permitted mortgage business school which proposes to change its name, form of business organization, or any other information contained in any initial application form or any amendment thereto, must file an amendment pursuant to Sections 494.004(6) and 494.0067(4), F.S., not later than thirty-days (30) after the effective date of the change on Form OFR-494-01 for Mortgage Brokerage Businesses and Lenders, Form OFR-494-02 for Branch Offices, Form OFR-494-03 for Mortgage Brokers, and Form OFR-494-04 for Mortgage Business Schools changes her or his name of record, as filed with the initial application for licensure, or any subsequent change on file and acknowledged by the Office of Financial Regulation thereafter, shall notify the Office of Financial Regulation, in writing, of the name change and shall provide documentation authorizing such name change within thirty (30) days of the date effecting such change. Any licensee pursuant to Sections 494.0061 or 494.0062, F.S., shall additionally provide a completed surety bond, on Form OFR-494-05 ML 444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, which is hereby incorporated by reference (effective 10/91), executed in the new name of the licensee as documented by the requirements of this subsection. The form is available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Name changes pursuant to this subsection shall not involve any change in controlling interest of the licensed entity.

(2) Each licensed mortgage brokerage business, mortgage lender, or correspondent mortgage lender which proposes to change any personnel described in Sections 494.004 and 494.0067, F.S., listed in any initial application form or any amendment thereto must file an amendment not later than thirty-days (30) prior to the effective date of the change or within two (2) business days after the date the licensee first received notice of the change on Form OFR-494-01 for Mortgage Brokerage Businesses and Lenders. In the event the change in personnel in Sections 494.004 and 494.0067, F.S., listed in any initial application or any amendment thereto results in the addition of anyone referenced in this subsection, such persons must comply with Subsections 494.0031(2)(c) & (d), 494.0061(2)(g) & (h), 494.0062(2)(g) & (h), or 494.0065(5)(e) & (f), F.S. unless such person has previously complied with an entity currently licensed under this chapter and the person is currently affiliated with such entity the entity licensed with the Office of Financial Regulation shall file a new application for licensure pursuant to Section 494.0031, 494.0061, or 494.0062, F.S. Application forms are available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(3) Applications for licensure as ~~Any person or persons, who directly or indirectly, seeks to own, control, or hold with power to vote, or holds proxies representing 50 percent or greater of any class of equity securities or ultimate equitable ownership of a mortgage brokerage business, mortgage lender or correspondent mortgage lender required as a result of an acquisition of a controlling interest in a licensee pursuant to Subsection 494.004(6) & 494.0067(4), F.S.,~~ must be filed in a timely manner as to allow the Office to complete its review of the application prior to the effective date of the acquisition, but no later than thirty (30) days prior to the date of such acquisition. Such applications must be filed in accordance with shall file a new application for licensure pursuant to Section 494.0031, 494.0061, or 494.0062, F.S., prior to the effective date of the change in ownership or control interest.

(4) Any person who is subjected to the requirements of subsection (2) or (3) herein, and who seeks to own, control, or hold power to vote of a mortgage lender licensed pursuant to the Saving Clause, Section 494.0065, F.S., is subjected to the net worth requirements as specified in subsection 494.0065(1)(a)2., F.S., when reapplying for licensure as required in subsections (2) and (3) above. An application for licensure under this subsection shall be submitted in accordance with Rule 69V-40.100, F.A.C.

(5) The office shall waive the requirement for a licensee to file a new application pursuant to subsections 494.004(6) & 494.0067(4), F.S.:

(a) when a person or group of persons proposing to purchase or acquire a controlling interest in a licensee has previously filed the information with the Office required in Subsections 494.0031(2)(c) & (d), 494.0061(2)(g) & (h), 494.0062(2)(g) & (h), or 494.0065(5)(e) & (f), F.S., with a mortgage brokerage business or lender currently licensed to the office, provided that such person is currently affiliated with the mortgage brokerage business or lender licensee; or

(b) when the acquirer is currently licensed with the office as a mortgage broker, mortgage brokerage business or lender.

(6) If the requirement to file a new application for a change in controlling interest is waived pursuant to subsection 5 of this rule, the licensee must file an amendment as prescribed in subsection 2 of this rule to report the change in controlling interest.

(5) Restoration of Civil Rights:

(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.

(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

~~(6) Upon approval of an application, a letter informing the applicant of the Office of Financial Regulation's intent to approve the application will be sent to the applicant's mailing address as indicated on the application. Upon the Office of Financial Regulation's receipt of the original license issued to the former owners, notification that the change in ownership or control has been finalized and the effective date of closing, a license will be issued, effective the later of the date of closing or the date of notice of intent to approve, for the remainder of the biennial licensure period. Failure to respond to the Office of Financial Regulation's notice of intent to approve within thirty (30) days of the date of that letter will result in the application being withdrawn.~~

~~(7) Form OFR-494-01, Form OFR-494-02, Form OFR-494-03, Form 494-04, and Form 494-05 are incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

Specific Authority 494.0011(2) FS. Law Implemented 494.0031, 494.0061, 494.0062, 494.0065 FS. History—New 1-10-93, Amended 5-14-95, 9-3-95, 12-12-99, 11-1-00, Formerly 3D-40.099, Amended \_\_\_\_\_.

69V-40.100 Application Procedure for Transfer Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person who seeks to obtain a controlling ownership or voting interest in a mortgage lender licensed pursuant to the saving clause shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Brokerage Business and Lender License application form Change in Ownership or Control of Saving Clause Mortgage Lender, Form OFR-494-01MLST, revised 9/02, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) A nonrefundable application fee of \$500, which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, then an audited statement from the previous fiscal year end is acceptable.

(d) Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the~~

~~24-hour classroom education and testing requirements of this section.~~ Each mortgage lender applicant pursuant to the saving clause transfer shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, the chief executive officer and each director, control person, member, partner, or joint venturer of an entity applying for licensure as a mortgage lender licensed pursuant to the savings clause, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, ~~Form OFR-ML-BIO-1 (revised 10/99)~~, to the Office of Financial Regulation along with a ~~\$42.25~~ ~~\$23~~ nonrefundable processing fee. ~~Form ML-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) ~~For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.~~

~~(a)(e)~~ If the individual owner, director, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, principal representative, control person, member, partner, or joint venturer ~~or chief executive officer~~ holds an active mortgage broker's license with the Office of Financial Regulation, he or she is exempt from the provisions of subsection (2).

~~(b)(d)~~ If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of ~~25~~50% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

~~(c)(e)~~ Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond to the request within ninety (90)

days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to subsection 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in any application for a license for a Saving Clause Mortgage Lender or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-01. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office. Requests to make changes which are material to the application may be deemed by the Office to be grounds for denial and a new application, accompanied by the appropriate filing fees, may be required.

(a) ~~An applicant shall notify the Office of Financial Regulation within ten (10) days of the occurrence of any change in the information reported on the application.~~

(b) ~~An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within (30) days from its receipt for filing. Otherwise the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.~~

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all the application fees are is nonrefundable.

(7) ~~Form OFR-494-01 and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C. Upon approval of an application, a letter informing the applicant of the Office of Financial Regulation's intent to approve the application will be sent to the applicant's mailing address as indicated on the application. Upon the Office of Financial Regulation's receipt of the original MLS license issued to the former owners, notification that the change in ownership or control has been finalized and the effective date of closing, a license will be issued effective, the later of the date of closing or the date of notice of intent to approve, for the~~

~~remainder of the biennial licensure period. Failure to respond to the Office of Financial Regulation's notice of intent to approve within thirty (30) days of the date of that letter will result in the application being withdrawn.~~

Specific Authority 494.0011(2), 494.0061(3), (8), (10), 494.0065(3) FS. Law Implemented 120.60, 494.001(30)(29), 494.0061(1), (3), (8), 494.0065 FS. History—New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.100, Amended \_\_\_\_\_.

69V-40.105 Branch Office License for Transfer Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person applying for a transfer change in ownership or control of a saving clause mortgage lender, who also wishes to operate branch offices of that saving clause mortgage lender shall apply to the Office of Financial Regulation for a license to operate each branch office by submitting the following:

(a) A completed Application for ~~Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License, Form OFR-494-02ML-222B, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(b) The statutory, nonrefundable license fee required by Section 494.0066, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in Subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in any application for a license for a branch office of a Savings Clause Mortgage Lender or any amendment thereto, becomes inaccurate for any reason, the application shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-02. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within (30) days from receipt of the application by the Office its receipt for filing. Otherwise the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to

the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) through (7) No change.

(8) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 494.0065, 494.0066 FS. History—New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, Formerly 3D-40.105, Amended \_\_\_\_\_.

#### 69V-40.156 Third-party Fee Accounts.

(1) All third-party fees and refundable application fees received by a mortgage brokerage business shall immediately be deposited in a segregated account in a federally insured financial institution located in Florida. The account shall be in the name of the mortgage brokerage business and shall provide for withdrawal of funds without notice. The account shall be used exclusively for third-party fees and refundable application fees. The licensee shall maintain an updated and accurate record of account activity on Form OFR-494-09MX-999, Mortgage Brokerage Deposit Account Form (effective 12/91), which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375, or on a format which is substantially similar to Form OFR-494-09MX-999.

(2) through (3) No change.

(4) Form OFR-494-09 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.695, 494.0038(5), 494.0041(2)(e), 494.0068(3), 494.0072(2)(e) FS. History—New 12-3-91, Amended 7-25-96, 12-12-99, Formerly 3D-40.156, Amended \_\_\_\_\_.

#### 69V-40.160 Principal Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the principal broker and the individual designated shall accept responsibility by completing the Principal Broker/Representative Designation section of Form OFR-494-01MB-PB, effective 10/91, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) Upon any change of principal broker, the licensee and the newly designated principal broker shall amend complete the Principal Broker/Representative Designation section of

Form OFR-494-01MB-PB pursuant to subsection 69V-40.099(1), F.A.C. Form OFR-494-01MB-PB shall be maintained at the principal office of the mortgage brokerage business, and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to the Office of Financial Regulation's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation. Anyone being designated as a principal broker on or after October 1, 2001, must have been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., for at least one year, or has demonstrated to the satisfaction of the Office of Financial Regulation that the designated principal broker has been actively engaged in a mortgage-related business for at least one year, as defined in Rule 69V-40.051, F.A.C.

(3) The penalty for failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01MB-PB shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01MB-PB is intentional, the penalty shall be a fine of \$5,000.

(4) Each licensee principal broker shall notify the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375 in writing, within thirty (30) days, of the termination or resignation of a principal broker status.

(5) Form OFR-494-01 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0035 FS. Law Implemented 120.695, 494.0011(2), 494.0016, 494.0035 FS. History—New 10-7-91, Amended 7-25-96, 12-12-99, 12-9-01, Formerly 3D-40.160, Amended \_\_\_\_\_.

#### 69V-40.165 Branch Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the branch broker of the branch office, and the individual shall accept such responsibility by completing the Branch Broker/Employee in Charge Designation section of Form OFR-494-02MB-BB (effective 10/91), which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) Upon any change of Branch Broker, the licensee and the newly designated branch broker shall complete the Branch Broker/Employee in Charge Designation section of Form OFR-494-02MB-BB pursuant to subsection 69V-40.099(1), F.A.C. Form OFR-494-02MB-BB shall be maintained at the applicable branch office of the mortgage brokerage business; and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to

~~the Office of Financial Regulation's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.~~

(3) The penalty for failure to maintain Form OFR-494-02~~MB-BB~~ shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation OFR-494-02~~MB-BB~~ is intentional, the penalty shall be a fine of \$5,000.

(4) Each licensee branch broker shall notify the Office of Financial Regulation in writing, within thirty (30) days, of termination or resignation of a branch broker status.

(5) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0035(2) FS. Law Implemented 120.695, 494.0011(2), 494.0016, 494.0035(2) FS. History—New 10-7-91, Amended 7-25-96, 12-12-99, 12-9-01, Formerly 3D-40.165, Amended \_\_\_\_\_.

69V-40.170 Books and Records.

(1) No change.

(2)(a) A licensee may maintain required books, accounts, and records at a location other than the principal place of business. The licensee must notify the Office of Financial Regulation in writing prior to said books, accounts, and records being maintained in any place other than the designated principal place of business. Such notification shall be submitted to the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376~~5~~.

(b) No change.

(3) through (6) No change.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.595, 494.0016, 494.0041(2) FS. History—New 2-16-92, Amended 7-25-96, 12-12-99, 1-16-03, Formerly 3D-40.170, Amended \_\_\_\_\_.

69V-40.177 Mortgage Brokerage and Lending Transaction Journal.

(1) Each mortgage brokerage business and lender acting in the capacity of a mortgage brokerage business shall maintain a journal of mortgage brokerage transactions, which shall include, at least, the following information:

(a) Name of applicant;

(b) Date applicant applied for the mortgage loan;

(c) Disposition of the mortgage loan application. The Mortgage Brokerage and Lending Transaction Journal shall indicate the result of the brokerage transaction. The disposition of the case shall be categorized as one of the following: loan funded, loan denied, application withdrawn, or other (with explanation);

(d) Name of lender, if applicable.

(2) The journal shall be maintained in a format which is substantially similar to Form OFR-494-10~~MX-888~~, Mortgage Brokerage and Lending Transaction Journal, ~~revised 7-25-96,~~

~~which is hereby incorporated by reference and is available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(3) through (4) No change.

(5) Form OFR-494-10 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.695, 494.0016, 494.0041 FS. History—New 2-16-92, Amended 7-25-96, 12-12-99, Formerly 3D-40.177, Amended \_\_\_\_\_.

69V-40.200 Application Procedure for Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a mortgage lender shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Brokerage Business and Licensure as a Mortgage Lender License, Form OFR-494-01~~ML 222~~, ~~revised 09/02, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) The statutory, nonrefundable fee required by Section 494.0061, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$250,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form OFR-494-05~~ML 444~~, Mortgage Brokerage and Mortgage Lending Act Surety Bond, ~~effective 10-1-91, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(e) Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.~~ Each mortgage lender applicant shall include as part of

the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, ~~principal representative, the~~ chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary ~~from~~ Form OFR-494-01ML-BIO-1 (revised 10/99), to the Office of Financial Regulation along with a ~~\$42.25~~ \$23 nonrefundable processing fee. ~~Form OFR-ML-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) ~~Any entity that is a wholly owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).~~

(b) ~~For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.~~

~~(a)(e) If any ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, or the individual owner, director of the applicant, or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).~~

(d) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond to the request within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to subsection 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in an Application for Licensure as a Mortgage Lender or in any amendment thereto becomes inaccurate for any reason ~~before the applicant becomes licensed~~, the applicant shall file an amendment ~~be responsible for correcting such the inaccurate information within thirty (30) ten (10) days of the change on Form OFR-494-01ML-222 occurring by following the procedures set forth in this subsection.~~ An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office ~~its receipt for filing.~~ Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application ~~or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all fees are the fee is nonrefundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

~~(8) Restoration of Civil Rights:~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(8) Form OFR-494-01, Form 494-05, and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 215.405, 494.0011(2), 494.0061(3), (8), (10) FS. Law Implemented 120.60, 494.001(29), 494.0061 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.200, Amended.

69V-40.205 Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation.

(1)(a) Each active mortgage lender license and mortgage lender license pursuant to the saving clause shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed renewal form. Form OFR-494-06~~ML-R~~, Mortgage Lender License Renewal and Reactivation Form, revised 7/1/2004, and Form OFR-~~ML-RS~~, Mortgage Lender License Pursuant to Saving Clause Renewal and Reactivation Form, revised 7/1/2004, are hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(b) In lieu of submitting audited financial statements, the licensee shall certify that it has continuously maintained the net worth requirements of:

1. \$25,000 or more imposed by Section 494.0065, F.S.; or
2. \$250,000 or more imposed by Section 494.0061, F.S.

Upon request of the Office, the licensee shall provide a copy of its most recent audited financial statements that substantiate its net worth.

(2) A license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) Each active mortgage lender branch office license shall be renewed in conjunction with the mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed branch office license renewal form. Form OFR-~~ML-RB~~, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 7/1/2004, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(4) A mortgage lender branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed license reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) A mortgage lender license and branch office license that is not renewed within six months after the end of the biennial period automatically expires.

(6) All applications, fees, data and forms required to be filed under this rule shall be filed electronically at [www.flofr.com](http://www.flofr.com). Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website ([www.dbf.state.fl.us](http://www.dbf.state.fl.us)) on the Internet. The licensee shall certify that it has continuously maintained the net worth requirements of Section 494.0061 or 494.0065, F.S.

(7) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the applications, fees, data and form in paper format. In the event the payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

(8) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment.

(9) Form OFR-494-06 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0064(2), 494.0065(3) FS. Law Implemented 494.001(4), 494.0011(2), 494.0061(1), 494.0064, 494.0065 FS. History—New 10-1-91, Amended 9-3-95, 8-5-96, 12-12-99, 11-1-00, 2-5-01, Formerly 3D-40.205, Amended 11-9-04, \_\_\_\_\_.

69V-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a correspondent mortgage lender shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Brokerage Business and Licensure as a Correspondent Mortgage Lender License, Form OFR-~~494-01CL-333~~, revised 09/02, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) The statutory, nonrefundable fee required by Section 494.0062, F.S., which shall be the fee for the biennial period beginning September 1 of each even numbered year or any part thereof;



(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form OFR-494-05ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(e) Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.~~ Each correspondent mortgage lender applicant shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary ~~from~~ Form OFR-494-01CL-BIO-1 (revised 10/99), to the Office of Financial Regulation along with a ~~\$42.25~~ \$23 nonrefundable processing fee. ~~Form OFR-CL-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) ~~Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).~~

(b) ~~For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.~~

~~(a)(e)~~ If the individual principal representative, owner, director, or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).

~~(b)(d)~~ If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of ~~2550%~~ or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

~~(c)(e)~~ Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to subsection 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in an Application for Licensure as a Correspondent Mortgage Lender or in any amendment thereto, becomes inaccurate for any reason ~~before the applicant becomes licensed~~, the applicant shall file an amendment ~~be responsible for~~ correcting such ~~the inaccurate~~ information within thirty (30) ten (10) days of the change on Form OFR-494-01 ~~occurring by following the procedures set forth in this subsection.~~ An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office ~~its receipt for filing.~~ Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application ~~or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, ~~all fees are the fee is~~ nonrefundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

~~(8) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

~~(8) Form OFR-494-01, Form OFR-494-05, Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

Specific Authority 215.405, 494.0011(2), 494.0062(3), (8), (11), (13) F.S. Law Implemented 494.0062 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.220, Amended \_\_\_\_\_.

69V-40.225 Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation.

(1)(a) Each active correspondent mortgage lender license shall be renewed for the biennial period beginning September 1 of each even numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed renewal form. ~~Form OFR-494-06CL-R, Correspondent Mortgage Lender License Renewal and Reactivation Form, revised 7/1/2004, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(b) In lieu of submitting audited financial statements, the licensee shall certify that it has continuously maintained the net worth requirements of \$25,000 or more imposed by Section 494.0062, F.S. Upon request of the Office, the licensee shall provide a copy of its most recent audited financial statements that substantiate its net worth.

(2) A correspondent mortgage lender license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) Each active correspondent mortgage lender branch office license shall be renewed in conjunction with the correspondent mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., ~~and a completed branch office license renewal form. Form OFR-ML-RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 7/1/2004, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(4) A correspondence mortgage lender branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation late fees required by Section 494.0064, F.S., ~~and submission of a completed license reactivation form.~~ If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) A correspondent mortgage lender license and branch office license that is not renewed within six (6) months after the end of the biennial period automatically expires.

~~(6) All applications, fees, data and forms required to be filed under this rule shall be filed electronically at [www.flofr.com](http://www.flofr.com). Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website ([www.dbf.state.fl.us](http://www.dbf.state.fl.us)) on the Internet. The licensee shall certify that it has continuously maintained the net worth requirements of Section 494.0062, F.S.~~

(7) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the applications, fees, data and form in paper format. In the event the payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

(8) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment.

(9) Form OFR-494-06 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0064(2) FS. Law Implemented ~~494.001(7), 494.0011(2), 494.0062(1), 494.0064~~ FS. History—New 10-1-91, Amended 9-3-95, 7-25-96, 12-12-99, 11-1-00, 2-5-01, Formerly 3D-40.225, Amended 11-9-04, \_\_\_\_\_.

69V-40.240 Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office License.

(1) Every mortgage lender or correspondent mortgage lender which conducts mortgage lending business in this state from a branch office shall apply to the Office of Financial Regulation for a license to operate a branch office by submitting the following:

(a) A completed Application for ~~Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License, Form OFR-494-02ML-222B, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) The statutory, nonrefundable license fee required by Section 494.0066, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) ~~Amendments to Pending of Applications.~~ If the information contained in an Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License or in any amendment thereto, becomes inaccurate for any reason ~~before the applicant becomes licensed,~~ the applicant shall file an amendment ~~be responsible for correcting such the inaccurate information within thirty (30) ten (10) days of the change on Form OFR-494-02 occurring by following the procedures set forth in this subsection.~~ An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application ~~or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of

Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) through (7) No change.

(8) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 494.0066 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 8-22-99, 12-12-99, Formerly 3D-40.240, Amended \_\_\_\_\_.

69V-40.242 Principal Representative.

(1) ~~Effective October 1, 2001, Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall designate a principal representative who operates and exercises control over the business and the individual so designated shall accept responsibility by completing the Principal Broker/Representative Designation section of; Form OFR-494-01ML/CL-PR, revised 09/02, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall maintain the a Principal Broker/Representative Designation section of Form; ~~OFR-494-01ML/CL-PR, revised 09/02,~~ which includes a statement notifying the licensee that the principal representative is required by statute to operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(3) Upon any change of principal representative, the licensee and the newly designated principal representative shall amend complete the Principal Broker/Representative Designation section of; Form OFR-494-01ML/CL-PR, revised 09/02 pursuant to subsection 69V-40.099(1), F.A.C. Form OFR-494-01ML/CL-PR, revised 09/02, shall be maintained at the principal office of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the saving clause, ~~and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to the Office of Financial Regulation's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.~~

(4) ~~Anyone being designated as a principal representative or any change in the principal representative after October 1, 2001, must submit evidence that he or she was originally licensed as a mortgage broker pursuant to Section 494.0033, F.S., on or after July 1, 1992, or has completed 24 hours of~~

~~classroom education in accordance with Rule 69V-40.027, F.A.C., and has passed a written test in accordance with Rule 69V-40.025, F.A.C.~~

~~(4)(5) The penalty for failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01ML/CL-PR shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01ML/CL-PR is intentional, the penalty shall be a fine of \$5,000.~~

~~(5)(6) Each licensee ~~principal representative~~ shall notify the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399- 0376 in writing, within thirty (30) days, of the termination or resignation of ~~its his or her~~ principal representative status.~~

~~(6) Form OFR-494-01 is incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

~~Specific Authority 494.0011(2), 494.0016(4), 494.0061(1), (3), (8), 494.0062(3), (11) FS. Law Implemented 120.60, 120.695, 494.001(29), 494.0016(1), 494.0061, 494.0062, 494.0067, 494.0072 FS. History-New 1-27-02, Amended 12-8-02, Formerly 3D-40.242, Amended \_\_\_\_\_.~~

69V-40.265 Mortgage Brokerage and Lending Transaction Journal.

(1) Each mortgage lender or correspondent mortgage lender shall maintain a Mortgage Brokerage and Lending Transaction Journal, which shall include, at least, the following information:

- (a) Name of applicant;
- (b) Date applicant applied for the mortgage loan;
- (c) Disposition of the mortgage loan application. The journal shall indicate the result of the lending transaction. The disposition of the transaction shall be categorized as one of the following: loan funded, loan denied, or application withdrawn.
- (d) Name of lender, if applicable.

(2) The journal shall be maintained on Form ~~OFR-494-10MX-888~~, Mortgage Brokerage and Lending Transaction Journal, or a form substantially similar. ~~Form OFR-MX-888 (revised 7-25-96) is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(3) In lieu of maintaining Form ~~OFR-494-10MX-888~~, each mortgage lender or correspondent mortgage lender may maintain the Home Mortgage Disclosure Act loan/application register, Form FR HMDA-LAR, found at 12 C.F.R., part 203, Appendix A, if all lending transactions are recorded on this form. The form is hereby incorporated by reference. The effective date of the form is 1-10-93.

(4) through (5) No change.

(6) Form OFR-494-10 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.695, 494.0016, 494.0072(2) FS. History-New 1-10-93, Amended 7-25-96, 12-12-99, Formerly 3D-40.265, Amended \_\_\_\_\_.

69V-40.270 Financial Guaranty in Lieu of Uniform Single Audit.

(1) No change.

(2) A mortgage lender electing to provide a financial guaranty in lieu of the single line audit shall document (monthly) the aggregate value of mortgage loans serviced on Form ~~OFR-494-11MX-887, Calculation of Aggregate Value of Mortgage Loans Serviced~~ or a form substantially the same. ~~Form OFR-MX-887, Calculation of Aggregate Value of Mortgage Loans Serviced, effective 2-16-92, is incorporated by reference and available by writing, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~ The lender shall maintain work-papers substantiating the aggregate value documented.

(3) The minimum amount of the financial guaranty for each fiscal year shall be determined by calculating the amount of payments (including payoffs) received monthly by the servicer for the previous twelve (12) month period, then averaging the three (3) highest months. A lender electing to provide a financial guaranty in lieu of the single line audit shall document (monthly) the amount serviced on Form ~~OFR-494-11MX-887~~.

(4) through (5) No change.

(6) Form OFR-494-11 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0076(2)(b) FS. Law Implemented 120.695, 494.0072, 494.0076 FS. History-New 2-16-92, Amended 7-25-96, 12-12-99, Formerly 3D-40.270, Amended \_\_\_\_\_.

69V-40.285 Noninstitutional Investor Funds Account.

(1) All money received by a mortgage lender or correspondent mortgage lender from a noninstitutional investor for disbursement at a mortgage loan closing shall be deposited in a trust account in a federally insured financial institution within seven business days of receipt of the funds unless otherwise directed, in writing, by the noninstitutional investor. Such trust account may be used for more than one noninstitutional investor's funds. Noninstitutional funds may not be commingled with the licensee's operating account or funds. The account shall be in the name of the mortgage lender or correspondent mortgage lender and shall provide for withdrawal of funds without notice. The licensee shall maintain an updated and accurate record of account activity on Form ~~OFR-494-12 MX-555, (effective 8/92), which is hereby incorporated by reference and available by mail from the~~

~~Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375~~, or on a format which is substantially similar to Form OFR-MX-555.

(2) through (4) No change.

(5) Form OFR-494-12 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.0043, 494.0073 FS. History—New 8-24-92, Amended 7-25-96, 12-12-99, Formerly 3D-40.285, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Oaks, Bureau Chief, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, FL 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NOS.:	RULE TITLES:
69W-600.002	Application for Registration as Associated Person
69W-600.006	Associated Persons' Fingerprints

PURPOSE AND EFFECT: Rules 69W-600.002 and 69W-600.006, F.A.C., are being amended to reduce fingerprint processing fees from \$47 to \$42.25. The current fee of \$47 represents \$23 charged by the Florida Department of Law Enforcement for a state criminal history check and \$24 charged by the U.S. Department of Justice for a national criminal history check. The U.S. Department of Justice will be reducing its fee from \$24 to \$19.25. Therefore, the rules are being amended to reduce fingerprint processing fees from \$47 to \$42.25. Rule 69W-600.002, F.A.C., is also being amended to reflect the statutory fee increase for registration of associated persons that took effect July 1, 2007. Section 517.12, Florida Statutes, was amended to increase the fee from \$30 to \$50.

SUMMARY: Rules 69W-600.002 and 69W-600.006, F.A.C., are being amended to reduce fingerprint processing fees from \$47 to \$42.25. Rule 69W-600.002, F.A.C., is also being amended to reflect the statutory fee increase for registration of associated persons that took effect July 1, 2007. Section 517.12, Florida Statutes, was amended to increase the fee from \$30 to \$50.

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: 517.03(1), 517.12(6) FS.

LAW IMPLEMENTED: 517.12(6), (7), (10), 517.1205 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: Pam Epting, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person shall be filed on Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the Office of Financial Regulation may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rule 69W-600.0091, 69W-600.0092, or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Department of Financial Services. For dealers that are member of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. No change.
2. Statutory fee ~~in the amount of \$30~~, for each registration sought, in the amount as required by Section 517.12(10), F.S.
3. through 4. No change.
5. A complete Florida Fingerprint Card (FL921250Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement

agency and accompanied by a non-refundable \$42.25 \$47 processing fee. Form (FL921250Z), Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

- (c) No change.
- (2) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205 FS. History--New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07,\_\_\_\_\_.

69W-600.006 Associated Persons' Fingerprints.

Fingerprints filed in accordance with Section 517.12(7), Florida Statutes, shall be on fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable \$42.25 \$47 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C. The fingerprint card requirement is waived for those associated persons requesting registration with a dealer which is registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been processed for such persons pursuant to the provisions of SEC. rule 17f-2 (17 C.F.R. 240.17f-2 2006), which is hereby incorporated by reference, by said person's current employer.

Specific Authority 517.03 FS. Law Implemented 517.12(7) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Epting, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE
Division of Elections

RULE NO.: 1S-2.042
RULE TITLE: Third-Party Voter Registration Organizations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 8, February 24, 2006 issue of the Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.051
RULE TITLE: Exemptions

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. 27, July 6, 2007 issue of the Florida Administrative Weekly.

in addition to the change published in Vol. 33, No. 36, September 7, 2007 issue of the Florida Administrative Weekly: A paragraph is being added before subsection 40D-4.051(1), F.A.C., to address the District's authority in granting exemptions. The proposed rule language approved by the Southwest Florida Water Management Governing Board on September 25, 2007 is as follows:

The District will exempt from regulation under Section 373, Part IV, F.S., those activities that the District determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the District.

- (1) through (14) No change.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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. 20, May 18, 2007 issue of the Florida Administrative Weekly. The location for the public hearing requested by Tampa Bay Water pursuant to paragraph 120.54(3)(c), F.S., regarding the District's notice of proposed rules to establish minimum flows for the freshwater segment of the Alafia River has been changed. The hearing will be held October 30, 2007, 9:00 a.m., at the Southwest Florida Water Management District Service Office, 6750 Fruitville Road, Sarasota, FL.

A COPY OF THE AGENDA MAY BE OBTAINED BY CONTACTING: Karen Lloyd, Asst. General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 5 days before the hearing by contacting Dianne Lee, (352)796-7211 or 1(800)423-1476, ext. 4658; TDD only number 1(800)231-6103.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-1.607  
 RULE TITLE: Permit Application Processing Fees

**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.

**TABLE 40E-1.607(4)**

**PERMIT APPLICATION PROCESSING FEES FOR PROPRIETARY AUTHORIZATIONS UNDER CHAPTERS 253 AND 258, F.S.,**

**EXCEPT CONSENT OF USE AUTHORIZATIONS**

See Chapter 18-21, F.A.C. for application fees for proprietary authorizations, specifically as follows:

- 18-21.008(1)(a)8. Applications for Lease (eff. 8-10-05)
- 18-21.0081(1)(k) Grandfather Structure Applications (eff. 8-10-05)
- 18-21.009(1)(g) Applications for Public Easement (eff. 8-10-05)
- 18-21.010(1)(i) Applications for Private Easement (eff. 8-10-05)
- 18-21.013(1)(l) Applications to Purchase Lands Riparian to Uplands (eff. 3-27-82)
- 18-21.019(7) Applications for Disclaimers, Quitclaim Deeds or Certificates to Clear Title to Filled Sovereignty Lands and for Disclaimers for Lands Lost Due to Avulsion or to Reclaim Lands Lost due to Artificial Erosion or Artificial Erosion and Avulsion (eff. 4-13-98)

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-3.2085  
 RULE TITLE: Department and Services

**NOTICE OF CORRECTION**

Notice is hereby given that the following change has been made to the date of the hearing, published in Vol. 33, No. 39, September 28, 2007, Florida Administrative Weekly.

DATE AND TIME: October 30, 2007, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Tara E. Ehlers, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28A, Tallahassee, Florida, or call (850)922-0791

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.080  
 RULE TITLE: Home and Community-Based Services Waivers

**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.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

59G-13.080(12). We corrected the title of the procedure code list to read, "Developmental Disabilities Home and Community-Based Services Procedure Codes and Maximum Units of Service."

Appendix F, Page 1, Paragraph 1. Waiver Application and Eligibility Determination. We retitled the section, "Waiver Eligibility Determination," and deleted the first paragraph and paragraph A, which contained references to the Agency for Persons with Disabilities, Application for Services, APDF 04-001. We renamed paragraphs B and C to be paragraphs A and B, and we repaginated the Appendix.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-10.030  
 RULE TITLE: Rental Information

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 35, August 31, 2007 issue of the Florida Administrative Weekly.

The correction is as follows:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 1, 2006

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

**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 JUVENILE JUSTICE**

**Probation**

RULE NOS.:	RULE TITLES:
63D-7.002	Definitions
63D-7.004	Pre-Release Notification
63D-7.005	Post-Residential Supervision
63D-7.008	Violations
63D-7.009	Termination of Services

**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. 26, June 29, 2007 issue of the Florida Administrative Weekly.

63D-7.002 Definitions.

For purposes of this rule chapter, the following terms shall be defined as follows:

(1) through (3) No change.

(4) Community-Based Supervision Services – A community treatment option in which the youth is supervised outside a campus setting in the community by staff of an agency contracted to provide deliverables such as supervision, family counseling, service referrals and educational, vocational and skill training based upon an individualized assessment of the youth’s risks and needs.

(5) through (9) No change.

(10) Facility-Based Day Treatment Services – A treatment option, obtained from a contracted provider, for youth who present a minimum risk to public safety, allowing the youth to live at home and either commute or be transported to a service delivery center in which a variety of interventions focusing on delinquency behaviors are provided. The types of services, which can include school, are based upon an individualized assessment of the youth’s risks and needs. ~~community treatment option in which the youth can attend school or receive services or both, based upon an individualized assessment of the youth’s risks and needs, on a non-residential campus setting obtained from a contracted provider.~~

(11) through (23) No change.

(24) Progressive Response System – A written plan developed in each circuit, in consultation with judges, state attorneys and public defenders, that describes in detail a methodology for responding when youth under supervision violate a condition of their supervision plan. These plans are based upon the principle that sanctions should be based upon

public safety, the assessed criminogenic needs and risks of the youth, and how effective the sanction will be in moving the youth to compliant behavior.

~~(25)~~(24) Request for Release Letter – The letter used by the JPO to formally notify the committing judge of the program’s intent to release. The letter indicates the program requesting the release, the date of release and whether the youth is to be transferred to conditional release, post commitment probation or direct discharge with no DJJ supervision. The Request for Release Letter (DJJ/IS Form 13, January 2007) is incorporated and available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

~~(26)~~(25) Residential Commitment Program – A low-risk, moderate-risk, high-risk, or maximum-risk residential delinquency program for committed youth.

~~(27)~~(26) Sexually Violent Predator (SVP) – For purposes of this chapter, SVP eligible refers to a youth being subject to the requirements of Sections 394.910-394.932, F.S.

~~(28)~~(27) Sexually Violent Predator Program Multidisciplinary Team Notification Letter – The letter used by the JPO to formally notify, in writing, the Department of Children and Families’ Multidisciplinary Team of the anticipated release of youth committed on a sexually violent offense. The Sexually Violent Predator Program Multidisciplinary Team Notification Letter (DJJ/BCS Form 24, September 2006) is incorporated and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

~~(29)~~(28) Youth-Empowered Success Plan (YES Plan) – As incorporated in Rule 63D-5.002, F.A.C.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New \_\_\_\_\_.

63D-7.004 Pre-Release Notification.

(1) through (3) No change.

(4) The residential commitment program shall not release any SVP eligible youth subject to the provisions of Chapter 394, F.S., until the Multidisciplinary Team at the Department of Children and Families (DCF) has determined eligibility and the state attorney’s office has decided whether or not to file a petition. If it ~~is~~ determined that the youth will not be involuntarily committed to DCF then the JPO must notify the program using the Notification of the Decision to Not Involuntarily Commit to DCF Form.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New \_\_\_\_\_.

63D-7.005 Post-Residential Supervision.

(1) While a youth is on post-residential supervision, he or she will typically reside in their family home or in the home of a legal guardian. However, some youth may be in an



independent living program, and others will live in an alternative setting with a family friend or a relative who is not the legal guardian. One of the objectives of service planning for youth on post-residential status is preparing them to make the transition to self-supporting, pro-social adulthood. Independent Living is a category that focuses on providing an array of specialized services and for some youth an opportunity for a placement outside the family home. The program is intended for youths whose home environment is a barrier to a crime-free return to the community, youths who are homeless, and youths who cannot return to their home. Independent Living incorporates residential and nonresidential components. Independent living programs are required to operate according to specific contractual language and applicable DJJ quality assurance standards. Youths with sexual offenses, developmental disabilities, and youths, ~~whose adjudication of dependency precedes the adjudication of delinquency, are not appropriate for residential independent living programs and should not be referred to participate.~~ Youths with histories of arson, cruelty to animals, or first-degree felonies should be permitted to participate in an independent living option on a case-by-case basis and documentation of the youth's appropriateness must be maintained in the case file. When a youth is prescribed psychotropic medications, a medication evaluation must be completed prior to consideration of residential independent living placement and will be handled on a case-by-case basis. Youths whose adjudication of dependency precedes the adjudication of delinquency should be referred back to the Department of Children and Families for an assessment of eligibility for the independent living program operated for dependent children aging out of foster care.

(2) Department Operated Post-Residential Programs.

(a) Conditional release is the most utilized of the post-residential categories. The youth's stay in the community is conditioned upon his continuing compliance with the conditions of his or her YES plan and with the requirement that he or she commits no new law violations. Services and sanctions are built upon the successes experienced while in the residential commitment facility.

(b) Post-commitment probation is ordered by the court at the disposition hearing. If ordered, then the court ordered conditions of supervision shall be followed. In this case, the JPO must inform the commitment program that the youth will be under DJJ supervision when released. A youth will not be placed on post-commitment probation unless there is a court order specifying the probation. If the commitment order does not specifically state post-commitment probation or direct discharge, the youth is considered to be under conditional release status with the department to be either supervised by a JPO under committed status, or placed into a conditional release program.

(3) No change.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New \_\_\_\_\_.

63D-7.008 Violations.

(1) Conditional release:

(a) New law violations: Within twenty-four (24) hours of knowledge of a new law violation, the conditional release staff must personally inform the JPO and vice versa. The JPO and/or conditional release staff must make face-to-face contact with the youth within twenty-four (24) hours of knowledge of a new law violation.

(b) Technical Violations: If a conditional release program feels that a youth has committed a technical violation of the rules of the program, the program must consult the circuit's written progressive response system. The progressive response system is intended to guide decision making when choosing what action to take for technical violations of conditional release. The JPO and/or conditional release staff and supervisor will consult the document when making a decision about the appropriate level of response for an apparent violation may request transfer of the youth out of the conditional release program. If transfer is indicated, tThe conditional release program shall put the request to transfer in writing and the department will consider the request to transfer. If the department decides that transfer is appropriate, then the department shall initiate the transfer procedures under Chapter 985, F.S. If the department decides that transfer is not in the best interest of the youth, the conditional release program will continue to work with the youth toward successful completion of the program.

(c) Absconders: Absconding occurs when a supervised youth goes in a clandestine manner out of the jurisdiction of the court in order to avoid legal process, or when the youth hides, conceals or absents himself or herself with the intent to avoid legal process. Mere absence or not appearing for appointments is not absconding, ~~but may constitute a technical violation if it continues.~~ To constitute absconding, the JPO must have cause to believe that the youth is deliberately avoiding supervision, or has removed himself or herself from the home or community. A youth reported by parents or guardians to have run away, is considered an absconder.

1. At the point the JPO considers the youth to have absconded, the JPO must document all efforts to locate the youth considered an absconder.

2. If a youth absconds from supervision, the conditional release staff is responsible for conducting a diligent search and documenting this search in the field notebook. If the JPO has reasonable cause to believe that the youth has absconded from supervision, the JPO will within one (1) working day, file an Affidavit for Order to Take Into Custody. If not stipulated otherwise by contract, the conditional release staff is responsible for coordinating with the JPO to obtain an Affidavit for Order to Take Into Custody on youths who abscond or fail to report to the conditional release program. In

this case, when the affidavit is processed, a copy must be forwarded within one (1) workday to the conditional release service provider.

(2) Post-commitment probation:

(a) New law violations: New law violations may generate the need to initiate the process for a violation of probation. If the department decides to file an affidavit with the court on seek a violation of probation, the department will follow the procedures established under Chapter 985, F.S.

(b) Technical violations: Technical violations may generate the need to inform the court of for a violation of probation. Each circuit must develop a written progressive response system to guide decision making when choosing what action to take for technical violations of post-commitment probation. The JPO and JPO supervisor will consult this document when making a decision about the appropriate level of response for an apparent violation. If the department decides to file an affidavit with the court on seek a violation of probation, the department will follow the procedures established under Chapter 985, F.S.

(c) Absconders: If a youth absconds from supervision, the JPO is responsible for conducting a diligent search and documenting this search in the field notebook. If the JPO has reasonable cause to believe that the youth has absconded from supervision, the JPO will, within one (1) working day, file an Affidavit for Order to Take Into Custody with the court.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History--New \_\_\_\_\_.

63D-7.009 Termination of Services.

(1) In general, a youth's length of stay on any form of post-release status will depend upon the youth's presenting needs and risk and on the progress made on achieving the objectives of the YES Plan. The minimum length of stay is ninety (90) calendar days. ~~If after one hundred eighty (180) calendar days the youth needs additional supervision, the court may be petitioned to place the youth onto post commitment probation to fulfill the continued obligations of conditional release.~~

(2) Upon completion of all sanctions, performance goals, and the determination that supervision is no longer required, the JPO must submit a Progress Report to the court requesting termination, which must include all court ordered sanctions completed by the youth.

(3) The Progress Report will then be used as a termination summary that must include the status of all court ordered sanctions completed by the youth. Documentation of completed sanctions including community service hours and restitution must be forwarded to the court. The JPO shall review the termination summary and obtain supervisor approval prior to submitting a letter and the Progress Report to the court within three (3) working days of receipt of the

summary. The conditional release staff, youth, and the youth's parent(s)/guardian(s) must also be sent ~~should receive~~ a copy of this letter.

(4) through (7) No change.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History--New \_\_\_\_\_.

## Section IV Emergency Rules

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### 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 May 4, 2007, the St. Johns River Water Management District, received a petition for variance from The Haven at Riviera, LLC, pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application 4-009-106873-1. The permit applicant is proposing to construct a wet detention surface water management system that will serve a 336-unit multi-family residential development and Riviera Drive and at times will discharge to Canals C-72 and C-73 of 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 2007-43.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or by telephone at (386)312-2347.

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NOTICE IS HEREBY GIVEN THAT on September 28, 2007, the St. Johns River Water Management District, received a petition for variance from Brevard County School Board, pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application 4-009-111957-1. The permit applicant is proposing to construct a surface water management system and a mass grading plan, with stormwater treatment by swales and wet detention for a 65.99-acre project known as Brevard County School CCC, in Brevard County. The proposed system will discharge into the Melbourne-Tillman Water Control District canal system, whose waters flow to coastal waters. Rules 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 2007-64.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or by telephone at (386)312-2347.

NOTICE IS HEREBY GIVEN THAT on September 26, 2007, the St. Johns River Water Management District, received a petition for variance from the United States Air Force, pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application 4-009-108357-1. The permit applicant is proposing to construct a wet detention surface water management system, which will discharge at times through a ditch into the Melbourne-Tillman Water Control District canal system. The system will capture and treat stormwater runoff from stabilized dirt roadways and a vegetated parade ground and exercise area, all as part of the project known as Improve Military Training Site – Malabar Annex, 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 2007-67.

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.

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#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN THAT on September 17, 2007, the Agency for Health Care Administration, received a petition for variance from subparagraph 59A-24.006(1)(a)2., Florida Administrative Code, from Doctors Laboratory, Inc.

The Petition seeks a permanent variance regarding the requirements of subparagraph 59A-24.006(1)(a)2., Florida Administrative Code, for Richard E. Struempler as to the qualifications of a Director for a forensic urine drug laboratory as licensed by the Agency for Health Care Administration for the Florida Drug Free Workplace Program.

Please refer all comments to: Amie C. Ragano, Esquire, Assistant General Counsel, Agency for Health Care Administration, 525 Mirror Lake Drive, Suite 330, St. Petersburg, Florida 33701. The Agency for Health Care Administration 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.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on August 7, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code from Jennifer's Cafeteria located in North Miami Beach. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated..... The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty-seven (27).

This variance request was approved September 11, 2007, and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (27) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on August 13, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from El Tejadito located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved September 11, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on August 22, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Café Papillon located in Sanford. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment; both establishments have the same ownership and manger.

This variance request was approved September 11, 2007, and is contingent upon the Petitioner ensuring the bathroom located in the adjacent establishment, Days Gone By, is functional, has running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within and/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no more than seven (7) seats in the establishment which includes inside and outside seating. All provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Sec. 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on August 24, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Luis and Elena Lunch Truck located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved September 20, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on September 17, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Roberto Parrilla Restaurant located in Orlando. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both

patrons and employees...They are requesting a variance to not have bathroom facilities in their facility, but use centrally located bathroom facilities.

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.

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NOTICE IS HEREBY GIVEN THAT on September 17, 2007, the Board of Accountancy, received a petition for Stephen Peritz, seeking a variance or waiver of paragraph 61H1-33.003(1)(b), F.A.C., which requires that a licensee submit an additional 8 hours of Accounting and Auditing subjects for not meeting the deadline for obtaining the required continuing education hours by June 30th of the licensee's reestablishment period. The Petitioner is also seeking a variance or waiver of subsection 61H1-31.001(10), Florida Administrative Code, which requires that a licensee pay a \$50.00 delinquency fee for submitting a CPE reporting form after July 15th of the licensee's reestablishment period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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NOTICE IS HEREBY GIVEN THAT on September 19, 2007, the Florida Department of Environmental Protection, received a petition for a temporary waiver under Section 120.542, Florida Statutes, from the requirement that underground piping installed after June 30, 1992, have secondary containment under subparagraph 62-761.500(8)(e)1., Florida Administrative Code, from Florida Citrus Center, Inc. for their facility in Oxford, Florida (DEP Facility Number 60/8516858). Petitioner requests to operate failed double-walled piping until September 30, 2008, and instead perform pressure tests every 30 days to demonstrate the piping system is tight. The petition has been assigned OGC # 07-1706.

A copy of the Petition for Variance or Waiver may be obtained by contacting: John Svec, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 4525, Tallahassee, Florida 32399-2400, telephone (850)245-8845, e-mail: john.svec@dep.state.fl.us

NOTICE IS HEREBY GIVEN THAT on September 20, 2007, the Department of Environmental Protection has issued an order.

The order is for Publix Super Markets, Inc. variance petition (OGC File No. 07-0764), received on April 30, 2007. The petition requested a variance from the prohibition of construction of an underground storage tank within a 500 foot radial distance of a public water supply well under subsection 62-521.200(7) and paragraph 62-521.400(1)(l), F.A.C. Specifically, the variance requested that an underground storage tank for fuel for an emergency generator be allowed to be constructed at the Publix Super Market located in Sandestin, within 500 feet of a public water supply well owned and operated by the South Walton Utility Company, Inc. 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 an underground storage tank to be constructed within 500 feet of public water supply well 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: Donnie McClaugherty, Department of Environmental Protection, Ground Water Regulatory Section, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8645.

NOTICE IS HEREBY GIVEN THAT on September 24, 2007, the Department of Environmental Protection has issued an order.

The order is for the Florida Keys Aqueduct Authority (FKAA) variance petition (OGC File No. 07-0824), received on May 15, 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 a Class I injection well be allowed to be constructed within 500 feet of FKAA public water supply wells located at the FKAA J. Robert Dean Water Treatment Plant. Notice of receipt of this petition was published in the F.A.W., on June 29, 2007. No public comment was received. The final order granted a variance to allow Class I injection well IW-1 to be constructed within 500 feet of public water supply wells 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.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on August 20, 2007, the Board of Pharmacy, received a petition for Mease Hospital, Inc. d/b/a Mease Hospital, Dunedin, seeking a variance or waiver of subsection 64B16-28.113(1), Florida Administrative Code, which requires that a Board of Pharmacy permit shall be issued only to a single entity at a single location under the control of the permit holder.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or by telephone at (850)245-4292. Comments on this petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

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#### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on September 23, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-21.003(14), paragraph 67-21.003(1)(a), subsection 67-48.004(14) and paragraph 67-48.004(1)(a) and Parts II.A.2.A.(1) and (2) of the Universal Application Instructions, Florida Administrative Code, from Carlisle Group VI, Ltd. ("Petition"). The Petition is seeking a waiver of a prohibition on changes in the identity of an applicant's developer and an applicant's ownership structure.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on September 24, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(b) and Part III.D.1.f of the 2005 Universal Cycle Application Instructions, Florida Administrative Code from Postmaster Associates, Ltd. ("Petition"). The Petition is seeking a waiver of to add Pinnacle Housing Group as the Co-Developer and to allow the use of non-skid ceramic floor tile in lieu of the Berber-type carpet.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on September 24, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-48.010(4) or (5), Florida Administrative Code, from Salt Creek Apartments, Ltd. ("Petition"). The Petition is seeking a waiver which provides the order of priority of payments from Development Case Flow for the project.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on September 25, 2007, the Florida Housing Finance Corporation, received a petition for Waiver and/or Variance of subsections 67-48.002(30) and (32), 67-48.010(5) and 67-48.0072(10), Florida Administrative Code, from 350 NW LLC ("Petition"). The Petition is seeking a waiver or variance to allow for the establishment of a Supplemental Operating Reserve for the deposit of all Development Cash Flow; and a waiver of minimum combined debt service coverage requirements.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on September 25, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(e), Florida

Administrative Code, from BHG-79th St., LLC ("Petition"). The Petition is seeking a waiver of a change in the development site.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on September 25, 2007, the Florida Housing Finance Corporation, received a petition for Variance of Rules 67-38.002 and 67-38.007, Florida Administrative Code, from Frenchtown Community Development Corporation ("Petition"). The Petition is seeking a variance of the minimum set-aside requirement regarding income and the execution and recordation of the LURA.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on September 25, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-48.004(14) and paragraph 67-48.004(1)(a); subsection 67-48.002(83) and Section 10 of the 2006 QAP; Parts II.A.2.A.(1) of the Universal Application Instructions, Florida Administrative Code, from Palafox Landing, Ltd. ("Petition"). The Petition is seeking a waiver of a prohibition on changes in the identity of an applicant's developer and an applicant's ownership structure and the requirement that the application wait until the last calendar quarter to return a housing credit allocation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern

Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on September 25, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(e), Florida Administrative Code, from Sea Grape II, Ltd., ("Petition"). The Petition is seeking a waiver of a change in the development site.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on September 25, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(e), Florida Administrative Code, from Villa Patricia Phase II, LLC ("Petition"). The Petition is seeking a waiver of a change in the development site.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on September 25, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67ER06-27(14)(e), from Villa Patricia Phase III, LLC ("Petition"). The Petition is seeking a waiver of a change in the development site.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern

Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

NOTICE OF CANCELLATION – The **Department of State, Division of Historical Resources** announces a public meeting to which all persons are invited.

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

PLACE: R. A. Gray Bldg., 500 S. Bronough St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The state historical marker review for October 10, 2007 at 10:00 a.m. has been cancelled.

For more information, you may contact Catherine Clatk at (850)245-6354.

### DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

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

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee.

DATE AND TIME: October 9, 2007, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Task Force.

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

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: October 11, 2007, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Budget Committee.

DATE AND TIME: October 17, 2007, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.



DATE AND TIME: October 23, 2007, 11:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Nominating Committee.

DATE AND TIME: October 24, 2007, 10:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

DATE AND TIME: October 25, 2007, 10:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: October 25, 2007, 11:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Commission/Awards and Recognition Task Force.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131.

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## DEPARTMENT AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Emergency Food Assistance Program Advisory Board.

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, (850)487-6694, by October 15, 2007.

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The **Viticulture Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2007, 9:30 a.m. – 5:00 p.m.  
 PLACE: Leroy Collins Building, Innovation Park, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Viticulture Advisory Council meets 4 times a year to make recommendations to the Commissioner of Agriculture, annually, on viticulture research, promotion, and education and, as necessary, the industry's recommendations for revisions to the State Viticulture Plan. The purpose of this meeting is to conduct the general business of the Florida Viticulture Advisory Council.

For more information, or if you need special accommodations, call Tom Thomas at (850)922-9827 or Lacoada Burkes at (850)921-1850.

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## DEPARTMENT OF EDUCATION

The **Florida Schools of Excellence Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 12, 2007, 10:00 a.m. – until completion

PLACE: 1(888)808-6959, Conference Code 2450861  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Schools of Excellence Commission will be discussing legislative and budget issues.

A copy of the agenda may be obtained by contacting Rudy Rodriguez at Rudy.Rodriguez@fldoe.org.

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

For more information, you may contact Rudy Rodriguez at Rudy.Rodriguez@fldoe.org.

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The **State Board of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2007, 8:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting agenda will consist of the approval of minutes of the meetings held September 17-18, 2007, and updates on various reports and status of education initiatives by the Chairman and Commissioner. The following items will be presented to the Board for action: Appointment of the Commissioner of Education; Proposed Amendment to Rule 6A-4.0012, F.A.C., Application Information; Consideration of District Action Plans for F and D Former F Schools; Consideration of School Improvement Plans; Approval of New Rule 6A-7.0100, F.A.C., Merit Award Program for Instructional Personnel and School-Based Administrators; Approval of 2008-09 Legislative Budget Request and Fixed Capital Outlay Budget; Consideration of Granting Exclusive Authority for Districts to Authorize Charter Schools; and Approval of the Final Report on Paperwork and Data Collection Reduction.

Among the items to be presented for the Board's consideration are: Appointment to the Board of Directors, Florida Center for Nursing; Setting the 2006-07 VPK Provider Readiness Rate; Assistance Plus Monthly Report; Educator Misconduct at the Community College Level; and SUSTeach.

A copy of the agenda may be obtained by contacting [www.fldoe.org](http://www.fldoe.org) 7 days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the Office of Equity and Access at (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Lynn Abbott at (850)245-9663.

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The **Florida Schools of Excellence Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2007, 11:00 a.m. – completion  
PLACE: Nova Southeastern University, 4850 Millenia Blvd., Orlando, FL 32839

GENERAL SUBJECT MATTER TO BE CONSIDERED: Per Section 1002.335(3)(c), Florida Statutes, the Florida Schools of Excellence Commission shall meet each month at the call of the chair.

A copy of the agenda may be obtained by contacting Rudy Rodriguez at [Rudy.Rodriguez@fldoe.org](mailto:Rudy.Rodriguez@fldoe.org).

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

contacting Rudy Rodriguez at [Rudy.Rodriguez@fldoe.org](mailto:Rudy.Rodriguez@fldoe.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rudy Rodriguez at [Rudy.Rodriguez@fldoe.org](mailto:Rudy.Rodriguez@fldoe.org).

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The **Charter School Review Panel** announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2007, 2:00 p.m. – Completion  
PLACE: Nova Southeastern University, 4850 Millenia Blvd., Orlando, FL 32839

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Education shall regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools.

A copy of the agenda may be obtained by contacting: Office of Independent Education and Parental Choice, Attention: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502.

Pursuant to the provisions of 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: Office of Independent Education and Parental Choice, Attention: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502. If you are 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 Independent Education and Parental Choice, Attention: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502.

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The **Florida Conflict Resolution Consortium** and the **Committee for a Sustainable Emerald Coast** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 8, 2007, 1:00 p.m. – 4:00 p.m. (CST), 2:00 p.m. – 5:00 p.m. (EST)

PLACE: Key Lime Homes, 1403 Cat Mar Rd., Niceville, FL. You may join by Conference Call: 1(800)210-4771 or (850)645-9020.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Environmental Stewardship subcommittee to review and refine draft recommendations to be presented at the October meeting of the Sustainable Emerald Coast Committee.

A copy of the agenda may be obtained by contacting Lisa Fowler at (850)644-7063.

Pursuant to the provisions of 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).

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: October 17, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Raton Campus, 777 Glades Road, Building 69, Room CO-110, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BT-672 Office Depot Center for Executive Development.

FOR MORE INFORMATION OR TO OBTAIN A COPY OF THE AGENDA, PLEASE CONTACT: Corina Mavrodin, Program Coordinator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, Bldg. 69, Room 104, Boca Raton, Florida 33431, (561)297-0541.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Corina Mavrodin at (561)297-0541. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

The **Articulation Coordinating Committee** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, October 24, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: Room 1721/25, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the items to be addressed may be obtained by contacting: Office of Articulation, Florida Department of Education, 1401 Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0427 or Suncom 205-0427.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency by calling Dr. Shruti Graf, (850)245-0427, at least five days prior to the meeting in order to request any special assistance.

The **Gulf Coast Community College**, Vice Presidential Search Committee will hold a Committee Meeting as follows: Contact person for the meeting is Lloyd Harris, Search Committee Chair, Assistant Professor, Mathematics.

DATE AND TIME: October 9, 2007, 3:00 p.m.

PLACE: Gulf Coast Community College, Student Union West, Room 270

GENERAL SUBJECT MATTER TO BE CONSIDERED: Compiling information for the Vice President Advertisement.

The **Gulf Coast Community College District**, Board of Trustees will hold its Monthly meeting as follows: Contact person for the meeting is: Dr. Jim Kerley, President.

DATE AND TIME: October 11, 2007, 10:00 a.m.

PLACE: Gulf Coast Community College, Student Union West, Room 306

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, 1(888)808-6959

GENERAL SUBJECT MATTER TO BE CONSIDERED: The conference call is being held to address any issues that may arise during the Special Session that relate to the Florida Building Code.

A copy of the agenda may be obtained by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak

Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

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The **Florida Communities Trust Governing Body** announces a public meeting to which all persons are invited.

DATE AND TIME: November 1, 2007, 1:00 p.m. – continuing until business is concluded

PLACE: The Capitol Building, Lower Level, Cabinet Meeting Room, 400 South Monroe Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct business that the governing board deems necessary.

A copy of the agenda may be obtained by contacting the Florida Communities Trust at (850)922-2207.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Florida Communities Trust at (850)922-2207. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Florida Communities Trust Governing Body** announces a public meeting to which all persons are invited.

DATE AND TIME: November 2, 2007, 8:30 a.m. – until business is concluded

PLACE: The Capitol Building, Lower Level, Cabinet Meeting Room, 400 South Monroe Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Evaluate and select projects for the FF7 Florida Communities Trust cycle and conduct any other business that the governing board deems necessary.

A copy of the agenda may be obtained by contacting the Florida Communities Trust at (850)922-2207.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Florida Communities Trust at (850)922-2207. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public meeting on Rule 12D-8.0063, Assessment of Changes, Additions, or Improvements to a Homestead, F.A.C., to which all persons are invited.

DATE AND TIME: October 16, 2007, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Meeting Room, Lower Level, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of amendments to Rule 12D-8.0063, Florida Administrative Code. Notice of this proposed rule was published in the F.A.W., on August 24, 2007 (Vol. 33, No. 34, pp. 3915 through 3917).

A copy of the agenda may be obtained by contacting: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail address gallops@dor.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 Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### DEPARTMENT OF TRANSPORTATION

The **Florida Scenic Highways Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 1:00 p.m. – 2:30 p.m.

PLACE: Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Scenic Highways Advisory Committee. The purpose of the meeting is to review and provide a recommendation on the River of Lakes Heritage Corridor Scenic Highway Eligibility Application.

A copy of the agenda may be obtained by contacting: Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation,

605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)414-5250, e-mail mariano.berrios@dot.state.fl.us or Fax (850)414-4443.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Mariano Berrios at (850)414-5250. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation**, District 2 announces a hearing to which all persons are invited.

DATE AND TIME: November 1, 2007, 6:30 p.m.

PLACE: Bradham Brooks Northwest Library, 1755 Edgewood Avenue, W., Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID Number 209451-3, otherwise known as SR 111 (Tallahul Avenue) from the east end of Moncrief Creek Bridge to SR 5 (Main Street), Jacksonville, Florida. The proposed improvements will be to resurface Tallulul Avenue. The Department is recommending as part of the resurfacing project to re-stripe the roadway to a three-lane section, replacing the four 10 foot wide travel lanes. The proposed roadway would consist of a 12 foot wide two-way center turn lane and a 14 foot wide travel lane in each direction. This would allow vehicles to safely move into a center turn lane without blocking the remaining travel lanes. This hearing is being held to present the construction plans, discuss the Department's recommendations and receive public input. Right of way will not be required for the proposed improvements. This project is being developed in compliance with Title VI of the Civil Rights Act of 1964.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874, (386)961-7873 or 1(800)749-2967, extension 7873.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874, (386)961-7873 or

1(800)749-2967, extension 7873. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

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#### **STATE BOARD OF ADMINISTRATION**

The **Florida Hurricane Catastrophe Fund Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 16, 2007, 1:00 p.m. – 5:00 p.m. (ET)

PLACE: Persons who wish to participate by phone may call 1(888)808-6959, Conference Code 4765251363. Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The discussion will include the October bonding estimates, legislative issues, 2008 rule calendar, and other general business of the Council.

A copy of the agenda may be obtained by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, Florida 32317, or [donna.sirmons@sbafla.com](mailto:donna.sirmons@sbafla.com), or (850)413-1349.

Pursuant to the provisions of 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, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, Florida 32317, or [donna.sirmons@sbafla.com](mailto:donna.sirmons@sbafla.com) or (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).

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#### **FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, 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, Tallahassee, Florida 32399-2450.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Florida Parole Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2450, (850)488-3417. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Parole Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2450.

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#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: UNDOCKETED MATTER – REPORT OF THE STATUS OF COMPETITION IN THE TELECOMMUNICATIONS INDUSTRY. The purpose of the workshop is to discuss the change in Section 364.386, Florida Statutes, concerning the annual Report of the Status of Competition in the Telecommunications Industry and the accompanying data request. As a result of certain amendments made to the chapter during the 2006 legislative session, the timing of the report and options for data collection have changed. This workshop will discuss those changes in detail.

A copy of the agenda and handouts may be obtained after October 4, 2007, at: <http://www.psc.state.fl.us/dockets/lcdr/index.aspx>.

Pursuant to the provisions of 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). If you are 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: Patrick Wiggins, Office of General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-6212.

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The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*October 22, 2007, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

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The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATE AND TIME: October 22, 2007, 1:30 p.m. (EST)

PLACE: Florida Public Service Commission, The Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: PREHEARING

Docket No. 070001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Docket No. 070002-EG – Energy conservation cost recovery clause.

Docket No. 070003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 070004-GU – Natural gas conservation cost recovery.

Docket No. 070007-EI – Environmental cost recovery clause.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the

identification of the exhibits; (5) the establishment of an order of witnesses; and, (6) such other matters as may aid in the disposition of the action.

A copy of the agenda may be obtained by contacting the Office of the Commission Clerk 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 the Office of the Commission Clerk at (850)413-6770.

If settlement of the case or a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the hearing will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-4199. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: October 23, 2007, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting the Office of Commission Clerk at (850)413-6770 or writing to: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website, at <http://www.florida.psc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATES AND TIME: November 6, 2007, 9:30 a.m. (EST); November 7-8, 2007, time will be announced at the conclusion of the hearing. The hearing may be adjourned early if all testimony is concluded.

PLACE: Florida Public Service Commission, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 070001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor.

Docket No. 070002-EG – Energy conservation cost recovery clause.

Docket No. 070003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 070004-GU – Natural gas conservation cost recovery clause.

Docket No. 070007-EI – Environmental cost recovery clause.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2008 through December 2008;
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2007 through December 2008;
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2006 through December 2006, which are to be based on actual data for that period;
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2008 through December 2008;
5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2006 through December 2006.
6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2008 through December 2008.

7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2007 through December 2007.
8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2006 through December 2006, which are to be based on actual data for that period.
9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2008 through December 2008.
10. Determination of Conservation Actual/Estimated Amounts for certain investor-owned electric and gas utilities for the period January 2007 through December 2007.
11. Determination of the Final Conservation True-Up Amounts for the period January 2006 through December 2006 for certain investor-owned electric and gas utilities, which are to be based on actual data for that period.
12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2008 through December 2008.
13. Determination of Estimated Purchase Gas True-Up Amounts for the period January 2007 through December 2007.
14. Determination of the Final Purchased Gas True-Up Amounts for the period January 2006 through December 2006.
15. Determination of the Projected Environmental Cost Recovery Factors for the period January 2008 through December 2008.
16. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2007 through December 2007.
17. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2006 through December 2006, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

A copy of the agenda may be obtained by contacting the Office of the Commission Clerk 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 the Office of the Commission Clerk at (850)413-6770.

If settlement of the case or a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of the cancellation of the hearing will also be provided on the

Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Commission on Open Government** announces a public meeting and public hearing to which all persons are invited.

DATES AND TIMES: October 16, 2007, Public Hearing: 2:00 p.m. – 4:00 p.m.; Public Hearing: 6:00 p.m. – 8:00 p.m.; October 17, 2007, Commission Meeting: 9:00 a.m. – 12:00 Noon; Commission Meeting: 1:00 p.m. – 4:00 p.m.

PLACE: Valencia Community College, Osceola Campus, Building 2, Room 101, 1800 Denn John Lane, Kissimmee, FL 34744

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Commission meeting:

- Commission procedures
- Posting correspondence to internet
- Electronic access
- Department of Children and Families Report
- Bill of Rights
- Clemency
- Redundant Exemption
- Bidding Exemptions
- Florida Association of County Attorney's presentation
- Florida Society of Newspaper Editors presentation
- Public Hearing:

Florida's laws as they relate to the public's right of access to government meetings and records.

NOTE: Interested parties unable to attend meeting or hearing are encouraged to submit written comments to the Commission. Written comments can be mailed to: Office of Open Government, The Capitol, Executive Office of the Governor, Tallahassee, FL 32399-1050, (850)921-6099, Fax (850)488-0219.

In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)921-6099. You may contact us via email at [cistopengov@eog.myflorida.com](mailto:cistopengov@eog.myflorida.com). For further information, visit our website at [http://www.flgov.com/og\\_commission\\_home](http://www.flgov.com/og_commission_home).

To register online for speaking time during the public hearings or to attend the commission meetings, please register at <http://forms.ucc.fsu.edu/online/workshops/OpenGovernment/list.jsp>. A copy of the agenda may be obtained by contacting: Office of



Open Government, Executive Office of the Governor, The Capitol, Tallahassee, FL 32399-1050, (850)921-6099, Fax (850)488-0219.

Pursuant to the provisions of 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: Office of Open Government, Executive Office of the Governor, The Capitol, Tallahassee, FL 32399-1050, (850)921-6099, Fax (850)488-0219.

If you are 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 Open Government, Executive Office of the Governor, The Capitol, Tallahassee, FL 32399-1050, (850)921-6099, Fax (850)488-0219.

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The **Florida Faith-Based and Community Based Advisory Council** announces a quarterly meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Thursday, October 18, 2007, 9:00 a.m. – 3:00 p.m.

PLACE: Governor's Large Conference Room, State Capital Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Faith-based and Community Based Advisory Council will discuss all matters relating to Florida's Faith-based and Community Initiative and its mission.

For a copy of the agenda and more information about how to attend the meeting contact Suzanne Yack at Suzanne.yack@vfffund.org or (904)755-7740.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

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### REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 15, 2007, 4:00 p.m.

PLACE: Niceville City Hall, Niceville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business of the West Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Leslie Chaffee at (850)332-7976, ext. 245, leslie.chaffee@wfrpc.org.

For more information, you may contact Leslie Chaffee at (850)332-7976, ext. 245, leslie.chaffee@wfrpc.org.

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

Training Subcommittee

DATE AND TIME: Wednesday, October 17, 2007, 9:30 a.m.

Local Emergency Planning Committee

DATE AND TIME: Wednesday, October 17, 2007, 10:30 a.m.

PLACE: Hernando County E.O.C., 18900 Cortez Blvd., Brooksville, FL 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chairman report, Committee updates, and other organizational matters regarding the committees.

A copy of the agenda may be obtained by contacting Michael Arnold at (352)732-1315, ext. 228.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by contacting the Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 8, 2007, 8:30 a.m.

PLACE: East Central Florida Regional Planning Council Offices, 631 N. Wymore Road, Maitland, Florida 32751 (call (407)623-1075 to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the ECFRPC Executive Committee to discuss the October 17, 2007 Council Meeting agenda.

A copy of the agenda may be obtained by writing to: Ruth Little, Administrative Assistant, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or emailing her at rlittle@ecfrpc.org.

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26 Florida Statutes, should, at least 48

hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 16, 2007, 1:30 p.m. – 5:00 p.m.

PLACE: East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)62301075 to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Wekiva River Basin Commission.

RSVP: RSVP is being requested as seating space is limited. Please RSVP by email to [rlittle@ecfrpc.org](mailto:rlittle@ecfrpc.org) or by calling (407)623-1075.

A copy of the agenda may be obtained by writing to: Ruth Little, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting [www.ecfrpc.org](http://www.ecfrpc.org).

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2007, 10:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075 to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing to: Ruth Little, Administrative Assistant, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting [www.ecfrpc.org](http://www.ecfrpc.org).

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

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The **Central Florida Regional Planning Council** will hold a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 15, 2007, 1:30 p.m.

PLACE: Florida Citrus Building, Nora Mayo Hall, 500 3rd Street, N. W., Winter Haven, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Pre-Application Meeting for the CSX Intermodal Facility Development of Regional Impact.

A copy of the agenda may be obtained by writing to: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

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The **Tampa Bay Regional Planning Council**, Executive/Budget Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 5, 2007, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Wren Krahl at (727)570-5151, ext. 22.

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The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 5, 2007, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting [www.tbrpc.org](http://www.tbrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 5, 2007, 11:30 a.m.  
 PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

A copy of the agenda may be obtained by contacting Wren Krahl at (727)570-5151, ext. 22.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 8, 2007, 9:30 a.m.  
 PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Suzanne Cooper at (727)570-5151, ext. 32. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Suzanne Cooper at (727)570-5151, ext. 32.

The **Tampa Bay Regional Planning Council**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 26, 2007, 9:30 a.m.  
 PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting www.tbrpc.org.

For more information, you may contact Wren Krahl at (727)570-5151, ext. 22.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: Sun-Sentinel, 3333 South Congress Avenue, Delray Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Business Meeting.

A copy of the agenda may be obtained by contacting Isabel Cosio Carballo at (954)985-4416 or isabelc@sfrpc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting Isabel Cosio Carballo at (954)985-4416 or isabelc@sfrpc.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 Isabel Cosio Carballo at (954)985-4416 or isabelc@sfrpc.com.

The District II, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2007, 10:00 a.m. (Eastern Time), 9:00 a.m. (Central Time)

PLACE: Tallahassee Fire Department, Training Room, 2964 Municipal Way, Tallahassee, Florida 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regularly scheduled LEPC meeting.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices at (850)674-4571 prior to the meeting.

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#### REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2007, 10:00 a.m.

PLACE: Board Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning Technical Advisory Committee.

A copy of the agenda may be obtained by contacting SFRTA Planning Office at (954)788-7928.

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: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### COMMISSION ON ETHICS

The Florida **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 19, 2007, 8:30 a.m.

PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709.

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 Commission on Ethics at (850)488-7864. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: Brevard County Government Center, Building C, 1st Floor, County Commission Chambers Room, 2725 Judge Fran Jamieson Way, Viera, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Southern Region.

A copy of the agenda may be obtained by contacting Terri Mashour at (386)329-4855.

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

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 Terri Mashour at (386)329-4855.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 9, 2007, 9:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: NORTHWEST HILLSBOROUGH BASIN BOARD MEETING AND WORKSHOP: Consider Basin business and annual planning workshop. Ad Order 37008.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 11, 2007, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: WITHLACOOCHEE RIVER BASIN BOARD MEETING AND WORKSHOP: Consider Basin business and annual planning workshop. Ad Order 37008.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 15, 2007, 9:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: HILLSBOROUGH RIVER BASIN BOARD MEETING AND WORKSHOP: Consider Basin business and annual planning workshop. Ad Order 12922.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District**, Public Supply Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 16, 2007, 1:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Public Supply Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899 or 1(800)423-1476 (FL only) or (352)796-7211, ext. 4402.

Pursuant to the provisions of 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 the General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Adrienne Hirsch at the above address.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2007, 9:00 a.m.

PLACE: Watershed Resource Center, Charlotte Harbor Environmental Center, Inc., 10941 Burnt Store Road, Punta Gorda, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: SURFACE WATER IMPROVEMENT AND MANAGEMENT PROGRAM (SWIM) ANNIVERSARY

EVENT: Highlights of the past 20 years of the Surface Water Improvement and Management Program, followed by a pontoon boat tour of Charlotte Harbor. Ad Order 59220.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2007, 9:00 a.m.

PLACE: SWFWMD Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: MANASOTA BASIN BOARD MEETING AND WORKSHOP: Consider Basin business and annual planning workshop. Ad Order 12922.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 9:30 a.m.

PLACE: Silverthorne Country Club, 4550 Golf Club Lane, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: REALITY CHECK WORKSHOP: To engage in an exercise that will plan where and how the county should grow in relationship to the region. Ad Order 12922.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the SWFWMD Executive Department at the address above.

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The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Charlotte Harbor NEP, Technical Advisory Committee and Lower Charlotte Harbor SWIM Plan Meeting

DATE AND TIME: October 24, 2007, 9:00 a.m. – 12:00 Noon

PLACE: 1926 Victoria Ave., Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lower Charlotte Harbor SWIM Plan public participation and workshop agenda item at the Charlotte Harbor National Estuary Program, Technical Advisory Committee meeting.

This is to meet the requirements of Section 373.453, F.S., Surface water improvement and management plans and programs requirement for the Lower Charlotte Harbor Surface Water Improvement & Management Plan (LCH SWIM Plan).

A copy of the agenda may be obtained by contacting Molly Meadows at (239)338-2929, ext. 7730.

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 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.

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The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Lake Belt Mitigation Committee

DATE AND TIME: November 1, 2007, 9:00 a.m.

PLACE: SFWMD, Teleconference information: Local SFWMD (561)682-6700, Nationwide Toll Free 1(866)433-6299, Meeting ID #: 8623. B-1, 3rd Floor Center, 3A Bridge Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee (LBMC), created pursuant to Section 373.41492, Florida Statutes, to discuss a variety of Lake Belt issues.

A copy of the agenda may be obtained by contacting Susan Brown at (561)682-2743 or <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.html>.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

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## REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 15, 2007, 9:00 a.m.

PLACE: 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

A copy of the agenda may be obtained by contacting: Tampa Bay Water at (727)796-2355 or can be accessed on the Web at [www.tampabaywater.org](http://www.tampabaywater.org).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Holly Wells at (727)796-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the Records Department at (727)796-2355.

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The **Tampa Bay Water** announces a public meeting to which all persons are invited.

2008 Regular Board Meeting Schedule

DATES AND TIMES: February 18, 2008, 9:00 a.m. unless otherwise set by the Board; April 21, 2008, 8:30 a.m., Budget Workshop; June 16, 2008, 9:00 a.m. unless otherwise set by the Board; August 18, 2008, 9:00 a.m. unless otherwise set by the Board; October 20, 2008, 9:00 a.m. unless otherwise set by the Board; December 15, 2008, 9:00 a.m. unless otherwise set by the Board

PLACE: 2575 Enterprise Road, Clearwater, Florida 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2008 Regular Board Meeting Schedule.

A copy of the agenda may be obtained by contacting Tampa Bay Water at (727)796-2355 or can be accessed on the Web at [www.tampabaywater.org](http://www.tampabaywater.org).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Holly Wells at (727)796-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Records Department at (727)796-2355.

The **Withlacoochee Regional Water Supply Authority** announces a public meeting on Rule 49C-1.011, F.A.C., Meetings, to which all persons are invited.

DATE AND TIME: October 17, 2007, 4:30 p.m.

PLACE: Citrus County Courthouse, Commission Chambers, First Floor, 110 N. Apopka Avenue, Inverness, FL 34450

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, FL 32302 or at [www.WRWSA.org](http://www.WRWSA.org) under "minutes and notices," "current agenda."

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Jackson Sullivan at (850)513-3604.

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 15, 2007, 1:00 p.m.

PLACE: Agency for Health Care Administration, Conference Room "A", 2727 Mahan Drive, Tallahassee, Florida. Any person interested in participating by telephone may dial (641)594-7500, Pass Code: 9701442#. If you have any difficulty accessing the teleconference, please call the Florida Center's main number at (850)922-5771.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Patient Safety Workgroup to which all interested parties are invited. The purpose is to conduct a meeting of key health care stakeholders to discuss issues relating to improving the definition of an adverse incident, reporting system transition, and streamlining of the current system.

A copy of the agenda may be obtained by contacting: Amber Bell, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

Pursuant to the provisions of 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 Amber Bell at (850)922-5585. If you are 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 Amber Bell at (850)922-5585 or by email at: [bella@ahca.myflorida.com](mailto:bella@ahca.myflorida.com).

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 7:30 p.m.

PLACE: Florida Health Care Coalition, 4401 Vineland Road, Suite A-10, Orlando, Florida 32811

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment on current and proposed policies to be adopted by the Florida Health Information Network and the Central Florida Regional Health Information Organization related to protecting and maintaining the privacy and security of electronic patient health records.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

Pursuant to the provisions of 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 Carolyn H. Turner at (850)922-5861. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, Building 2, 3rd Floor, Conference Room F, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Off-site emergency departments of hospitals licensed under Chapter 395, Florida Statutes.

A copy of the agenda may be obtained by contacting: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail at [ehlerst@ahca.myflorida.com](mailto:ehlerst@ahca.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tara E. Ehlers, 2727 Mahan Drive, MS#28A, Tallahassee, Florida 32308, (850)922-0791, or by e-mail at [ehlerst@ahca.myflorida.com](mailto:ehlerst@ahca.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Tara Ehlers by e-mail at [ehlerst@ahca.myflorida.com](mailto:ehlerst@ahca.myflorida.com) or by phone at (850)922-0791.



**DEPARTMENT OF MANAGEMENT SERVICES**

The State of Florida, **Department of Management Services** announces a Chief Information Officers (CIO) Council meeting to which all persons are invited.

DATE AND TIME: Monday, October 15, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact Jeff Griffin at griffij@doacs.state.fl.us or (850)922-2931.

The **Governor's Commission on Disabilities** announces a public meeting to which all persons are invited.

Orientation for New Members

DATE AND TIME: Monday, October 15, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: Mayor's Conference Room at the Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL 32304

Meeting

DATE AND TIMES: October 16, 2007, 9:00 a.m. – 11:30 a.m.; 2:30 p.m. – 5:00 p.m.

PLACE: The Capitol, Senate Office Building, Room 110, Tallahassee, FL 32399-1100

Public Comment

DATE AND TIME: October 16, 2007, 1:00 p.m. – 2:00 p.m.

PLACE: The Capitol, Senate Office Building, Room 110, Tallahassee, FL 32399-1100

GENERAL SUBJECT MATTER TO BE CONSIDERED: The focus of the meeting will be the organization of the Governor's Commission on Disabilities, which was established by Executive Order 07-148 to advance public policy for Floridians with disabilities and to provide a forum for advocates representing Floridians with disabilities to develop and voice unified concerns and recommendations.

A copy of the agenda may be obtained by contacting Stacia Woolverton at 1(877)232-4968 toll free (VOICE/TTY).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 6 days before the workshop/meeting by contacting Stacia Woolverton at 1(877)232-4968 toll free (VOICE/TTY). American Sign Language Interpreters, Certified Real Time Captioning, Audio/Visual Accommodations, and alternative formats will be available on

site. If you are 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 **Commission on Human Relations** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 25, 2007, 1:00 p.m.

PLACE: Florida Commission on Human Relations. The phone number to contact is 1(888)808-6959, when prompted enter the VCS Conference Code 1021548, followed by the # key.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

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

For more information, you may contact: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Architecture and Interior Design** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 5, 2007, 3:00 p.m.

PLACE: You may participate in the telephone Conference Call by contacting 1(888)808-6959, Conference Code 9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Florida Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

Design at (850)487-8304. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Florida Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

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The **Electrical Contractors' Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIME: November 14, 2007, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel (portions of this meeting are closed to the public), General Business.

DATE AND TIME: November 15, 2007, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discipline and General Business.

DATE AND TIME: November 16, 2007, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

PLACE: Department of Business and Professional Regulation, Professions Board Room, 1940 North Monroe Street, Tallahassee, FL 32399

A copy of the agenda may be obtained by contacting: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)922-5012.

Pursuant to the provisions of 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: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)922-5012. If you are 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: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)922-5012.

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The **Department of Business and Professional Regulation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 2007, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399.

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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: Board of Landscape Architecture, 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).

For more information, you may contact: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

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The **Board of Professional Geologists** announces a public meeting to which all persons are invited.

DATES AND TIMES: October 24, 2007, 1:00 p.m.; October 25, 2007, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee and General Business meetings.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

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: Richard Morrison, Executive Director, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Richard Morrison, Executive Director, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

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The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Tuesday, October 16, 2007, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd. Clearwater, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Janet Garrett at 1(888)862-7010.

Additional information may be obtained by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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The **Suwannee River Wilderness Trail** announces a public meeting to which all persons are invited.

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

PLACE: Suwannee River Water Management District, 9225 County Road 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Springs along the Suwannee River.

A copy of the agenda may be obtained by contacting Amy Thompson at 1(800)868-9914 or [amy.thompson@dep.state.fl.us](mailto:amy.thompson@dep.state.fl.us).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Amy Thompson at 1(800)868-9914 or [amy.thompson@dep.state.fl.us](mailto:amy.thompson@dep.state.fl.us) If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Amy Thompson at 1(800)868-9914 or [amy.thompson@dep.state.fl.us](mailto:amy.thompson@dep.state.fl.us).

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 15, 2007, 7:00 p.m.

PLACE: Harvey Government Center, 1200 Truman Avenue, Key West, Florida 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed land management plan for Fort Zachary Taylor Historic State Park.

A copy of the management plan will be available at the park for review. An electronic version of the plan is available upon request by emailing Ms. BryAnne White at [BryAnne.White@dep.state.fl.us](mailto:BryAnne.White@dep.state.fl.us).

A copy of the agenda may be obtained by contacting: Mark Knapke, Park Manager at Fort Zachary Taylor Historic State Park at (305)292-6713, Key West, Florida 33041 or email [Mark.Knapke@dep.state.fl.us](mailto:Mark.Knapke@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 Mark Knapke, Park Manager at (305)292-6713 or email [Mark.Knapke@dep.state.fl.us](mailto:Mark.Knapke@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Fort Zachary Taylor Historic State Park at (305)292-6713, Key West, Florida 33041 or email [Mark.Knapke@dep.state.fl.us](mailto:Mark.Knapke@dep.state.fl.us).

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 16, 2007, 9:00 a.m.

PLACE: Harvey Government Center, 1200 Truman Avenue, Key West, Florida 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed land management plan for Fort Zachary Taylor Historic State Park with the park Advisory Group members.

A copy of the agenda may be obtained by contacting: Mark Knapke, Park Manager at Fort Zachary Taylor Historic State Park at (305)292-6713, Key West, Florida 33041.

Pursuant to the provisions of 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 Mark Knapke, Park Manager at (305)292-6713 or email [Mark.Knapke@dep.state.fl.us](mailto:Mark.Knapke@dep.state.fl.us). If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Mark Knapke, Park Manager at (305)292-6713 or email Mark.Knapke@dep.state.fl.us.

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATES AND TIMES: October 18, 2007, 8:30 a.m. – 5:00 p.m. or business completed; October 19, 2007, 8:30 a.m. – 1:00 p.m. or business completed

PLACE: Florida Fish and Wildlife Research Institute, Room 301, 100 8th Ave., S.E., St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Resources Council will meet to further its duties under the Oceans and Coastal Resources Act, including work on the FY 2008-2009 Annual Science Research Plan.

A copy of the agenda may be obtained by contacting: Steve Wolfe at Steven.Wolfe@dep.state.fl.us or (850)245-2102.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Steve Wolfe at Steven.Wolfe@dep.state.fl.us or (850)245-2102. If you are 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**, Lower St. Johns River Tributaries Basin Management Action Plan (BMAP) Working Group announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 1:30 p.m.

PLACE: Ed Ball Building, City of Jacksonville Public Works, 1st Floor, Training Room, 214 North Hogan Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lower St. Johns River Tributaries (LSJRT) BMAP Working Group was formed to provide a forum for stakeholders to discuss issues related to the LSJRT TMDLs, including development, allocation, and implementation of the TMDLs. Topics for this meeting include discussion of the Lower St. Johns River Tributaries Fecal Coliform Basin Management Action Plan.

A copy of the agenda may be obtained by contacting: Ms. Amy Tracy, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8506.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Amy Tracy at (850)245-8506. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 23, 2007, 7:00 p.m. (ET)  
PLACE: Ribault Clubhouse, 11241 Fort George Road, East, Jacksonville, Florida 32226

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed management plans for Amelia Islands State Park, George Crady Bridge Fishing Pier State Park, Big Talbot Island State Park, Little Talbot Island State Park (Talbot Islands State Parks) and Fort George Island Cultural State Park.

A copy of the management plans will be available at Fort George Island Cultural State Park for review. Electronic versions of the plans are available upon request by emailing: Ms. BryAnne White at BryAnne.White@dep.state.fl.us.

A copy of the agenda may be obtained by contacting Bob Joseph, Park Manager of these parks at (904)251-2323.

Pursuant to the provisions of 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 Bob Joseph, Park Manager at (904)251-2323 or email Robert.Joseph@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Bob Joseph, Park Manager at (904)251-2323 or email Robert.Joseph@dep.state.fl.us.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2007, 9:00 a.m. (ET)

PLACE: Sarabay Center, Big Talbot Island State Park, 11945 Houston Avenue, Jacksonville, Florida 32226

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed management plans for Amelia Islands State Park, George Crady Bridge Fishing Pier State Park, Big Talbot Island State Park, Little Talbot

Island State Park (Talbot Islands State Parks) and Fort George Island Cultural State Park with the park Advisory Group members.

A copy of the agenda may be obtained by contacting Bob Joseph, Park Manager of these parks at (904)251-2323 or email Robert.Joseph@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 Bob Joseph, Park Manager at (904)251-2323 or email Robert.Joseph@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Bob Joseph, Park Manager at (904)251-2323 or email Robert.Joseph@dep.state.fl.us.

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**NOTICE OF CHANGE – The Bureau of Beaches and Coastal Systems** announces a workshop to which all persons are invited.

**DATE AND TIME:** The time published in Vol. 33, No. 38, September 21, 2007, issue of the F.A.W., regarding this workshop, has been changed to 7:00 p.m.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The workshop for the Alligator Point Erosion Control Project, and the establishment of an Erosion Control Line.

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#### **DEPARTMENT OF HEALTH**

The **Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** October 11, 2007, 3:00 p.m.

**PLACE:** (850)245-4474 to inquire about call-in number

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Reconsiderations.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** October 25, 2007, 1:00 p.m.; October 26, 2007, 9:00 a.m.

**PLACE:** Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

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The **Board of Dentistry** announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** October 17, 2007, 5:30 p.m.

**PLACE:** (850)245-4474, to inquire about a call in number

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss Dental Hygiene issues.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

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The Florida **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, October 26, 2007, 2:00 p.m.

**PLACE:** Conference Number: 1(888)808-6959, Conference Code: 2454131

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GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting the Prosecution Services Unit at (850)245-4640.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting the Prosecution Services Unit at (850)245-4640. If you are 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 Prosecution Services Unit at (850)245-4640.

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The **Board of Optometry** announces a public meeting to which all persons are invited. This will also be held by telephone conference call if necessary.

DATE AND TIME: Friday, October 19, 2007, 8:30 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/optometry/index.html](http://www.doh.state.fl.us/mqa/optometry/index.html).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

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The **Board of Pharmacy**, Professional Practice Committee, announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Conference Call Number: 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from previous two meetings, approve draft language for HB 543 – Standards of Practice – Pharmacist Immunization Administration, and open discussion.

A copy of the agenda may be obtained by contacting the agenda will be available at [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy), one week prior to the meeting.

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The **Board of Podiatric Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, October 15, 2007, 8:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida, at meet me number 1(888)808-6959, when prompted, enter your conference code 9849329103 followed by #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/podiatry/index.html](http://www.doh.state.fl.us/mqa/podiatry/index.html).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

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The Florida **Department of Health**, Bureau of Radiation Control announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2007, 10:00 a.m. – 3:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Advisory Council on Radiation Protection to discuss and make recommendations on issues relating to: radiation protection; radiation machines; radioactive materials; radiologic technologists and other radiological personnel; emergency response and preparedness.

A copy of the agenda may be obtained by contacting: James Futch, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266.

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: James Futch, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266. If you are 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 Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 12, 2007, 2:00 p.m.

PLACE: Dial In 1(888)808-6959, Conference Code 2454330

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fifth Meeting of the Governor's Council on Physical Fitness Health and Nutrition Subcommittee Meeting. Subcommittee members will continue to deliberate on assigned tasks from Executive Order 07-52.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Catherine Howard at catherine\_howard@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact [www.HealthyFloridians.com](http://www.HealthyFloridians.com) or Catherine Howard at catherine\_howard@doh.state.fl.us.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Heart of Florida Community Alliance of the **Department of Children and Family Services**, District 14, announces the following public meeting to which all persons are invited.

DATE AND TIME: October 17, 2007, 2:30 p.m. – 4:00 p.m.

PLACE: United Way of Central Florida, 5605 U.S. Hwy. 98 South, Highland City, FL 33846

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting.

For more information, please contact: Diane S. Dvorak, Community Relations, 4720 Old Hwy. 37, Lakeland, FL 33813, (863)619-4148.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Diane S. Dvorak, (863)619-4148, at least five days prior to the meeting. If you are hearing or speech-impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Children and Family Services**, Circuit 7, Community Alliance ByLaws/Officer Elections/Nominating Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2007, 11:00 a.m.

PLACE: Department of Children and Family Services, 210 N. Palmetto Ave., Conference Room 430, Daytona Beach, Florida and via telephone, General Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting.

A copy of the agenda may be obtained by writing to: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn: Denise Kelly). If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (386)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

#### **FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2007, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Greenview Manor Apartments, a 52-unit multifamily residential rental development located on 1212 Burlington Avenue and 241, 301 and 320 13th Street, North, St. Petersburg, Pinellas County, FL 33705. The prospective owner and operator of the proposed development is American Opportunity for Housing-Greenview Manor LP, 7334 Blanco Road, Suite 200, San Antonio, TX 78216, or such successor in interest in which American Opportunity for Housing – Greenview Manor LP, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is The Lynd

Company, 5710 Northwest Expressway, San Antonio, TX 78201. The total tax-exempt bond amount is not to exceed \$2,130,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), October 22, 2007, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting Wayne Conner at (850)488-4197.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

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The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2007, 10:00 a.m. (Tallahassee Local Time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to finance the construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Dixie Court Apartments II Apartments, a 32-unit multifamily residential rental development located on the east side of West Dixie Court between South Dixie Court and N. W. 4th Street, Ft. Lauderdale, Broward County, FL 33311. The prospective owner and operator of the proposed development is Dixie Court II, Ltd., 2950 S. W. 27th Avenue, Suite 200, Miami, FL 33133, or such successor in interest in which Dixie Court II, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective

manager of the proposed development is Carlisle Property Management, Inc., 2950 S. W. 27th Avenue, Suite 200, Miami, FL 33133. The total tax-exempt bond amount is not to exceed \$6,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), October 22, 2007, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation at (850)488-4197.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

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## **FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** (FWCC) announces a public meeting to which all persons are invited.

DATE AND TIME: October 15, 2007, 6:00 p.m. – 8:00 p.m. (EDT)

PLACE: Division of Forestry, Jacksonville District Headquarters, 7247 Big Oaks Road, Bryceville, Florida 32009

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is considering adding two Wildlife Management Areas (WMAs) to its WMA system and expanding a third. The purpose of this meeting is to inform the public of the possible establishment and enlargement of these areas. Information will be presented regarding the establishment of the Belmore State Forest (Clay County, 8,737 acres) and the Four Creeks State Forest (Nassau County, 13,147 acres) as WMAs and the expansion of the Cary



WMA (Nassau and Duval counties, increase from 3,414 acres to 6,975 acres). Proposed FWCC rule changes would allow for hunting and other potential recreational activities, including fishing, birding, hiking and horseback riding. Any proposed rule changes will be considered in concept along with public comments at the December 5-6, 2007 Commission meeting to be held in Key Largo, Florida; rule proposals will not be considered for adoption until the February 6-7 Commission meeting scheduled for Panama City, Florida.

A copy of the agenda may be obtained by contacting: John Ault, 3377 E U.S. Highway 90, Lake City, Florida or at (386)758-0525.

Pursuant to the provisions of 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: John Ault, 3377 E U.S. Highway 90, Lake City, Florida, (386)758-0525.

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#### DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of Treasury** announces a meeting of the Deferred Compensation Advisory Council to which all persons are invited.

DATE AND TIME: Friday, October 19, 2007, 9:00 a.m.

PLACE: The Hermitage Center, Conference Room 415, 1801 Hermitage Blvd., Tallahassee, Florida

For more information regarding the meeting or a copy of the agenda, please contact: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, 200 E. Gaines St., Tallahassee, Florida 32399-0346, (850)413-3401 or by Fax (850)488-7186.

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#### FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 18, 2007, 9:30 a.m.

PLACE: 401 Senate Office Building, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Cincinnati Insurance Company is to appear and testify regarding its reinsurance program and relationships to risk modeling companies, insurance rating organizations or companies, and insurance trade associations. Florida law allows the Office of Insurance Regulation to hold a hearing for any purpose within the scope of the Insurance Code deemed to be necessary.

A copy of the agenda may be obtained by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 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 Rhoda K. Johnson, Esquire, at (850)413-4252 or Sam Coskey at (850)413-2616.

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The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 18, 2007, 9:30 a.m.

PLACE: 401 Senate Office Building, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Cincinnati Indemnity Company is to appear and testify regarding its reinsurance program and relationships to risk modeling companies, insurance rating organizations or companies, and insurance trade associations. Florida law allows the Office of Insurance Regulation to hold a hearing for any purpose within the scope of the Insurance Code deemed to be necessary.

A copy of the agenda may be obtained by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 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 Rhoda K. Johnson, Esquire, at (850)413-4252 or Sam Coskey at (850)413-2616.

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#### FLORIDA LOCAL ADVOCACY COUNCILS

The **Florida Local Advocacy Councils** in Service Area 13 announce meetings for all Local Advocacy Council members, including the Chair and Vice-Chair, and administrative office staff. Parts of the meetings are open to the public.

Developmental Disabilities Council Meetings

DATES AND TIME: October 10, 2007; November 14, 2007; January 9, 2008; February 13, 2008; March 12, 2008; April 9, 2008; May 13, 2008; June 11, 2008, 6:00 p.m.

PLACE: 201 W. Broward Blvd., Suite 104B, Fort Lauderdale, FL 33301

Multi-Program Council Meetings

DATES AND TIME: October 11, 2007; November 8, 2008; January 10, 2008; February 14, 2008; March 13, 2008; April 10, 2008, May 8, 2008; June 12, 2008, 12:00 Noon

PLACE: 201 W. Broward Blvd., Suite 104B, Fort Lauderdale, FL 33301

Mental Health Council Meetings

DATES AND TIME: October 16, 2007; November 22, 2007; January 15, 2008; February 19, 2008; March 18, 2008; April 15, 2008; May 20, 2008; June 17, 2008, 2:00 p.m.

PLACE: Geo Care Inc./South Florida State Hospital, 800 East Cypress Drive, Pembroke Pines, FL 33025

Please call 1(800)342-0825 to confirm the time and place of the meetings.

The **Florida Local Advocacy Council** in Service Area 14 announces meetings for all Local Advocacy Council members, including the Chair and Vice-Chair, and administrative office staff. Parts of the meetings are open to the public.

Multi-Program Council meetings

DATES AND TIME: October 22, 2007; November 26, 2007; January 28, 2008; February 25, 2008; March 24, 2008; April 28, 2008; June 23, 2008, 5:30 p.m.

PLACE: Geo Care Inc./Southeast Evaluation and Treatment Center, Oak Room, 2200 N. W. 7th. Avenue, Miami, FL 33127

Please call 1(800)342-0825 to confirm the time and place of the meetings.

The **Florida Local Advocacy Councils** in Service Area 12 announce meetings for all Local Advocacy Council members, including the Chair and Vice-Chair, and administrative office staff. Parts of the meetings are open to the public.

Developmental Disabilities Council Meetings

DATES AND TIME: November 7, 2007; December 5, 2007; January 2, 2008; February 6, 2008; March 5, 2008; April 2, 2008; May 7, 2008; June 4, 2008, 10:00 a.m.

PLACE: Coalition for Independent Living Options, 6800 Forrest Hill Blvd., West Palm Beach, FL

Multi-Program Council meetings

PLACE: United Way of Palm Beach County at 2600 Quantum Blvd., Boynton Beach, FL 33426

DATES AND TIME: November 12, 2007; December 10, 2007; January 14, 2008; February 11, 2008; March 10, 2008; April 14, 2008; May 12, 2008, 9:30 a.m.

Mental Health Meetings

PLACE: United Way of Palm Beach County Conference Center, 2600 Quantum Blvd., Boynton Beach, FL

DATES AND TIME: October 15, 2007; November 19, 2007; December 17, 2007; January 21, 2008; February 18, 2008; March 17, 2008; May 19, 2008; June 16, 2008, 10:00 a.m.

Please call 1(800)342-0825 to confirm the time and place of the meeting.

The **Florida Local Advocacy Council in Service Area 11** announces meetings for all Local Advocacy Council members, including the Chair and Vice-Chair, and administrative office staff. Parts of the meetings are open to the public.

Multi-Program Council meetings

DATES AND TIME: November 13, 2007; December 11, 2007; January 8, 2008; February 12, 2008; March 11, 2008; April 8, 2008; May 13, 2008; June 10, 2008, 9:00 a.m.

Please call 1(800)342-0825 to confirm the time and place of the meeting.

PLACE: Clem C. Benton Regional Service Center, 337 N. U.S. Highway #1, Room 337F, Fort Pierce, FL 34950

**H. LEE 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.

**FLORIDA TAXATION AND BUDGET REFORM COMMISSION**

The **Florida Taxation and Budget Reform Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, October 9, 2007, 4:00 p.m. – 7:00 p.m.

PLACE: Lee County Commission Chamber, Old Lee County Courthouse, Second Floor, 2120 Main Street, Fort Myers, FL

DATE AND TIME: Wednesday, October 10, 2007, 4:00 p.m. – 7:00 p.m.

PLACE: Miami-Dade County Commission Chamber, Stephen P. Clark Center, Second Floor, 111 Northwest First Street, Miami, FL

DATE AND TIME: Thursday, October 11, 2007, 4:00 p.m. – 7:00 p.m.

PLACE: Broward County Commission Chamber, Broward County Government Center, Room 422, 115 South Andrews Avenue, Fort Lauderdale, FL

DATE AND TIME: Thursday, October 18, 2007, 4:00 p.m. – 7:00 p.m.

PLACE: Okaloosa-Walton College, Mattie Kelly Fine and Performing Arts Center, 100 College Boulevard, Niceville, FL

**SOIL AND WATER CONSERVATION DISTRICTS**

The **Duval Soil and Water Conservation District** announces a public meeting to which all persons are invited.

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

PLACE: Agricultural Extension Center, 1010 N. McDuff Avenue, Jacksonville, FL 32234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct business of the district board.

The **Collier Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 2007, 8:30 a.m.

PLACE: 14700 Immokalee Rd., Naples, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: regular monthly business meeting.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **South Dade Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 9:30 a.m.

PLACE: USDA Florida City Service Center Conference Room, Suite 102, Florida City, FL 33034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board of Supervisors' meeting at which financial statements and current projects will be reviewed.

A copy of the agenda may be obtained by contacting Linda@southdadeswcd.org.

**SCRIPPS FLORIDA FUNDING CORPORATION**

The Investment Committee of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla. Stat. (2003).

DATE AND TIME: Thursday, October 11, 2007, 12:00 Noon (EST)

PLACE: Teleconference Call: 1(877)279-4173, Passcode: 254482

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Committee will review the June 30, 2007 and September 30, 2007 investment reports.

The date, time, and/or place are subject to change. Please check <http://www.flgov.com/scripps> for meeting date, time, place, and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact sara.misselhorn@eog.myflorida.com at least 48 hours in advance of the meeting.

The Audit Committee of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla. Stat. (2003).

DATE AND TIME: Thursday, October 11, 2007, 12:15 p.m. (EST)

PLACE: Teleconference Call: 1(877)279-4173, Passcode: 254482

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Committee will review the 6/30/07 unaudited financial reports.

The date, time, and/or place are subject to change. Please check <http://www.flgov.com/scripps> for meeting date, time, place, and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact sara.misselhorn@eog.myflorida.com at least 48 hours in advance of the meeting.

The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Thursday, October 11, 2007, 3:00 p.m. (EST)

PLACE: Teleconference Call: 1(877)279-4173, Passcode: 254482

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Board will hear an update from the Investment and Audit Committees and approve a contract.

The date, time, and/or place are subject to change. Please check <http://www.flgov.com/scripps> for meeting date, time and place.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact sara.misselhorn@eog.myflorida.com at least 48 hours in advance of the meeting.

**FLORIDA WORKERS COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.**

The **FWCJUA** announces a joint and concurrent teleconference meeting of its Board of Governors, Rates and Forms Committee, Reinsurance Committee, and Producer Appeals Committee to which all interested parties are invited to attend.

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include approval of minutes; Board appointment process; seventh amended bylaws; review of rates and rating plans; 2008 reinsurance goals; agency/producer request for reinstatement of privileges to submit business to the FWCJUA.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Kathy Coyne at (941)378-7408.

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**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces an FAJUA Ad Hoc Vendor Review and Selection Committee teleconference to which all persons are invited:

Ad Hoc Vendor Review and Selection Committee Teleconference

DATE AND TIME: Monday, October 22, 2007, 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and discuss York's proposed minimum; and any other matters that may come before the committee.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive, East, #201A, Tallahassee, FL, (850)681-2003, [lstoutamire@fajua.org](mailto:lstoutamire@fajua.org).

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**FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION**

The **Florida Medical Malpractice Joint Underwriting Association** announces a Refund Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 23, 2007, 2:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider issues involving establishment of the Prospective Deficiency Fund, and such other business properly brought before the Committee.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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The **Florida Medical Malpractice Joint Underwriting Association** announces a Claims and Underwriting Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 23, 2007, 4:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2007, 9:00 a.m.

PLACE: Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, Refund Committee, General Manager, and such other business properly brought before the Board.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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**JUSTICE ADMINISTRATIVE COMMISSION**

The **Justice Administrative Commission (JAC)** announces a meeting to which all interested persons are invited.

DATE AND TIME: October 30, 2007, 10:00 a.m. (EST)

PLACE: JAC Conference Room, 227 N. Bronough Street, Suite 2100, Tallahassee, Florida 32301

For inquiries, contact Jessica Kranert at 1(866)355-7902.

An audio recording of this meeting will be made.

In conjunction with the Americans with Disabilities Act, please contact Jessica Kranert if special accommodations are needed. If you are hearing or speech impaired please contact the JAC using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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## 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 ELDER AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Department of Elder Affairs, pursuant to Section 120.565(3), Florida Statutes, has received the petition for declaratory statement from American Eldercare, Inc., hereafter referred to as American Eldercare. The petition seeks the agency's opinion as to the applicability of Section 215.442, Florida Statutes, and Rule 28-105.001, F.A.C. as it applies to the petitioner.

The petition, DOEA Case Number 2007-0002EA, seeks a determination regarding American Eldercare's entitlement to interest on late payments of invoices in accordance with Section 215.442, Florida Statutes, for services it provided under the Medicaid program. American Eldercare believes that the statute entitles the corporation to interest on all untimely payments at the statutory rate.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000.

Please refer all comments to: Agency Clerk, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000.

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

### **DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has issued a Final Order on September 20, 2007, in RE: Petition for Declaratory Statement, Citrus County, Florida, Case #87995-07-FM.

A copy of the Final Order may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340, or by e-mailing your request to [Lesley.Mendelson@fldfs.com](mailto:Lesley.Mendelson@fldfs.com).

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed on or about September 20, 2007, from Chief Anthony Roseberry, Petitioner. The Petitioner is a local authority having jurisdiction ("AHJ") charged with enforcement of the Florida Fire Prevention Code within this jurisdiction. This Petition for Declaratory Statement is sought on Section 633.065(1)(b), F.S. Does the Fire Marshal's office consider testing of each piece of equipment and not a system in its entirety to meet the requirements of Section 633.065(1)(b), F.S. Is it acceptable to fabricate a system from tested devices that have never been tested as a whole system?

A copy of the Petition may be obtained by writing, calling, or faxing: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, or (850)413-4238, Fax (850)922-1235, or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to [Lesley.Mendelson@fldfs.com](mailto:Lesley.Mendelson@fldfs.com).

## Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

## Section IX Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**INVITATION TO BID**

As a Contractor, you are invited to submit a bid to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF ADMINISTRATION, hereinafter referred to as Owner, for an electrical system upgrade project for the Mayo Building located at 407 S. Calhoun Street, Tallahassee, Florida. The Project Budget is estimated to be: \$630,000.00.

The contractor shall provide all materials, labor, equipment, permits and inspection fees necessary for the completion of the project in accordance with the terms and conditions of the Invitation to Bid.

**PROJECT NAME AND LOCATION:** Electrical system upgrade project for the Mayo Building located at 407 S. Calhoun Street, Tallahassee, Florida.

**SOLICITATION DOCUMENT:** The entire solicitation document may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/DA-07/08-07-REBID, or by calling the Purchasing Office at (850)487-3727. Plans and specifications are available through Pinnacle Engineering Group, P.A., 3303 Thomasville Road, Suite 102, Tallahassee, Florida 32308, Telephone: (850)422-1763, Fax: (850)422-1502.

**MANDATORY PRE-BID CONFERENCE/SITE VISIT:** Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on October 15, 2007, 10:00 a.m., at 407 S. Calhoun Street, Tallahassee, Florida 32399. During the pre-bid conference a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project.

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services

to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

**DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES:** An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

**PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND:** If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** October 26, 2007, 2:00 p.m.

**PLACE:** Department of Agriculture and Consumer Services, 407 S. Calhoun Street, Room SB8, Mayo Building, Tallahassee, Florida 32399, (850)487-3727.

**CONTRACT AWARD:** The official Notice of Award Recommendation will be by electronic posting at [http://fen.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fen.state.fl.us/owa_vbs/owa/vbs_www.main_menu). Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

**DEPARTMENT OF EDUCATION**

**NOTICE OF CORRECTION TO CALL FOR BIDS**

The University of West Florida Board of Trustees announced the following project in the F.A.W., Sept. 28, 2007 edition:

Stormwater Outfall #13

Rehabilitation Emergency Watershed Program

Correction to announcement – A Mandatory Pre-Solicitation Conference will be held on Friday, October 12, 2007, 1:00 p.m. (Central Time), in Bldg. 8, Room 117, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

View this solicitation and related information on the Procurement and Contracts' website at <http://uwf.edu/procurement>.

#### NOTICE TO CONSTRUCTION PROFESSIONALS

The University of North Florida, Board of Trustees, a public body corporate, is soliciting qualifications from INDIVIDUALS to fill the position of Construction Administrator/Clerk of the Works/Site Engineer to be a full-time site representative assisting the Project Manager in the administration of this project:

Osprey Fountains Residence Hall

University of North Florida, Jacksonville, Florida.

This development will be on UNF's Eastern Ridge and will include all necessary site infrastructures to support a 1,000 bed residential facility and associated amenities. Site development will include parking for 1,000 cars, all infrastructure including a new road and landscaping, a swimming pool, running track and outdoor recreation courts. The building amenities will include laundry facilities, common lounges, common kitchens, study areas, a convenience store and related program spaces.

Project Duration: Construction activities are expected to start in Mid-October 2007 for substantial Completion in July 2009. The duration of the assignment will be to the end of July 2009 with a possibility of a 2-month extension if necessary to complete the assignment.

Qualifications: The successful candidate will have a minimum 5 years experience in administering construction projects and a degree from a recognized higher education institution in the field of engineering, construction management, or architecture is preferred. Alternatively, higher level certification can be substitute by a minimum 10 years field experience.

A detailed Position Description can be obtained by contacting Dirk van Luling or Zak Ovadia at (904)620-2016.

Instructions: Individuals wishing to be considered for this position need to submit a cover letter and a full resume to

Zak Ovadia, AIA

Portable 832

University of North Florida

#1 UNF Drive

Jacksonville, Florida 32224

Phone: (904)620-2016 Fax: (904)620-2020

Submissions must be received no later than 2:00 p.m., October 19, 2007. Faxed submissions will be accepted if followed by a mailed original

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

#### DEPARTMENT OF CORRECTIONS

##### NOTICE TO PROFESSIONAL CONSULTANTS FOR PROFESSIONAL ENGINEERING SERVICES

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from Engineering firms for the project listed below. Applications from qualified firms are to be sent to: attention of Julyn Hussey, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)410-4049. The selected firm may be required to perform its services on an accelerated schedule.

##### INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm's specific abilities respective to the particular project's requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at the following website address: [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.search/criteria\\_form](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search/criteria_form).
2. A reproduction of the firm's current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.
3. Attach a current copy of the SF330 for the office(s) that will be performing the work. This form may be found at the following website address: <http://www.gsa.gov>.
4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe scope of work to be assigned to any sub-consultant and include a SF330 for each sub-consultant.

6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).
7. Names, addresses and phone numbers of at least five (5) other agencies for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm's project manager and specific services provided in each case.
8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references (none from current or former Department of Corrections personnel) and any other supporting information.

Submit one original letter of interest and five (5) copies of the required data. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, ("Consultants' Competitive Negotiation Act").

The awarded firm shall not knowingly engage in this project, on a full time, part time or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, Florida Statutes.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request For Qualifications (RFQ). Interviews of all ranked respondents may or may not be required, at the direction of the Committee. If interviews are required they will be held during the week beginning November 26, 2007, ending November 30, 2007. Under the authority delegated to the Secretary of the Department of Corrections by Florida Statute 287.055, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting, after approval by the Secretary, through the following website address: [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.search.criteria\\_form](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form). It is the firm's responsibility to check the website for updated information.

Response Date: November 5, 2007, by 4:00 p.m. Eastern Daylight Time (EDT)

Late submittals will not be opened or considered.

PROJECT: Provide Professional Engineering Services for the upgrade and expansion of the Wastewater Treatment Plant and Effluent Disposal/Reuse System at Lancaster Correctional Institution. Scope of work includes Design, Permitting, Bid Phase Services and Construction Administration of the recommended improvements.

EXPERIENCE: Candidate firms need to provide information regarding their experience and expertise in design, upgrades and expansions of sewer plants and all associated permitting.

PROJECT LOCATION: Lancaster Correctional Institution, 3449 S. W. State Road 26, Trenton, Florida 32693 is the project site for purposes of the selection process.

PROJECT NUMBER: To Be Determined

ESTIMATED CONSTRUCTION COST: \$2,500,000.00

PROJECT ADMINISTRATOR: Ken Klos, P.E., Acting Regional Engineer, Region II, (850)410-4199

**EXPRESSWAY AUTHORITIES**

REQUEST FOR QUALIFICATIONS

MDX PROCUREMENT/contract NO.: RFQ-01-01

MDX WORK PROGRAM NO.: 10007.030/10009.030/  
10010.030

CONSTRUCTION ENGINEERING AND INSPECTION (CE&I) SERVICES FOR THE ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) ON STATE ROAD 112, STATE ROAD 874, STATE ROAD 878 & STATE ROAD 924.

The Miami-Dade Expressway Authority is seeking Professional Services from a Consultant that have the necessary qualifications and experience to provide construction engineering and inspection services and contract administration for the Design-Build Project of MDX Work Program Number(s) 10007.030 (State Road 112), 10009.030 (State Road 924), 10010.030 (State Road 874 & State Road 878). The Services consists of, but is not limited to, providing all management, oversight, administration, and quality assurance with respect to all construction, engineering, and inspection services. MDX notifies all Proposers 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. MDX requires satisfaction of a fifteen percent (15%) small business participation requirement in this procurement in compliance with its Small Business Participation Policy (available on MDX's website). For copies of the RFQ with complete information on the scope of services as well as submittal requirements, please log onto our web site at [www.mdx-way.com](http://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. The deadline for submitting a Proposal is November 6, 2007, by 2:00 p.m. (Eastern Time). A Pre-Proposal Conference is scheduled for October 16, 2007, 10:00 a.m. at the MDX



Headquarters Building. Attendance to the Pre-Proposal Conference is NOT mandatory however, everyone is encouraged to attend.

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## DEPARTMENT OF MANAGEMENT SERVICES

### BIDS FOR ROOFING CONTRACTORS

PROPOSALS ARE REQUESTED FROM QUALIFIED ROOFING CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES HEREINAFTER REFERRED TO AS OWNER, FOR THE RE-ROOFING OF:

PROJECT NUMBER: JB-26013000

PROJECT NAME: Third District Court of Appeal – Court Roof Repairs

PROJECT LOCATION: Miami, Dade County, Florida

ESTIMATED CONSTRUCTION BUDGET: Base bid estimated at \$560,000.00 with additive alternates exceeding \$350,000.00

MANDATORY PREBID: October 22, 2007, 1:00 p.m., at the Third District Court of Appeal, Miami, Florida

BID DATE: November 7, 2007, 2:00 p.m., at the Third District Court of Appeal, Miami, Florida

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management." "[http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)"

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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### INVITATION TO BID

BID NO. BDC 18-07/08

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: Bow Channel Historic Bridge-Repairs

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to successfully repair portions of the super-structure deck and handrail replacement.

PARK LOCATION: Florida Keys Overseas Heritage Trail (MM 60.5)

PROJECT MANAGER: J. Randy Smith, Office of Greenways & Trails, Telephone Number: (850)245-2052, Fax Number: (850)245-2082.

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 Chapters 399, 489, and 633, 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 October 5, 2007 at: Office of Greenways & Trails, Florida Keys Overseas Heritage Trail, 3 Lacroix Court, Key Largo, Florida 33037, Attention: Debra Stucki or Shelly Welch, Telephone Number: (305)853-3571, Fax Number: (305)853-3574.

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 Mike Renard, Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m., Tuesday, November 6, 2007, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction at (850)488-5372. The Department reserves the right to reject any or all bids.

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### INVITATION TO BID

Proposals are requested from qualified Roofing Contractors by the State of Florida, Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF-07235570  
 PROJECT: RETROFIT METAL STANDING SEAM ROOF BUILDING 43  
 NORTHEAST FLORIDA STATE HOSPITAL  
 MACCLENNY, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those firms who demonstrate current licensure with the Florida Department of Business and Professional Regulation, as a General or Roofing Contractor, and who comply with the pre-qualification requirements as stated in the project specifications.

BONDING REQUIREMENTS: See Section B-11 for bid guarantee requirements. See Section C-5 for performance and payment bond requirements.

BID DATE AND TIME: Sealed bids will be received at the ENGINEERING OFFICE, NORTHEAST FLORIDA STATE HOSPITAL, 7487 S.R. 121 South, Macclenny, Florida 32063 on October 30, 2007, until 2:00 p.m. (Local Time), at which time they will be publicly opened and read aloud.

PRE-BID MEETING: A pre-bid meeting and inspection of the on-site conditions will be held on October 11, 2007, 10:00 a.m., at the above address.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the Drawings and the General and Technical Specifications, which may be examined and obtained for \$50.00 from the Architect:

SKINNER VIGNOLA McLEAN, INC.  
 1628 N.W. 6th Street  
 Gainesville, Florida 32609  
 Telephone: (352)378-4400  
 Fax: (352)377-5378

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted within two business days, at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be duly notified. If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures," the Owner will award a contract to the qualified, responsive low bidder in accordance with established departmental contracting procedures (CFOP 70-7).

**FLORIDA HOUSING FINANCE CORPORATION**

Notice of Bid/Request for Proposal  
 Foreclosure Prevention Strategy Services

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to deliver a Foreclosure Prevention Strategy in accordance with the terms and conditions of RFP 2007-08, to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m.

(Eastern Time), Friday, November 9, 2007, to the attention of Robin L. Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin Grantham at (850)488-4197 or robin.grantham@floridahousing.org.

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin L. Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation website at <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForProposals.htm>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

**DAYTONA BEACH COMMUNITY COLLEGE**

Notice of Bid/Request for Proposal  
 for Architectural Services – RFP 08-003

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona Beach Community College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for small project architectural and/or engineering services.

Provide design services as requested by Daytona Beach Community College for projects that do not exceed \$500,000.00 in estimated construction costs.

Firms or individuals with experience in designing for higher education facilities and desiring to qualify for consideration must submit proposals no later than 12:00 noon, October 18, 2007, to Mr. Steven D. Eckman, Director, Facilities Planning Department, Daytona Beach Community College, 1200 West International Speedway Boulevard, Building 540, Room 112, Daytona Beach, FL 32114. Interested parties may obtain information by contacting the DBCC Facilities Planning Department at (386)506-3139, by email to [EnglisS@dbcc.edu](mailto:EnglisS@dbcc.edu) or by visiting our website at [http://go.dbcc.edu/fp/new\\_proposal.html](http://go.dbcc.edu/fp/new_proposal.html).

**Section XII  
 Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE OF FUNDING AVAILABILITY (NOFA) FOR  
 LOCAL UPDATE OF CENSUS ADDRESSES (LUCA)

The Florida Department of Community Affairs (DCA) announces technical assistance grant funding in the amount of \$94,779.00 to assist Florida's incorporated cities and counties in an effort to encourage and facilitate participation in the U.S. Census Bureau's LUCA Program.

In August 2007, Florida's cities and counties were invited by the U.S. Census Bureau to update the Bureau's official master address file that will be used to deliver the 2010 Census forms. It is essential that this master address file contain all addresses where Floridians reside. In this way the 2010 Census will reflect a complete and accurate count in Florida ensuring that cities and counties receive their fair share of state and federal funds. Our fast-growing and diverse state presents special challenges for the Census Bureau address list and an undercount could cost millions in lost federal revenue over the next decade.

Cities and counties may use the available technical assistance funds to help defer a variety of expenses related to the review and update of addresses within their jurisdiction(s). Technical assistance grants will vary in amount by county, with city grant awards controlled to the county caps. Grant amounts will be based on 0.30 per capita less inmates, as reflected by April 1, 2006 county population estimates, and the county will be bound by a minimum grant award of \$7,500 and a maximum of \$30,000. Grant requests should be based on the individual or consolidated jurisdiction's maximum award level as shown in the worksheet at <http://LUCA.FLCensus.gov/tag/tag.htm>. Jurisdictions that were part of a prior LUCA Technical Assistance grant application will not be eligible for additional funding and can not be included in a Technical Assistance grant application or award from the Department of Community Affairs.

Eligible expenses shall include, but not be limited to, technology (purchase, lease or upgrade of computer-related equipment and software); overtime pay for full-time workers and salaries for temporary workers; and contractual agreements with other Florida governmental entities (regional planning councils, state universities, community colleges, or other cities or counties).

To apply for state technical assistance funding, local governments must complete an application form which is available at <http://LUCA.FLCensus.gov/tag/tag.htm>. Applicants must submit five original signed applications to the Florida Department of Community Affairs, by 5:00 p.m. (EDT), on Friday, October 26, 2007. Applications received after the published deadline shall be deemed late and will not be considered by the Department of Community Affairs.

Grant applications and awards are from the State of Florida only and do not substitute for U.S. Census Bureau LUCA registration. Applicants must register with the U.S. Census Bureau as a LUCA participant to ensure final receipt of funds.

The applications will be ranked and priority consideration will be given to the following factors: the LUCA participation option selected; whether or not the application includes all eligible local government jurisdictions (all incorporated and unincorporated areas) within a county's boundaries or a subset thereof; whether or not the county is considered "fiscally constrained" as defined by Section 218.67(1), Florida Statutes;

whether or not the county was included in major federal disaster declarations in at least 2 different 12-month periods beginning June 1, 2004; whether the 2005 county per capita personal income is below the state level; and whether or not the entire county area has experienced a population growth rate between April 1, 2000 and April 1, 2006 that exceeds the state.

Applicants will receive scores based on a competitive scoring system. Grant awards will be determined based on the number of applications received and available funding.

Grant awards will be announced no later than November 9, 2007. The Florida Department of Community Affairs will be responsible for executing award agreements, monitoring the funding and processing payments to local governments.

Because revenue sharing formulas, as well as federal and state grant awards, rely on census data, local governments are encouraged to take steps to ensure that the 2010 Census accurately reflects population and household income levels. The funds being offered under this NOFA will assist with that process. More information on the Florida LUCA Technical Assistance Grant program is located at <http://LUCA.FLCensus.gov/tag/flluca-brochure.pdf>.

For additional information, please contact via phone at (850)922-1450 or toll free at 1(877)435-5822, or via email at [LUCA@FLCensus.gov](mailto:LUCA@FLCensus.gov). Applications should be mailed or hand-delivered to:

Florida Department of Community Affairs  
Division of Housing and Community Development  
ATTN: Janice Browning  
2555 Shumard Oak Boulevard  
Room 250A  
Tallahassee, Florida 32399-2100

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## DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Harpers Fly-In Ranch, a private airport, in Hendry County, at Latitude 26° 43' 50" and Longitude 081° 09' 50", to be owned and operated by Mrs. Suzanne Harper, 14825 Center Ave., Clewiston, FL 33440.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, [aviation.fdot@dot.state.fl.us](mailto:aviation.fdot@dot.state.fl.us), Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

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## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Italica Motors, Inc., intends to allow the establishment of House of Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 1313 North State Road 7, Hollywood (Broward County), Florida 33021, on or after September 20, 2007.

The name and address of the dealer operator(s) and principal investor(s) of House of Scooters, Inc. are dealer operator(s): Orestes Nunez, 1313 North State Road 7, Hollywood, Florida 33021; principal investor(s): Orestes Nunez, 1313 North State Road 7, Hollywood, Florida 33021.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Adriana De Lima, President, Italica Motors, Inc., 5001 Southwest 135 Avenue, Miramar, Florida 33027.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that STR Motorsports, Inc., intends to allow the establishment of Red Ember, Inc. d/b/a Red Ember Cycles, as a dealership for the sale of KYMCO motorcycles (KYOO) at 406 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after September 21, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Red Ember, Inc. d/b/a Red Ember Cycles are dealer operator(s): Josh Asher, 5465 Carmody Lake Road, Port Orange, Florida 32128; principal investor(s): Josh Asher, 5465 Carmody Lake Road, Port Orange, Florida 32128.

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: Bruce Ramsey, KYMCO USA, 5 Stan Perkins Road, Spartanburg, South Carolina 29307.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Panther Motors, Inc., intends to allow the establishment of Scooters Plus, LLC, as a dealership for the sale of Panther motorcycles (PANT) at 4700 Babcock Road Northeast, Suite 23, Palm Bay (Brevard County), Florida 32905, on or after September 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Scooters Plus, LLC are dealer operator(s): Martin Ernest, 825 Northeast Tavernier Circle, Palm Bay, Florida 32905; principal investor(s): Martin Ernest, 825 Northeast Tavernier Circle, Palm Bay, Florida 32905.

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: Dominick Livoti, President, Panther Motors, 1418 Southeast 12 Avenue, Deerfield Beach, Florida 33441.

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."

**WATER MANAGEMENT DISTRICTS**

**EXECUTIVE DIRECTOR**

Suwannee River Water Management District

This position functions as Chief Executive Officer of the District carrying out its charge for total water resource management in a 15-county, north-central Florida region; including daily operating responsibility for the District's employees, budget and assets. Acts as principal agent of the Board in implementing Board adopted policies to fully effect its charge as prescribed by Chapter 373, Florida Statutes, and other applicable rules and regulations.

Position is appointed by and serves at the pleasure of the Governor-appointed, nine-member Governing Board, is subject to approval by the Governor and must initially be confirmed by the Florida Senate upon employment. The position must be confirmed or reconfirmed by the Senate during the second regular session of the Legislature following a gubernatorial election.

**EDUCATION AND EXPERIENCE REQUIREMENTS:** Graduation from an accredited four-year college or university with a BA/BS is required plus ten years' progressively-responsible, executive management related experience.

Successful completion of a drug test and background check is a condition of employment.

**SALARY RANGE:** Negotiated

For a detailed job description and required application:

Go to [www.srwmd.org](http://www.srwmd.org) Or contact:

Carolyn Purdy  
SRWMD  
9225 CR 49  
Live Oak, FL 32060  
(386)362-1001

**CLOSING DATE AND TIME:**

NOVEMBER 20, 2007, 5:00 p.m.

**EOE/VET PREFERENCE/DRUG FREE WORKPLACE**

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Healthcare Administration has received applications for services exemption from Sebastian River Medical Center in Sebastian pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The service categories requested are Gynecology, Otolaryngology, and Neurosurgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Teresa Wooten, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at wootent@ahca.myflorida.com.

The Agency for Healthcare Administration has received an application for services exemption from Seven Rivers Regional Medical Center pursuant to Section 395.1041(3), Florida Statutes, and Rule 59A-3.255, Florida Administrative Code. The services category which the exemptions are requested is: Orthopaedics. Comments received within 15 days of publication will be considered by the Agency prior to making a determination exemption status.

Contact person Julie Young, 2727 Mahan Drive, Tallahassee, FL 32301, (850)414-6940, youngji@ahca.myflorida.com.

**TENTATIVE PUBLIC HEARING CORRECTED NOTICE**  
 IF REQUESTED, a tentative public hearing has been scheduled as follows:

PROPOSALS: District 6

DATE/TIME: Tuesday, 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

**NOTICE OF HOSPICE PROGRAM FIXED NEED POOL**  
 The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for January 2009, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 22, 2007.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the F.A.W. Failure to notify the

agency of the error during this ten day period waives a person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the: Agency Clerk, 2727 Mahan Drive, Fort Knox Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

**Hospice Program Net Need**

Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 5A	0
Subdistrict 2A	0	Subdistrict 5B	0
Subdistrict 2B	0	Subdistrict 6A	0
Subdistrict 3A	0	Subdistrict 6B	0
Subdistrict 3B	0	Subdistrict 6C	0
Subdistrict 3C	0	Subdistrict 7A	0
Subdistrict 3D	0	Subdistrict 7B	0
Subdistrict 3E	0	Subdistrict 7C	0
Subdistrict 4A	0	Subdistrict 8A	0
Subdistrict 4B	1	Subdistrict 8B	0
Service Area	Net Need	Service Area	Net Need
Subdistrict 8C	0	Subdistrict 9C	0
Subdistrict 8D	0	District 10	0
Subdistrict 9A	0	District 11	0
Subdistrict 9B	0	Total	1

**FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for open heart surgery programs for January 2010, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 22, 2007.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the F.A.W. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with: Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Adult Open Heart Surgery Program Net Need

District	Net Need	District	Net Need
1	0	7	0
2	0	8	0
3	0	9	0
4	0	10	0
5	0	11	0
6	0	Total	0

Pediatric Open Heart Surgery Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

NOTICE OF PEDIATRIC

CARDIAC CATHETERIZATION PROGRAM

The Agency for Health Care Administration has projected a fixed need pool for pediatric cardiac catheterization programs for January 2010, pursuant to the provisions of Rules 59C-1.008 and 59C-1.032, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 22, 2007.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the Agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with: Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Pediatric Cardiac Catheterization Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**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/](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.

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**DEPARTMENT OF HEALTH**

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 Robert Desapio, D.C., license number CH 8542. 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.

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**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for

inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., October 26, 2007):

**APPLICATION TO ACQUIRE CONTROL**

Financial Institutions to be Acquired: Plus International Bank, Miami, Florida

Proposed Purchaser: John B. Rincon

Received: September 20, 2007

**APPLICATION TO CONVERT A FEDERAL SAVINGS BANK TO A STATE CHARTER**

Applicant and Location: Bay Financial Savings Bank, F.S.B., Tampa, Hillsborough County, Florida

With Title: Bay Bank

Correspondent: Ronald A. Young, Executive Vice President, 5537 Sheldon Road, Suite D, Tampa, Florida 33615

**APPLICATION WITHDRAWN**

Application for the Conversion of an Edge Act Corporation to an International Branch Office

Applicant and Location: Banco Davivienda, S.A., Bogotá, Colombia

Entity Converting: Bancafé International Corp.; A wholly owned U.S. subsidiary of the Applicant

Proposed Florida Location: 801 Brickell Avenue, PH 1, Miami, Florida 33131-2945

Withdrawn: September 21, 2007

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN September 17, 2007  
 and September 21, 2007

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**DEPARTMENT OF CORRECTIONS**

33-208.101	9/18/07	10/8/07	33/32	
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33-601.606	9/18/07	10/8/07	33/28	
33-601.724	9/18/07	10/8/07	33/28	
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**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

59C-1.008	9/19/07	10/9/07	33/29	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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62-550.550	9/17/07	9/18/07	33/34	

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**Board of Respiratory Care**

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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

69L-6.035	9/20/07	10/10/07	33/25	
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	30/9c			65C-13.020	32/48		
	30/15c			65C-13.021	32/48		
	32/2c			65C-13.022	32/48	33/20	
	32/2c					33/33	
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65A-1.400	31/27c					33/33	
65A-1.601	28/11	28/23		65C-13.024	32/48	33/20	
		28/31				33/33	
		28/41		65C-13.025	32/48	33/20	
65A-1.704	33/33					33/33	
65A-1.705	33/33			65C-13.026	32/48	33/20	
65A-1.708	33/26					33/33	
65A-1.712	33/8	33/18		65C-13.027	32/48	33/20	
		33/24				33/33	
		33/30		65C-13.028	32/48	33/20	
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65A-1.713	33/26			65C-13.029	32/48	33/20	
65A-4.203	33/20		33/35			33/33	
65A-4.213	25/32			65C-13.030	32/48	33/20	
65A-4.2131	33/20	33/29	33/36			33/33	
65A-4.216	25/32			65C-13.031	32/48	33/20	
65A-15.005	32/9					33/33	
65A-15.0095	26/4			65C-13.032	32/48	33/20	
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65C-5.002	32/29	32/37		65C-13.034	32/48	33/20	
65C-5.003	32/29	32/37				33/33	
65C-5.004	32/29	32/37		65C-15.001	32/48	33/20	
65C-5.005	32/29	32/37		65C-15.002	32/48	33/20	
65C-5.006	32/29	32/37		65C-15.003	32/48	33/20	
65C-5.007	32/29	32/37		65C-15.0035	32/48	33/20	
65C-5.008	32/29	32/37		65C-15.004	32/48	33/20	
65C-5.009	32/29	32/37		65C-15.005	32/48	33/20	
65C-5.010	32/29	32/37		65C-15.006	32/48		
65C-5.011	32/29	32/37		65C-15.010	32/48	33/20	
65C-13.001	32/48			65C-15.011	32/48	33/20	
65C-13.002	32/48			65C-15.012	32/48	33/20	
65C-13.003	32/48			65C-15.013	32/48	33/20	
65C-13.004	32/48			65C-15.014	32/48	33/20	
65C-13.005	32/48			65C-15.015	32/48	33/20	
65C-13.006	32/48			65C-15.016	32/48	33/20	
65C-13.007	32/48			65C-15.017	32/48	33/20	
65C-13.008	32/48			65C-15.018	32/48	33/20	
65C-13.009	32/48			65C-15.019	32/48	33/20	
65C-13.010	32/48			65C-15.020	32/48	33/20	
65C-13.011	32/48			65C-15.021	32/48	33/20	
65C-13.012	32/48			65C-15.022	32/48		
65C-13.013	32/48			65C-15.023	32/48		
65C-13.014	32/48			65C-15.024	32/48		
65C-13.015	32/48			65C-15.025	32/48		
65C-13.016	32/48			65C-15.026	32/48		
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65C-15.032	32/48	33/20		67-18.005	28/42		
65C-15.033	32/48	33/20		67-21.019	24/46	24/46	
65C-15.034	32/48	33/20		67-32.009	24/28		
65C-15.035	32/48			67-38.002	33/31		
65C-15.036	32/48	33/20		67-38.0026	33/31	33/36	
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65C-20.010	33/33			67-38.010	33/31		
65C-20.011	33/33			67-38.011	33/31		
65C-20.012	33/33			67-38.014	33/31		
65C-20.013	33/33			67-48.002	30/39		
65C-20.014	33/33			67-53.005	33/39		
65C-21.001	23/20			67-57.001	33/28		
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65C-22.004	33/33			67-57.030	33/28		
65C-22.006	33/33			67-57.040	33/28		
65C-22.007	29/9			67-57.050	33/28		
65C-22.008	33/33			67-57.060	33/28		
65C-22.009	33/33			67-57.070	33/28		
65C-22.010	33/33			67-57.080	33/28		
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65C-32.003	33/19	33/32		67-58.003	33/39		
65C-32.004	33/19	33/32		67-58.004	33/39		
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65C-32.005	33/19	33/32		67-58.006	33/39		
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65C-32.006	33/19	33/32		67-58.015	33/39		
65C-32.007	33/19	33/32		67-58.020	33/39		
65C-32.008	33/19	33/32		67-58.030	33/39		
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65G-1.047	33/5	33/26	33/37	67-58.070	33/39		
65G-7.001	33/40			67-58.080	33/39		
65G-7.002	33/40			67-58.090	33/39		
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68B-55.004	33/32			69O-125.003	33/24		
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	31/26	33/5	33/35	69V-40.028	33/40		
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69O-170.014	30/46	31/15	33/35w	69V-40.031	33/40		
	31/26		33/35	69V-40.043	33/40		
69O-170.0141	30/46	31/15	33/35w	69V-40.051	33/40		
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69O-170.0143	30/46	31/2	33/35w	69V-40.100	33/40		
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69O-170.0155	30/46	31/15	33/35w	69V-40.156	33/40		
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69O-175.003	30/46	31/2 31/15	33/35w 33/35w	69V-40.242	33/40		
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	33/25			69V-60.060	33/32		
69O-186.013	32/40			69V-60.065	33/32		
	33/8c			69V-60.070	33/32		
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69O-203.204	33/18			69V-70.050	33/32		
69O-203.205	33/18	33/29		69V-70.055	33/32		
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69V-40.002	33/40			69V-80.015	33/32		
69V-40.008	33/40			69V-80.050	33/32		
69V-40.015	33/40			69V-80.060	33/32		
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