

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

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

RULE NO.:                   RULE TITLE:  
2A-2.002                   Claims

PURPOSE AND EFFECT: The proposed rule amendments are intended set forth revised forms utilized for victim compensation.

SUBJECT AREA TO BE ADDRESSED: Revised victim compensation forms.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195 960.198 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: Gwen Roache, Chief, Bureau of Victim Compensation, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001 (September 2007) (~~January 2000~~), effective 2-3-00, which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

- (1) BVC 100, entitled "Victim Compensation Claim Form," (rev. 3/03), effective 5-13-03.
- (2) BVC 100SF, entitled "Victim Compensation Claim Form" (Short Form), (10/99), effective 2-3-00.
- (3) BVC 102, entitled "Filing Time Explanation" (1/99), effective 8-17-99.
- (4) BVC 103, entitled "Reporting Time Explanation" (2/99), effective 8-17-99.
- (5) BVC 104, entitled "Non-Cooperation Explanation" (1/99), effective 8-17-99.
- (6) BVC 105, entitled "Domestic Violence Relocation Certification" (8/01), effective 10-23-01.
- (7) BVC 105A, entitled "Domestic Violence Relocation Expense Worksheet," (8/01), effective 10-23-01.

(8) BVC 211, entitled "Notice of Rights – Hearing Request," (3/99), effective 8-17-99.

(9) BVC 405, entitled "Employment Report," (1/99), effective 8-17-99.

(10) BVC 409, entitled "Treatment Statement," (2/99), effective 8-17-99.

(11) BVC 410, entitled "Disability Statement," (1/99), effective 8-17-99.

(12) BVC 421, entitled "Notification of Possible Recoupment or Prosecution for Fraud" (8/01), effective 10-23-01.

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195 960.198 FS. History–New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00, 10-23-01, 5-13-03,\_\_\_\_\_.

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

RULE NO.:                   RULE TITLE:  
2A-3.002                   Application and Payment Procedures

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the revised Sexual Battery Claim form.

SUBJECT AREA TO BE ADDRESSED: Revised Sexual Battery Claim Form.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.28 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gwen Roache, Chief, Bureau of Victim Compensation, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-3.002 Application and Payment Procedures.

Application and payment procedures for sexual assault examinations are provided on the form entitled "Sexual Battery Claim Form," DVS-201, (Rev. 07/07) (~~Rev. 8/02~~), effective 3-17-03, which is incorporated in this rule by reference.

Specific Authority 960.045(1) FS. Law Implemented 960.28 FS. History–New 11-1-92, Amended 9-13-94, 9-26-95, 6-19-96, 9-24-97, 2-3-00, 3-17-03,\_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12A-1.057	Alcoholic and Malt Beverages
12A-1.060	Registration
12A-1.097	Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendment to Rule 12A-1.057, F.A.C. (Alcoholic and Malt Beverages), is to delete an unnecessary reference to the Department’s authority to require a surety bond or cash deposit.

The purpose of the proposed amendments to Rule 12A-1.060, F.A.C. (Registration), is to provide when the Department will require a cash deposit, surety bond, or irrevocable letter of credit as a condition for any person to obtain or retain a dealer’s certificate of registration. The proposed amendments: (1) define the terms “person,” “security,” and “tax or fee liability” for purposes of these requirements; (2) provide the qualifying events for which the Department will determine that security will be required for a person to obtain, retain, or renew a dealer’s certificate of registration; (3) provide how the Department will determine the amount of security required; (4) provide that the Department will provide written notice of intent to deny registration or written notice of intent to revoke registration, as applicable, unless security is posted; (5) provide requirements for requesting a conference regarding the requirement to provide security and inform persons of the right to request an administrative hearing; (6) provide that if the Department determines the amount of an existing security is insufficient or the amount of the security is reduced or released, the Department will provide written notification to the person of the revised amount of security required, and that the person notified must provide additional security or request a conference regarding the requirement to provide additional security; (7) provide that if additional security is provided the Department will cancel, surrender, or discharge the previous security; (8) provide that the duration of security required by the Department will not be less than 12 months; (9) provide that, if the person required to provide security ceases operations during the time the security is held, a written request to the Department is required for it to return a cash deposit or to release the surety bond or irrevocable letter of credit; (10) provide that the Department will offset any reimbursement against any outstanding liability of a dealer that ceases business during the term of the security; and (11) provide that the Department may initiate an action to seek a release of moneys from the security held by the Department if a taxpayer is more than 30 days delinquent in the payment of its tax or fee liability.

The effect of the proposed amendments to Rule 12A-1.060, F.A.C., will be to provide the requirements and procedures the Department will use when requiring security in the form of a

cash deposit, surety bond, or irrevocable letter of credit as a condition to obtaining or retaining a dealer’s certificate of registration, under the authority of Section 212.14(4), F.S.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, Form DR-17A, Certificate of Cash Deposit/Cash Bond, and Form DR-29, Application for Refund of Cash Deposit/Cash Bond.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the workshop is the Department’s proposed requirement regarding cash deposits, surety bonds, or irrevocable letters of credit as a condition to obtain or retain a dealer’s certificate of registration.

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

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

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

**DATE AND TIME:** November 13, 2007, 2:00 p.m.

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Thomas Butscher, Senior Counsel, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710

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

12A-1.057 Alcoholic and Malt Beverages.

(1) No change.

(2) Any person desiring to sell such beverages at retail must first qualify as a dealer under Chapter 212, F.S., before applying to the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, for a license. ~~Surety or cash bond to guarantee payment of taxes may be required by the Department of Revenue.~~

(3) through (4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(12), (14)(a), 212.05(1)(a)1.a., (b), (2), (3), (4), 212.06, 212.07(2), (4), 212.08(4)(b), (7)(s), ~~212-14(4)~~; 212.19, 561.01 FS. History—Revised 10-7-68, 6-16-72, Amended 1-10-78, 7-16-79, 7-20-82, Formerly 12A-1.57, Amended 12-13-88,\_\_\_\_\_.

12A-1.060 Registration.

(1) through (5) No change.

(6) CASH DEPOSITS, SURETY BONDS, OR LETTERS OF CREDIT. The Department will utilize the criteria in this subsection when it requires a cash deposit, surety bond, or irrevocable letter of credit as a condition to any person obtaining or retaining a dealer's certificate of registration. Nothing in this subsection prohibits the Department from pursuing any other authorized means to collect a tax or fee liability. Nothing in this subsection requires the Department to permit the posting of a cash deposit, surety bond, or irrevocable letter of credit instead of revoking or refusing to issue a dealer's certificate of registration. This subsection does not apply to a person currently in compliance with a written agreement with the Department regarding its tax or fee liabilities and obligations.

(a) Definitions. For the purposes of this subsection:

1. "Person" means any person, as defined in Section 212.02(12), F.S., and includes individuals owning a controlling interest in a person.

2. "Person" also includes any person with an existing certificate of registration or any person seeking to obtain a dealer's certificate of registration:

a. who has acquired ownership or controlling interest in a business that would be otherwise liable for posting security, if the person fails to provide evidence the business was acquired in an arms length transaction or for consideration; or

b. for a business that will be operated at an identical location of a previous business that would otherwise have been liable for posting security, if such person fails to provide evidence the business was acquired in an arms length transaction or for consideration.

3. The word "security" means cash deposits, surety bonds, or irrevocable letters of credit. Bonds required under this subsection must be issued by a surety company authorized to do business in this state as a surety. Irrevocable letters of credit

must be issued by a bank authorized to do business in the state as a bank and must be engaged by a bank as an agreement to honor demands for payment.

4. "Tax or fee liability" means any liability for any of the following taxes or fees, penalty, or interest:

a. Any sales or use tax, discretionary sales surtax, or local option tax imposed under Chapter 212, F.S.;

b. Any tourist development tax levied under Section 125.0104, F.S., or tourist impact tax levied under Section 125.0108, F.S.;

c. The rental car surcharge levied under Section 212.0606, F.S.;

d. Any solid waste fee, such as the new tire fee levied under Section 403.718, F.S., or the lead-acid battery fee levied under Section 403.7185, F.S.;

e. The motor vehicle warranty fee levied under Section 681.117, F.S.;

f. Any penalty or interest imposed under Sections 212.12(2), or 213.235, F.S.

(b) Qualifying Events. Security will be required when the Department determines that any of the following qualifying events apply:

1. The person owns or manages a business that has no permanent business location in Florida, or where a person operates from a temporary location in Florida for less than six months in any consecutive twelve-month period, and there is evidence that the person will fail to remit taxes to the state;

2. The person has had a previous certificate of registration revoked;

3. The person failed to comply with the provisions of a judgment, settlement agreement, closing agreement, stipulated payment agreement, or consent agreement entered into with the Department; or

4. Whether a warrant is currently unsatisfied in whole or in part; or

5. The person is seeking an additional registration and has an outstanding liability of \$2500 or more.

(c) Security Amount Determination.

1. When the Department requires a person with an existing certificate of registration to post security, the required security will be equal to the person's total estimated tax or fee liability, as determined by the Department, for the preceding twelve calendar months, plus the person's outstanding tax or fee liability.

2. When the Department requires a person applying for a new certificate of registration to post security, the following criteria will be used to determine the amount required, unless the specific facts and circumstances warrant a higher amount not to exceed the sum of the person's total estimated tax or fee liability, as determined by the Department, for twelve calendar months, plus the person's outstanding tax or fee liability:

a. If the person is or will be:

(I) A monthly filer, security equal to six months' estimated tax or fee liability will be required.

(II) A quarterly filer, security equal to nine months' estimated tax or fee liability will be required.

(III) A semiannual or annual filer, security equal to one year of the estimated tax or fee liability will be required.

b. When considering specific facts and circumstances to determine if additional security will be required under this subparagraph, the Department will consider and be guided by the person's financial status, including, but not limited to:

(I) The value of the person's real property holdings in Florida;

(II) The value of the person's assets in Florida, including the liquidity or mobility of the assets; or

(III) Outstanding money judgments against the person.

(d) Procedural Issues Regarding the Security Requirement.

1. When the Department determines that security is required as a condition to obtaining a dealer's certificate of registration, it will send written notice of intent to deny registration to the person at the person's last known address as it appears in the Department's records. When the Department determines that security is required as a condition to retaining a dealer's certificate of registration, it will send notice of intent to revoke registration to the person at the person's last known address as it appears in the Department's records. The person must either post security or send a written request for a conference to the Department. The security or written request for a conference must be received by the Department within 30 consecutive calendar days after the date of the notice.

2.a. A request for a conference must be made directly to the office designated in the notice and must:

(i) State the reasons for objecting to the requirement to post security;

(ii) Request an informal conference with the Department regarding the requirement to post security;

(iii) Include a copy of the notice informing the person of the requirement to post security; and

(iv) Be mailed, hand delivered, or faxed to the office address or fax number provided in the notice of the requirement to post security.

b. Requests postmarked, hand delivered, or faxed more than 30 consecutive calendar days after the date of issuance of the notice will be deemed late filed and shall result in the forfeiture of the person's rights to such conference, unless the person has timely secured a written extension of time within which to file a request for a conference.

c. An extension of time in which to request a conference may be secured by mailing, hand delivering, or faxing a written request to the office designated in the notice. Each extension of time will be for 30 consecutive calendar days. Within a 30

consecutive calendar day extension period, the person may submit a request in writing to the office designated in the notice for an additional 30 consecutive calendar day extension within which to request a conference.

d. Failure to mail, hand deliver, or fax a written request for a conference or a written request for an additional 30 consecutive calendar day extension within a pending extension period shall result in forfeiture of the right to such conference.

e. If a conference is requested, it will be held at the earliest convenience of both the person and the Department, but it will not be held more than 60 consecutive calendar days after the notice, unless specifically agreed to in writing by the Department.

f. If a request for a conference is not timely made, the right to seek a conference is waived.

g. The 30 consecutive calendar days provided for requesting a conference may be waived by the person to expedite resolution of the issue.

h. The person has the right to request an administrative hearing, to be conducted in accordance with Section 120.57, F.S., and Rule Chapter 28-106, F.A.C., if the notice of the requirement to post security becomes final. For this purpose, the Department's notice will become final if:

(i) An agreement is not reached after the informal conference;

(ii) A written request for a conference or a written request for an extension of time for requesting a conference is not timely filed; or

(iii) The right to an informal conference is waived.

2. If the person fails to post security or to secure review of the requirement to post security, the Department will deny the application for a certificate of registration, will revoke any existing certificate, and request that the Department of Legal Affairs proceed by injunction to prevent such person from doing business in the state until the appropriate security is posted.

3. Any security posted under this subsection must solely benefit the Florida Department of Revenue, and must be conditioned upon the timely compliance with the person's tax or fee liability and the terms and conditions of any compliance agreement entered into between the person and the Department.

4. Any person posting security in the form of a cash deposit must complete Form DR-17A, Certificate of Cash Deposit/Cash Bond (incorporated by reference in Rule 12A-1.097, F.A.C.). Suggested formats for the irrevocable letter of credit and the surety bond are available on the Department's website: [www.myflorida.com/dor](http://www.myflorida.com/dor).

5. An irrevocable letter of credit must contain an expiration date that is at least eighteen months after the stated date of issuance.

6. An irrevocable letter of credit or surety bond must contain a provision that requires the issuing bank or surety company to notify the Department of the expiration or termination of the irrevocable letter of credit or surety bond by certified mail at least 60 days prior to the expiration or termination.

7. If security is still required under this subsection and an irrevocable letter of credit or surety bond expires or is terminated without substitution, the Department will revoke the applicable person's existing certificate and request that the Department of Legal Affairs proceed by injunction to prevent such person from doing business in the state until substitute security is posted.

8. No interest will be paid by the state to any person for the deposit of any security under this subsection.

(e) Insufficiency of Security. If the Department determines that the amount of any existing security is insufficient to ensure payment of the amount of the tax or fee liability, penalties and interest for which the person is or may become liable, or if the amount of the security is reduced or released whether by judgment rendered or by use of the security to pay the delinquent tax or fee liability, penalties or interest, the Department will provide written notification to the person of the revised amount of security required. The person is required to file an additional security in the amount required by the Department, or request a conference within 30 consecutive calendar days, failing which the Department will revoke any existing registration. If a new security is furnished, the Department, as appropriate, will cancel, surrender, or discharge the previous security, for which the new security is substituted.

(f) Security Duration. If the person complies with its tax or fee liability for a period of twelve consecutive months, upon written request, the Department will release the surety bond or irrevocable letter of credit. A person requesting the return of a cash deposit must file Form DR-29, Application for Release or Refund of Security (incorporated by reference in Rule 12A-1.097, F.A.C.). If the person ceases operation of the business during the time the security is being held by the Department, a written request must be made within 90 days of ceasing operations, requesting the return of the deposit or release of the surety bond or irrevocable letter of credit. The Department will offset any reimbursements of security under this subsection against any outstanding tax or fee liability of the person.

(g) Delinquent Payments. If any person is delinquent more than 30 days in the payment of its tax or fee liability, the Department is authorized to initiate an action to seek release of moneys from the security held by the Department.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (2), 212.04(4), 212.0596(1), (2), 212.06(2), 212.12(2), (5), (6), 212.14(4), 212.16(1), (2), 212.18(3) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00, 6-19-01, 10-2-01(1), 10-2-01(1), 4-17-03, 6-12-03,\_\_\_\_\_.

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
(2) through (7)	No change.	

(8) DR-17A	Certificate of Cash Deposit/Cash Bond (R. _____)	
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(8) through (10) renumbered (9) through (11) No change.

(12) DR- 29	Application for Release or Refund of Security (R. _____)	
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(11) through (23) renumbered (13) through (25) No change.

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) F.S. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.08(1)(a), 201.01, 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07,\_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE NO.:	RULE TITLE:
14-85.004	Logo Sign Program

PURPOSE AND EFFECT: The amendment to Rule 14-85.004, F.A.C., is limited to paragraph (11)(e) and subsection (12). These sections are amended to clarify inconsistent terms and to provide a 30 day grace period for late payment during annual renewal, consistent with other sections of Chapter 479, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to paragraph 14-85.004(11)(e) and subsection (12), to clarify inconsistent terms and to provide a 30 day grace period for late payment during annual renewal.

SPECIFIC AUTHORITY: 479.08, 479.261, 334.044(2) FS.  
 LAW IMPLEMENTED: 334.044(28), 479.08, 479.261 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:

14-85.004 Logo Sign Program.

(1) through (10) No change.

(11) Permitting.

(a) through (d) No change.

(e) Process for Annual Permit Renewal.

1. Each holder of a valid logo permit must submit the full annual permit fee(s) to the Program Administrator, which permit fee(s) must be received by the Program Administrator no later than 5:00 p.m. on December 1 of each year.

2. It is the responsibility of the permit holder to keep the Program Administrator informed concerning address changes, ownership changes, contact changes, billing address changes, and any other changes impacting notification or participation eligibility that have occurred since the last renewal period.

3. If the Program Administrator has not received the annual permit fee(s) by 5:00 p.m. Eastern Standard time on December 1, the permit will be revoked ~~expire and the business logo sign will be removed from the display panel.~~ Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.

(12) Denial, ~~denial of renewal~~, revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if the business does not meet the eligibility requirements outlined in this rule.

~~1. Space is not available;~~

~~2. The business does not meet the eligibility requirements;~~

or

~~(b) Denial of Renewal. Renewal will be denied if applicable permit fee(s) are not received by the Program Administrator by 5:00 p.m. on December 1.~~

(b)(e) Revocation. A business's permit to participate in the logo program will be revoked if:

1. The business no longer meets the eligibility requirements outlined in this rule chapter and has not received requested a suspension or if permit fees are not received by the Program Administrator by 5:00 p.m. Eastern Standard time on December 1.

~~2. The business made a false, deceptive, or fraudulent statement in its application or in any other information submitted to the Department or the Program Administrator.~~

2.3- Prior to revoking a logo permit, the Program Administrator shall issue by certified mail a Notice of Intent to Revoke for Noncompliance. This notice shall state the noncompliance found and provide the following: The business has modified or revised a business logo sign or logo structure without authorization by the Department or the Program Administrator.

a. The permittee shall have 30 days from receipt of the Notice of Intent to Revoke for Noncompliance to correct the noncompliance and present evidence to the Department of such correction.

b. If corrective action is not accomplished within the 30 day period, the revocation becomes final agency action.

c. The business logo sign shall be removed from the logo structure(s) after the revocation is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, F.S. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign permit, on a pro rata basis. The business is required to pay the permit fee(s) on a monthly pro rata basis, for all logo signs displayed, pending final agency action or final disposition of any request for administrative hearing.

~~(c)(d)~~ Suspension. A business logo permit will be suspended when the business notifies the Program Administrator that it is temporarily unable to provide the services required and requests suspension of the permit.

1. The maximum period of suspension shall be 90 days except in cases of national disaster or when substantial physical changes such as retrofitting of fuel tanks must be made to the business, in which case an additional 90 days will be granted by the Program Administrator upon receipt of complete construction or engineering specifications for the physical changes and a construction schedule supporting the need for additional time.

2. The logo sign permit must remain in force, including payment of all fees, during the period of suspension.

3. The Program Administrator shall cover or remove the business logo sign until the business is again able to provide services.

4. If the circumstances requiring suspension of the permit are not resolved within the time frame in subparagraph (12)(b)(e)1., above, the Program Administrator shall revoke the business logo sign permit in accordance with paragraph (12)(b), above.

~~(d)~~(e) Voiding. If the Department or the Program Administrator must remove logo structures pursuant to paragraph (3)(d), the Program Administrator shall void the business logo sign permit. The Program Administrator shall reimburse the business for the unexpired permit term, on a pro rata basis.

~~(e)(f)~~ Notice. In cases of denial, ~~denial of renewal~~, revocation, or voiding, the Program Administrator shall provide a written notice to the applicant or permittee by certified mail. The notice shall contain a statement of the reason for the action and an explanation of the permittee's rights under Chapter 120, F.S.

~~1. Prior to revoking a logo permit, the Program Administrator shall issue a Notice of Noncompliance by certified mail. This notice shall state the noncompliance found and provide the following:~~

~~a. The permittee shall have 30 days from receipt of the Notice of Noncompliance to correct the noncompliance.~~

~~b. If corrective action is not accomplished within the 30-day period, the Program Administrator shall issue a notice of intent to revoke the permit.~~

~~2. The business logo sign shall be removed from the logo structure(s) after the revocation or denial action is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, F.S. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign, permit, on a pro rata basis.~~

~~(f)~~(g) Cancellation. If a participant decides to no longer participate in the logo program, the participant must provide to the Program Administrator a written notice of its decision not to participate. Upon receipt of the notice, the Program Administrator will cancel the participant's permit and remove the participant's business logo sign.

(13) through (b) No change.

Specific Authority 479.08, 479.261, 334.044(2) FS. Law Implemented 334.044(28), 479.08, 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, Amended 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, 7-15-02, 1-7-03, 11-30-04, 3-29-05, 12-25-05, \_\_\_\_\_.

**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."

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

RULE NOS.:	RULE TITLES:
18-21.003	Definitions
18-21.008	Applications for Lease
18-21.011	Payments and Fees

PURPOSE AND EFFECT: To simplify the method under which fees are assessed for the use of sovereignty submerged lands; to change the standard sovereignty submerged land lease term; and to clarify, add, or delete definitions related to fees and lease terms. These rule amendments will create criteria to be used in fee calculations and eliminate the requirement to report and submit six percent of the income generated on sovereignty submerged lands. The amendments will also increase the standard term for a sovereignty submerged land lease to ten years and clarify any definitions affected by the rule changes.

SUBJECT AREA TO BE ADDRESSED: Simplifying fees for sovereignty submerged lands use, extending the standard lease term and clarifying definitions.

SPECIFIC AUTHORITY: 253.03(7), 253.03(11) FS.

LAW IMPLEMENTED: 253.03(11) FS.

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

DATE AND TIME: November 13, 2007, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Conference Room A, 1st floor (Marjory Stoneman Douglas Building).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Vicki Thompson at MS 130, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2720, Vicki.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: After November 6, 2007, from Vicki Thompson, address above, and on the Department's Division of State Lands website at [www.dep.state.fl.us/lands](http://www.dep.state.fl.us/lands)

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-1.659	Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to adopt revised Water Use Permit application forms to require business entity applicants to identify the type of business entity and the name and title of the person signing the application on behalf of the business entity applicant, and to attach documentation of the business entity's authority to do

business in the state of Florida. The effect will be to ensure that Water Use Permits are issued accurately to business entities authorized to do business in Florida.

**SUBJECT AREA TO BE ADDRESSED:** Information required for completing and submitting Water Use Permit applications to the District.

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

**LAW IMPLEMENTED:** 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

**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-1.659 Forms and Instructions.

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

**GROUND WATER**

(1) through (7) No change.

(8) **GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES LESS THAN 100,000 GALLONS PER DAY**

FORM NO. WUP-1 FORM 46.20-0024 ( ) ~~(12/98)~~

(9) **GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 100,000 TO 499,999 GALLONS PER DAY**

FORM NO. WUP-2 FORM 46.20-0032 ( ) ~~(12/98)~~

(10) **INDIVIDUAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 500,000 GALLONS PER DAY OR GREATER**

FORM NO. WUP-3 FORM 46.20-0043 ( ) ~~(12/98)~~

(11) through (20) No change.

**SURFACE WATER**

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 9-27-07,

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

**PURPOSE AND EFFECT:** To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lakes pursuant to Section 373.042, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** Establishment of minimum lake levels and guidance levels for King Lake, King Lake (East) and Lake Linda in Pasco County, Florida. Staff will present an overview of minimum levels development and discussion of the proposed minimum levels for the lakes.

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

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

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

**DATE AND TIME:** November 14, 2007, 6:30 p.m.

**PLACE:** Land O' Lakes Community Center, 5401 Land O'Lakes Boulevard (U.S. Highway 41), Land O'Lakes, Florida 34639-3414

Pursuant to the provisions of 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: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

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



**LAND AND WATER ADJUDICATORY COMMISSION**

**Poinciana Community Development District**

RULE NO.: RULE TITLE:

42AA-1.002 Boundary

**PURPOSE AND EFFECT:** The Petition, as supplemented, was filed by the Poinciana Community Development District. The District proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 212.65 acres. The District currently covers approximately 3,028 acres of land located entirely within Polk County, Florida. After expansion, the District will encompass approximately 3,240 acres. There are no lands within the expansion parcel that are to be excluded from the District. The development plan that was included in the original Petition to establish the District consisted of 5,600 residential units and 140,000 square feet of commercial and office space. The proposed 212.65 acre expansion area will include single family residential units that will be added to the overall development schedule.

**SUBJECT AREA TO BE ADDRESSED:** Expansion of the boundary of the Poinciana Community Development District.

**SPECIFIC AUTHORITY:** 190.005, 190.046 FS.

**LAW IMPLEMENTED:** 190.004, 190.005, 190.046 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, November 13, 2007, 2:00 p.m.

**PLACE:** The Capitol, Room 2103, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884. If you are 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:** Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Communications and Information Technology Services**

RULE NOS.: RULE TITLES:

60FF-1.001 Purpose; Definitions

60FF-1.002 Third Party Subscriber Classifications

60FF-1.003 Application Process

60FF-1.004 Frequencies and Licenses

60FF-1.005 System Use

60FF-1.006 Security, Encryption Requirements, Radio Programming, and System Key Management

**PURPOSE AND EFFECT:** To consider development of a new rule chapter establishing procedures to allow eligible users to utilize the Statewide Law Enforcement Radio System.

**SUBJECT AREA TO BE ADDRESSED:** The Statewide Law Enforcement Radio System.

**SPECIFIC AUTHORITY:** 282.102(9) FS.

**LAW IMPLEMENTED:** 282.1095 FS.

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

**DATE AND TIME:** November 28, 2007, 9:30 a.m.

**PLACE:** Capital Circle Office Center, Room 301, 4030 Esplanade Way, 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 2 days before the workshop/meeting by contacting: Marta McPherson at (850)488-2707; Suncom 278-2707. If you are 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:** Linda Fuchs, Project Management Office, DMS Communications and Information Technology Services, 4030 Esplanade Way, Suite 180, Tallahassee, Florida 32399-0950; Linda.fuchs@dms.myflorida.com; (850)488-8036

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: RULE TITLE:

61C-1.002 Licensing and Inspection Requirements

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule development is to change the license renewal dates for public food service and public lodging establishments and delete reference to an incorporated form that is no longer needed in the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses public food service and lodging establishment license renewal.

SPECIFIC AUTHORITY: 509.032, 509.241 FS.

LAW IMPLEMENTED: 213.0535, 509.032, 509.241, 509.251, 559.79 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, telephone: (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.002 Licensing and Inspection Requirements.

(1) through (5) No change.

(6) Renewal – It is the responsibility of the licensee to renew the license prior to the expiration date. ~~The division makes available to all licensees BPR form 21-021, APPLICATION FOR LICENSE RENEWAL, incorporated herein by reference and effective 3-31-94, which contains all information required by law to renew the license.~~ Any public lodging or food service establishment operating on an expired license is deemed to be operating without a license, and subject to the penalties provided by ~~for this offense in law and rule.~~ Beginning in 2008, all public food service establishment licenses will expire on and must be renewed by December 1 annually. Beginning in 2009, all public lodging establishment licenses will expire on and must be renewed by May 1 annually. These expiration dates will replace the schedule in paragraphs (a) through (g) below. The expiration date of licenses in current status will be extended for the period of time necessary to bring each district into alignment with the new expiration dates. The division will provide each affected establishment in current status with a new license indicating the extended expiration date before their license expires. Until a license indicating the new December 1 or May 1 expiration date is issued, the following annual ~~Annual~~ renewal schedule applies ~~dates for all establishments in the counties indicated are as follows:~~

(a) through (g) No change.

(7) through (8) No change.

Specific Authority 509.032~~(2)(d), (6)~~, 509.241~~(4)~~ FS. Law Implemented 213.0535, 509.032~~(2)(a), (d), (e), (6)~~, 509.241~~(1), (3)~~, 509.251, 559.79~~(4)~~ FS. History—Amended 1-20-63, 9-19-63, 5-20-64, 2-23-66, 8-9-68, Revised 2-4-71, Amended 10-18-71, Repromulgated 12-18-74, Amended 9-1-83, 10-1-83, Formerly 7C-1.02, Amended 1-30-90, 12-31-90, 2-27-92, 6-15-92, Formerly 7C-1.002, Amended 3-31-94, 3-15-95, 10-9-95, 9-25-96, 5-11-98, 9-9-03, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NOS.:	RULE TITLES:
61G1-22.001	Interior Design Professional Experience Requirements
61G1-22.003	Education Requirements for Interior Designers

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

SUBJECT AREA TO BE ADDRESSED: Interior Design Professional Experience Requirements; Education Requirements for Interior Designers.

SPECIFIC AUTHORITY: 481.203(8), 481.209(2), 481.2055 FS.

LAW IMPLEMENTED: 481.203(8), 481.209(2), 481.2055 FS. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.:	RULE TITLES:
61G17-4.002	Content of Examination
61G17-4.003	Grading Criteria and Procedures
61G17-4.004	Grading
61G17-4.006	Grades Review Procedure
61G17-4.007	Re-examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to consider deletion of the essay portion of the examination.

SUBJECT AREA TO BE ADDRESSED: Consideration of deletion of the essay portion of the examination.

SPECIFIC AUTHORITY: 455.217(1), (2), 472.013 FS.  
 LAW IMPLEMENTED: 455.217(1), (2), 472.013 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.:	RULE TITLES:
61G17-6.002	Definitions
61G17-6.003	General Survey, Map, and Report Content
61G17-6.004	Topographic Survey, Map, and Report

PURPOSE AND EFFECT: The Board proposes the rule amendment to review regulatory objectives and minimum technical standards.  
 SUBJECT AREA TO BE ADDRESSED: Review of regulatory objectives and minimum technical standards.  
 SPECIFIC AUTHORITY: 472.008, 472.015, 472.027, 472.033(1)(h) FS.  
 LAW IMPLEMENTED: 472.015, 472.027, 472.033(1)(h) 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-8.017  
 RULE TITLE: Citation Authority  
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the appropriate penalty for failure to document CME violations.  
 SUBJECT AREA TO BE ADDRESSED: CME citation violations.  
 SPECIFIC AUTHORITY: 456.077, 458.309 FS.  
 LAW IMPLEMENTED: 456.072(2)(d), 456.077 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.017 Citation Authority.  
 In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

- (1) through (2) No change.
- (3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

<b>VIOLATIONS</b>	<b>PENALTY</b>
(a) CME violations. (Sections 458.321, 458.331(1)(g), (x), 456.072(1)(e), (s), F.S.)	Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued. Respondent's continuing education courses will be audited for the next two biennial to ensure compliance with renewal requirements; AND

- (b) Failure to comply with a CME audit. \$500 fine and compliance with the CME audit within 10 days. (Sections 456.072(1)(e), (s), F.S.)
- 1. Failure to document required HIV/AIDS and related infections of TB CME. \$250 fine
- 2. Failure to document required domestic violence CME. \$250 fine
- 3. Failure to document required medical errors CME. \$250 fine
- 4. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence ~~and medical errors~~ CME. \$500 fine
- 5. Documentation of some, but not all, 40 hours of required CME for license renewal. \$50 fine for each hour not documented

(c) through (q) No change.

(4) through (5) No change.

Specific Authority 456.077, 458.309 FS. Law Implemented 456.072(2)(d), 456.077 FS. History—New 12-30-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00, 1-31-02, 1-12-03, 7-27-04, 2-7-05, 1-4-06, 7-3-06, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-13.005  
 RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the current five most mis-diagnosed medical conditions.

SUBJECT AREA TO BE ADDRESSED: The five most mis-diagnosed medical conditions for purposes of continuing medical education in prevention of medical errors.

SPECIFIC AUTHORITY: 456.013(6), (7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, F.S., shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department.

(a) through (b) No change.

(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. While wrong site/wrong procedure surgery continues to be the most common basis for quality of care violations, the ~~The~~ following areas have been determined as the five most mis-diagnosed conditions: ~~wrong site/patient surgery~~; cancer; cardiac; acute abdomen; timely diagnosis of surgical complications; and stroke and related cranial conditions ~~failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.~~

(2) through (11) No change.

Specific Authority 456.013(6), (7), 456.031(4), ~~458.309, 458.319 FS.~~ Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05, 4-25-06, 12-26-06, \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-12.011  
 RULE TITLE: Regulations Governing the Establishment and Operation of Game Farms

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to promulgate a new rule pertaining to the establishment and operation of game farms in Florida. The proposed rule will replace the substantive portions of existing statute, Section 372.16, Florida Statutes. That statute is expected to be repealed by the Legislature after this replacement rule is adopted. The proposed rule also clarifies the requirements for lawful operation of game farms in Florida.

**SUBJECT AREA TO BE ADDRESSED:** Establishment and operation of game farms in Florida.

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

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution, 372.16 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Captain Linda E. Harrison, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253

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

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

#### Florida Elections Commission

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

**PURPOSE AND EFFECT:** The proposed rule amendments are intended to include Chapter 106 in the definition rule.

**SUMMARY:** The proposed rule amendments clarify that the definitions include Chapter 106, F.S.

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

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

**SPECIFIC AUTHORITY:** 106.26 FS.

**LAW IMPLEMENTED:** 106.25(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 Linthicum, Executive Director, Florida Elections Commission, PL-01, The Capitol, Tallahassee, Florida 32399-1050

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

#### 2B-1.002 Definitions.

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

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

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

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

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

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Florida Elections Commission

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Florida Elections Commission

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 16, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 28, 2007

### DEPARTMENT OF TRANSPORTATION

**RULE NO.:** 14-46.001  
**RULE TITLE:** Utilities Installation or Adjustment

**PURPOSE AND EFFECT:** The proposed amendment to Rule 14-46.001, F.A.C., is to incorporate by reference a revised Utility Accommodation Manual and revised Utility Permit form.

**SUMMARY:** The Utility Accommodation Manual is being amended.

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

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

**SPECIFIC AUTHORITY:** 334.044(2) FS.

**LAW IMPLEMENTED:** 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-46.001 Utilities Installation or Adjustment.

(1) Purpose. This rule is established to regulate the location and manner for installation and adjustment of utility facilities on any FDOT right of way, in the interest of safety and the protection, utilization, and future development of such rights of way, with due consideration given to public service afforded by adequate and economical utility installations, and to provide procedures for the issuance of permits.

(2) Permits.

(a) The FDOT will issue permits for the construction, alteration, operation, relocation, and maintenance of utilities upon the right of way in conformity with the FDOT *Utility Accommodation Manual*, October 2007, ~~August 2004~~ edition, FDOT Document No. 710-020-001-fe, which is hereby incorporated by reference and made part of this rule, and which supersedes all previous editions. This *Utility Accommodation Manual* (UAM) also incorporates by reference and makes part of this rule additional documents, namely those contained in the UAM section entitled "References." The extent to which these documents are made a part of this rule through incorporation by reference into the UAM is limited to the scope of application(s) specifically referenced within the text of the UAM, subject to any modifications, exceptions, or qualifications set forth in the UAM. Copies of this document are available from the FDOT Maps and Publications Office ~~via the Office of Roadway Design, Utility Section~~ at 605 Suwannee Street, MS ~~12 32~~, Tallahassee, Florida 32399-0450, or the FDOT Department Utility Web Site: <http://www.dot.state.fl.us/rddesign/utilities/files/utilities.htm>.

(b) The Utility Permit, FDOT Form 710-010-85, Rev. ~~10/07 08/04~~, is incorporated herein by reference. Copies of FDOT Form 710-010-85, Rev. ~~10/07 08/04~~, are available from the ~~FDOT Department~~ Utility Web Site listed above.

Specific Authority 334.044(2) FS. Law Implemented 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS. History--New 5-13-70, Amended 8-10-78, 7-22-82, Formerly 14-46.01, Amended 7-5-90, 6-8-93, 10-15-96, 8-30-99, 11-10-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Thomas R. Bane, State Utilities Engineer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2007

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

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

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

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: RULE TITLE:

19B-4.001 Application

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

SUMMARY: This rule change updates the Florida Prepaid College Plan application form and application process.

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

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C., apply to purchasers of advance payment contracts for the prepayment of postsecondary registration, local fees, tuition differential fees and/or dormitory residency fees under the Stanley G. Tate Florida Prepaid College Program, the "Program." The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance

payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order will be accepted by the Board at any time. Other applications for advance payment contracts submitted to the Board outside the annual application period will be processed for data collection and administrative purposes, but will not be accepted by the Board until the beginning of the next succeeding annual application period. The contract prices associated with applications submitted to the Board outside the annual application period, except for those purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order, shall be the contract prices applicable to advance payment contracts for the next succeeding annual application period. After acceptance by the Board of the purchaser's application, a participation and payment schedule shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule.

(2) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

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

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

SUMMARY: This rule change amends the Florida Prepaid College Plan advance payment contract prices with updated percentages for the annual increases to fees for each type of plan.

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

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.002 Contract Prices.

The Board will evaluate the advance payment contract prices for revision annually. All advance payment contract prices will be published annually in the Florida Administrative Weekly. The advance payment contract prices for tuition plans are based on the actuarial assumption that university tuition will rise at an average of 6.5 percent per annum, community college tuition will rise at an average of 6 percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee plan ~~contract~~ prices are based on the actuarial assumption that university local fees will rise at an average of 5 ~~6~~ percent per annum and community college local fees will rise at an average of 6 percent per annum. The tuition differential fee plan prices are based on the actuarial assumption that the tuition differential fee will rise an average of 8.5 percent per annum until such time as the tuition differential fee reaches forty percent (40%) of tuition at Funding Level 1 schools and thirty percent (30%) of tuition at Funding Level 2 schools. Once the tuition differential fee reaches the maximum level, the actuarial assumption is that the tuition differential fee will rise an average of 6.5% per annum.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-4.005  
RULE TITLE: Maximum Account Balance Limit  
PURPOSE AND EFFECT: To amend the maximum account balance limit of a beneficiary's advance payment contract to include the new tuition differential fee plan and to update terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan maximum account balance limit of a beneficiary's advance payment contract to include the new tuition differential fee plan.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.  
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.005 Maximum Account Balance Limit.

(1) No change.

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-5.001  
RULE TITLE: Contract Types  
PURPOSE AND EFFECT: To amend the number and types of plans offered through the advance payment contracts and to update the terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan number and types of plans offered through the advance payment contracts.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.  
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514



THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.001 Contract Types.

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

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

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

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

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

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

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

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

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

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

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

(3) Tuition Differential Fee Plans consist of two (2) separate plans:

Beneficiaries for whom advance payment contracts were in effect prior to July 1, 2007 and consist of the university tuition plan or the community college plus university tuition plan, are exempt from the tuition differential fee.

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

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

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

(4)(3) Dormitory Plan –

(a) The dormitory plan may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time the contract application is filed.

Effective for enrollment periods beginning after July 1, 1997, the dormitory plan is not available unless the sale of dormitory contracts is specifically authorized by the Board prior to the enrollment period for that year and the sale of dormitory plan contracts will not adversely affect the status of the program as a “qualified state tuition program” under Section 529 of the Internal Revenue Code.

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

**STATE BOARD OF ADMINISTRATION  
Florida Prepaid Postsecondary Education Expense Board**

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

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

SUMMARY: This rule change amends the Florida Prepaid College Plan payment contract benefits to include the types of plans and to update the terminology.

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

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.002 Contract Benefits.

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

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

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

(3) Local fee and tuition differential fee plans are contracts ~~will be~~ tied to tuition contracts for matriculation purposes. Payment for the local and tuition differential fees will be

remitted with the tuition payment upon the receipt of a tuition invoice for an beneficiary whose advance payment contract is account composed of these both fee plans contracts. If the state university does not charge a tuition differential fee, payment for only the local fees will be remitted with the tuition payment, upon receipt of a tuition invoice for a beneficiary whose advance payment contract is composed of these fee plans.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-5.003  
 RULE TITLE: Contract Requirements

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

SUMMARY: This rule change amends the Florida Prepaid College Plan contract requirements of advance payment contracts to include the tuition differential fee, to clarify how disbursements are made to colleges and universities and to update terminology.

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

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.003 Contract Requirements.

(1) No change.

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

(3) No change.

(4) The benefits of an advance payment contract may be used within three (3) years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize the benefits a contract prior to the selected matriculation date, the purchaser must pay the advance payment contract in full before changing such matriculation date.

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

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

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-5.006  
RULE TITLE: Limitations on Plan Option Changes

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

SUMMARY: This rule change amends the Florida Prepaid College Plan limitations on plan option changes with updated terminology.

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

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.006 Limitations on Plan Option Changes.

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

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

(b) Advance payment cContract purchasers may make one (1) or more partial prepayments on an installment contract. For purposes of this ~~R~~rule, a partial prepayment is a payment made on an installment contract which is received by the Board prior to the regularly scheduled time for a payment and which is less than the lump sum amount required to fully prepay the installment contract at the time such payment is received by the Board. An advance payment contract purchaser shall not receive any refund or reduction of the total amount due on an installment contract, including any amount for implied interest pursuant to subsection 19B-4.003(2), F.A.C., as the result of one (1) or more partial prepayments.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: September 5, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: September 28, 2007

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.:                      RULE TITLE:

19B-6.001                      Fee Schedule

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

SUMMARY: This rule change amends the Florida Prepaid College Plan fee schedule with updated fee provisions which include the tuition differential fee

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

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-6.001 Fee Schedule.

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

(1) Application Fee –

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

(b) If the purchaser named on the application for the advance payment contract Program has a Florida College Investment Plan account and the designated beneficiary of that account is the same as beneficiary named on the application for

the advanced payment contract, a thirty dollar (\$30.00) nonrefundable application fee will be collected at the time the application is submitted.

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

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

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

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

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

(a) The purchaser or beneficiary dies or is disabled; or

(b) The beneficiary receives a scholarship which renders the plan unusable; or

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

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

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

(4) Late Fee.

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

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

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

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

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

SUMMARY: This rule change amends the Florida Prepaid College Plan flexibility with which advance payment contract beneficiaries may use their benefits, to include the restriction on the new tuition differential fee plan.

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

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.001 Flexibility.

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: September 5, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: September 28, 2007

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

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

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

SUMMARY: This rule change amends the Florida Prepaid College Plan transfer of advance payment contract benefits to in-state independent colleges or universities to include the transfer of the new tuition differential fees.

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

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

In the event the beneficiary matriculates in an independent college or university in Florida, the redemption value will be forwarded to the institution. For purposes of such transfers of the tuition, ~~and~~ local fee and tuition differential fee plans, the redemption value shall be the average amount of tuition, ~~and~~ local fees; and tuition differential fees, respectively, charged by

the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's advance payment contract.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: September 5, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: September 28, 2007

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-9.003                      RULE TITLE:  
 Transfer to Out-of-State Schools

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

SUMMARY: This rule change is being made to amend the Florida Prepaid College Plan transfer of advance payment contract benefits to out-of-state colleges or universities to include the transfer of the new tuition differential fees.

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

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

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

PURPOSE AND EFFECT: To amend the transfer of advance payment contract benefits to in-state vocational-technical schools to include the transfer of the new tuition differential fee and to update terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan transfer of advance payment contract benefits to in-state vocational-technical schools to include the transfer of the new tuition differential fee.

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

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007



**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.:                   RULE TITLE:

19B-11.001                General

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

SUMMARY: This rule change Florida Prepaid College Plan permits Florida Prepaid College Plan beneficiaries who attend state educational institutions which do not charge a tuition differential fee to receive a refund at the current redemptive value of the tuition differential fee plan.

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

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-11.001 General.

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

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

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

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

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

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

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

(c) If a beneficiary with a tuition differential fee contract attends a state educational institution that does not charge a tuition differential fee, moneys paid for purchase of the tuition differential fee contract shall be returned to the purchaser in an amount not to exceed the redemption value of the tuition differential fee plan.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-1.002  
RULE TITLE: 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 Southwest Florida Water Management 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).

SUMMARY: In January 2006, the Southwest Florida Water Management District (SWFWMD) entered into an agreement with the Marion County Health Department (MCHD) which delegated to MCHD authority to administer well construction permitting in those portions of Marion County located within the SWFWMD. The St. Johns River Water Management District similarly delegated authority to MCHD to administer well construction permitting in those portions of Marion County located within that District. The agreement was incorporated by reference into SWFWMD rules. The agreement is now being amended to extend the effective date to October 1, 2009. The proposed rule amendment will incorporate by reference the amended agreement.

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

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

SPECIFIC AUTHORITY: 373.044, 373.103, 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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-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, \_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to allow applicants applying for a water use or environmental resource permit or permit modification from the District to submit only one copy of a completed application form, when application is made through the District's on-line permitting process. The effect will be to eliminate the necessity to submit multiple copies of an application form when application for a permit or permit modification is made electronically.

SUMMARY: District rules and application forms require that multiple copies of each application form must be submitted when application is made for a water use permit or environmental resource permit. The District is currently expanding its capability to accept permit applications electronically. To accommodate electronic application submittals in the most efficient manner, submittal of only one copy of the completed application form is necessary, as electronic submittals can be shared among all reviewing staff.

The proposed rule provides that when applications are submitted electronically, only one copy of the submittal is required.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.116, 373.118, 373.229, 373.413 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-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,\_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

**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 to file a petition for hearing concerning District action taken on applications for 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.

SUMMARY: The District's Water Use Information Manual Part B, Basis of Review for Water Use Permit Applications (Basis of Review), sets forth the usual procedures and information used by the District in the review of water use permit applications. Subsection 1.6 of the Basis of Review describes the permit application review process and advises that persons whose substantial interests may be affected by agency action on a permit and who wish to object to such action may file a petition for hearing. The proposed rule amendment will correct the language to state that persons desiring to file a petition for hearing have 21 days from receipt of notice of proposed agency action in which to timely file a petition. The amendment will also delete references to repealed District rules. Rule 40D-2.091, F.A.C., is also amended to incorporate by reference the revised Basis of Review.

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

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

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

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference. The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) Water Use Permit Information Manual Part B, "Basis of Review" (    ) (~~40/07~~) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (1/07);

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07,\_\_\_\_\_.

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 ~~14~~ 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 ~~14~~ 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,\_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

**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 allow the completed phase of a construction project authorized pursuant to an Environmental Resource Permit (ERP) to be transferred to the operation phase prior to completion of the entire project. The effect of the rule revisions will be to enable a permittee to transfer completed sections of a project to the operation phase and to the operation and maintenance entity while allowing the originally issued ERP authorizing construction to remain active until completion of the entire project.

SUMMARY: Existing ERP rules provide that upon completion of the permitted construction project, the ERP shall be transferred to the operation phase and to the entity that will be responsible for the operation and maintenance of the permitted surface water management system. The proposed rule amendments will establish a procedure whereby independently functioning portions of a completed surface water management system may be transferred to the operation phase and to the operation and maintenance entity while the originally-issued permit stays active to allow continued construction of remaining phases or portions of the permitted project. Rule 40D-4.331, F.A.C., is amended to provide that a request to transfer an independently functioning portion of a permitted

system to operation phase shall be made by formal application for modification of the construction permit, to identify the constructed phase separate from the remaining portions of the project still under construction. Rule 40D-4.351, F.A.C., is amended to provide that a request to transfer a portion of a constructed system to operation phase shall include a demonstration that the constructed portion to be transferred functions independently in compliance with applicable permitting conditions. The standard ERP conditions set forth in Rule 40D-4.381, F.A.C., are amended to specify the minimum construction activities that must be completed before any portion of the system can be transferred to the operation and maintenance entity.

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

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

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

LAW IMPLEMENTED: 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426, 373.429, 403.805 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES 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

1. Except for those projects meeting the criteria for letter modifications in paragraph (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.

~~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.~~

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

1. through 7. 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, F.S. 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,\_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:  
59G-6.010

RULE TITLE:  
Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective July 1, 2007.

1. The operating and indirect patient care component targets and target rate class ceilings of the Medicaid nursing home per diem rate shall be rebased. The operating and indirect patient care components of the per diem rate shall continue to be limited by the lower of the cost-based class ceiling, the target rate class ceiling, or the individual provider-specific target.
2. Establish a target rate class ceiling floor equal to 90 percent of the cost-based class ceiling.
3. Establish an individual provider-specific target floor equal to 75 percent of the cost-based class ceiling.
4. Modify the inflation multiplier to equal 2.0 times inflation for the individual provider-specific target. (The inflation multiplier for the target rate class ceiling shall remain at 1.4 times inflation.)
5. Modify the calculation of the change of ownership target to equal the previous providers' operating and indirect patient care cost per diem (excluding incentives), plus 50 percent of the difference between the previous providers' per diem (excluding incentives) and the effective class ceiling and use an inflation multiplier of 2.0 times inflation.
6. The methodology for nursing home special Medicaid payments is being revised.

SUMMARY: The proposed changes to Rule 59G-6.010, F.A.C., incorporate revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The rule modifies July 1, 2007 nursing home rates and changes the term Upper Payment Limit to special Medicaid payments.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308  
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or by e-mail at stephene@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or by e-mail at stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXXII XXXI~~ Effective Date ~~August 26, 2007~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 8-26-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Edwin Stephens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Phil Williams

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2007

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Architecture and Interior Design

RULE NO.: 61G1-11.013  
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to add the definition of “intern-architect” to the rule.

SUMMARY: The definition of “intern-architect” 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: 481.2055 FS.

LAW IMPLEMENTED: 481.203, 481.211, 481.221(4), (8), 481.229(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-11.013 Definitions.

In these rules, where the context will permit;

(1) through (3) No change.

(4) The title “Intern Architect” may be used by an individual who possesses a National Architectural Accreditation Board (NAAB) accredited professional degree in architecture, is actively enrolled with the National Council of Architectural Registration Boards (NCARB) in the Intern Development Program (IDP), and is working under the direct supervision of a registered architect. This title shall be used only in conjunction with the architectural firm for which an individual is employed as an intern to meet the requirements of Section 481.211, F.S., “Architecture internship required.”

Specific Authority 481.2055, 481.211 FS. Law Implemented 481.203, 481.211, 481.221(4), (8), 481.229(1)(c) FS. History—New 12-23-79, Amended 2-24-83, 10-27-83, 12-29-83, Formerly 21B-11.13, Amended 11-12-89, 2-14-91, 5-5-91, 12-26-91, Formerly 21B-11.013, Amended 11-15-93, 11-21-94, 1-10-99, 2-12-04, 4-15-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Architecture and Interior Design  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Architecture and Interior  
Design  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 28, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 8, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.:                   RULE TITLE:  
61G17-7.0025               Procedures for Signing and Sealing  
  Electronically Transmitted Plans,  
  Specifications, Reports or Other  
  Documents

PURPOSE AND EFFECT: The Board proposes to amend the rule to include additional instructions for procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents.

SUMMARY: The rule amendment will update the rule in regards to the procedures for signing and sealing electronically transmitted documents.

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: 472.008, 472.025 FS.

LAW IMPLEMENTED: 472.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-7.0025 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) No change.

(2) A license holder may use a computer generated representation of his or her seal on electronically conveyed work; however, the final hard copy documents of such surveying or mapping work must contain an original signature and raised seal of the license holder and date of the documents must be accompanied by an electronic signature as described in

this section. A scanned image of an original signature shall not be used in lieu of an original signature and raised seal or electronic signature. Surveying or mapping work that contains a computer generated seal shall be accompanied by the following text or similar wording: "The seal appearing on this document was authorized by [Example: Leslie H. Doe, P.E. 0112 on (date)]" unless accompanied by an electronic signature as described in this section.

(3) An electronic signature is a digital authentication process attached to or logically associated with an electronic document and shall carry the same weight, authority, and effect as an original signature and raised seal. The electronic signature, which can be generated by using either public key infrastructure or signature dynamics technology, must be as follows:

(a) Unique to the person using it;

(b) Capable of verification;

(c) Under the sole control of the person using it;

(d) Linked to a document in such manner that the electronic signature is invalidated if any data in the document are changed.

~~(4)~~ (2) Alternatively, eElectronic files may be signed and sealed by creating a "signature" file that contains the surveyor and mapper's name and PSM number, a brief overall description of the surveying and mapping documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <ftp://ftp.isi.edu/in-notes/rfc1738.txt>. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-1 "Secure Hash Standard," 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.itl.nist.gov/fipspubs/fip180-1.htm>. A report shall be created that contains the surveyor and mapper's name and PSM number, a brief overall description of the surveyor and mapper documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the professional surveyor and mapper in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.

Specific Authority 472.008, 472.025 FS. Law Implemented 472.025 FS. History--New 2-1-00, Amended \_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers	62-17.211	Modification of Certification, Criteria-change Modifications, Transfer of Ownership
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers	62-17.231 62-17.251	Supplemental Applications Processing of Application for Certification of an Existing Power Plant Site
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2007		
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2007	62-17.280 62-17.281 62-17.282 62-17.293	Florida Administrative Weekly Newspaper Notice Other Notifications Fees, Disbursement of Funds, Contracts

**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:
62-17.021	Definitions
62-17.031	Prohibitions, Exceptions, and Applicability
62-17.041	Notice of Intent, Binding Written Agreements
62-17.051	Application for Site Certification
62-17.081	Supplementary Information – Cost Responsibility, Determination of Completeness of Application
62-17.091	Conduct of Studies
62-17.093	Preliminary Statements of Issues
62-17.115	Informational Public Meetings
62-17.121	Local Government Land Use and Zoning Consistency Determination
62-17.133	Agency Reports
62-17.135	Coordination of Federally Approved or Delegated Programs with State Certification Application Review Procedures
62-17.137	Proprietary Interest in State-Owned Lands
62-17.141	Certification Hearings – Subject Matter, Procedure, Participants, Stipulations
62-17.143	Recommended Orders, Exceptions
62-17.147	Certified Corridor Notice
62-17.171	Department Conditions of Certification under Section 403.511(5)(a), (b)
62-17.191	Postcertification Compliance Review, Monitoring
62-17.201	Review and Evaluation
62-17.205	Postcertification Amendments or Clarifications

**PURPOSE AND EFFECT:** The draft proposed rule is to implement the changes to the Florida Electrical Power Plant Siting Act during the 2006 legislative session, as enacted in Senate Bill 888, signed into law on June 19, 2006.

**SUMMARY:** The draft proposed rule is to clarify definitions, applicability, application requirements, completeness process, the conduct of studies, agency statements of issues and reports, land use and certification hearing requirements, coordination with federal permit programs, proprietary interests in state owned lands, conditions of certification requirements, post certification review, post certification amendments, modifications, processing of supplemental applications and existing sites, public notice, and fees.

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

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

**SPECIFIC AUTHORITY:** 403.501-.518 FS.

**LAW IMPLEMENTED:** 403.501-.518 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:** Friday, November 30, 2007, 9:00 a.m.

**PLACE:** Department of Environmental Protection, Bob Martinez Complex, Conference Room 609, 3600 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Landa Korokous at (850)245-8002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Mr. Mike Halpin at (850)245-8002 or [mike.halpin@dep.state.fl.us](mailto:mike.halpin@dep.state.fl.us).

THE FULL TEXT OF THE PROPOSED RULES IS:

62-17.021 Definitions.

The words, terms and phrases used in Part I, unless otherwise indicated, shall have the meaning set forth in Section 403.503, Florida Statutes. In addition, the following words when used in Part I shall have the indicated meanings:

(1) "Abandonment" means the procedure by which the Board releases all or part of a site from the terms and conditions of a certification previously granted.

(2) "Clerk of the Siting Board" means the person designated as the clerk of the department pursuant to Rule 62-103.050, F.A.C.

(3) "Construction" means any clearing of land, excavation or other action which would alter the physical environment or ecology of a site, but does not include those activities essential for surveying, preliminary site evaluation or environmental studies.

(4) "Directly associated facility" shall have the same meaning as the term "associated facilities" in Section 403.503(13), F.S. These terms include associated transmission lines if the transmission lines are directly connected to the plant, or if the transmission lines brought in at the applicant's option.

(5) "Electronic Copies" means documentation submitted by the applicant which is stored on electronic media (for example, compact disc) in a manner suitable for ease of copying and pasting text or graphics into word processing software. Acceptable formats for electronic copies include Microsoft Word for Windows Versions 5.0 or higher; Rich Text Format, and portable document format (pdf). Any portable document format (.pdf) files must be of a version that all narrative and tables can be readily converted to text.

(6)(4) "Expansion" means any increase in maximum steam or solar gross electrical generating capacity of electrical power plants existing in 1973 as defined by Section 403.506(1), F.S.

(7)(5) "Filing" means actual receipt by the department's Siting Coordination Office, unless otherwise specified herein.

(8) "Land use plans and zoning ordinances" means all components of the local government comprehensive plan adopted pursuant to Ch. 163, Part II, F.S. and the adopted zoning ordinances and any site-specific zoning approvals.

(9)(6) "Licensee" means an applicant which has obtained a certification order for the subject electrical power plant.

(10) "Postcertification amendments" means documentation which reflects changes in the certified project.

(11)(7) "Precertification amendments" means documentation submitted by the applicant during the application review period which reflects changes proposed by the applicant to the designs or plans contained in its previously submitted application. It does not mean responses to requests

for additional information to make the application complete as determined by reviewing sufficiency questions of agencies which are considered supporting information.

~~(8) "Postcertification amendments" means documentation which reflects changes in the certified project.~~

(12)(9) "Public notice" means the notices required by Rules ~~62-17.280, 62-17.281, and 62-17.282~~, F.S.

(13)(40) "Secretary" means the Secretary of the Department of Environmental Protection.

(14)(11) "Supplemental Application" means an application for certification for the construction and operation of an additional steam or solar electrical power generation unit and associated facilities to be located at a site which has been previously certified for an ultimate site capacity.

Specific Authority 403.504(1), 403.517(1) FS. Law Implemented 403.503, 403.504(1), 403.5115, 403.517 FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.02, Amended 5-9-83, Formerly 17-17.021, Amended 2-1-99, \_\_\_\_\_.

62-17.031 Prohibitions, Exceptions, and Applicability.

(1) No applicant shall construct, suffer, allow or permit construction on any site requiring certification under the Act without an appropriate and currently valid certification issued by the Board or the Secretary pursuant to the requirements of the Act. This section shall not be construed to prohibit the use of the site for agriculture, forestry, mariculture, oil or mineral exploration, or recreation, which shall be exceptions to the activities included in the definition of construction in subsection 62-17.021(3), F.A.C., above. Other land uses may be authorized upon a finding by the Board or the Secretary that such uses are not inconsistent with the purposes of the Act. This section shall not obviate the necessity of obtaining appropriate state, regional or local permits, certifications, or similar licenses prior to any use of the site under the above exceptions.

~~(2) Under the provisions of Section 403.508(3), F.S., a certification hearing for expansion of an existing power plant or for a new steam or solar electrical power plant may not be held without an affirmative finding of need by the Public Service Commission.~~

~~(3) Pursuant to Section 403.506(1), F.S., certification is required for new steam or solar electrical power plants of 75 megawatts or greater, and for expansion of steam or solar generating capacity of power plants existing in 1973, whose steam generating capacity is, or will be, 75 megawatts or greater.~~

(2)(4) The construction and operation of new electric generating facilities which do not use steam or solar energy to generate electricity and which are located at a certified power plant site, or any increase in the gross generating capacity of a previously-certified electrical power plant at a certified power

plant site using the certified generating technology and fuels shall be reviewed as a modification of the existing certification, pursuant to Section 403.516, F.S.

Specific Authority 403.504(1) FS. Law Implemented 403.504, 403.506, ~~403.508(3)~~ FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.03, Amended 5-9-83, Formerly 17-17.031, Amended 2-1-99, \_\_\_\_\_.

62-17.041 Notice of Intent, Binding Written Agreements.

(1)(a) Any person intending to submit an application for certification may file a Notice of Intent with the department. If this option is exercised, the Notice shall be filed with the Department at least six months prior to the expected date of application.

(b) The Notice of Intent shall describe, at a minimum:

1. The type of power plant and proposed size;
2. The proposed or existing site location, together with a general map of the site, including the location if known of any proposed associated facilities or transmission line corridors;
3. A general description of the designated zoning and land use plan for the areas listed in subparagraph 2.;
4. A list of all state environmental licenses currently held for pre-application work at the site, such as for monitoring facilities;
5. The anticipated date of filing of the application.

(c) Within seven days after the filing of a Notice of Intent, the department shall notify all affected agencies.

(2)(a) After the filing of a Notice of Intent by an applicant, the department, other affected agencies, and the applicant may enter into binding written agreements as to the scope, quantity, and specificity of information to be provided in the application, as further described in the Application Instruction Guide DEP, Form 62-17.900 62-1.211(1), F.A.C.

(b) Within 21 days of the filing of the proposed binding written agreement, notice of the filing of a Proposed Binding Written Agreement shall be published by the applicant as specified in ~~Rules 62-17.280 and Rule 62-17.281, F.A.C.~~ and by the department in the Florida Administrative Weekly. Comments will be accepted for 30 days following publication of the notice. Copies of any public comments concerning the proposed binding agreement shall be forwarded to the appropriate affected agencies and the applicant by the department.

(c) Any proposed binding written agreement shall be reviewed by the department and the affected agencies within forty-five days of the publication of newspaper notice regarding the filing provided pursuant to subsection 62-17.281(2), F.A.C. The department and the affected agencies shall indicate all changes which are deemed necessary for the proposed agreement to become acceptable to the agency. All such changes which the applicant agrees to shall be included in

the agreement. The agreement shall take effect upon signature of the agency heads or their designees for the participating affected agencies.

(3) The notice of the filing of a Proposed Binding Written Agreement may be combined with a Notice of Intent if an applicant has furnished such an agreement to the department with the Notice of Intent.

Specific Authority 403.504(1)(2), 403.5063(2) FS. Law Implemented 403.504(2)(9), 403.5063 FS. History—New 5-9-83, Formerly 17-17.041, Amended 2-1-99, \_\_\_\_\_.

62-17.051 Application for Site Certification.

(1)(a) Applications for certification shall follow the format and shall be supported by applicable information and technical studies, as prescribed by the Application 62-1.211(1), F.A.C., Instruction Guide, Form 62-17.900 for Certification Applications: Electrical Power Plant Site Associated Facilities, and Associated Transmission Lines, as amended, or as set forth in any binding written agreement.

(b) The applicant may substitute the United States Nuclear Regulatory Commission's or its successor's format for an application for a nuclear power plant as outlined in 10 CFR, Part 50 and 10 CFR, Part 51, as amended, or any substantially similar federal format approved by the department, in lieu of the department's format for a new application or a supplemental application.

(2)(a) A separate application shall be made for each expansion in steam or solar electrical generating capacity of an electrical power plant, or new electrical power plant site.

(b) Any supplemental application for certification shall follow the format of and be supported by information and technical studies prescribed by the Application Instruction Guide, DEP Form 62-17.900 62-1.211(1), F.A.C., or the format allowed under paragraph (1)(b) above. The applicant for supplemental certification should meet with the department to determine what previously filed information is still sufficient for agency use, and what new data must be filed. Supplemental applications shall show that the additional unit or units conform to the current non-procedural standards of affected agencies in force at the time the supplemental application is submitted, and demonstrate the extent to which the expansion falls within the environmental impacts addressed in the initial certification proceedings.

(c) An application for a power plant site which was permitted prior to the passage of the Act shall include the information required in Section 403.5175, F.S., utilizing the applicable portions of the application form cited under subsection (1) above.

(3) Applications shall also include the following:

(a) Information supporting any request for a variance, exception, exemption or other relief from the non-procedural standards or rules of the department or from the standards or

rules of any other agency, including the reasons justifying such relief, and the condition which the applicant seeks to have included in the certification on this issue.

(b) Information describing the works or properties of any agency that the applicant seeks to use, connect to, or cross over, and the intended use.

(c) As required by Section 403.50665(1), F.S., a statement on the consistency of the site including associated facilities with existing land use plans and zoning ordinances in effect on the date the application was filed. Such a statement shall be supported in an appendix by copies of the applicable portions of ordinances, regulations, or land use plans involved.

(d)(e) For sites which may have units or facilities that, due to their size, age, or other factors, were not constructed under the provisions of the Power Plant Siting Act, detailed site plans shall be submitted which delineate those specific parts of the plant and site that are to be evaluated for compliance purposes under certification and those specific parts that will continue under the original permits.

(4)(a) The application will not be deemed filed unless accompanied by the appropriate application fee as described in Rule 62-17.293, F.A.C. and the application has been distributed to all agencies identified in Section 403.507(2)(a), F.S.

(b)(a) The applicant shall consult with the department to determine the number of copies of the certification application or supplemental application and any supplements or precertification amendments thereto to be submitted to the department for its own use. The applicant shall submit the number of hard copies and electronic copies the department determines it needs. The department's determination of how many copies it needs shall be based upon the number of district offices, divisions, or programs required to review the application, plus one for the department to provide to the Division of Administrative Hearings submit twenty (20) of the certification application or supplemental application and any supplements or precertification amendments thereto to the department for its own use. The applicant shall send copies directly to the applicable district office, division, or program personnel at the addresses provided by the department. A copy of the transmittal letter shall be provided to the Siting Coordination Office.

~~(b) The application will not be deemed filed unless accompanied by the appropriate application fee as described in Rule 62-17.293, F.A.C., and the information required under Rule 62-17.121(1), F.A.C.~~

~~(5) After the determination of completeness:~~

~~(c)(a) The applicant shall also submit at least one copy of the application and any supplements or precertification amendments thereto to each agency identified pursuant to Section 403.5064(2), F.S. The applicant shall consult with each affected agency identified in Section 403.507(2)(a), F.S. and Section 403.5064(2), F.S., to determine the number of printed~~

~~and electronic copies needed for that agency to conduct its review, and shall provide the copies on a timely basis pursuant to Section 403.5064(3), F.S. A copy of the transmittal letter shall be provided to the Siting Coordination Office.~~

(d) The applicant shall also submit at least one copy of any supplements or precertification amendments thereto to all agencies and parties which have received a copy of the application.

~~(e)(b) The applicant shall submit one copy of the application and any supplements thereto to the main public library for the county of the site, and for each county in which any associated facility will be located.~~

~~(f) After the delivery of all the applications, the applicant shall provide notice of such delivery.~~

Specific Authority 403.504(1)(2), 403.517(1)(a), 403.5175(1), FS. Law Implemented 403.504, 403.5064, 403.517, 403.5175, FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.04, Amended 5-9-83, 4-14-86, 1-22-91, 1-26-93, Formerly 17-17.051, Amended 2-1-99, \_\_\_\_\_.

62-17.081 Supplementary Information – Cost Responsibility, Determination of ~~Completeness Sufficiency~~ of Application.

(1) The applicant shall furnish, at its cost, such information, studies and data as the department and the jurisdictional affected agencies listed in Section 403.507(2)(a), F.S., may direct to enable said agencies to conduct their required studies in order to assess the impacts of the proposed electrical power plant on matters within the agency's jurisdiction and to enable the department to prepare the written analysis provided for in Sections 403.504(8) and 403.507, F.S., subject to the provisions of any binding agreements pursuant to Section 403.5063(2), F.S.

(2)(a) Each agency required to file a report pursuant to Section 403.507, F.S., shall notify the department and the applicant in writing of its position regarding the completeness sufficiency of the application and what additional information may be necessary to make the application complete sufficient. This notification shall be delivered:

1. Within 30 days after the agency's receipt of an application or pre-certification amendment; or
2. Within ~~15~~ 25 days after the agency's receipt of additional information submitted pursuant to Section 403.5067(3), F.S.

(b) Should the department, in consultation with the agencies required to file a report pursuant to Section 403.507, F.S., determine that an application is not complete sufficient, the department shall so inform the applicant, the affected agencies, and the administrative law judge.

~~(c) Within 15 days of being so informed, the applicant shall:~~

1. Advise the department whether it intends to correct the completeness; or

~~2. File a request for hearing to contest the completeness determination; or~~

~~3. Withdraw the application.~~

~~(3) If the applicant intends to correct the incompleteness, the applicant shall file with the Division of Administrative Hearings, the department, and other parties, a statement accepting the statement of the department and proposing a date by which the information will be supplied.~~

~~(a) If information will not be filed within 30 40 days after the department's completeness determination, then the schedule for preparation of agency reports and conduct of the certification hearing shall be tolled as of the date of the department's initial completeness determination.~~

~~(b) If the information necessary to make the application complete is filed within 30 40 days, but, under the subsequent completeness review as provided for in Section 403.5067(3), F.S., the submitted information is determined to be incomplete, then the schedule for preparation of agency reports and conduct of the certification hearing shall be tolled as of the date of the department's initial completeness determination.~~

~~(c) In their subsequent completeness reviews, the affected agencies may request only that information needed to clarify the additional information or to answer new questions raised by or directly related to the additional information.~~

~~(4)(a) If the applicant contests the statement of the department on completeness, the applicant shall advise the administrative law judge and other parties. All time schedules shall be tolled except those governing the Preliminary Statement of Issues and the Land Use Hearing. Within 15 days after being so advised the administrative law judge shall schedule a hearing on the issue of sufficiency. The hearing shall be held no later than 21 days after the administrative law judge receives the department's position. The administrative law judge shall make a decision on this issue within 7 days after the hearing.~~

~~(3)(b) Agencies that have not raised completeness insufficiency issues that are the subject of any hearing on completeness insufficiency shall continue to prepare their agency reports during the period of the completeness sufficiency determination, unless the administrative law judge makes a contrary determination.~~

~~(4)(5) Late or incomplete insufficient submittals of information required pursuant to the other provisions of this Part shall be good cause for continuance of the certification hearing unless the administrative law judge makes specific findings entered in the record of the proceeding that a continuance is unnecessary.~~

~~(5)(6) If an application is withdrawn and then later resubmitted, the certification schedule shall commence anew as if it were an original application. However, when reviewing a resubmitted application for completeness and sufficiency, the agencies shall take into account previous determinations of~~

completeness and sufficiency and attempt to shorten the time period necessary to make such determinations for the resubmitted application.

Specific Authority 403.504(1)(2), 403.5063(2) FS. Law Implemented 403.504(2)(3), 403.5063(2), ~~403.5067~~ FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.04(2), 17-17.20, Amended 5-9-83, Formerly 17-17.081, Amended 2-1-99, \_\_\_\_\_.

~~62-17.091 Conduct of Studies, Other Agency Guidance.~~

(1) As needed to verify or supplement the studies made by the applicant in support of the application, the department may ~~within 30 days of the distribution of a complete application~~ shall commence or contract for joint or independent studies to aid in the evaluation of the site or may request that other agencies prepare a report on matters in that agency's jurisdiction. The department shall give written notice of all such studies to the applicant and affected agencies before they are commenced.

(2) The applicant shall be furnished with a copy of any request for approval of a contract for studies submitted by an agency other than the department within 10 days of receipt by the department.

Specific Authority 403.504(2) FS. Law Implemented 403.507(2)(3) FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.05, Amended 5-9-83, Formerly 17-17.091, Amended 2-1-99, \_\_\_\_\_.

62-17.093 Preliminary Statements of Issues.

The preliminary statements of the agencies should address issues related to the certification of the facility but not the completeness sufficiency of information provided in the application. The preliminary statements should identify any apparent inconsistencies with the agency's applicable nonprocedural requirements, the necessity for variances and other forms of regulatory relief, the use of lands or works of an agency, and any other major issues of concern to the agency. The preliminary statement should be a brief synopsis of the agency's issues rather than a full report. Detailed explanations of the agency's issues shall be provided in the agency report required under Section 403.507(2), F.S.

Specific Authority 403.504(1) FS. Law Implemented 403.507(1),(2)(d) FS. History—New 2-1-99, Amended \_\_\_\_\_.

62-17.115 Informational Public Meetings.

(1) Any local government or regional planning council intending to conduct an informational public meeting pursuant to Section 403.50663, F.S., shall coordinate with the Department and the applicant in the scheduling of that meeting, to assure availability of the Department and the applicant.

(2) In the informational public meetings, the applicant and any other participating parties are encouraged to design their presentations to inform the public of the details of the proposed power plant.

(3) The format of the meeting is at the discretion of the local government or regional planning council. The local government or regional planning council is not required to take votes or take a position on the proposed facility.

Specific Authority 403.504(1) FS. Law Implemented 403.50663 FS. History—New \_\_\_\_\_.

62-17.121 Local Government Land Use and Zoning Consistency Determination and Zoning Hearings—Subject Matter, Effect of Findings.

(1) Consistency determinations made pursuant to Section 403.50665, F.S., must include a statement of whether the proposed project is consistent or not with local land use plans and zoning ordinances. At the time the application is filed for an electrical power plant requiring a land use hearing under the Act, the applicant shall submit to the department four copies of a compilation of information specifying the procedures taken to accomplish compliance of the site, including associated facilities and directly associated transmission lines, with existing land use plans and zoning ordinances. Such a compilation shall include copies of the applicable portions of ordinances, regulations, or land use plans involved. The department shall file one copy of the compilation with the Division of Administrative Hearings along with the application submitted pursuant to Section 403.50665, F.S. The department shall also file one copy with the Department of Community Affairs, and one with the regional planning council when the application is determined complete.

(2) Determinations finding the proposed site inconsistent with local land use plans or zoning ordinances must also include a statement of what would need to be done to make the proposed project consistent with local land use plans or zoning ordinances. Copies of the compilation required under subsection (1) above shall be made available for public inspection and copying during normal business hours at the main and local business offices of the applicant and at the department's Siting Coordination Office.

(3) Failure of a local government to issue a determination of consistency with local land use plans or zoning ordinances within the time periods under the Act shall result in an automatic finding of consistency.

(4) If a proceeding is held by a local government for the purpose of issuing a revised local land use or zoning approval pursuant to Section 403.50665(3), F.S., then the revised determination issued by the local government must include a statement of whether the proposed project is consistent or not with local land use plans and zoning ordinances, and a statement of what would need to be done to make the proposed project consistent with local land use requirements if it is determined to be inconsistent.

Specific Authority 403.504(1) FS. Law Implemented 403.504(5), 403.50665, 403.508 FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.09, Amended 5-9-83, Formerly 17-17.121, Amended 2-1-99, \_\_\_\_\_.

62-17.133 Agency Reports.

Each agency report shall contain:

(1) An assessment of the facility's expected compliance or non-compliance with applicable agency nonprocedural requirements and an identification of each nonprocedural requirement within the agency's jurisdiction not specifically listed in the application from which a variance, exception, exemption, or other relief is needed in order for the board to certify the project, plus a statement of the agency's position on each variance exception, exemption, or other relief within the agency's jurisdiction needed by the project.

(2) An evaluation of the impacts of the project, along with an assessment of any other matters within an agency's jurisdiction which will be materially affected by the project.

(3) An evaluation of the impacts of the proposed project on any proposed use of, connection to, or crossing over of properties or works of the agency, including the agency's position on the request and conditions that must be satisfied in order for the applicant to use, connect to, or cross over the agency's properties or works.

(4) Conclusions and recommendations regarding certification. If the agency recommends denial of certification, the agency shall provide the reasons for its recommendation of denial and identify any changes in the project which would make the project suitable for certification.

(5) Proposed conditions of certification on matters within the agency's jurisdiction, including:

(a) Any postcertification assessment of consistency with the conditions of certification or impact monitoring which may need to be conducted; and

(b) Conditions that may be necessary in the event the Siting Board or Secretary determines that the project should be certified. All such conditions shall include the statute or rule indicating the agency's authority to require such a condition.

(6) In order to facilitate compliance with Section 403.511(5)(b), F.S., all criteria required by the terms and conditions of the certification which are site-specific shall be identified by the department in the conditions of certification. Any recommendation of denial or proposed condition must cite the specific statute, rule, regulation, or ordinance, as applicable, which provides the substantive, nonprocedural legal authority for the agency's jurisdiction for the recommendation of denial or proposed condition.

Specific Authority 403.504(1) FS. Law Implemented 403.507(2)(e), 403.511(5)(b) FS. History—New 5-9-83, Formerly 17-17.171, Amended 2-1-99, \_\_\_\_\_.

62-17.135 Coordination of Federally Approved or Delegated Programs with State Certification Application Review Procedures.

(1) To the extent possible, in order to facilitate coordination of the procedures for federally approved or delegated permit programs with the state certification

application review procedures, ~~where the schedules listed below shall be followed. If it appears that these time schedules cannot be met, this shall be grounds for the department to request that the administrative law judge consider altering the certification schedule, pursuant to Section 403.5095, F.S. Where conflicts with federal time schedules occur, the federal time schedules shall prevail, pursuant to Sections 403.506(3), 403.508(3), and 403.5055, F.S. If any other application for a department permit to be issued pursuant to a federally approved or delegated permit program is determined to be complete and sufficient before the certification application is determined complete sufficient, then the department shall proceed to review that permit in accordance with adopted department rules and schedules for review and issuance of proposed agency action on such permits under the requirements of that program.~~

~~(1) New Source Review (NSR) or Prevention of Significant Deterioration (PSD) Review.~~

~~(a) The NSR or PSD application must be found complete, as defined in Sections 403.503(8) and (27), F.S., prior to the commencement of further review time schedules. If the NSR or PSD application is not complete and sufficient, then the certification application is not complete and sufficient.~~

~~(b) The department's NSR or PSD preliminary determination shall be issued no later than 60 days after the finding of a complete and sufficient application. The preliminary determination shall be made available for incorporation into the draft Air Operation Permit.~~

~~(c) The applicant shall have published in the appropriate newspapers notice of the preliminary determination no later than 10 days after the preliminary determination has been issued.~~

~~(d) If necessary, after the 30 day period for public comments, the department shall prepare a revised PSD or NSR preliminary determination on such permit within 23 days, and will incorporate the revised preliminary determination into the subsequent draft Air Operation Permit and associated conditions.~~

~~(e) If a public meeting has been requested pursuant to Section 403.508(8), F.S., the meeting shall be conducted by the department in the vicinity of the proposed electrical power plant.~~

~~(f) If a formal administrative hearing has been requested, then the NSR or PSD hearing shall be consolidated with the state certification hearing.~~

~~(g) The department shall issue or deny the PSD or NSR permit in accordance with Section 403.509(3), F.S., within 30 days of issuance of the Certification by the Siting Board.~~

(2) Pursuant to Sections 403.507(5)(e) and 403.5055(2), F.S., the Project Analysis may contain a copy of any draft license for a National Pollutant Discharge Elimination System permit, a Prevention of Significant Deterioration permit, and an Underground Injection Control test well permit. Delays in

the issuance of a related federally delegated or approved draft permit are good cause for an alteration of the deadline for the issuance of the department's Project Analysis, Air Operation Permit Review.

~~(a) The Air Operation Permit application must be processed in accordance with Rule 62-213.240, F.A.C. The determination of completeness and sufficiency for the certification process is not controlled by the determination of completeness for the Air Operation Permit review above.~~

~~(b) The department shall issue a draft Air Operation Permit or a notification that the permit should be denied in accordance with Section 403.0872(3), F.S. In order to prepare the draft Air Operation Permit or Notification Of Denial, the NSR or PSD preliminary determination must be available at least 15 days prior to the issuance of the draft Air Operation Permit or Notification Of Denial; if the NSR or PSD preliminary determination has been delayed because the application is insufficient, this shall be grounds to delay the draft Air Operation Permit or Notification Of Denial.~~

~~(c) The applicant shall have published in the appropriate newspapers notice of the draft Air Operation Permit or Notification Of Denial no later than 10 days after the draft permit or determination of denial has been issued.~~

~~(d) Within 25 days after the close of the 30 day public comment period, the department shall prepare a revised draft Air Operation permit, provided the issuance of a revised draft Air Operation permit is required by department rule.~~

~~(e) The proposed NSR or PSD permit and the draft Air Operation Permit shall be incorporated in the department's written analysis pursuant to Section 403.507(4), F.S.~~

~~(f) If a formal administrative hearing has been requested, then the Air Operation Permit hearing shall be consolidated, where possible, with the state certification hearing.~~

~~(g) The department shall not issue a proposed Air Operation Permit until the Siting Board issues a Final Order for the electrical power plant. The proposed Air Operation Permit shall be sent to the U.S. Environmental Protection Agency (USEPA) within 30 days of issuance of the Certification by the Siting Board.~~

~~(3) Wastewater permits pursuant to Section 403.0885, F.S.~~

~~(a) The review to determine whether the information contained in the wastewater permit application is complete as described in subsection 62-620.510(6), F.A.C., shall be pursuant to Rule 62-620.510, F.A.C. The review for completeness must be concluded within 30 days of the receipt of a complete site certification application as defined in Section 403.503(8), F.S. for inclusion in the overall sufficiency determination.~~

~~(b) If the department determines that the wastewater permit application does not contain adequate information for processing the wastewater permit, then the provisions in~~

~~paragraph (e), below, shall not apply, and the time schedules set forth in Rule 62-620.510, F.A.C. shall control the issuance of the wastewater permit.~~

~~(e) Except as described in paragraph (b) above, within 90 days after the filing of a complete application for a wastewater permit, the processing of the wastewater permit application shall be completed. If this time schedule is not met, the permit applicant may apply for an Order from the Circuit Court requiring the department to render a decision on the application in the specified time. The department's draft permit as defined in Rule 62-620.200, F.A.C., shall be prepared and sent to the USEPA for review. Public Notice of the department's draft permit, if required by Rule 62-620.510, F.A.C., shall be published by the applicant no later than 14 days after receipt of the notice of draft permit. The notice shall provide a 30-day opportunity for public comments.~~

~~(d) Pursuant to Section 403.507(4), F.S., the Written Analysis must contain a copy of the following:~~

- ~~1. The recommendation of the department regarding the wastewater permit;~~
- ~~2. Comments, if any, from the USEPA on the proposed action, and the department's response to those comments;~~
- ~~3. Comments, if any, from the applicant on the proposed action, and the department's response to those comments; and~~
- ~~4. Comments, if any, from the public on the proposed action, and the department's response to those comments;~~

~~(e) If a petition for an administrative hearing pursuant to Chapter 120, F.S., is received concerning the proposed agency action, the administrative hearing shall be combined with the certification hearing held pursuant to Section 403.508(3), F.S.~~

~~(4) Underground Injection Control (UIC).~~

~~(a) The UIC application must be found complete and sufficient, as defined in Section 403.503(8) and (27), F.S., prior to the commencement of further UIC review time schedules. If the UIC application is not complete and sufficient, then the certification application is not complete and sufficient.~~

~~(b) The requirements for permit processing and public notice for Class I and major Class V wells, as described in Rule 62-528.300 and subsection 62-528.200(4), F.A.C., shall follow the requirements in Rules 62-528.310 (draft permit), 62-528.315 (public notice), 62-528.325 (public meetings), 62-528.330 (response to public comment), and 62-528.335 (fact sheet). Any of these procedures can be combined with other aspects of the certification process, so long as the minimum requirements of the UIC rules are met.~~

~~(3)(5) Coastal Zone Management (CZM). The Department of Community Affairs is the lead coordination agency for matters pertaining to CZM. When federally designated review schedules do not conflict, the Department of Community Affairs shall include in its agency report to the Department of Environmental Protection an assessment or summary of CZM issues raised in the CZM review process, if any.~~

Specific Authority 403.504(1) FS. Law Implemented 403.5055, 403.507(3)(4), 403.508(3), 403.508(8), 403.0872, 403.0885, 403.511(7) FS. History–New 2-1-99, Amended \_\_\_\_\_.

62-17.137 Proprietary Interest in State-Owned Lands.

Where a certification order approves the crossing or impacts to Sovereign or State owned lands or lands owned by a public agency, the licensee shall provide a copy of any approval granted to the petition or request from the appropriate land owning entity for a lease, easement or other ownership document for the affected property to the department's Siting Coordination Office within 30 days of issuance of such document by the public agency.

Specific Authority 403.504(1) FS. Law Implemented 403.509(5) FS. History–New \_\_\_\_\_.

62-17.141 Certification Hearings – Subject Matter, Procedure, Participants, Stipulations.

(1) The certification hearing, if held, and any the Recommended Order issued thereupon shall address the extent to which the project comports with the provisions, as applicable, of Section 403.509(3) ~~Sections 403.502, or 403.5175, F.S.~~

(2) In the certification hearing, the applicant, the Department and any other participating and the local government public meetings, parties are encouraged to design their presentations to inform the public of the details of the proposed power plant, but the question of compliance with this paragraph shall not be the basis for review.

(3) Each party shall make available for public inspection at least five days prior to the certification hearing, if held, at a place specified in the public notice any written direct testimony which it intends to submit at the hearing.

(4) Delays in the issuance of a related federally delegated or approved draft permit are good cause for the continuance of the certification hearing, or any other time frame. Any person wishing to become a party pursuant to Section 403.508(4)(c), F.S., shall file a motion to intervene no later than 31 days prior to the commencement of the certification hearing.

(5) In regard to the properties and works of any agency which is a party to the certification hearing, any stipulation filed pursuant to Section 403.508(6)(a), F.S., must include a stipulation regarding issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and directly associated facilities. Any agency stipulating to the use, connection to, or crossing of its property must agree to execute, within 30 days after the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification.

Specific Authority 403.504(1) FS. Law Implemented 403.502, 403.504(5), 403.508, 403.5175(4) FS. History–New 10-1-76, Amended 12-27-77, Formerly 17-17.11, Amended 5-9-83, Formerly 17-17.131, Amended 2-1-99, \_\_\_\_\_.



62-17.143 ~~Recommended Transmittal and Filing of Orders, Exceptions.~~

(1) ~~If a certification hearing was held, upon~~ Upon completion of any recommended order pertaining to a certification application or petition for modification, the administrative law judge shall transmit the recommended order to the Clerk of the Siting Board and all parties. Rule 28-106.217, F.A.C., shall govern the filing with the Clerk of the Siting Board of any exceptions to the recommended order and responses to the exceptions by the parties to the proceeding. Copies of the final order shall be provided to all parties by the Clerk.

(2) Any final order issued by the department shall address the extent to which the project comports with the provisions of Section 403.509(3), F.S.

~~(3)~~ Upon the Board's or Secretary's signing of the final order, the Order shall be filed with the Clerk of the Siting Board, and the date of final agency action shall be the date of such filing.

Specific Authority 403.504(1) FS. Law Implemented 403.508(3), 403.508(7)(d), 403.509 FS. History—New 2-1-99, Amended \_\_\_\_\_.

62-17.147 Certified Corridor Notice.

~~If a licensee is required to file a notice of transmission line corridor route with clerks of circuit courts pursuant to Section 403.5312, F.S., the licensee shall also provide the department a copy of all such notices at the time of such filing.~~

Specific Authority 403.504(1), 403.504(8), 403.523(1), (8) FS. Law Implemented 403.504(8), 403.523(8), 403.5312 FS. History—New 2-1-99, Repealed \_\_\_\_\_.

62-17.171 Department Conditions of Certification under Section 403.511(5)(a), (b).

~~In order to facilitate compliance with Section 403.511(5)(b), F.S., all criteria required by the terms and conditions of the certification which are site specific shall be identified by the department in the conditions of certification. Those terms and conditions in the certification which result from the direct application of general agency standards to the facts shall not be deemed site specific unless the applicability of such standard is a matter of administrative discretion.~~

Specific Authority 403.504(1) FS. Law Implemented 403.511(5)(b) FS. History—New 5-9-83, Formerly 17-17.171, Amended 2-1-99, Repealed \_\_\_\_\_.

62-17.191 Postcertification Compliance Review, Monitoring.

(1) Pursuant to specific conditions of certification, a licensee may be required to file site-specific technical data to allow the review by the department and any other affected agency of the licensee's compliance with the conditions of certification. This is considered postcertification review (PCR).

(a) Any submittal of information or determination of compliance pursuant to PCR does not provide a point of entry for a third party.

(b) Data required for PCR shall be equivalent to that which would be submitted for permits required in the absence of certification except where the conditions of certification specify a different requirement.

(c) The procedures for postcertification submittal processing, if not otherwise specified in the conditions, are as follows:

1. All postcertification submittals of information by the licensee are to be filed with the department. Copies of each submittal shall be simultaneously submitted to any other agency indicated in a specific condition requiring a postcertification submittal.

2. The department shall review each postcertification submittal for completeness; for the purposes of postcertification reviews, completeness shall mean that the information submitted is both complete and sufficient. The department will consult with the other agencies receiving the submittal, as appropriate, and note completeness problems raised by the other agencies. If the submittal is found by the department to be incomplete, the licensee shall be so notified. Failure of the department to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness.

3. Within ~~90~~ 60 days after a ~~postcertification submittal is found~~ complete information is submitted, the department shall give written notification to the licensee and the agencies to which the postcertification information was submitted of its assessment of whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that compliance with the conditions will not be achieved, the licensee shall be notified with particularity and possible corrective measures suggested. Failure of the department to notify the licensee in writing within 90 days of receipt of a complete postcertification submittal shall constitute a finding of compliance.

4. If the department does not give notification of compliance within the time period specified in subparagraph 3. above, the licensee may begin construction pursuant to the terms of the conditions of certification and the subsequently submitted construction details.

(d) Postcertification compliance reviews shall be limited to the technical merits of whether the postcertification submittals demonstrate compliance with the conditions of certification. However, a postcertification compliance review may be the basis for initiating modifications to the relevant condition or to other related conditions.

(2) The licensee shall conduct monitoring, ~~as deemed reasonable by the Board~~, as indicated in the conditions of certification, of the environmental effects arising from construction and operation of the licensee's electrical power

plant, in order to assure continued compliance with the terms and conditions of certification. The monitoring shall be carried out in the manner prescribed in the conditions of certification, and at no expense to the department or affected agencies.

(3) The licensee shall provide within 90 days after certification a complete summary of those submittals identified in the Conditions of Certification where due-dates for information required of the licensee are identified. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the Siting Coordination Office and any affected agency or agency subunit to whom the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or any other format requested by the licensee and approved by the department.

Condition Number	Requirement and timeframe	Due Date	Name of Agency or agency subunit to whom the submittal is required to be provided

Specific Authority 403.504(1) FS. Law Implemented 403.504(8), 403.511 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.13, Amended 5-9-83, Formerly 17-17.191, Amended 2-1-99, \_\_\_\_\_.

62-17.201 Review and Evaluation.

~~The department may, at any time, review the certification and evaluate the compliance of the applicant with the terms and conditions contained therein and act upon such review and evaluation as it deems appropriate, in accordance with the provisions of the Act and this Part.~~

Specific Authority 403.504(1) FS. Law Implemented 403.512, 403.514 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.16, Amended 5-9-83, Formerly 17-17.201, Amended 2-1-99. Repealed \_\_\_\_\_.

62-17.205 Postcertification Amendments or Clarifications.

(1) Amendments.

~~(a) If material changes to a certified facility are proposed to include designs or facilities other than as originally described in the application as certified, then a postcertification amendment to the application shall be filed with the department, all affected agencies, and parties to the original proceeding.~~

~~(b) If the proposed activity or change would normally require issuance of an agency permit, or changes to the conditions of certification, then a modification of the conditions may be needed.~~

~~(c) In order to determine whether an activity or change will require a modification of the conditions, the department shall review the amendment. The department shall notify the licensee, all affected agencies, and all parties to the original~~

~~certification within 30 days whether or not a modification to the conditions will be required. Failure of the department to issue such notice within 30 days after filing of the submittal shall constitute a finding that no modification to the conditions is required.~~

~~(d) If the department concludes that additional significant adverse impacts will not occur and the conditions of certification need not be changed, then the amendment will not be considered a modification under the provisions of Section 403.516, F.S., and Rule 62-17.610, F.A.C.~~

~~(e) Any postcertification amendments to an application must include appropriate revisions to the application text, figures, and photographs, to reflect the changes. Such postcertification amendments shall be processed in accordance with Section 403.5113, F.S. The Department shall perform a review for completeness of information, including a review of whether there is sufficient information in order to make a determination on the postcertification amendment.~~

(2) Clarifications. For certified sites which have other units or facilities that, due to their size, age, or other factors, were not constructed under the provisions of the Power Plant Siting Act, the licensee shall submit within 12 months after receipt of written notice from the department detailed site plans which delineate those specific parts of the plant and site that are to be evaluated for compliance purposes under certification and those specific parts that will continue under the original permits. However, if such information has been previously submitted in conjunction with a modification which has occurred within the preceding two years, then this provision shall not apply.

Specific Authority 403.504(1) FS. Law Implemented 403.511, 403.516 FS. History–New 2-1-99, Amended \_\_\_\_\_.

62-17.211 Modification of Certification, Criteria-change Modifications, Transfer of Ownership.

A certification and conditions of certification can be modified only in accordance with Section 403.516, F.S., and this Rule; or in accordance with Section 403.511(5), F.S.; or, as a transfer of certification to a new licensee.

(1) For modifications under the provisions of Section 403.516, F.S., the following shall apply:

(a) Under Section 403.516(1)(a), F.S., the Siting Board may delegate to the department the authority to modify conditions in the certification which have been identified in the adopted conditions as being subject to this provision. This includes the authority to impose new conditions as well as modify existing conditions. The department shall request that such delegation be made as a term of the imposed conditions. A copy of any ~~proposed~~ modification pursuant to this section shall be provided to all the parties.

(b) The process for modifications requested by the licensee shall be in accordance with Section 403.516(1)(c)(b), F.S., and the following:

1. The process is initiated by the filing of a complete and sufficient ~~petition Request~~ Request for Modification. The ~~petition request~~ request shall contain a concise statement of the proposed modification; the factual reasons asserted for the modification, the changes in circumstance which justify the modification; and, a statement of whether, and if so, how the proposed modification if approved would affect the conditions of certification, the site layout or design as depicted in the current version of the application, and the anticipated affects of the proposed modification on the applicant, public, and the environment.

2. To be deemed properly filed, the licensee shall submit the number of paper and electronic copies determined below.

a. The licensee shall consult with the department to determine the number of paper copies needed to support the modification review. At a minimum, The three copies of the request shall be submitted to the department's Siting Coordination Office, one copy shall be submitted to the department's agency clerk, and at least one copy of the request shall be sent to all parties to the original proceedings and any previous modification proceedings, at the last address on record for the party.

b. The licensee shall consult with the department and parties to determine the number of electronic copies needed to support the modification review, and shall submit the number of electronic copies as determined. Parties have a duty to notify the department of changes of address. ~~The applicant shall consult with each affected agency party to determine the number of copies the agency shall require to conduct its review.~~ The applicant shall provide those copies on a timely basis pursuant to Section 403.5064(3), F.S.

3. The department may require notice of the ~~petition request~~ request for modification to be published, based on the criteria in Section 403.5115(1)(g)(e), and which shall comply with Rule 62-17.281, F.A.C. ~~The department shall provide or require additional notice of intended agency action on the modification if such notice is required by the conditions of certification or federally delegated or approved permit programs.~~

4. The petition shall be reviewed for completeness. Within 25 days of the filing of the petition with the department, agencies with jurisdictional matters affected by the proposal shall file completeness recommendations with the department. Within 30 days of the filing of the petition with the department, the department shall issue a completeness determination. Any subsequent information filings intended to render the petition complete shall be reviewed by the agencies and the department under these same deadlines. After review of the request and receipt of comments, if any, from the parties and affected persons, the department shall prepare a Proposed Order on the requested modification and distribute it by mail to the parties and any substantially affected persons who have commented on the requested modification. Notice in the Florida

Administrative Weekly regarding the Proposed Order shall be published by the department in accordance with Rule 62-17.280, F.A.C., which shall identify the time period for objections specified in subparagraph ~~6.5~~, below.

~~5. The department shall send any notice of the proposed order of a modification to the last address of each party to the original certification proceedings as shown in the record of that proceeding, or as may have otherwise been updated by the party.~~

~~6.5.~~ If no objections are received from the parties to the certification hearing within 45 days after issuance of the notice by mail, or from other persons whose substantial interest may be affected thereby within 30 days after publication of the F.A.W. notice specified in 4. above, then a Final Order approving the Modification shall be issued by the department. If written objections are filed which address only a portion of the requested modification, then the department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

~~7.6.~~ If objections are raised, the following shall apply. Written objections shall only address matters raised in the request for modification and the department's Proposed Order.

a. If objections are raised and agreement cannot be subsequently reached, then pursuant to Section 403.516(1)(c), F.S., a petition for modification may be filed seeking approval for those portions of the request for modification to which written objections were timely filed.

b. Any ~~request for a hearing on the petition~~ modification under Section 403.516(1)(c), F.S., shall be filed with the department and the Division of Administrative Hearings, and served on the parties to the certification hearing and persons who have objected to the modification in writing pursuant to Section 403.516(1)(c)2, ~~(b)~~, F.S. The ~~request petition~~ request shall contain a description of the Petitioner; a copy of the initial Request for Modification specified under subparagraph 1. above; a copy of the objections to the request or proposed Order; ~~a demand for relief to which the petitioner deems himself entitled;~~ the information required by Section 403.516(1)(c)1, F.S.; a statement of all disputed issues of material fact or a statement that there are none; a concise statement of the ultimate facts alleged, including the specific facts the requesting party contends warrant issuance of the modification; a statement of the specific rules or statutes the requesting party contends require issuance of the modification; a statement of the relief sought; and any other information which the petitioner contends is material.

c. In accordance with Section 403.516(1)(c)4, ~~(2)~~, F.S., a ~~request petition~~ request for modification shall be disposed of in the same manner as an application. ~~However, to the extent that the agencies have been afforded an opportunity to review the sufficiency of the information, perform studies, and prepare~~

~~comments on the proposed modification during the initial review of the Request for Modification, these steps need not be repeated.~~ At least 30 days prior to the date set for the hearing, the parties shall file their statement of issues with the administrative law judge and the department. The hearing on the modification petition shall be conducted in the same manner as a certification hearing, and notice of hearing shall be provided as prescribed in Rules ~~62-17.280 and~~ 62-17.281, F.A.C. The modification shall not become effective until approved by the Board or the department.

(c) Administrative res judicata ~~Res Judicate~~ applies to petitions for modification.

(d) Modification fees shall not be required of agencies requesting that the department initiate a modification proceeding.

(2) For modifications pursuant to Section 403.511(5), F.S.

(a) In accordance with Section 403.511(5)(a), F.S., if new rules are adopted which prescribe new or stricter criteria which are applicable to the certified electrical power plant, the certification holder must operate the certified electrical power plant in accordance with such rules unless variances or other relief have been granted.

(b) If, in accordance with Section 403.511(5)(b), F.S., any holder of a certification pursuant to this Part chooses to operate the certified electrical power plant in compliance with any rules subsequently adopted by the department which prescribe criteria more lenient than the criteria required by the terms and conditions in the certification which are not site specific, the certification holder shall notify the department prior to modifying its method of operation.

(3) A transfer of certification of all or part of a certified facility shall be initiated by the licensee's filing with the department and the parties a notice of intent to transfer certification to a new licensee. The notice of intent shall identify the intended new certification holder or licensee and the identity of the entity responsible for compliance with the certification. Parties shall have 30 days to file in writing with the department any objections to transfer of the certification. Upon the filing with the department of a written agreement from the intended new licensee to abide by all conditions of certification and applicable laws and regulations, the transfer shall be approved unless the department objects to the transfer on the grounds of the inability of the new licensee to comply with the conditions of certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a Section 120.57, F.S., administrative hearing. A copy of the department's action on the transfer of certification shall be sent to all parties.

(4) For modifications in relation to federally delegated or approved permit programs, ~~if no written objection is raised following notice to the parties and the public pursuant to Section 403.516(1)(b), F.S., the department shall modify a certification order and conditions of certification to conform to any subsequent department-issued amendments, modifications~~

or renewals of any separately-issued prevention of significant deterioration (PSD) permit, Title V Air Operation permit, National Pollutant Discharge Elimination System (NPDES) permit, or any other permit for the certified electrical power plant issued by the department under a federally delegated or approved permit program so long as no state rule exists which conflicts or is more stringent than the provisos of the federal permits. Pursuant to Section 403.516(1)(b)(2), F.S., if the matter has been previously noticed under the requirements for the relevant federally delegated or approved permit program, notice is not required for the modification. However, if the matter has not been previously noticed under the requirements for the relevant federally delegated or approved permit program, notice is required for the modification pursuant to Section 403.516(1)(c)(2), F.S.

Specific Authority 403.504(1) FS. Law Implemented 403.511(5), 403.516, FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.17, Amended 5-9-83, Formerly 17-17.211, Amended 2-1-99,

62-17.231 Processing of Supplemental Applications.

~~(1) A supplemental application shall be submitted in the format and with the same number of copies and in the same manner as provided for by Section 62-17.051, F.A.C., to all parties to the original certification proceeding. The fee shall be as specified in Rule 62-17.293, F.A.C.~~

~~(2) Notice of the filing of a supplemental application shall be provided in accordance with Rules 62-17.280, 62-17.281, and 62-17.282, F.A.C., within 15 days after the supplemental application is determined complete.~~

~~(3) Non-agency parties to the original certification proceedings may become parties to the supplemental certification proceedings by filing a notice of intent to become a party with the department within 30 days of the publication of the newspaper notice of filing of the application or of the Florida Administrative Weekly notice of the filing of the application required by Section 403.5115, F.S. subsection (2) of this section or within 38 days of the non-agency party's receipt of the application. Section 403.508(3)(4), F.S., shall act as a guide for any other agency or person in becoming a party.~~

~~(4) The department shall request assignment of an administrative law judge within 7 days of the filing of a supplemental application with the department.~~

~~(5) The completeness process for supplemental applications is as follows:~~

~~(a) The department shall file a statement with the Division of Administrative Hearings and the applicant as to the completeness of the application within 10 days of the filing of the supplemental application with the department.~~

~~(b) The applicant shall file with the Division of Administrative Hearings and the department a response to the department's statement that the application is incomplete. Such filing shall be made within 15 days of the department's determination and may include a request for hearing.~~

~~(e) The hearing on completeness shall be held within 45 days of the filing of the application with the Division of Administrative Hearings department and a decision rendered within 10 days of completion of the hearing.~~

~~(6) The sufficiency process for supplemental applications is as follows:~~

~~(a) The department shall file a statement with the Division of Administrative Hearings and the applicant as to the sufficiency of the application within 35 days of the determination of completeness of the supplemental application. The affected agencies shall advise the department of any sufficiency concerns within 25 days of the determination of completeness of the supplemental application.~~

~~(b) The provisions of Sections 403.5067(1)(b) and (c), F.S., shall then apply except that the applicant must initially respond within 25 days to receipt of the department's determination.~~

~~(c) If a hearing on sufficiency is requested, the provisions of Sections 403.5067(2) and (3), F.S., shall then apply.~~

~~(7) Each affected agency shall file a preliminary statement of issues in accordance with Section 403.507(1), F.S., and Rule 62-17.093, F.A.C., no later than 45 days after distribution of the complete supplemental application.~~

~~(8) The department shall issue:~~

~~(a) The preliminary determination on New Source Review or Prevention of Significant Deterioration within 90-60 days of the filing of a complete and sufficient site certification application;~~

~~(b) A draft Air Operating Permit required by Section 403.0872, F.S., within 90 days of the filing of a complete and sufficient supplemental application; and~~

~~(c) A draft Wastewater Permit required by Section 403.0885, F.S., within 90 days of the filing of a complete and sufficient supplemental application.~~

~~(9) Each affected agency shall submit a copy of its report on the supplemental application to the department within 45 days of the determination of the complete and sufficient supplemental application by the department.~~

~~(10) Notice of the certification hearing shall be published pursuant to Rules 62-17.280 and 62-17.281, F.A.C., within 110 days of the filing of the complete and sufficient supplemental application with the department.~~

~~(11) The department shall file the Written Analysis within 120 days of the filing of the complete supplemental application.~~

~~(12) The administrative law judge shall hold a certification hearing on the proposed unit not later than 155 days after the filing of the complete supplemental application with the department.~~

~~(13) The recommended order of the administrative law judge shall be submitted to the Board no later than 180 days after the filing of the complete and sufficient supplemental application with the department.~~

~~(14) The administrative law judge may alter any time limitation upon stipulation between the department and the applicant or for good cause shown by any party.~~

~~Specific Authority 403.504(1)(6)(9) FS. Law Implemented 403.5065, 403.507, 403.517 FS. History-New 5-7-74, Amended 12-27-77, Formerly 17-17.21, Amended 5-9-83, Formerly 17-17.231, Amended 2-1-99, \_\_\_\_\_.~~

~~62-17.251 Processing of Application for Certification of an Existing Power Plant Site.~~

~~(1) An application for certification of an existing power plant site as defined in Section 403.503(25), F.S., shall be processed in accordance with Section 403.5175, F.S. It shall be submitted in the format and with the same number of copies and distributed in the same manner as provided for by Section 403.5175(2), F.S., and Rule 62-17.051, F.A.C. It shall be accompanied by the application fee prescribed by Rule 62-17.293(1)(b), F.A.C.~~

~~(2) Notice shall be published in accordance with Rules 62-17.280, 62-17.281 and 62-17.282, F.A.C.~~

~~Specific Authority 403.504(1) FS. Law Implemented 403.5175 FS. History-New 2-1-99, Repealed \_\_\_\_\_.~~

~~62-17.280 Florida Administrative Weekly.~~

~~(1) The department shall be responsible for publication of notices required by the Act or these rules in the Florida Administrative Weekly. Each notice should clearly describe a point of entry for persons whose substantial interests are affected or determined by the proceeding by providing:~~

~~(a) The time frame in which the person must either petition to intervene or file a notice of intent to become a party;~~

~~(b) Reference to the particular rules applicable to becoming a party; and~~

~~(c) A statement advising that failure to act within the time frame constitutes a waiver of the right to become a party.~~

~~(2) The following notices are to be published by the department, when applicable:~~

~~(a) Filing of Notice of Intent, within 21 days of receipt.~~

~~(b) Filing of Proposed Binding Written Agreement, within 21 days of receipt.~~

~~(c) Filing of Application, no later than 18 days after the application has been determined complete.~~

~~(d) Land Use Hearing, no later than 45 days prior to the commencement of the land use hearing.~~

~~(e) Land Use Appeal Hearing.~~

~~(f) Certification Hearing, no later than 45 days prior to the commencement of the hearing.~~

~~(g) Siting Board Hearing.~~

~~(h) Notices pertaining to Modifications.~~

~~(i) Notices pertaining to Supplemental Applications.~~

~~(j) Notices pertaining to Certification of Existing Power Plant Sites.~~

Specific Authority 403.504(1)(2), 403.5063(2), 403.517(1)(a), 403.517(4) FS. Law Implemented 403.504(2)(5)(9), 403.5063, 403.5115(4), 403.516(1), 403.517, 403.5175 FS. History—New 2-1-99, Repealed.

62-17.281 Newspaper Notice.

The applicant shall provide newspaper notices as required by Section 403.5115, F.S., and as further specified herein. The map required under Section 403.5115(2), F.S., should occupy approximately one-quarter of the notice space. After the notice has been published, the applicant shall forward to the department's Siting Coordination Office one copy of the applicable proofs of publication. The content of any notice shall be approved by the department and may be different than that provided in this rule so long as the deviation does not materially and substantially alter the substance of such notice.

(1) Notice of Intent to File an Application.

(a) ~~The notice shall bear Within 21 days of filing of a Notice of Intent, notice shall be published which bears~~ a prominent heading in bold letters: "Notice of Intent to File Application for Power Plant Site Certification".

(b) The notice shall contain at least the following information:

1. The name and a brief description of the site including any associated facilities and corridors, and type and capacity of the power plant;
2. A map showing the location of the proposed site;
3. A statement that "a Notice of Intent to file an application seeking certification authorizing construction and operation of an electrical power plant near \_\_\_\_\_" <location> " Florida, has been received by the Department of Environmental Protection pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes";
4. The statement "The department and other affected agencies are authorized by Section 403.5063(2), F.S., to enter into binding written agreements with \_\_\_\_\_" <name of the applicant> "regarding the scope, quantity, and level of information to be provided in the application for certification which will be subsequently filed. The public may provide comments regarding the substance of such agreements. These comments should be addressed to the Administrator, Siting Coordination Office, Department of Environmental Protection, \_\_\_\_\_ <current address> no later than 30 days from the date of this notice."

(2) Notice of Binding Agreement.

Unless otherwise combined with the notice for the Notice of Intent as allowed under subsection 62-17.041(3), F.A.C., the following notice shall be provided in the newspapers required for other notices under Section 403.5115(2), F.S., within 21 days of the filing of the proposed agreement. The notice shall be 1/4 page in size and shall consist of the following:

(a) The name and a brief description of the site, including type and capacity of the power plant;

(b) A list of places where the proposed agreements are available for public inspection;

(c) The statement "The Department of Environmental Protection and other affected agencies are authorized by Section 403.5063(2), F.S., to enter into binding written agreements with \_\_\_\_\_" <name of the applicant> "regarding the scope, quantity, and level of information to be provided in the application for certification which will subsequently be filed. The public may provide comments regarding the substance of such an agreement to the Administrator, Siting Coordination Office, Department of Environmental Protection, \_\_\_\_\_" <current address> " , within 30 days of the publication of this notice";

(d) A statement that any disagreements with the proposed binding written agreement may be submitted by an affected agency to the department and the applicant within 45 days of the publication of the notice.

(3) Notice of Filing of Application.

~~The notice shall bear Within 15 days after the application has been determined complete, notice shall be published which bears~~ the heading "Notice of Filing of Application for Electrical Power Plant Site Certification" in bold letters not less than 3/8 inches high. The notice must substantially contain the following:

(a) A map of the site and any associated facilities and corridors in the counties in which the site, facilities and corridors are located, along with a portion of any adjoining county as deemed necessary by the department. A small "window" map which shows the entire route shall, where possible, be superimposed on a non-relevant part of the main map. Where practicable, geographical and political boundaries, physical features and roadways, and selected sections, townships and ranges, should be shown on the main map. All patterns or other graphics used to indicate special features must be bold enough to register legibly on newsprint. The map should occupy at least one quarter of the display advertisement.

(b) Text which is the same point size as standard news items and which substantially states the following:

1. "Application number \_\_\_\_\_ for certification to authorize construction and operation of a \_\_\_\_\_" <size of facility, type of fuels> "electrical power plant and site" <and where appropriate, a general description of any associated facilities such as rail spurs, transmissions lines, or fuel pipelines> "was filed with the Department of Environmental Protection on \_\_\_\_\_, \_\_\_\_\_" <date>. "The case is pending before the Division of Administrative Hearings, Case No. \_\_\_\_\_, prior to action by the Governor and Cabinet, or the secretary, pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes".

2. "The application for certification is available for public inspection during normal business hours at the following locations: \_\_\_\_\_." <Here list the addresses of the main and

appropriate district offices of the department serving the area of the site and any associated facilities; the general business office of the applicant and the local business office of the applicant, if any, for the site and in every county which any associated facility may be located; and the main public libraries identified in Rule 62-17.051(4)(5)(b), F.A.C.>

3. "State agencies and local governments will be studying the application and preparing reports and recommendations on the proposed facility for the certification hearing. Interested individuals should review the application and bring matters of concern to the appropriate agency's attention as soon as possible. Information regarding the appropriate contact persons in the agencies may be obtained from the Department of Environmental Protection's Siting Coordination Office, \_\_\_\_\_" <provide address and phone number, and if known, case manager's name>."

(c) The text shall also include the following:

1. "Any person wishing to participate in the proceedings, either as a party or without party status, must follow either Section 403.508(3)(4) or (4)(b)(5), F.S." <Here list the language of Sections 403.508(3)(4)(c) and (e), and 403.508(4)(b)(5), F.S.>

2. "Any notice of intent to be a party or motion to intervene must be sent to \_\_\_\_\_, Administrative Law Judge, Division of Administrative Hearings, \_\_\_\_\_" <current address> ", Tallahassee, Florida, \_\_\_\_\_, and must contain the following: reference to the application number; the name, address, and telephone number of the agency or person; and, allegations sufficient to demonstrate the agency or person is entitled to participate in the proceeding. The notice or motion must be sent by mail to the applicant and to all parties. (A list of parties may be obtained from the department's Office of Siting Coordination Office at the address above.) Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.106, F.A.C.

3. "In regard to variances or other relief, Section 403.507(3) 403.511(2), F.S., requires that agency reports include a notice of each party shall notify the applicant and other parties at least 60 days prior to the certification hearing of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the Board to certify any proposed electrical power plant to be certified proposed for certification. Rule 62-17.133(1)(2), F.A.C., similarly requires that agencies identify in their reports any such needed variances or other relief. Failure to provide such notice shall be treated as a waiver from nonprocedural requirements of the department or any other agency. However, no variance shall be

granted from standards or regulations of the department applicable under any federally delegated or approved permit program, except as expressly allowed in such program."

(d) Where applicable, the notice shall also state that issues relating to the use of, connection to, or the crossing of properties and works of agencies may be addressed under certification, with a listing of the agencies.

(e) Where applicable, the notice shall also state that a related the application has been filed constitutes a request for:

1. A New Source Review or Prevention of Significant Deterioration Permit; ~~in such instances the notice shall include the language required by Section 403.5115(1)(b), F.S.,~~

~~2. A major source Air Operation Permit,~~

~~2.3. A Wastewater Permit, or~~

3.4. Any other permit issued by the department pursuant to a federally delegated or approved program.

(f) When the application for certification is accompanied by an applicant's Federal coastal zone consistency determination as required by the Federal Coastal Zone Management Act, the following statement shall be included: "This Public Notice is also provided in compliance with the federal Coastal Zone Management Act, as specified in 15 CFR Part 930, Subpart D. Public comments on the applicant's federal consistency certification should be directed to the Federal Consistency Coordinator, Department of Community Affairs" <current address>.

(4) Notice of Land Use Consistency Determination.

The notice shall bear the heading "Notice of Land Use Consistency Determination on Electrical Power Plant Site" (and/or "Associated Facilities", if applicable) in bold letters not less than 3/8 inches high. The notice must substantially contain the following:

(a) Same as paragraph (3)(a).

(b) Text which substantially states the following:

1. "Application number \_\_\_\_\_ for certification to authorize construction and operation of a \_\_\_\_\_" <size of facility, type of fuels> "electrical power plant and site" <and where appropriate, a general description of any associated facilities such as rail spurs, transmissions lines, or fuel pipelines> "was filed with the Department of Environmental Protection on \_\_\_\_\_, \_\_\_\_\_" <date>. "Pursuant to Section 403.50665, F.S., \_\_\_\_\_" <local government name>, is required to file a determination with the department, the applicant, the administrative law judge, and all parties on the consistency of the site or any directly associated facilities with existing land use plans and zoning ordinances that were in effect on the date the application was filed, based on the information provided in the application.

2. "On <date> <name of local government or governments> issued a determination that the proposed facility <is><is not> with existing land use plans and zoning ordinances that were in effect on the date the application was filed, based on the information provided in the application."

3. If it has initially been determined that the electrical power plant is not compliant, the following language: "The applicant may apply to the local government for the necessary local approval to address the inconsistencies in the local government's determination. If the applicant applies to the local government for necessary local land use or zoning approval, the local government shall issue a revised determination within 30 days following the conclusion of any related hearing held by the local government."

4. "If any substantially affected person wishes to dispute the local government's determination, he or she shall file a petition with the Department of Environmental Protection, <entity and address>, within 21 days after the publication of notice of the local government's determination. If a hearing is requested, the designated administrative law judge shall conduct a land use hearing in the county of the proposed site or directly associated facility, as applicable, as expeditiously as possible, but not later than 30 days after the department's receipt of the petition."

~~(5)(4)~~ Notice of Land Use and Zoning Hearing.

At least ~~15~~ 45 days prior to the public hearing on land use and zoning issues, notice shall be published as required by Section 403.5115, F.S., and shall bear the heading "Notice of Land Use and Zoning Hearing on Proposed Power Plant Facility", in bold letters not less than 3/8 inches high. The notice shall contain the following information:

(a) A map meeting the requirements in paragraph (3)(a) above showing the location of the site, and of any associated facilities or corridors.

(b) Text which is the same point size as standard news items and which substantially states the following:

1. Same as subparagraph (3)(b)1. above.

2. A statement that: "Pursuant to Section 403.508, Florida Statutes, a land use ~~and zoning~~ public hearing will be held by the Division of Administrative Hearings on \_\_\_\_\_, \_\_\_\_\_," <date> ; " at \_\_\_\_\_" <address, room> " , in \_\_\_\_\_ County, Florida, at \_\_\_\_\_.m." <time> "to determine whether the site is consistent and in compliance with existing land use plans and zoning ordinances. No other issues will be heard at this land use ~~and zoning~~ hearing. A subsequent public hearing upon the application will be held to consider environmental and other impacts prior to final action by the Governor and Cabinet or the Secretary".

3. Same as subparagraph (3)(b)2. above.

4. "Any person wishing to participate in the proceedings, either as a party or without party status, must follow either Section 403.508~~(3)(4)~~ or ~~(4)(5)~~, F.S." <Here list the language of Sections 403.508~~(3)(4)~~(c) and (e), and 403.508~~(4)(b)(5)~~, F.S.>

5. "Any motion to intervene must be sent to \_\_\_\_\_, Administrative Law Judge, Division of Administrative Hearings, \_\_\_\_\_" <current address> " , Tallahassee, Florida, \_\_\_\_\_, and must contain the following: reference to the

application number; the case number of the Division of Administrative Hearing; the name, address, and telephone number; and, allegations sufficient to demonstrate the person is entitled to participate in the hearing. The request must be sent by mail to the applicant and all parties. (A list of parties may be obtained from the department's Siting Coordination Office, \_\_\_\_\_" <address>". Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.106, F.A.C."

6. "Each party shall make available for public inspection at least five days prior to the hearing at a place specified in the public notice any written direct testimony which it intends to submit at the hearing."

~~(6)(5)~~ Notice of Zoning and Land Use Plan Appeal Hearing.

If the applicant intends to appeal to the Board for a variance, pursuant to Section 403.508~~(1)(f)(2)(f)~~, F.S., because the proposed site is not in compliance with existing land use plans or zoning ordinances ~~and the application for rezoning or for change or amendment of the land use plan has been denied~~, newspaper notice shall be provided which complies with all the requirements of ~~(5)(4)~~ above, except that:

(a) The notice shall be published at least 30 days prior to the zoning or land use plan appeal hearing before the Board, in a newspaper in the jurisdiction of the local government which denied the zoning or land use plan approval;

(b) The heading of the notice shall read: "Notice of Hearing Before the Governor and Cabinet to Determine Whether it is in the Public Interest to Authorize a Nonconforming Use of Land in \_\_\_\_\_ County (or city) as a Site for an Electrical Power Plant."

(c) The following statement shall be included in lieu of ~~(5)(b)(4)(a)~~ 2. and 4. above:

"Pursuant to Section 403.508, F.S., a zoning appeal or land use plan appeal hearing will be held before the Board on \_\_\_\_\_, 19\_\_ at \_\_\_\_\_, in \_\_\_\_\_ County, Florida at \_\_\_\_\_.m. An application for rezoning or change or amendment of the existing land use plan has been denied by \_\_\_\_\_" <name of local government>" and, upon a finding that it is in the public interest to authorize a nonconforming use of the land as a site for an electrical power plant at this hearing, the Governor and Cabinet are empowered to authorize a nonconforming use or variance. If such a change in land use is granted the responsible zoning or planning authority shall not thereafter change or apply such land use plans or zoning ordinances so as to impair or prevent the proposed use of the site unless certification of the site is subsequently denied."

(d) Identification of the land use plans or zoning ordinance which are the subject of the appeal shall be provided.

(e) Same as subparagraph ~~(5)(4)~~(b)6. above.



~~(7)~~(6) Notice of Certification Hearing.

Not less than ~~65~~ 45 days prior to any scheduled certification hearing, notice shall be published as required by Section 403.5115, F.S., and shall bear the heading, "Notice of Certification Hearing on an Application to Construct and Operate an Electrical Power Plant on a Site to be located near \_\_\_\_\_, Florida". The heading shall be in bold letters not less than 3/8 inches high. The notice shall contain the following information:

(a) A map meeting the requirements in paragraph (3)(a) above showing the location of the site and any associated facilities or corridors.

(b) Text which is the same point size as standard news items and which substantially states the following:

1. Same as subparagraph (3)(b)1., above.

2. A statement that: "Pursuant to Section 403.508, Florida Statutes, the certification hearing is scheduled to will be heard held by the Division of Administrative Hearings on \_\_\_\_\_, \_\_\_\_\_" <date> " , at \_\_\_\_\_" <location> " , in \_\_\_\_\_" <county or city> " , Florida, at \_\_\_\_: \_\_. \_\_m." <time> "in order to take written or oral testimony on the effects of the proposed electrical power plant or any other matter appropriate to the consideration of the site and associated facilities". The Public Service Commission has previously determined the need for the facility at a separate hearing and need will not be an issue at this hearing. Written comments may be sent to \_\_\_\_\_," <Administrative Law Judge> " , at \_\_\_\_\_" <Address> " on or before \_\_\_\_\_" <date>;;

4. A statement indicating where the department's Written Analysis and any written direct testimony will be available for public inspection at least five days prior to the hearing, as required by subsection 62-17.141(2)(3), F.A.C.;

3. Same as subparagraph (3)(b)2. above, pertaining to where a copy of the application can be reviewed.

5. "Any person wishing to participate in the proceedings, either as a party or without party status, must follow either Section 403.508(3)(4) or ~~(4)(5)(b)~~, F.S." <Here list the language of Sections 403.508(3)(4)(c) and (e), and 403.508(4)(5)(b), F.S.>

6. A motion to intervene must be sent to \_\_\_\_\_, Administrative Law Judge, Division of Administrative Hearings, \_\_\_\_\_" <current address> " , Tallahassee, Florida, \_\_\_\_\_, and must contain the following: reference to the application number; the case number of the Division of Administrative Hearing; the name, address, and telephone number of the person filing the motion; and, allegations sufficient to demonstrate that the person filing the motion is entitled to participate in the hearing. Copies must be sent by mail to the applicant and all parties. (A list of parties may be obtained from the department's Siting Coordination Office, \_\_\_\_\_" <address>.) Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be

determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.106, F.A.C."

7. "Pursuant to Section 403.508(6), F.S., the certification hearing may be cancelled if, within 29 days of the certification hearing, all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised, and the department or the applicant requests that the administrative law judge cancel the certification hearing. If the administrative law judge grants the request, the department shall prepare and issue a final order in accordance with Section 403.509(1)(a), F.S."

(c) Where applicable, the following statements:

1. "Certification of this power plant would allow construction and operation of a new source of air pollution which would consume an increment of air quality resources."

2. "The department's review has separately resulted in an assessment of the prevention of significant deterioration (PSD) impacts and a determination of the Best Available Control Technology (BACT)" <and, where applicable, the phrase: "an assessment of a non-attainment area review and a determination of Lowest Achievable Emission Rate (LAER)"> "necessary to control the emission of air pollutants from this source. The certification hearing may be consolidated with any proceeding relating to the Department of Environmental Protection's preliminary determination for granting a federally required new source review, PSD, or Air Operation Permit."

3. "The certification hearing may include consideration of a federally required Wastewater Permit pursuant to Section 403.5055, F.S."

4. "Pursuant to Section 403.509(5)(2), F.S., \_\_\_\_\_" <Name of Applicant> "intends to use, connect to, or cross over properties or works of the following agencies: \_\_\_\_\_."

5. "Pursuant to Section 403.511(2), F.S., \_\_\_\_\_" <Name of Applicant> "seeks a variance or other regulatory relief from \_\_\_\_\_" <Rule, Agency> "for the purpose of \_\_\_\_\_."

6. A statement, where appropriate to the power plant project, that, while an associated facility corridor of up to one mile in width may be certified, the directly affected properties will be within a final right-of-way no greater than \_\_\_\_\_ feet in width within that corridor;

(d) Where appropriate, a statement shall be included indicating the status of the Coastal Zone Management consistency determination, if any.

(8) Notice of Cancellation of Certification Hearing.

(a) A map which complies with the requirements of paragraph (3)(a) showing the location of the site.

(b) The text for the notice shall substantially read:

1. "The certification hearing originally scheduled for \_\_\_\_\_ <date>, has been cancelled. In accordance with the Florida Electrical Power Plant Siting Act, Section 403.508(6), F.S., on \_\_\_\_\_ <date> all parties to this proceeding stipulated that there are no disputed issues of material fact or law to be raised at the certification hearing. Accordingly,

on \_\_\_\_\_ <date> Administrative Law Judge \_\_\_\_\_ <name> issued an order granting a request to cancel the hearing and relinquish jurisdiction to the department.

2. Pursuant to Section 403.509(1)(a), F.S., the department will issue a final order within 40 days of the Administrative Law Judges order.

3. "For information, contact: \_\_\_\_\_ <name>, \_\_\_\_\_ <phone number and e-mail address> at the Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400."

~~(9)(7)~~ Modifications Notices.

(a) If required by the department, within 21 days after filing of a request for modification, the applicant shall publish notice of the request in a newspaper of general circulation in the county or counties which the modification would affect.

(b) If a hearing is to be conducted in response to a petition for modification, then, pursuant to Section 403.5115(1)(g)(e)2., F.S., newspaper notice shall be published no later than ~~30~~ 45 days prior to the hearing, and shall comply with the following:

1. The notice shall bear the heading, "Notice of Hearing on a Proposed Modification of the \_\_\_\_\_" <name of facility> "Certified Electrical Power Plant". The heading shall be in bold letters not less than 3/8 inches high.

2. The notice shall contain a map showing the location of the site or part of the site or of any associated facilities or transmission line corridor proposed to be modified.

3. The notice shall contain text which is the same point size as standard news items and which substantially provides the following information:

a. The name of the facility, a brief description of the proposed modification, the date the modification was proposed, and the appropriate case numbers.

b. A list of places where copies of the modification request and pertinent supporting documents are available for public inspection and copying at cost during normal business hours. The list shall include the addresses of the main and the local regulatory district office of the department, the general business offices of the applicant and the local business office of the applicant serving the area of the site and any associated facilities.

c. A statement that: "Pursuant to Section 403.516, F.S., the hearing will be held by the Division of Administrative Hearings on \_\_\_\_\_, \_\_\_\_\_" <date> ", at \_\_\_\_\_" <location> "in \_\_\_\_\_" <county or city> ", Florida, at \_\_\_\_\_m." <time> "in order to receive evidence on the proposed modification of certification. Written comments may be sent to \_\_\_\_\_, Administrative Law Judge, at \_\_\_\_\_" <address> "on or before \_\_\_\_\_" <date>.

d. "Any person wishing to participate in the proceedings, either as a party or without party status, must follow either Section 403.508(3)(4) or (4)(5), F.S." <Here list the language of Sections 403.508(3)(4)(c) and (4)(5), F.S.>

e. Any motion to intervene must be sent to \_\_\_\_\_, Administrative Law Judge, Division of Administrative Hearings, \_\_\_\_\_" <current address> ", Tallahassee, Florida, \_\_\_\_\_. The motion must contain the following: reference to the application number; the case number of the Division of Administrative Hearings; the name, address, and telephone number of the person filing the motion; and, allegations sufficient to demonstrate that the person filing the motion is entitled to participate in the hearing. Copies must be sent by mail to all parties. (A list of parties may be obtained from the department's Siting Coordination Office, \_\_\_\_\_" <address>.) Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.106, F.A.C."

f. Same as ~~(5)(4)~~(b)6. above.

~~g. Where applicable, a statement that the modification could result in a change to the following federal permits \_\_\_\_\_, \_\_\_\_\_" <list name and permit number for each>.~~

~~g.h.~~ Where applicable, a statement reflecting that the modification would result in the use of, connection to, or the crossing over of properties and works of agencies, with a listing of the agencies.

~~h.i.~~ Where applicable, a statement reflecting the licensee's request for a variance or other regulatory relief from the rule of an agency, with a listing of the name, the rule, and the purpose of the variance or other relief.

~~i.j.~~ Where applicable, a statement pertaining to any new corridor or modified corridor proposed for certification under the modification explaining that, while an associated facility corridor of up to one mile in width may be approved under the modification, the directly affected properties will be within a final right-of-way no greater than \_\_\_\_\_ feet in width within that corridor.

~~(10)(8)~~ Notices for a Supplemental Application.

(a) Filing of a supplemental application.

1. The notice shall ~~bear occupy not less than one-half (1/2) of the newspaper page, bearing~~ the heading, "Notice of Application for Construction and Operation of an Addition to the Power Plant Facility Located Near \_\_\_\_\_, Florida", in bold letters not less than three-eighths (3/8) inches high.

2. The notice shall contain the following information:

a. The name and brief description of the new power plant facility to be located on the site, including type and capacity to be located on the site;

b. A map which complies with the requirements of paragraph (3)(a) showing the location of the site;

c. A list of places where copies of the application are available for public inspection and copying at cost during normal business hours. The list shall include the addresses of the main and those local regulatory district offices of the

department, those public libraries, those general business offices of the applicant, and those local business office of the applicant nearest to the site;

3. Text which is the same point size as standard news items and which substantially states the following:

a. A statement that: "A supplemental application numbered \_\_\_\_\_ for certification to authorize construction and operation of an addition to an electrical power plant near \_\_\_\_\_, Florida, is now pending before the Division of Administrative Hearings pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes."

b. A statement that: "A public hearing on the effects of the construction and operation of an additional electrical power plant that would be located on the previously certified site will be announced in the future, is expected to be held within 150 days. Any person wishing to participate in the proceedings, as a party or without party status, must follow Sections 403.508(3)(4) and (4)(b)(5), F.S." <Here list the language of Section either 403.508(3)(4)(c) or (e), and 403.508(4)(b)(5), F.S.

c. A statement that: Any notice of intent to be a party or motion to intervene must be sent to the Division of Administrative Hearings, \_\_\_\_\_" <current address> " Tallahassee, Florida, \_\_\_\_\_, and must contain the following: reference to the application number; the case number of the Division of Administrative Hearing; the name, address, and telephone number of the person wishing to intervene; and, allegations sufficient to demonstrate the person is entitled to participate in the hearing. Copies must be sent by mail to all parties. A list of parties may be obtained from the department's Siting Coordination Office, \_\_\_\_\_" <address>". Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.106, F.A.C."

(b) Certification hearing. The notice of certification hearing for a supplemental application shall be substantially the same as required in subsection (7)(6) above, with text approved by the department.

(11)(9) Notices for Certification of an Existing Power Plant Site.

The same notices as specified in subsections (1) through (8)(6) above shall be published, as applicable, with text tailored to fit the specific project.

(12) Proof of Publication.

The applicant must provide proof of publication of each newspaper notice published in accordance with the above to the Siting Coordination Office within seven (7) days of the applicant's receipt of the proof of publication.

Specific Authority 403.504(1), 403.504(2), ~~403.6063(2)~~, 403.517(1)(a) FS. Law Implemented 403.504(2)(5)(9), 403.5063, 403.5115(4), 403.516(1), 403.517, 403.5175 FS. History–New 2-1-99, Amended \_\_\_\_\_.

62-17.282 Other Notifications.

~~In addition to the notice requirements of Rules 62-17.280 and 62-17.281, F.A.C., the following notices shall also be provided:~~

~~(1) Land use hearings. The department shall send, by certified mail, return receipt requested, within 10 days of publication of the newspaper notice required by Rule 62-17.281, F.A.C., a copy of the newspaper notice to the chief executive of any local or regional authority having responsibility for zoning or land use planning whose jurisdiction includes the site.~~

~~(2) Land Use Appeal Hearing. The department shall send, by certified mail, return receipt requested within ten (10) days of publication, a copy of the public notice required by subsection 62-17.281(5), F.A.C., to the chief executive of any local or regional authority having responsibility for zoning or land use planning, whose jurisdiction includes the site.~~

~~(3) Certification hearing. The department shall send a news release of the information described by subsection 62-17.281(6), F.A.C., to appropriate news media.~~

~~(4) Modification request. The department shall send notice of the request to the last address of each party to the original certification proceedings as shown in the record of that proceeding, or as may have otherwise been updated by the party.~~

~~(5) Supplemental applications. The department shall issue a news release to the appropriate news media regarding the filing of the supplemental application, and of the information described by subsection 62-17.281(6), F.A.C., regarding the certification hearing.~~

Specific Authority 403.504(1) FS. Law Implemented 403.504(2) FS. History–New 2-1-99, Repealed \_\_\_\_\_.

62-17.293 Fees, Disbursement of Funds, Contracts.

(1) The Department will take no action on any notice-of-intent; application, or ~~petition~~ for modification until it has received the appropriate fee described below. All fees shall be paid by check made payable to the "Department of Environmental Protection".

(a) Notice of Intent. A fee of \$2,500 for each notice-of-intent to file an application for site certification.

(b) Application An application fee, comprised of the amounts in subparagraphs 1. and 2., as applicable:

1. Fuel, site type, and net generating capacity and fuel to be permitted:

TYPE/CAPACITY	FEE
Nuclear	\$200,000
Fossil fuel (coal, oil or emulsified bitumen, except gas) 500 MW or larger	\$200,000
Fossil fuel (coal, oil, or emulsified bitumen, except gas) less than 500 MW	\$175,000 plus (b)2.
Gas-fired, 100 MW or larger	\$150,000 plus (b)2.
Waste-To-Energy, 100 MW or larger	\$150,000 plus (b)2.
Gas-fired or Waste-To-Energy less than 100 MW; Solar or other, any size	\$125,000 plus (b)2.
Combined Cycle fueled by associated coal gasification facilities or oil heavier than #2	\$150,000 plus (b)2.
Combined Cycle fueled by gas or distillate oil, 350 MW or larger	\$125,000 plus (b)2.
Combined Cycle fueled by gas or distillate oil, less than 350 MW	\$100,000 plus (b)2.

2. Associated linear facilities.

For associated linear facilities such as transmission lines, rail lines, or gas or oil pipelines which are proposed to be certified, a fee of \$500 per mile of linear facility, as measured from the edge of the powerblock to the offsite terminus of the linear facility, is required in addition to the specified application fee, up to a maximum total fee of \$200,000.

(c) Modifications.

1. No fee is required for modifications pursuant to Section 403.516(1)(a) or (b) ~~403.516(1)(a)~~, F.S.

2. ~~The fee for any other modification A \$10,000 fee for a request for modification or a agreement, pursuant to Section 403.516(1)(b), F.S., shall be based on the number of agencies whose review is required in order to modify the Conditions of Certification due to the proposed equipment redesign, change in site size, type, increase in generating capacity proposed, or change in an associated linear facility location. The number of agencies whose review is required shall be determined by the Department based on the changes proposed to the Conditions of Certification. The fee shall be:~~

- a. One agency \$10,000
- b. Two agencies \$20,000
- c. Three or more agencies \$30,000

~~to be submitted by the licensee when the licensee files a request for modification.~~

3. If the licensee files a ~~request for a hearing petition for modification~~ pursuant to Section 403.516(1)(c) ~~3~~, F.S., ~~the amount of the fee to be transferred to the Division of Administrative Hearings shall be remitted to the Division by the Department within 60 days after the referral of the request to the Division an additional fee of \$20,000 fee for modification shall be filed with the petition.~~

(d) Supplemental applications. A supplemental application fee comprised of the amounts in subparagraphs 1. and 2., as applicable:

~~1. Based on the Supplemental generating capacity to be added and fuel to be permitted:~~

Type/Capacity of Supplemental Units	Fee
Nuclear	\$75,000
Fossil fuel (coal, oil, or emulsified bitumen, except gas) 500 MW or larger	\$75,000
Fossil fuel (coal, oil, or emulsified bitumen, except gas) less than 500 MW	\$65,000
Gas-fired, 100 MW or larger	\$65,000
Waste-To-Energy, 100 MW or larger	\$60,000
Gas-fired or Waste-To-Energy, less than 100 MW; solar or other, any size	\$50,000
Combined Cycle fueled by associated coal gasification facilities or oil heavier than #2	\$75,000
Combined Cycle fueled by gas or distillate oil	\$50,000

2. Additional associated linear facilities.

For associated linear facilities such as transmission lines, rail lines, or gas or oil pipelines which are proposed to be certified in addition to those previously certified, a fee of \$500 per mile of linear facility, as measured from the edge of the powerblock to the offsite terminus of the linear facility, is required in addition to the specified application fee, up to a maximum total fee of \$75,000.

~~(2) All fees shall be paid by check made payable to the department. All fees received under this Part shall be used and managed by the department solely for costs incurred in the conduct of activities pertaining to the notices of intent, applications for certification, postcertification review, or modifications of electrical power plant certifications.~~

~~(2)(3) The following applies to management of the fees application fee:~~

~~(a) The department shall retain the percentages specified in Sections 403.518(2)(a) and (d), F.S. Allocations.~~

~~1. Sixty percent of each application fee shall be reserved for the department's costs associated with reviewing and acting upon notices of intent, applications, or petitions; for the costs of notices published by the department; for Department issued contracts for studies; and for field services associated with monitoring the construction and operation of the facility.~~

(b) The portion of the fee to be transferred to the Division of Administrative Hearings shall be remitted within 60 days after the following events:

a. Assignment of an administrative law judge to conduct the initial exercise of duties, pursuant to Section 403.518(2)(b)1., F.S.

b. The issuance of the recommended order on land use, pursuant to Section 403.508(1)(d), F.S.

c. The issuance of the recommended order on certification, pursuant to Section 403.508(2)(a), F.S.

2. Twenty percent of the fee, or \$25,000, whichever is greater, is to be transferred to the Division of Administrative Hearings, in accordance with Section 403.518(1)(b)2., F.S., within 60 days after the assignment of an administrative law judge:

3. The remainder of the fee shall be reserved for reimbursement as described below for the following agencies for authorized expenses identified in subsection (6) below: the Department of Community Affairs; the Game and Fresh Water Fish Commission; and each water management district, regional planning council, or local government in whose jurisdiction the proposed electrical power plant is to be located, or any other agency from which the department requests special studies pursuant to Section 403.507(2)(a)8., F.S.

4. In the event that the funds in subparagraph 3. above are not sufficient to provide for complete reimbursement of all agencies, reimbursement to each agency shall be on a prorated basis. The portion of the fee received for the site shall be allocated on a pro rata basis to those agencies with jurisdiction over all or part of the site.

(c)(b) In order to receive reimbursement for participation in the proceedings, the affected agencies must submit invoices for reimbursement to the Department's Siting Coordination program Office for a validity review prior to processing by the Department's Bureau of Finance & Accounting. The invoices must be submitted no later than 45 days after final action by the Siting Board or after notification of withdrawal of the application. Invoices received after the deadline shall not be deemed eligible for reimbursement unless good cause is demonstrated to the department. Each invoice must be accompanied by an itemization of the time and expenses incurred in accordance with state auditing procedures.

(e) If any sums are remaining after the payment of the other agencies' eligible expenses, these sums shall be retained by the department for its use in the same manner as is otherwise authorized by the Florida Electrical Power Plant Siting Act, unless the application is withdrawn.

(d) Authorized agency expenses for DEP and other affected agencies may only include direct costs for those items identified in Section 403.518(2)(c)1., F.S.

(e) All contracts must be directly related to the evaluation of the application. Any agency intending to incur an expense for a contract for studies pursuant to Section 403.507, F.S., must first obtain approval from the department for the amount and purpose of such expenditure. All such studies must be

related to the jurisdiction of the agencies and must be directly related to the evaluation of the application. Any such contract must specify that:

1. Receipt of the final results must be available in time for agency report submittals.

2. The studies shall be finalized in writing.

3. Final reimbursement to the contractor shall not occur unless complete results are submitted such that the schedule of subparagraph 1. can be met.

4. The contractor agrees to be available to act as a witness in certification proceedings.

(4) The management of the supplemental application fee shall be the same as provided for in (3) above, except that \$20,000 shall be transferred to the Division of Administrative Hearings within 60 days after the assignment of the administrative law judge.

(5) The following applies to management of the modification fees:

(a) The disbursement of the initial \$10,000 fee shall be as follows:

1. The department shall retain \$6,000.

2. The remaining \$4,000 shall be eligible for pro rata disbursement among the agencies participating in the modification action.

(b) Where a hearing is required and an additional \$20,000 is submitted, the disbursement of the fee shall be as follows:

1. The Division of Administrative Hearings shall be transferred \$10,000 after receipt of the petition for modification.

2. The department shall retain \$6,000.

3. The remaining \$4,000 shall be eligible for pro rata disbursement among the agencies participating in the modification action.

(6) The following, subject to any necessary verification, may be considered authorizable, eligible expenses for the processing of notices of intent, applications, or

(a) Salary costs for the following:

1. The conduct of studies for, and preparation of, reports required in accordance with Section 403.507, F.S.

2. Site inspections.

3. Attendance at hearings, depositions, and other administrative or legal proceedings.

4. Program administration, technical reviews, and legal support.

5. Other Personal Service (OPS) help for technical review, site inspections, studies, report preparation and participation in Siting proceedings.

(b) Contracts for studies approved by the department and which comply with subsection (7) below:

(c) Travel costs. Any reimbursement claims for travel costs must be accompanied by an approved State of Florida travel voucher.

~~(d) Copying and reproduction costs for reports, notices, and legal pleadings.~~

~~(e) Telephone and communication expenses.~~

~~(f) Materials needed for studies and report preparation (e.g. maps, aerial photographs).~~

~~(7) All contracts shall be directly related to the evaluation of the certification application. Any agency intending to incur an expense for a contract for studies pursuant to Section 403.507, F.S., shall first obtain approval from the department for the amount and purpose of such expenditure. All such studies shall be related to the jurisdiction of the agencies and shall be directly related to the evaluation of the certification application. Any such contract must specify that:~~

~~(a) Receipt of the preliminary results will be available in time for agency report submittals with final results available at least 90 days prior to the certification hearing.~~

~~(b) The studies shall be finalized in writing.~~

~~(c) Final reimbursement to the contractor shall not occur unless complete results are submitted such that the schedule of paragraph (a) above can be met.~~

~~(d) The contractor will be available to act as a witness in certification proceedings.~~

Specific Authority 403.504 FS. Law Implemented 403.518 FS. History—New 1-22-91, Amended 1-26-93, Formerly 17-17.293, Amended 2-1-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Mike Halpin at (850)245-8002  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Jeremy Susac at (850)245-8002  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2007

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-36.003  
RULE TITLE: Medicinal Drugs Which May Be Ordered by Pharmacists

PURPOSE AND EFFECT: The proposed rule amendments are intended bring the rule into compliance with the proposed Board of Pharmacy Rule 61B16-27.220, F.A.C., with regard to medicinal drugs which may be appropriately ordered by pharmacists.

SUMMARY: The proposed rule amendments set forth the various medicinal drugs which may appropriately be ordered by pharmacists.

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: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-36.003 Medicinal Drugs Which May Be Ordered by Pharmacists.

A Pharmacist may order and dispense from the following formulary within the pharmacist's professional judgment, subject to the stated conditions,:

(1) Oral analgesics for mild to moderate pain,; The pharmacist may order these drugs for minor pain and menstrual cramps for patients with no history of peptic ulcer disease. The prescription shall be limited to a six (6) day supply for one treatment. If appropriate, the prescription shall be labeled to be taken with food or milk.

(a) Magnesium ~~magnesium~~ salicylate/phenyltoloxamine citrate,;

(b) Acetylsalicylic ~~acetylsalicylic~~ acid (Zero order release, long acting tablets),;

(c) Choline ~~choline~~ salicylate and magnesium salicylate,;

(d) Naproxen ~~naproxen~~ sodium,;

(e) Naproxen, ~~naproxen~~, and

(f) Ibuprofen, ~~ibuprofen~~ for minor pain and menstrual cramps for patients with no history of peptic ulcer disease; limited to a six (6) day supply for one treatment. When appropriate, such prescriptions shall be labeled to be taken with food or milk.

(2) Urinary analgesics,; Phenazopyridine ~~phenazopyridine~~, not exceeding a two (2) day supply. Such ~~Such~~ prescriptions shall be labeled about ~~as to~~ the tendency to discolor urine. If appropriate, the prescription and when appropriate shall be labeled to be taken after meals.

(3) Otic analgesics,; Antipyrine ~~antipyrine~~ 5.4%, benzocaine 1.4%, glycerin, if clinical signs and symptoms of tympanic membrane perforation do not exist. The product ~~which~~ shall be labeled for use in the ear only.

(4) Anti-nausea preparations,;

(a) Meclizine up to 25 mg., except for a patient currently using a central nervous system (CNS) depressant. The prescription shall be labeled to advise of drowsiness and caution against concomitant use with alcohol or other depressants.

(b) Scopolamine not exceeding 1.5 mg. per dermal patch. Patient shall be warned to seek appropriate medical attention if eye pain, redness or decreased vision develops. ~~“if eye pain develops, seek appropriate medical attention.”~~

(5) Antihistamines and decongestants. The following, including their salts, either as a single ingredient product or in combination, including nasal decongestants, may be ordered for a patient patients above (6) years of age:

(a) Antihistamines. The pharmacist shall warn the patient that an antihistamine should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. An antihistamine shall be labeled to advise the patient of drowsiness and caution against the concomitant use with alcohol or other depressants.

~~1.~~(a) Diphenhydramine.

~~2.~~(b) Carbinoxamine.

~~3.~~(c) Pyrilamine.

~~4.~~(d) Dexchlorpheniramine.

~~5.~~(e) Brompheniramine.

(f) Loratadine (maximum 14 days supply only).

~~The patient should be warned that antihistamines should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. Antihistamines shall be labeled to advise of drowsiness and caution against the concomitant use with alcohol or other depressants.~~

(g) Fexofenadine.

(h) Azelastine.

(b) Decongestants. The pharmacist shall not order an oral decongestant for use by a patient with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or a patient currently using a monoamine oxidase inhibitor.

(i) Ephedrine.

~~1.~~(j) Phenylephrine.

(k) Phenyltoloxamine.

~~2.~~(l) Azatadine.

(m) Diphenylpyraline.

Oral decongestants shall not be ordered for use by patients with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or patients currently using monoamine oxidase inhibitors.

(6) Anthelmintic; Pyrantel pamoate. The drug product may only be ordered for use by patients over 2 years of age.

~~(6)(7)~~ Topical antifungal/antibacterials;

(a) Iodochlorhydroxyquin with 0.5% Hydrocortisone (not exceeding 20 grams);

(b) Haloprogin 1%;

~~(c) Clotrimazole topical cream and lotion, Nystatin topical cream, ointment, lotion or powder, miconazole nitrate topical cream;~~

~~(d) Erythromycin erythromycin topical. The patient shall be warned that all of the above products should not be used near deep or puncture wounds, and Iodochlorhydroxyquin preparations shall be labeled as to the staining potential.~~

~~(7)(8) Topical anti-inflammatory; The pharmacist shall warn the patient that hydrocortisone should not be used on bacterial infections, viral infections, fungal infections, or by patients with impaired circulation. The prescription shall be labeled to advise the patient to avoid contact with eyes, mucous membranes or broken skin. Preparations containing hydrocortisone not exceeding 2.5%. The patient shall be warned that hydrocortisone should not be used on bacterial infections, viral infections, fungal infections or by patients with impaired circulation. Such prescriptions shall be labeled to avoid contact with eyes and broken skin.~~

~~(8)(9) Otic antifungal/antibacterial; Acetic acetic acid 2% in aluminum acetate solution, which shall be labeled for use in ears only.~~

~~(9)(10) Keratolytics; Salicylic salicylic acid 16.7% and lactic acid 16.7% in flexible collodion, to be applied to warts, except for patients under two (2) years of age, and those with diabetes or impaired circulation. Prescriptions shall be labeled to avoid contact with normal skin, eyes and mucous membranes.~~

~~(10)(11) Vitamins with fluoride. (This does not include vitamins with folic acid in excess of 0.9 mg.)~~

~~(11)(12) Medicinal drug shampoos containing Lindane, may be ordered pursuant to the following conditions:~~

~~(a) The pharmacist shall:~~

~~(a) Limit limit the order to the treatment of head lice only;~~

~~(b) Order no more than four (4) ounces per person; and~~

~~(c) Provide provide the patient with the appropriate instructions and precautions for use.~~

~~(b) The amount allowed per person shall be four ounces.~~

~~(13) Antidiarrheal: Loperamide 2mg. per dosage unit. No more than a two day supply may be dispensed.~~

~~(14) Smoking cessation products: Nicotine transdermal systems:~~

~~(a) Before prescribing, the pharmacist:~~

~~1. Must have successfully completed a comprehensive smoking cessation training program such as the American Cancer Society Physician Training Program or other ACPE approved certification program.~~

~~2. Must insure patient involvement in a behavior modification program.~~

~~3. Must insure that there are no medical contraindications for patient participation including pregnancy or breastfeeding, cardiovascular disease (postinfarction, arrhythmias, hypertension, peripheral vascular disease), pheochromocytoma, hyperthyroidism, or insulin dependent diabetes mellitus.~~

~~4. Must inform patients of all contraindications and hazards of drug therapy including drug, food, and nutritional interactions.~~

~~5. Must counsel patients on proper drug use of prescribed product.~~

~~(b) After prescribing, the pharmacist:~~

~~1. May dispense no more than a 14 day supply of nicotine transdermal patches.~~

~~2. May dispense smoking cessation products for no more than 24 consecutive weeks of drug therapy.~~

~~3. May prescribe these products for nicotine replacement only.~~

~~4. Must perform and document follow-up counseling during therapy.~~

~~(12)(15) Ophthalmics: Naphazoline 0.1% ophthalmic solution.~~

~~(16) Cough suppressants:~~

~~(a) Guaifenesin.~~

~~(b) Dextromethorphan.~~

~~(17) Vaginal antifungals: Miconazole nitrate suppositories and/or miconazole nitrate cream.~~

~~(13)(18) Histamine H2 antagonists: The pharmacist shall advise the patient to seek medical attention if symptoms persist longer than 14 days while using the medication or if stools darken or contain blood.~~

~~(a) Cimetidine.~~

~~(b) Famotiding.~~

~~(c) Ranitidine HCL.~~

~~Pharmacists shall advise patients that these agents may mask serious disorders.~~

~~(14) Acne products. Benzoyl Peroxide. The prescription shall be labeled to advise the patient to avoid use on the eye, eyelid, or mucous membranes.~~

~~(15)(19) Topical Antiviral:-~~

~~(a) Acyclovir ointment may be ordered for the treatment of herpes simplex infections of the lips.~~

~~(b) Penciclovir.~~

~~(20) Acne product: Benzoyl peroxide.~~

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Formerly 21M-39.003, 61F6-39.003, 59R-36.003, Amended 8-19-99\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Joint Committee, Board of Pharmacy/Board of Medicine;  
Rules Committee of the Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 6, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 31, 2007

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Licensing

RULE NO.:  
5N-1.140

RULE TITLE:  
School Curriculum; Examinations;  
Retention of Records

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 37, September 14, 2007 issue of the Florida Administrative Weekly.

In Rule 5N-1.140, F.A.C., paragraph 3, the following changes will be made: the word “providers” will be changed to the singular wherever it appears plural; the phrase “licensee’s identity” will be changed to “applicant’s identity”; and Form 16060, Certificate of Completion (1/08), to be completed by the exam provider, will be incorporated by reference. History notes will also be corrected by adding spaces for the statutory authority for this rulemaking proceeding.

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

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

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Board of Architecture and Interior Design

RULE NO.:  
61G1-21.003

RULE TITLE:  
Continuing Education – Approval of  
Subjects and Providers

#### 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.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:



61G1-21.003 Continuing Education – Approval of Subjects and Providers.

The approval of continuing education courses and providers is covered in-depth by the Board’s publication “Interior Design Continuing Education Handbook Instructions, Applications and General Information for Interior Design Continuing Education Providers and Courses” (“the Handbook”) (2007) which is hereby incorporated by reference, effective June, 2007, a copy of which may be obtained from the Board office. The Handbook contains three forms for use with the handbook. The applicant shall submit the applicable form, (DBPR ID 4002/Revised 6/07), Interior Design Continuing Education Provider and Course Application, (DBPR ID 4002-Part A/Revised 6/07), Interior Design Education Course Evaluation Summary Form, or (DBPR ID 4002 – Part B/Revised 6/07), Provider Course Evaluation Summary Form, which are hereby incorporated by reference, effective June, 2007, copies of which may be obtained from the Board office. The Board office is located at 1940 North Monroe Street, Tallahassee, FL 32399-0751.

Specific Authority 481.215(4) FS. Law Implemented 481.215(4) FS. History–New 11-29-90, Formerly 21B-21.003, Amended 9-14-93, 6-22-95, 10-8-96,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.:                      RULE TITLE:  
61G1-24.002                   Continuing Education Approval of  
  Subjects and Providers

**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.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

61G1-24.002 Continuing Education Approval of Subjects and Providers.

The approval of continuing education courses and providerships is covered in-depth by the Board’s publication “Architecture Continuing Education Handbook Instructions, Applications and General Information for Architecture Continuing Education Providers and Courses” (“the Handbook”) (2007) which is hereby incorporated by reference, effective June 2007, a copy of which may be obtained from the Board office. The Handbook contains three forms for use with

the booklet. The applicant shall submit the applicable form, (DBPR AID 4003/Revised 6/07), Architecture Continuing Education Provider/Course Application, (DBPR AID 4003-Part A/Revised 6/07), Architecture Education Course Evaluation Summary Form, or (DBPR AID 4003 – Part B/Revised 6/07), Provider Course Evaluation Summary Form, which are hereby incorporated by reference, effective June 2007, copies of which may be obtained from the Board office. The Board office is located at 1940 North Monroe Street, Tallahassee, FL 32399-0751.

Specific Authority 481.215(4) FS. Law Implemented 481.215(4) FS. History–New 1-17-96, Amended 10-8-96, 1-11-00,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.:                      RULE TITLE:  
64B3-12.002                   Citations

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule published in the March 9, 2007, issue of the Florida Administrative Code, in Vol. 33, No. 10. The changes are being made in response to comments received from the Joint Administrative Procedures Committee. The changes are as follows:

1. The statutory reference in the proposed subsection (3)(f) shall be changed from Section 456.072(1)(w) to Section 456.072(1)(x), F.S.

2. The proposed subsection (4) shall read as follows: “Failure to comply with and document continuing education requirements shall result in a fine of \$50.00 per hour missing or incomplete.”

3. Section 456.077(3), F.S., shall be added to the Specific Authority citations.

4. Section 483.827, F.S.. shall be deleted from the Specific Authority citations.

5. Section 483.827, F.S., shall be deleted from the Law Implemented citations.

THE PERSON TO BE CONTACTED REGARDING THE CHANGES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-9.007  
 RULE TITLE: Forms and Instructions

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 26, June 29, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.: 69A-46.010  
 RULE TITLES: Submission of the Application

69A-46.015 Testing

69A-46.016 Insurance Requirements

69A-46.0165 Submission of the Application for a Water-Based Fire Protection Permit

69A-46.017 Required Continuing Education

69A-46.040 Installation Requirements for Automatic Sprinkler Systems Employing Water as the Extinguishing Agent

69A-46.041 Inspection, Testing and Maintenance Requirements for Fire Protection Systems

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

RULE NOS.: 69V-85.002  
 RULE TITLES: Application Forms, Fees, Procedures and Requirements

69V-85.003 Branch Application Forms, Fees, Procedures and Requirements

69V-85.005 Amendments, Change of Name, Change of Entity and Change in Control or Ownership

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

69V-85.002 Application Forms, Fees, Procedures and Requirements.

(4) Amendments to Pending Applications. If the information contained in any application form for a licensure under Chapter 520, F.S., or any amendment thereto, becomes

inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-520-01. 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 after receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes that are material to the application shall be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, shall be required. Material changes include the substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, or a joint venturer. Form OFR-520-01 is incorporated by reference in subsection 69V-85.002(1), F.A.C.

69V-85.003 Branch Application Forms, Fees, Procedures and Requirements.

(4) Amendments to Pending Applications. If the information contained in any application form for branch office license, or any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-520-02. 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 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 of Financial Regulation. Requests to make changes that are material to the application shall be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, shall be required. Material changes include the substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, or a joint venturer. Form OFR-520-02 is incorporated by reference in subsection 69V-85.003(1), F.A.C.

69V-85.005 Amendments, Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed under Chapter 520, F.S., 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 Section 520.999, F.S., not later than thirty-days (30) after the effective date of the change on: Application for License under Chapter 520, Florida Statutes, Form OFR-520-01 and Application for Branch Office License, Form OFR-520-02.

The forms 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. Name changes pursuant to this subsection shall not involve any change in controlling interest of the licensed entity:

(2) Each licensee under Chapter 520, F.S., that proposes to change any personnel described in Sections 520.03, 520.32, 520.52, and 520.63, F.S., listed in any initial application 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 Application for License under Chapter 520, Florida Statutes, Form OFR-520-01 and Application for Branch Office License, Form OFR-520-02. In the event the change in personnel in Section 520.999, 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 Section 520.999, F.S. unless such person has previously complied with Section 520.999, F.S., with an entity currently licensed under this chapter.

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

RULE NO.:	RULE TITLE:
69V-160.030	Application Procedure for Consumer Finance License
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

69V-160.030 Application Procedure for Consumer Finance License.

(4) Amendments to Pending Applications. If the information contained in any application form for licensure as a consumer finance company, or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-516-01, Application for Consumer Finance License. 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 after receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes that are material to the application shall be deemed by the Office of Financial

Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fees, shall be required. Material changes include:

(a) The substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, or a joint venturer; and

(b) Amendments affecting the \$25,000.00 liquid asset requirement.

**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 THE LOTTERY**

RULE NO.:	RULE TITLE:
53ER07-59	Instant Game Number 720, HOLIDAY SHOPPING SPREE

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 720, "HOLIDAY SHOPPING SPREE," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-59 Instant Game Number 720, HOLIDAY SHOPPING SPREE.

(1) Name of Game. Instant Game Number 720, "HOLIDAY SHOPPING SPREE."

(2) Price. HOLIDAY SHOPPING SPREE lottery tickets sell for \$2.00 per ticket.

(3) HOLIDAY SHOPPING SPREE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number

under the latex area on the ticket. To be a valid winning HOLIDAY SHOPPING SPREE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The play symbols and play symbol captions are as follows:




(5) The legend is as follows:

**PLAY AREA**

(6) Determination of Prizewinners.

(a) A ticket having three or more tag symbols in the play area shall entitle the claimant to the corresponding prize in the

“PRIZE LEGEND” area. A ticket having a “” symbol in the play area shall entitle the claimant to a prize of \$50.

(b) The prizes are: FREE TICKET, \$3, \$5, \$10, \$25, \$50, \$100, \$500, \$1,000 and \$10,000. A claimant who is entitled to a prize of a “FREE TICKET” shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a value of \$2.00, except as follows. A person who submits by mail a HOLIDAY SHOPPING SPREE lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(7) The estimated odds of winning, value, and number of prizes in Instant Game Number 720 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
FREE TICKET	\$2 TICKET	8.33	1,209,600
\$3	\$3	18.75	537,600
\$5	\$5	15.00	672,000
\$10	\$10	50.00	201,600
\$25	\$25	150.00	67,200
\$50 (MONEYBAG)	\$50	300.00	33,600
\$50	\$50	3,600.00	2,800
\$100	\$100	1,714.29	5,880
\$500	\$500	22,500.00	448
\$1,000	\$1,000	90,000.00	112
\$10,000	\$10,000	840,000.00	12

(8) The estimated overall odds of winning some prize in Instant Game Number 720 are 1 in 3.69. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(9) For reorders of Instant Game Number 720, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) By purchasing a HOLIDAY SHOPPING SPREE lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(11) Payment of prizes for HOLIDAY SHOPPING SPREE lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS, History—New 10-11-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE:  
EFFECTIVE DATE: October 11, 2007

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER07-60  
RULE TITLE: Instant Game Number 724, SILVER BELLS

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 724, “SILVER BELLS,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning; value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-60 Instant Game Number 724, SILVER BELLS.

(1) Name of Game. Instant Game Number 724, “SILVER BELLS.”

(2) Price. SILVER BELLS lottery tickets sell for \$5.00 per ticket.

(3) SILVER BELLS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area

on the ticket. To be a valid winning SILVER BELLS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> <small>ONE</small>	<b>2</b> <small>TWO</small>	<b>3</b> <small>THREE</small>	<b>4</b> <small>FOUR</small>	<b>5</b> <small>FIVE</small>	<b>6</b> <small>SIX</small>	<b>7</b> <small>SEVEN</small>	<b>8</b> <small>EIGHT</small>	<b>9</b> <small>NINE</small>	
<b>11</b> <small>ELEVEN</small>	<b>12</b> <small>TWELVE</small>	<b>13</b> <small>THIRTEEN</small>	<b>14</b> <small>FOURTEEN</small>	<b>15</b> <small>FIFTEEN</small>	<b>16</b> <small>SIXTEEN</small>	<b>17</b> <small>SEVENTEEN</small>	<b>18</b> <small>EIGHTEEN</small>	<b>19</b> <small>NINETEEN</small>	<b>20</b> <small>TWENTY</small>
<b>21</b> <small>THIRTYONE</small>	<b>22</b> <small>THIRTYTWO</small>	<b>23</b> <small>THIRTYTHREE</small>	<b>24</b> <small>THIRTYFOUR</small>	<b>25</b> <small>THIRTYFIVE</small>	<b>26</b> <small>THIRTYSIX</small>	<b>27</b> <small>THIRTYSEVEN</small>	<b>28</b> <small>THIRTYEIGHT</small>	<b>29</b> <small>THIRTYNINE</small>	 <b>10X</b> <small>TENTIMES</small>

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> <small>ONE</small>	<b>2</b> <small>TWO</small>	<b>3</b> <small>THREE</small>	<b>4</b> <small>FOUR</small>	<b>5</b> <small>FIVE</small>	<b>6</b> <small>SIX</small>	<b>7</b> <small>SEVEN</small>	<b>8</b> <small>EIGHT</small>	<b>9</b> <small>NINE</small>	
<b>11</b> <small>ELEVEN</small>	<b>12</b> <small>TWELVE</small>	<b>13</b> <small>THIRTEEN</small>	<b>14</b> <small>FOURTEEN</small>	<b>15</b> <small>FIFTEEN</small>	<b>16</b> <small>SIXTEEN</small>	<b>17</b> <small>SEVENTEEN</small>	<b>18</b> <small>EIGHTEEN</small>	<b>19</b> <small>NINETEEN</small>	<b>20</b> <small>TWENTY</small>
<b>21</b> <small>THIRTYONE</small>	<b>22</b> <small>THIRTYTWO</small>	<b>23</b> <small>THIRTYTHREE</small>	<b>24</b> <small>THIRTYFOUR</small>	<b>25</b> <small>THIRTYFIVE</small>	<b>26</b> <small>THIRTYSIX</small>	<b>27</b> <small>THIRTYSEVEN</small>	<b>28</b> <small>THIRTYEIGHT</small>	<b>29</b> <small>THIRTYNINE</small>	

(6) The prize symbols and prize symbol captions are as follows:

<b>\$1.00</b> <small>ONE</small>	<b>\$2.00</b> <small>TWO</small>	<b>\$4.00</b> <small>FOUR</small>	<b>\$5.00</b> <small>FIVE</small>	<b>\$10.00</b> <small>TEN</small>	<b>\$15.00</b> <small>FIFTEEN</small>	<b>\$20.00</b> <small>TWENTY</small>
<b>\$25.00</b> <small>THIRTYFIVE</small>	<b>\$50.00</b> <small>FIFTY</small>	<b>\$100</b> <small>ONE HUNDRED</small>	<b>\$250</b> <small>TWO FIFTY</small>	<b>\$500</b> <small>FIVE HUNDRED</small>	<b>\$1,000</b> <small>ONE THOUSAND</small>	<b>\$10,000</b> <small>TEN THOUSAND</small>
						<b>\$100,000</b> <small>ONE HUNDRED THOUSAND</small>


(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the prize amount shown for that play symbol. A

ticket having a "WIN \$50" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to \$50.00. A ticket having a

 "10TIMES" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to ten times the prize amount shown.

(b) The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$500, \$1,000, \$10,000 and \$100,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 724 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL
\$1 x 5	\$5	30.00	168,000
(\$1 x 3) + \$2	\$5	30.00	168,000
\$5	\$5	12.00	420,000
\$1 (10X)	\$10	60.00	84,000
\$2 + (\$4 x 2)	\$10	60.00	84,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	84,000
\$10	\$10	30.00	168,000
\$5 + \$10	\$15	60.00	84,000
\$15	\$15	60.00	84,000
\$5 x 4	\$20	120.00	42,000
(\$5 x 2) + \$10	\$20	240.00	21,000
\$20	\$20	240.00	21,000
(\$2 x 5) + \$5 + \$10	\$25	480.00	10,500
\$5 + \$20	\$25	480.00	10,500
\$25	\$25	400.00	12,600
\$5 (10X)	\$50	600.00	8,400
\$5 x 10	\$50	600.00	8,400
\$50 (BELL)	\$50	289.16	17,430
\$10 x 10	\$100	12,000.00	420
\$25 x 4	\$100	12,000.00	420
\$10 (10X)	\$100	12,000.00	420
\$100	\$100	400.00	12,600
\$50 x 10	\$500	60,000.00	84
\$50 (10X)	\$500	60,000.00	84
\$500	\$500	60,000.00	84
\$100 x 10	\$1,000	120,000.00	42
\$250 x 4	\$1,000	120,000.00	42
\$100 (10X)	\$1,000	120,000.00	42
\$500 x 2	\$1,000	120,000.00	42
\$1,000	\$1,000	120,000.00	42
\$1,000 x 10	\$10,000	1,680,000.00	3
\$1,000 (10X)	\$10,000	1,680,000.00	3
\$10,000	\$10,000	1,680,000.00	3
\$100,000	\$100,000	840,000.00	6

(10) The estimated overall odds of winning some prize in Instant Game Number 724 are 1 in 3.34. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 724, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a SILVER BELLS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for SILVER BELLS lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-11-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE: October 11, 2007

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER07-61  
 RULE TITLE: Instant Game Number 721, SLEIGH BILLS

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 721, "SLEIGH BILLS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-61 Instant Game Number 721, SLEIGH BILLS.

(1) Name of Game. Instant Game Number 721, "SLEIGH BILLS."

(2) Price. SLEIGH BILLS lottery tickets sell for \$1.00 per ticket.

(3) SLEIGH BILLS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning SLEIGH BILLS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The play symbols and play symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$4.00	\$5.00
TICKET	ONE	TWO	FOUR	FIVE
\$10.00	\$50.00	\$100	\$500	\$2,000
TEN	FIFTY	ONE HUN	FIVE HUN	TWO THO
				WIN \$25

(5) Determination of Prizewinners.

(a) A ticket having three like prize amounts and corresponding prize amount captions in the play area shall entitle the claimant to a prize of that amount. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a \$1.00 instant ticket, except as follows. A person who submits by mail a SLEIGH BILLS lottery ticket that entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) A ticket having a "WIN \$25" symbol in the play area shall entitle the claimant to a prize of \$25. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$50.00, \$100, \$500 and \$2,000.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 721 are as follows:

GAME PLAY	WIN	ODDS OF	
		1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	1,008,000
\$1	\$1	13.64	739,200
\$2	\$2	25.00	403,200
\$4	\$4	300.00	33,600
\$5	\$5	30.00	336,000
\$10	\$10	150.00	67,200
\$25	\$25	300.00	33,600
(MONEYBAG)			
\$50	\$50	1,956.52	5,152
\$100	\$100	15,000.00	672
\$500	\$500	180,000.00	56
\$2,000	\$2,000	504,000.00	20

(7) The estimated overall odds of winning some prize in Instant Game Number 721 are 1 in 3.84. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 721, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a SLEIGH BILLS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(10) Payment of prizes for SLEIGH BILLS lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-11-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE: October 11, 2007

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER07-62                      RULE TITLE: Instant Game Number 722, UGLY YULE TIES

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 722, “UGLY YULE TIES,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-62 Instant Game Number 722, UGLY YULE TIES.

(1) Name of Game. Instant Game Number 722, “UGLY YULE TIES.”

(2) Price. UGLY YULE TIES lottery tickets sell for \$1.00 per ticket.

(3) UGLY YULE TIES lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning UGLY YULE TIES lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The play symbols and play symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$4.00	\$5.00	\$10.00
TICKET	ONE	TWO	FOUR	FIVE	TEN
\$15.00	\$25.00	\$50.00	\$100	\$500	\$5,000
FIFTEEN	THY FIVE	FIFTY	ONE HUN	FIVE HUN	FIVE THO

(5) Determination of Prizewinners.

(a) A ticket having three like amounts and corresponding amount captions in the play area shall entitle the claimant to a prize of that amount. A ticket having three “TICKET” symbols in the play area shall entitle the claimant to a \$1.00 instant ticket, except as follows. A person who submits by mail an UGLY YULE TIES lottery ticket that entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$100, \$500 and \$5,000.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 722 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	1,008,000
\$1	\$1	15.00	672,000
\$2	\$2	20.00	504,000
\$4	\$4	300.00	33,600
\$5	\$5	50.00	201,600
\$10	\$10	150.00	67,200
\$15	\$15	300.00	33,600
\$25	\$25	300.00	33,600
\$50	\$50	2,093.02	4,816
\$100	\$100	15,000.00	672
\$500	\$500	90,000.00	112
\$5,000	\$5,000	840,000.00	12

(7) The estimated overall odds of winning some prize in Instant Game Number 722 are 1 in 3.94. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 722, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing an UGLY YULE TIES lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(10) Payment of prizes for UGLY YULE TIES lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-11-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE:  
EFFECTIVE DATE: October 11, 2007

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

**Section V**  
**Petitions and Dispositions Regarding Rule Variance or Waiver**

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

**WATER MANAGEMENT DISTRICTS**  
NOTICE IS HEREBY GIVEN THAT on September 12, 2007, the St. Johns River Water Management District's Governing Board has issued an order Granting a variance under Section 120.542, F.S. (SJRWMD FOR #2007-51), to West Melbourne Town Center, LLC (Petitioner). The Petition for Variance was received by SJRWMD on June 29, 2007. Notice of receipt of the petition requesting the variance was published in the F.A.W., Vol. 33, No. 29 on July 20, 2007. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving

waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship, and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373 of the Florida Statutes to prevent harm to the water resources, by facilitating the project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne-Tillman Water Control District canal system to drain once again to the St. Johns River. A copy of the Order may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, at the Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)312-2347.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
NOTICE IS HEREBY GIVEN THAT on September 17, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Latin Corner Restaurant located in Minneola. 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 nineteen (19).  
A copy of the Petition for Variance or Waiver may be obtained by contacting [David.Fountain@dbpr.state.fl.us](mailto:David.Fountain@dbpr.state.fl.us).

NOTICE IS HEREBY GIVEN THAT on September 21, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(5) and 61C-1.004(1), Florida Administrative Code, from Coffee Hut Atrium inside of the Club at Shores of Panama located in Panama City Beach. The above referenced F.A.C. refers to Chapters four and five in the 2001 Federal Food and Drug Administration (FDA) Food Code. The Chapters in the 2001 FDA Food Code refer to required cooling, heating, holding, warewashing, and service sink equipment in food service establishments. The Petitioner is requesting to share warewashing facilities with a licensed food service establishment on the same premises.  
A copy of the Petition for Variance or Waiver may be obtained by contacting [David.Fountain@dbpr.state.fl.us](mailto:David.Fountain@dbpr.state.fl.us).

NOTICE IS HEREBY GIVEN THAT on September 21, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a



petition for a Routine Variance for subsections 61C-4.010(5) and 61C-1.004(1), Florida Administrative Code, from Tiki Huts Pool Deck inside of the Club at Shores of Panama located in Panama City Beach. The above referenced F.A.C. refers to Chapters four and five in the 2001 Federal Food and Drug Administration (FDA) Food Code. The Chapters in the 2001 FDA Food Code refer to required cooling, heating, holding, warewashing, and service sink equipment in food service establishments. The Petitioner is requesting to share warewashing facilities with a licensed food service establishment on the same premises.

A copy of the Petition for Variance or Waiver may be obtained by contacting David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on October 3, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Cuban Delight Café Corporation located in Lakeland. 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 (20).

A copy of the Petition for Variance or Waiver may be obtained by contacting David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on October 3, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for subsection 61C-4.010(7), Florida Administrative Code, from D'Lites Emporium located in Hernando. 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 (20).

A copy of the Petition for Variance or Waiver may be obtained by contacting David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on October 3, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), Florida Administrative Code (F.A.C.), from Espresso Caffè Express at Millenia located in Orlando. The above referenced F.A.C. state the water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555, F.A.C., that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C and physical facilities at public food

service establishments shall be subject to the provisions of Chapter 6 of the Food Code. The Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

A copy of the Petition for Variance or Waiver may be obtained by contacting David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on October 3, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for subsection 61C-4.010(7), Florida Administrative Code, from Quiznos Sub #4350 located in Tampa. 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 (20).

A copy of the Petition for Variance or Waiver may be obtained by contacting David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on October 4, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Vino Loco located in Englewood. 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 forty-two (42).

A copy of the Petition for Variance or Waiver may be obtained by contacting David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN that on October 1, 2007, the Board of Accountancy, received a petition for Charles L. Moore, 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, (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."

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on October 11, 2007, the Department of Health, Bureau of Emergency Medical Services, received a petition for Variance or Waiver from Carol Sutton, MD and Chichiou Liu, MD.

APPLICABLE RULE: paragraph 64E-2.004(3)(c), Florida Administrative Code, Medical Direction.

Nature of Rule: Requires a medical director shall be board certified and active in a broad-based clinical medical specialty with demonstrated experience in prehospital care and hold an ACLS certificate or equivalent as determined in Rule 64E-2.032, F.A.C. Prehospital care experience shall be documented by the provider.

DATE AND PLACE OF NOTICE: Notice was published on October 26, 2007 in the F.A.W.

All comments and requests for copies of the petitions must be received in writing by November 9, 2007.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

NOTICE IS HEREBY GIVEN THAT on October 15, 2007, the Department of Health, received a petition for Cynthia S. Tunnicliff, Esq., representing Ring Industrial Group, LP, requesting a variance pursuant to Section 120.542, Florida Statutes. Specifically, the petitioner seeks a variance from subparagraph 64E-6.009(7)(a)4. and paragraph (d), Florida Administrative Code, which requires that requests for alternative system component material and design approval include empirical data showing test results of innovative system testing in Florida and prohibits approval of alternative materials and designs that would result in a reduction of drainfield size except as provided for in Part IV of Chapter 64E-6, Florida Administrative Code.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN THAT on October 12, 2007, the Office of Insurance Regulation, Financial Services Commission has issued an order.

The Department of Financial Services filed a petition seeking a waiver, under Section 120.542, Florida Statutes, from subsection 690-170.0155(l), Florida Administrative Code, relating to the use of Form OIR-B1-1802, the "Uniform Mitigation Verification Form". The petition was assigned OIR #91718.

The Notice of the Petition was published in the F.A.W., on September 28, 2007, Vol. 33, No. 39. On October 12, 2007 the Office issued an Order on that Petition, approving a variance, as the conditions for granting of a waiver or variance set out in Section 120.542, Florida Statutes, have been met.

A copy of the Order is available at the web page of the Office at [www.flair.com](http://www.flair.com) click on Hot Topics.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: November 14, 2007, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration

will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact

under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## DEPARTMENT OF STATE

The **Presidential Candidate Selection Committee** (Section 103.101, Florida Statutes) announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 6, 2007, 10:30 a.m.

**PLACE:** Cabinet Meeting Room, The Capitol, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Consideration of names submitted by the Democratic and Republican parties for placement on the January 29, 2008 Presidential Preference Primary Ballot.

Pursuant to the provisions of 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: Sarah Jane Bradshaw, Assistant Director, Division of Elections, Department of State at (850)245-6200 or [sjbradshaw@dos.state.fl.us](mailto:sjbradshaw@dos.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Sarah Jane Bradshaw, Assistant Director, Division of Elections, Department of State at (850)245-6200 or [sjbradshaw@dos.state.fl.us](mailto:sjbradshaw@dos.state.fl.us).

The **Department of State, Division of Cultural Affairs**, and **Florida Arts Council**, announces public meetings to which all persons are invited.

DATE AND TIME: November 13, 2007, 1:00 p.m. – Conclusion

PLACE: R. A. Gray Building, Room 307 and Secretary of State’s Office, 500 South Bronough Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Arts Council Meetings.

DATE AND TIME: November 14, 2007, 8:30 a.m. – Conclusion

PLACE: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Florida Arts Council.

ACTION TO BE TAKEN: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council.

Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have questions, please call (850)245-6473.

A copy of the schedule and agenda may be accessed at the Division of Cultural Affairs’ website at [www.Florida-Arts.org](http://www.Florida-Arts.org) or by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida, 32399-0250, (850)245-6473 or by email at [dalborn@dos.state.fl.us](mailto:dalborn@dos.state.fl.us).

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 in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 8th day of November 2007, if you need an accommodation. Accommodations can be arranged through

Morgan Lewis, ADA Coordinator for the Division of Cultural Affairs at (850)245-6356, by Fax at (850)245-6497, or by email at [mblewis@dos.state.fl.us](mailto:mblewis@dos.state.fl.us).

**DEPARTMENT OF LEGAL AFFAIRS**

The **Department of Legal Affairs, Council on the Social Status of Black Men and Boys** announces the following sub-committee telephone conference meetings and the in-person Council meeting which all persons are invited to attend.

Subcommittee on Improving Foster Care and Family Issues  
DATE AND TIME: November 6, 2007, 11:30 a.m. – 12:30 p.m.

PLACE: Toll Free Dial-in Number: 1(888)808-6959, Conference Code: 5591694127

Subcommittee on Improving Educational Outcomes  
DATE AND TIME: November 8, 2007, 11:00 a.m. – 12:00 Noon

PLACE: Toll Free Dial-in Number: 1(888)808-6959, Conference Code: 5591694127

Council on the Social Status of Black Men and Boys Meeting  
PLACE: Monument Police Athletic League, Inc., 3450 Monument Road, Jacksonville, Florida 32225

DATE AND TIME: November 9, 2007, 12:15 p.m. – 2:45 p.m. (Public Hearing)

DATE AND TIME: November 9, 2007, 3:00 p.m. – 5:00 p.m. (General Meeting)

Subcommittee on Improving Economic Outcomes  
DATE AND TIME: November 13, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial-in Number: 1(888)808-6959, Conference Code: 5591694127

Subcommittee on Improving Health Status  
DATE AND TIME: November 30, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial-in Number: 1(888)808-6959, Conference Code: 5591694127

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by contacting: Fredrica Doctor, Research and Training Specialist, Bureau of Criminal Justice Programs at (850)414-3300.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice

Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, contact the Bureau of Criminal Justice Programs at (850)414-3300.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Florida Agriculture in the Classroom, Inc.**, Board of Directors will meet for a regularly scheduled board meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, November 13, 2007, 10:00 a.m.  
 PLACE: Florida Institute of Phosphate Research, 1855 W. Main St., Bartow, FL 33830

The **Consumer Fertilizer Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: November 2, 2007, 8:00 a.m. – 5:00 p.m.  
 PLACE: South Florida Water Management District, Governing Board Meeting Chambers, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will be to review, discuss and seek consensus on a package or recommendations to the legislature for proposed refinements to Florida’s regulation and use of consumer fertilizers to ensure they are based on the best available science and uniform subject to variations necessary to meet mandated state and federal water quality standards.

A copy of the agenda may be obtained by contacting: Mr. Anderson H. “Andy” Rackley, Director, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Suite F, Tallahassee, Florida 32399, (850)488-3731.

**DEPARTMENT OF EDUCATION**

The **Charter School Appeal Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: November 16, 2007, 9:00 a.m.  
 PLACE: 325 West Gaines Street, 1721-25 Turlington Building, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission will be hearing the application denials of The City of Palm Bay Elementary, Middle and High School vs. School Board of Brevard County.

A copy of the agenda may be obtained by contacting: Jacqueline Hitchcock, 325 W. Gaines Street, Suite 522, Tallahassee, FL 32399-0400, (850)245-0502.

The Florida **Community College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

DISTRICT BOARD OF TRUSTEES ORIENTATION SESSION

DATE AND TIME: November 6, 2007, 10:30 a.m. – 12:00 Noon

PLACE: Donald T. Martin Center for College Services, Room 445A, 501 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance and Human Resource matters related to the College.

STRATEGIC CONVERSATION

DATE AND TIME: November 6, 2007, 12:00 Noon – 2:00 p.m.

PLACE: Advanced Technology Center, Room T-140, 401 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint meeting with Duval County School Board.

REGULAR MONTHLY BOARD MEETING

DATE AND TIME: November 6, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Donald T. Martin Center for College Services, Boardroom 451, 501 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING

DATE AND TIME: November 6, 2007, 3:00 p.m. – 5:00 p.m.

PLACE: Donald T. Martin Center for College Services, Room 462, 501 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, October 30, 2007, and copies will be provided upon written request and the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with the College President, Florida Community College at Jacksonville on or before November 6, 2007. All legal issues should be brought to the College’s attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

Through the months of November and December 2007, the Board will hold informal meetings each Thursday from 12:00 Noon to 4:00 p.m., at the Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

The **Indian River Community College, Criminal Justice Training Institute** announces a public meeting for the Region XI Council to which the public is invited.

DATE AND TIME: December 5, 2007, 10:00 a.m.

PLACE: Indian River Academy, Room 102, 5900 Tedder Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide update on training classes and any other issues involving the Region.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The Century Commission for a Sustainable Florida, **Department of Community Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 13, 2007, 8:30 a.m. – 4:00 p.m.

PLACE: Sitig Hall, Citizens Center, Florida League of Cities, 1st Floor, Kleman Plaza, 300 South Bronough Street, Tallahassee, FL 32301, (850)222-9684 or 1(800)342-8112

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the eleventh meeting of the Century Commission. The members will continue to discuss the Commission’s statutory role, including how to address the impacts of population growth during the next 25-50 years.

All information regarding this meeting and the Century Commission may be obtained at the Internet address [www.centurycommission.org](http://www.centurycommission.org).

A copy of the agenda may be obtained by calling (850)219-0082, ext. 5, or by visiting the web site.

**DEPARTMENT OF TRANSPORTATION**

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: November 8, 2007, 8:30 a.m.

PLACE: Holiday Inn Express, 9402 Corporate Lake Dr., Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: write to the address given below or call Christine Jones at (850)245-7914. If you are 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 Transportation**, District Two announces public hearings to which all persons are invited.

1. Jacksonville Hearing: Specific notice is provided to the First Coast Metropolitan Planning Organization (FCMPO) and the County Commissions for Putnam, St. Johns, Nassau, Baker, Clay, and Duval counties serving as MPO for their respective counties.

DATE AND TIME: Thursday, November 29, 2007, 5:30 p.m.

PLACE: Florida Department of Transportation, Jacksonville Urban Office, Training Facility, 2198 Edison Avenue, Jacksonville, Florida

2. Lake City Hearing: Specific notice is provided to the Gainesville Metropolitan Transportation Planning Organization (MTPO) and the County Commissions for Dixie, Levy, Gilchrist, Bradford, Alachua, Columbia, and Union counties serving as MPO for their respective counties.

DATE AND TIME: Tuesday, December 4, 2007, 5:30 p.m.

PLACE: Florida Department of Transportation, Lake City District Office, Madison Room, 1109 South Marion Avenue, Lake City, Florida

3. Live Oak Hearing: Specific notice is provided to the County Commissions for Taylor, Madison, Lafayette, Hamilton, and Suwannee counties serving as MPO for their respective counties.

DATE AND TIME: Thursday, December 6, 2007, 5:30 p.m.

PLACE: Suwannee River Water Management District, Board Room #103, 9225 County Road 49, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation of the Department’s Tentative Work Program for Fiscal Years beginning July 1, 2008, through June 30, 2013. These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, to consider the Department’s Tentative Work Program for the period 2008-2009 through 2012-2013, and to consider the necessity of making any changes to the Department’s Tentative Work Program.

The proposed improvements have been developed in accordance with the Civil Rights Act of 1964, and the Civil Rights Act of 1968. Under Title VI and Title VIII of the Civil Rights Act and person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, sex, age, national origin, disability or income status may file a written complaint to the Department of Transportation's Equal Opportunity Office in Tallahassee or contact the District Title VI and Title VIII Coordinator in Lake City.

Central Office: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450.

District Office: Florida Department of Transportation, District Two, Title VI & Title VIII Coordinator, 1109 South Marion Avenue, MS 2016, Lake City, Florida 32025-8574.

Written comments from the Commissions and other interested parties will be received by the Department at the Public Hearings and through December 21, 2007. Comments should be addressed to: Mr. Charles W. Baldwin, P.E., District Secretary, Florida Department of Transportation, District Two, 1109 South Marion Avenue, Lake City, Florida 32025-5874, 1(800)749-2967.

Assistance for disabled persons may be arranged by contacting Mr. Bill Henderson, District Planning and Environmental Manager, Lake City District Office, 1(800)749-2967 at least ten (10) days in advance of the public hearings.

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

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

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The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, acting as staff to the **Board of Trustees of the Internal Improvement Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 5, 2007, 6:00 p.m.

PLACE: The Apalachicola National Estuarine Research Reserve's Nature Center, 261 7th St., Apalachicola, FL 32320

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to inform the public on the management plan review process and to solicit input on issues they are interested in seeing addressed in the Apalachicola National Estuarine Research Reserve (ANERR) Management Plan. The ANERR Reserve Advisory Council will be participating.

A copy of the agenda may be obtained by contacting the Reserve Manager, Seth Blitch at (850)653-8063.

Pursuant to the provisions of 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 Reserve Manager, Seth Blitch at (850)653-8063. If you are 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, November 14, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450, (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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Parole Commission, 2601 Blair Stone Road., Bldg. C, Tallahassee, Florida 32399-2450.

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#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

PREHEARING CONFERENCE

DATE AND TIME: Monday, December 3, 2007, 3:00 p.m.

HEARING

DATES AND TIME: Monday through Thursday, December 10-13, 2007, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket Number 070602-EI – Petition for determination of need for expansion of Turkey Point and St. Lucie nuclear power plants, for exemption from Bid Rule 25-22.082, F.A.C., and for cost recovery through the Commission's Nuclear Power Plant Cost Recovery Rule, Rule 25-6.0423, F.A.C.

PREHEARING CONFERENCE: The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

HEARING: The purpose of this hearing is for the Commission to take final action to determine the need, pursuant to Section 403.519, Florida Statutes, for Florida Power & Light Company's (FPL) proposed expansion of its nuclear power plants in Dade and St. Lucie Counties, and to consider any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow FPL to present evidence and testimony in support of its petition for a determination of need for its proposed nuclear power plants; (2) permit any intervenors to present testimony and exhibits concerning this matter; (3) permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and (4) allow for such other purposes as the Commission may deem appropriate.

Any member of the public who wishes to offer testimony should be present at the beginning of the hearing on Monday, December 10, 2007. By providing public testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for Intervention at least five days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The hearing will be governed by the provisions of Chapter 120, Florida Statutes; Section 403.519, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code. Only issues relating to the need for the electrical power plants will be heard at the December 10-13, 2007, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other other impacts of the proposed power plants, as required by the "Power Plant Siting Act," Sections 403.501 – 403.519, Florida Statutes.

Emergency Cancellation of Customer Meeting – If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to

the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

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

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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#### EXECUTIVE OFFICER OF THE GOVERNOR

The **Executive Office of the Governor, Office of Policy and Budget** announces a public hearing to which all interested persons are invited.

Public Hearing

DATE AND TIME: Friday, November 2, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Room 2103, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Representatives from the Department of Education will present an overview of the agency's Legislative Budget Request for Fiscal Year 2008-2009 and Long-Range Program Plan for Fiscal Year 2008-2009 through Fiscal Year 2012-2013, and will be available for public questions and comments.

Written comments may be submitted to the representatives of the Office of Policy and Budget at the proceedings or mailed to: Executive Office of the Governor, Office of Policy and Budget, 1603 The Capitol, Tallahassee, Florida 32399-0001, and received by close of business October 31, 2007.

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The **Commission on Open Government** announces a public meeting and public hearing to which all persons are invited.

Public Hearing

DATE AND TIMES: November 27, 2007, 2:00 p.m. – 4:00 p.m. and 6:00 p.m. – 8:00 p.m.

Commission Meeting

DATE AND TIMES: November 28, 2007, 9:00 a.m. – 12:00 Noon and 1:00 p.m. – 4:00 p.m.

PLACE: Clarion Resort and Conference Center, Meeting Room 3, 2261 East Irlo Bronson Highway, 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  
 Social Security Number Protection  
 Cyber Safety Initiative

## Public Hearing:

Florida law as it relates 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: The Office of Open Government, The Capitol, Executive Office of the Governor, Tallahassee, FL 32399-0001, (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: [cristopengov@eog.myflorida.com](mailto:cristopengov@eog.myflorida.com).

For more information, visit our website at: [http://www.fl.gov.com/og\\_commission\\_home](http://www.fl.gov.com/og_commission_home).

To register 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: The Office of Open Government, Executive Office of the Governor, The Capitol, Tallahassee, FL 32399-0001, (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: The Office of Open Government, Executive Office of the Governor, The Capitol, Tallahassee, FL 32399-0001, (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: The Office of Open Government, Executive Office of the Governor, The Capitol, Tallahassee, The Capitol, Tallahassee, FL 32399-0001, (850)921-6099, Fax (850)488-0219.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 9, 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: Citizen's Advisory Committee.

A copy of the agenda may be obtained by contacting the SFRTA Executive Office at (954)788-7915.

Pursuant to the provisions of 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).

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.

**WATER MANAGEMENT DISTRICTS**

The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

Projects and Land Committee Business Meeting

DATE AND TIME: Thursday, November 8, 2007, 6:00 p.m.

PLACE: District Headquarters, Room 162, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board.

NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time, and place set forth above, the Committee shall meet on Tuesday, November 13, 2007, 8:00 a.m. at District Headquarters, 4049 Reid Street (Hwy. 100 West). One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

Projects and Land Committee Tour of the St. Johns River

DATES AND TIMES: Wednesday, November 7, 2007, 7:00 a.m. through Friday, November 9, 2007, 5:00 p.m. (except for the Thursday, November 8, 2007, 6:00 p.m. Business meeting shown above)

PLACE: Tour of the St. Johns River, from Vero Beach to Mayport, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Educational tour of the St. Johns River Basin.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Hazel Hinton, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4347, or by visiting the District's website at [www.sjrwmd.com](http://www.sjrwmd.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 Hazel Hinton at (386)329-4347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **St. Johns River Water Management District** announces a public hearing to which all persons are invited.

DATE AND TIME: November 13, 2007, following the Governing Board meeting which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Amendments to Chapter 40-2, F.A.C., and the Applicant's Handbook: Consumptive Uses of Water regarding the Central Florida Coordination Area.

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The **Lower Charlotte Harbor Surface Water Improvement and Management Plan**, announces a public hearing to which all persons are invited.

DATE AND TIME: Monday, November 5, 2007, 9:00 a.m. – 12:00 Noon

PLACE: SFWMD Lower West Coast Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901, (239)338-2929, ext. 7730.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to meet the public hearing requirement of the Section 373.453, F.S., Surface Water Improvement and Management Plan (SWIM) for the Lower Charlotte Harbor.

A copy of the agenda may be obtained by contacting Molly Meadows at (239)338-2929, ext. 7730.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Molly Meadows at (239)338-2929, ext. 7730. If you are 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 Molly Meadows at (239)338-2929, ext. 7730.

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The **Water Resources Advisory Commission (WRAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: November 8, 2007, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

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

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The Modeling Peer Review for the **Kissimmee Basin Modeling and Operation Study (KB MOS)** announces a telephone conference call to which all persons are invited.

DATES AND TIMES: Thursday, November 8, 2007, 10:00 a.m. – 11:00 a.m. – Meeting ID Number 5792; Thursday, November 15, 2007, 10:00 a.m. – 11:00 a.m. – Meeting ID Number 2354

PLACE: This is a teleconferenced meeting. You may call into the teleconference by dialing either of the following telephone numbers: (561)682-6700 or 1(866)433-6299. You will be prompted to dial the meeting ID number associated with the meetings above. South Florida Water Management District, Building B-2, S. E. St. Lucie River Conference Room 2, 3301 Gun Club Rd., West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The South Florida Water Management District (District or SFWMD) has selected three experts to participate in a peer review panel to evaluate the Kissimmee Basin Hydrologic Assessment, Modeling and Operations Study (KB MOS) model and application to identify alternative structure operating criteria to meet the flood control, water supply, aquatic plant management, and natural resource operations objectives of the Upper and Lower Kissimmee Basin and its associated water resource projects. These teleconferenced meetings are a continuation of the peer review.

A copy of the agenda may be obtained by contacting: seven (7) days before the meeting and can be accessed at the KB MOS website link: [https://my.sfwmd.gov/portal/page?pageid=2294,4946313,2294\\_4947316:2294\\_11158145&\\_dad=portal&\\_schema=PORTAL](https://my.sfwmd.gov/portal/page?pageid=2294,4946313,2294_4947316:2294_11158145&_dad=portal&_schema=PORTAL).

Pursuant to the provisions of 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: Bridgett Tolley at (800)250-4250, ext. 3806. If you are 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 Bridgett Tolley at (407)908-4896 or 1(800)250-4250, ext. 3806, [btolley@sfwmd.gov](mailto:btolley@sfwmd.gov) or Chris Carlson at (561)682-6143 or 1(800)432-2045, ext. 6143, [ccarlso@sfwmd.gov](mailto:ccarlso@sfwmd.gov).

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATES AND TIME: November 14-15, 2007, 9:00 a.m. – completed

PLACE: Key Largo Bay Marriott Beach Resort, 103800 Overseas Highway, Key Largo, Florida 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, K. Rizzardi, C. Kowalsky, R. Panse, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or [www.sfwmd.gov](http://www.sfwmd.gov).

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATES AND TIME: November 14-15, 2007, 9:00 a.m. – completed

PLACE: Key Largo Bay Marriott Beach Resort, 103800 Overseas Highway, Key Largo, Florida 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, K. Rizzardi, C. Kowalsky, J. Nutt. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or [www.sfwmd.gov](http://www.sfwmd.gov).

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

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The **South Florida Water Management District** announces a private closed door attorney-client session.

DATES AND TIME: November 14-15, 2007, 9:00 a.m. – completed

PLACE: Key Largo Bay Marriott Beach Resort, 103800 Overseas Highway, Key Largo, Florida 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in *United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno*. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, K. Burns, K. Rizzardi, C. Kowalsky, R. Panse.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or [www.sfwmd.gov](http://www.sfwmd.gov).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District Clerk's Office at (561)682-2087. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

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The **South Florida Water Management District** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, November 15, 2007; Regular meeting, 9:00 a.m.; Public hearing is anticipated to start after completion of Discussion Agenda but may occur earlier or later in the day

PLACE: Key Largo Marriott Bay Beach Resort, 103800 Overseas Highway, Key Largo, Florida 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hearing of the Governing Board of the South Florida Water Management District to adopt an amendment to add the (Revised) Caloosahatchee River Basin Water Quality Treatment and Testing Facility to be located in Glades County, to the SFWMD Florida Forever Work Plan, 2007 Annual Update, included as Chapter 6; Volume II of the South Florida Environmental Report.

A copy of the agenda may be obtained by contacting: seven days prior to the hearing at the (1) District website [www.sfwmd.gov](http://www.sfwmd.gov) or (2) by writing to: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

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#### DEPARTMENT OF ELDER AFFAIRS

NOTICE OF CANCELLATION – The **Department of Elder Affairs**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 13, 2007, 2:30 p.m. – 5:30 p.m.

PLACE: West Central Florida Area Agency on Aging, Inc., 5905 Breckenridge Parkway, Tampa, Florida 33610-4239

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting noticed in the October 19, 2007 publication of the F.A.W., HAS BEEN CANCELLED. IT WILL BE RESCHEDULED AT A LATER DATE.

For more information, you may contact: W. John Matthews III, Department of Elder Affairs, 4040 Esplanade Way, Suite 315K, Tallahassee, FL 32399-7000, (850)414-2085, Suncom 994-2085, e-mail address: matthewsw@elderaffairs.org.

The **Pasco/N. Pinellas Ombudsman Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 1, 2007, 10:00 a.m.

PLACE: New Port Richey's Department of Children and Family Services building, Suite 100, First Floor, 7601 Little Road, New Port Richey, Florida 34654

GENERAL SUBJECT MATTER TO BE CONSIDERED: WHAT: The Pasco/North Pinellas Long-Term Care Ombudsman Council will hold its November 2007 monthly meeting on Thursday, November 1, 2007, at New Port Richey's Department of Children and Family Services building, 7601 Little Road, Suite 100, First Floor. The Ombudsman Council meetings are open to the public.

WHO: The Pasco/N. Pinellas Long-Term Care Ombudsman Council is a part of Florida's Long-Term Care Ombudsman Program. The council is made up of local ombudsmen whose goal is to improve the quality of life and care of residents of long-term care facilities, including nursing homes, assisted living facilities, adult family care homes, and skilled nursing units in area hospitals. An ombudsman is a specially trained and certified volunteer who has been approved by the governor and given authority under federal and state law to identify, investigate and resolve complaints made by, or on behalf of, long-term care facility residents. The Pasco/North Pinellas Long-Term Care Ombudsman Council serves both Pasco and Pinellas counties.

WHY: The Ombudsman Council meetings are open to the public. The public can address their concerns or issues of the long-term care facilities to the council members during the public discussion section of the meeting.

A copy of the agenda may be obtained by contacting individuals at 1(888)831-0404, (727)943-4955, or e-mail mulem@elderaffairs.org.

For more information, you may contact individuals at 1(888)831-0404, (727)943-4955 or e-mail mulem@elderaffairs.org.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, November 7, 2007, 10:30 a.m.

PLACE: Dial in #:1(888)808-6959, Conference Code #410-0191

GENERAL SUBJECT MATTER TO BE CONSIDERED: Applications before the Panel on Excellence in Long-Term Care will be discussed and other business as necessary.

A copy of the agenda may be obtained by contacting: Barbara Dombrowski, 2727 Mahan Drive, Tallahassee, FL 32308, (850)488-5861.

The **Agency for Health Care Administration** announces a workshop to which all persons are invited.

DATE AND TIME: November 13, 2007, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency proposes to revise Rule 59A-9.034, Florida Administrative Code, consistent with provisions of Section 390.0112, F.S. The statutes provides for the Agency for Health Care Administration to establish a system for required monthly reporting of termination of pregnancies.

The proposed rule establishes procedures for submission of reports by medical facilities licensed under Chapter 390, F.S., in which any pregnancy is terminated.

A copy of the agenda may be obtained by contacting: Tara Ehlers, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)922-0791.

Pursuant to the provisions of 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 Ehlers, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)922-0791. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Health Care Administration** announces a public meeting to discuss the Enhanced Benefits portion of Medicaid Reform to which all persons are invited.

DATE AND TIME: November 5, 2007, 10:30 a.m. – 12:30 p.m.

PLACE: FDLE Conference Center, 921 North Davis Street, Building E, Jacksonville, Florida 32209

GENERAL SUBJECT MATTER TO BE CONSIDERED: Enhanced Benefits Accounts program. Another public hearing will also be scheduled to take place in Broward County. We will inform you as more details develop.

Anyone needing further information, a copy of the agenda, or special accommodations under the Americans with Disabilities Act of 1990, should contact Aldria White at (850)488-3560 or by email at [whitea@ahca.myflorida.com](mailto:whitea@ahca.myflorida.com). Special accommodations requests under the Americans with Disabilities Act should be made at least five days prior to the public meeting.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Community Association Managers** announces a public meeting to which all persons are invited.

DATE AND TIME: November 9, 2007, 10:30 a.m.

PLACE: This meeting will be held via Conference Call. The Conference Call Number: 1(888)808-6959, Conference Code 4879597

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting the Regulatory Council of Community Association Managers at (850)922-5012 or by Fax (850)921-2321.

Pursuant to the provisions of 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 Regulatory Council of Community Association Managers at (850)922-5012 or by Fax (850)921-2321. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the Regulatory Council of Community Association Managers at (850)922-5012.

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The **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 13, 2007, 8:30 a.m. – 4:00 p.m. (or until business is completed)

PLACE: Department of Business and Professional Regulation, Northwood Center, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, or via teleconference at 1(888)808-6959

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public input and conduct general business of the Condominium Advisory Council.

A copy of the agenda may be obtained by contacting: Deborah Miller, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631.

Pursuant to the provisions of 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 Deborah Miller, Government Analyst at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Board of Architecture and Interior Design** announces a public meeting to which all persons are invited.

DATE AND TIME: November 5, 2007, 9:00 a.m.

PLACE: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: All Architectural Professional Services, Inc., Case No. 2007-037536

Amy Interiors of Florida, Inc. Case No. 2007-043565

Architectural Innovations of Tampa Bay, LLC, Case No. 2007-045268

Baer's Interior Design Studio, Case No. 2007-042085

Rita Blanck, Case No. 2007-039565

Mary Box, Case No. 2007-044492

Jorge E. Buitrago, Case No. 2007-043249

C&L Stvdio, Inc., Case No. 2007-043603

Casa Bella, Case No. 2007-043570

Mounir Consul, Case No. 2007-042435

Betty Cordle, Case No. 2007-006284

Charles H. Cox, Case No. 2007-025321

DecoReve Interiors, Case No. 2007-041571

Gage-Martin of Tampa Bay, Case No. 2007-042566

Glenn Kerby Architectural Design, Case No. 2007-039744

Robert Joseph Halula, Case No. 2007-023820

Interior Design Consulting by Diana, Case No. 2007-042533

Interiors by Thalia, Inc. Case No. 2007-037731

Vikki L. Kemp, Case No. 2007-041433

Terry Krumm, Case No. 2006-069869

Adrian C. Letendre, Case No. 2006-006484

Marge's Specialties of Orlando, Inc., Case No. 2007-043592

Masterworks of Pensacola, Inc., Case No. 2007-037739

Michael A. McEachron, Case No. 2007-041855

Fanita F. Meehan, Case No. 2007-029196

George T. Myers, Case No. 2007-040777

Earl G. Nelson, Case No. 2007-044565  
 Prince Associates, Inc., Case No. 2007-043613  
 Quantified Marketing Group, LLC Case No. 2007-030214  
 R.C. Rowland & Associates, Inc., Case No. 2006-039540  
 RCS Interiors, Case No. 2007-043510  
 Savoie Architects, P.A., Case No. 2007-040330  
 Vernon Jerome Thompson, Case No. 2006-019813  
 Ingrid H. Triplett, Case No. 2007-041917  
 Uniquely You, Inc., Case No. 2007-043575  
 Valarie M. Interiors, Inc. Case No. 2007-041646  
 Villa Rue 9, Case No. 2007-039573  
 Ben C. Winkler, Case No. 2007-037897  
 Workscapes, Inc. Case No. 2007-037639  
 Thi Nguyen, Case No. 2006-067912

A copy of the agenda may be obtained by contacting: David K. Minacci, Smith, Thompson, Shaw & Manausa, P.A., 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570.

Pursuant to the provisions of 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: David K. Minacci, Smith, Thompson, Shaw & Manausa, P.A., 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David K. Minacci, Smith, Thompson, Shaw & Manausa, P.A., 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570.

The **Board of Auctioneers** announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2007, 9:00 a.m.  
 PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting the Board of Auctioneers at (850)922-5012 or by Fax (850)921-2321.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Board of Auctioneers at (850)922-5012 or by Fax (850)921-2321. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the Board of Auctioneers at (850)922-5012 or by Fax (850)921-2321.

The **Department of Business and Professional Regulation, Barbers Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 5, 2007, 9:00 a.m. or soon thereafter

PLACE: The Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular business.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Department of Business and Professional Regulation, Barbers Board Office, 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Department of Business and Professional Regulation, Barbers Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 15, 2007, 8:30 a.m.  
 PLACE: 1(888)808-6959, Conference Code 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N Monroe Street, Tallahassee, FL 32399-0773.

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

agency at least 48 hours before the workshop/meeting by contacting the board office at (850)922-6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 5, 2007, 9:00 a.m. or the soonest thereafter

PLACE: Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. (Portions of the probable cause proceedings are not open to the public).

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Board members or its counsel.

Pursuant to the provisions of 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 Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Florida Real Estate Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, November 13, 2007; Wednesday, November 14, 2007, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by writing to: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Florida Real Estate Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, November 14, 2007, 8:30 a.m. or as soonest thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss Florida Administrative Code, Chapter 61J2 for possible changes to ensure compliance with the newly adopted statutory changes.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting. If you are 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 Probable Cause Panel of the **Florida Real Estate Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 15, 2007, 9:30 a.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.



All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

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

The **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: Friday, November 16, 2007, 9:30 a.m.

PLACE: Wakulla Springs Lodge, Wakulla Springs, Florida

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.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Acquisition and Restoration Council** announces a public meeting to which all persons are invited.

DATE AND TIME: November 5, 2007, 6:00 p.m.

PLACE: Manatee County Commission, 1112 Manatee Avenue, West, Bradenton, FL 34205

GENERAL SUBJECT MATTER TO BE CONSIDERED: Take public testimony on all Florida Forever land acquisition projects and three new proposals.

Pursuant to the provisions of 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 Wanda Gleaton at (850)245-2784. If you are 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 Office of Environmental Services at (850)245-2784.

The **Department of Environmental Protection** announces a public meeting on Rules 62-709.300, General Provisions; 62-709.320, Yard Trash Processing Facilities; 62-709.500, Design Criteria; 62-709.510, Operation Criteria; 62-709.530, Testing, Recording and Reporting Requirements; 62-709.550, Classification of Compost; 62-709.600, Criteria for the Use of Compost, F.A.C., to which all persons are invited.

DATE AND TIME: Tuesday, November 6, 2007, 9:30 a.m. – 3:30 p.m.

PLACE: Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting of a Technical Advisory Group that will advise the Department on possible changes to the compost rule, Chapter 62-709, Florida Administrative Code. The purpose of this meeting will be to review and develop rule language requiring registrations or general permits for compost facilities using yard trash, manure and vegetative food wastes as feedstocks to their processes. The rule language changes will also address proper operation of these facilities and any necessary testing requirements.

A copy of the agenda may be obtained by contacting: Richard Tedder, 2600 Blair Stone Road, MS 4565, Tallahassee, Florida 32399-2400, (850)245-8735, or by visiting [http://www.dep.state.fl.us/waste/categories/solid\\_waste/pages/IWDR.htm](http://www.dep.state.fl.us/waste/categories/solid_waste/pages/IWDR.htm).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Bureau of Personnel Services at (850)245-2511. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATES AND TIMES: November 7, 2007, 1:00 p.m. – 6:00 p.m.; November 8, 2007, 8:00 a.m. – 4:00 p.m.

PLACE: Conference Room A, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Water Resources Monitoring Council is meeting to pursue their charges to coordinate and standardize monitoring in Florida waters and establish metadata standards for research and monitoring data.

A copy of the agenda may be obtained by contacting Steve Wolfe at (850)245-2102 or [Steven.Wolfe@dep.state.fl.us](mailto:Steven.Wolfe@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Steve Wolfe at (850)245-2102 or [Steven.Wolfe@dep.state.fl.us](mailto:Steven.Wolfe@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 7, 2007, 6:30 p.m.

PLACE: Alachua County Health Department, Auditorium, 224 S.E. 24th Street, Gainesville, Florida 32601

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Orange Creek Basin (OCB) TMDL Working Group will present the Orange Creek Basin Management Action Plan (BMAP) to the public and receive comment on the plan. The OCB TMDL Working Group was formed to provide a forum for stakeholders to discuss issues related to the OCB TMDLs, including development, allocation, and implementation of the TMDLs through the BMAP. The Orange Creek BMAP addresses issues of high bacteria levels in Hogtown Creek, Tumbler Creek, and Sweetwater Branch and water quality problems generated by too many nutrients in Orange Lake, Newnans Lake, Lake Wauberg, and Alachua Sink. The BMAP contains management actions and options for restoring water quality to sustain healthy populations of fish and other aquatic life, and safely support recreational uses in these waterbodies.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Mary Paulic at (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

## DEPARTMENT OF HEALTH

The **Board of Clinical Laboratory Personnel** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 16, 2007, 9:00 a.m.

PLACE: Crowne Plaza Orlando Universal, 7800 Universal Boulevard, Orlando, Florida 32819, (407)355-0550 (this meeting will also be held by telephone conference call if necessary.)

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 Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/clinlab/index.html](http://www.doh.state.fl.us/mqa/clinlab/index.html).

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Probable Cause Panel of the **Board of Massage Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, November 13, 2007, 2:00 p.m. or soon thereafter

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: Samantha DiConcilio, Department of Health, Prosecution Services, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

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The Practitioner Regulation Section may be contacted at: 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

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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, November 16, 2007, 3:00 p.m.

PLACE: Conference Number: 1(888)808-6959, Conference Code: 2454131

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.

Pursuant to the provisions of 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the Prosecution.

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The Probable Cause Panel of the **Board of Osteopathic Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 15, 2007, 10:00 a.m. or soon thereafter

PLACE: Conference Call Number: 1(888)808-6959, Leader Pin: 0916

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: Blake Hunter, Senior Attorney, Department of Health, Prosecution Services, 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

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The Practitioner Regulation Section may be contacted at: 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

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The Florida **Board of Osteopathic Medicine** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, November 16, 2007, 4:00 p.m. or shortly thereafter; Saturday, November 17, 2007, 9:00 a.m. or shortly thereafter

PLACE: Lake Erie College of Osteopathic Medicine, 50000 Lakewood Ranch Blvd., Bradenton, FL 34211, (941)782-5927

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of the agenda may be obtained by contacting: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

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The **Diabetes Advisory Council and Leadership Council** of the Alliance for Diabetes Prevention and Care will hold a conference call on:

DATE AND TIME: Tuesday, October 30, 2007, 10:30 a.m. – 11:30 a.m. (EST)

PLACE: This is notice of a conference call. To participate please contact M.R. Street for information regarding the toll free conference number and code. M.R. Street may be reached at telephone number (850)245-4444, ext. 2842, or you may contact Samantha Tully at the same number by dialing extension 2867.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the strategic planning meeting on November 6th and 7th. Other items discussed will be the purpose of the November strategic planning meeting, a review of the meeting agenda, and steps to take following the meeting.

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The Florida **Department of Health** announces a meeting of the Florida Diabetes Advisory Council and the Florida Alliance for Diabetes Prevention and Care/Leadership Council.  
**DATES AND TIMES:** November 6, 2007, 9:30 a.m. – 5:30 p.m.; November 7, 2007, 8:00 a.m. – 2:00 p.m.

**PLACE:** Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Diabetes health system strategic planning meeting. The Governor-appointed Diabetes Advisory Council and the Alliance meet quarterly to discuss issues related to diabetes prevention and control in Florida. This is a public meeting.

If you would like to attend, have questions, or require further information, please contact Mrs. M. R. Street at (850)245-4444, ext. 2842.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, Circuit 19, announces the following public meeting to which all persons are invited.

**DATE AND TIME:** November 14, 2007, 9:00 a.m. – 11:00 a.m.

**PLACE:** Department of Children and Family Services, 337 North U.S. Highway 1, Suite 335, Fort Pierce, Florida 34950

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Executive Committee public meeting.

For more information, please contact: Linda Poston, Administrative Assistant II, 337 North U.S. Hwy. 1, Room 327C, Fort Pierce, Florida 34950, (772)467-4177.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Linda Poston, (772)467-4177, 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 Florida **Department of Children and Family Services** announces a meeting of the local planning team for Child Abuse Prevention and Permanency.

**DATE AND TIME:** November 7, 2007, 1:00 p.m.

**PLACE:** Joseph P. D'Alessandro Office Complex, 2295 Victoria Avenue, Room 123, Fort Myers, FL

Persons needing additional information should contact Beth Pasek at (239)338-1207.

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 27, 2007, 10:00 a.m. – 3:00 p.m.

**PLACE:** Stetson University College of Law, Eleazar Courtroom, 1401 – 61st Street South, Gulfport, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Continuation of review of all aspects of the Department's adult protection system and identify areas that need improvement.

A copy of the agenda may be obtained by contacting the Adult Services Program at (850)922-3878.

Pursuant to the provisions of 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 Adult Services Program at (850)922-3878. If you are 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 Adult Services Program at (850)922-3878.

The **Agency for Persons with Disabilities** announces a hearing on Rules 65G-7.001, Definitions; 65G-7.002, Determination of Need for Assistance with Medication Administration; Informed Consent; 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, F.A.C., to which all persons are invited.

**DATE AND TIME:** November 19, 2007, 2:00 p.m.

**PLACE:** Agency for Persons with Disabilities, Room 301, 4030 Esplanade Way, Tallahassee, Florida 32399-0950

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing will give affected persons an opportunity to present evidence and argument on all issues relating to the above-named rules, pursuant to Section 120.54(3)(c), Florida Statutes.

A copy of the agenda may be obtained by contacting Ms. Lori Kohler at (850)922-9731.

Pursuant to the provisions of 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 Ms. Kohler at the above address and phone number. If you are 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. Lori Kohler.

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, November 14, 2007, 10:00 a.m. (Eastern Time); Thursday, November 29, 2007, 1:00 p.m. (Eastern Time)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of the Response(s) submitted for Florida Housing Finance Corporation's Request for Proposals #2007-08 for Foreclosure Prevention Strategy Services.

A copy of the agenda may be obtained by contacting Robin Grantham at (850)488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Robin Grantham at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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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: November 5, 2007, 6:30 p.m. – 8:30 p.m. (EDT)

PLACE: IGFA Hall of Fame, 300 Gulf Stream Way, Dania Beach, Florida 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Fish and Wildlife Conservation Commission, in response to agency observations and concerns expressed by the public is conducting an assessment of the Florida Quota Hunt Program. The assessment is designed to identify concerns associated with the Quota Hunt Program and develop ideas for making improvements. This meeting is being held to invite members of the public to share their ideas with facilitators and agency staff on this topic.

A copy of the agenda may be obtained by contacting: Robert Jones or Jeff Blair, Florida Conflict Resolution Consortium, Morgan Building, Suite 236, 2035 East Paul Dirac Drive, Tallahassee, FL 32310, (850)644-6320.

Pursuant to the provisions of 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).

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The Florida **Fish and Wildlife Conservation Commission** (FWCC) announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2007, 6:30 p.m. – 8:30 p.m. (EDT)

PLACE: Thomas Law Enforcement Academy, 75 College Drive, Havana, Florida 32819. The Academy is located approximately 14 miles west of Tallahassee, Florida, on US 90 between Midway and Quincy, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Fish and Wildlife Conservation Commission, in response to agency observations and concerns expressed by the public is conducting an assessment of the Florida Quota Hunt Program. The assessment is designed to identify concerns associated with the Quota Hunt Program and develop ideas for making improvements. This meeting is being held to invite members of the public to share their ideas with facilitators and agency staff on this topic.

A copy of the agenda may be obtained by contacting: Robert Jones or Jeff Blair, Florida Conflict Resolution Consortium, Morgan Building, Suite 236, 2035 East Paul Dirac Drive, Tallahassee, FL 32310, or at (850)644-6320.

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The Florida **Fish and Wildlife Conservation Commission** (FWCC) announces a public meeting to which all persons are invited.

DATE AND TIME: November 15, 2007, 6:30 p.m. – 8:30 p.m. (EDT)

PLACE: Bass Pro Shops, 5156 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Fish and Wildlife Conservation Commission, in response to agency observations and concerns expressed by the public is conducting an assessment of the Florida Quota Hunt Program. The assessment is designed to identify concerns associated with the Quota Hunt Program and develop ideas for making improvements. This meeting is being held to invite members of the public to share their ideas with facilitators and agency staff on this topic.

A copy of the agenda may be obtained by contacting: Robert Jones or Jeff Blair, Florida Conflict Resolution Consortium, Morgan Building, Suite 236, 2035 East Paul Dirac Drive, Tallahassee, FL 32310, (850)644-6320.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

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

PLACE: International Game Fish Association, Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to present and discuss the public input gathered from workshops and through online surveys regarding the Spiny Lobster Advisory Board's management recommendations. Florida Fish and Wildlife Conservation Commission (FWC) staff will also present and discuss their management recommendations that will be presented to the Commission at its December 2007 meeting in Key Largo.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

Pursuant to the provisions of 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).

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: Mark Robson, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

#### DEPARTMENT OF FINANCIAL SERVICES

The **Office of Financial Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, November 6, 2007, 1:30 p.m.

PLACE: Via Video Conference with sites in Orlando (Zora Neale Hurston Building, Video Room #N-101, North Tower, 400 W. Robinson Street, Orlando, FL 32801) and Tallahassee (Capital Circle Office Center, Video Room #109, 4030 Esplanade Way, Tallahassee, FL 32399)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on the application to merge Prime Interim Bank with and into Prime Bank, Melbourne, Florida.

A copy of the agenda may be obtained by writing to: Office of Financial Regulation, Attn: Agency Clerk, 200 E. Gaines Street, Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379 or by calling the Agency Clerk at (850)410-9896.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 5 days before the workshop/hearing/meeting by contacting the Agency Clerk at (850)410-9896. If you are hearing or speech impaired, please contact the Agency Clerk by calling 1(800)640-0886.

The Florida **Department of Financial Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 14, 2007, 9:00 a.m. – 4:00 p.m.

PLACE: United Way of Miami-Dade, 3250 S. W. 3rd Avenue, Miami, Florida 33129

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Financial Literacy Council was created by the Florida Legislature in 2006 to provide a single state resource to the general public on financial literacy. This is the council's sixth meeting.

A copy of the agenda may be obtained by contacting: R. Jai Howard, Staff Director, Financial Literacy Council, Florida Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0302, (850)413-2836.

Pursuant to the provisions of 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 R. Jai Howard at (850)413-2836. If you are 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 Financial Services** announces a public meeting on Rules 69A-46.001, Scope; 69A-46.010, Submission of the Application; 69A-46.015, Testing; 69A-46.016, Insurance Requirements; 69A-46.0165, Submission of the Application for a Water-Based Fire Protection Permit; 69A-46.017, Required Continuing Education; 69A-46.025, Scope; 69A-46.030, Definitions, F.A.C., to which all persons are invited.

DATE AND TIME: Friday, November 9, 2007, 9:30 a.m.  
 PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, Florida 32308  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTICE OF PROPOSED RULEMAKING. The purpose of these rule amendments is to update Rule Chapter 69A-46, F.A.C., to provide for submission of an updated application for water-based systems, and inspection tags using a new system of red and green tags to indicate compliance and non-compliance. The effect of these rules will be to provide a uniform method of filing an application for water-based fire suppression systems and for tagging fire suppression equipment.

A copy of the agenda may be obtained by contacting: Casia Sinco, Safety Program Manager, 200 E. Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3171, Fax (850)414-6119.

**FINANCIAL SERVICES COMMISSION**

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: November 14, 2007, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-149.002, Florida Administrative Code, published on March 16, 2007 in Vol. 33, No. 11, of the F.A.W., No notice of change was published. This takes the place of the earlier Notice published on October 5, 2007, about the December 18, 2007 Public Hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Tracie Lambright at E-mail Tracie.Lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

**PART I FILING OF RATES FOR HEALTH INSURANCE**

69O-149.002 Scope and Applicability.

(1) through (5) No change.

(6) Pursuant to the provisions of Section 627.410(6)(b), F.S., rate filings required by Rule 69O-149.003, F.A.C. and Annual Rate Certification (ARC) filings required by Rule 69O-149.007, F.A.C., are not required to be made for the following; however, the rating standards contained in this Part I and applicable statutes shall continue to apply as if the rate schedules were required to be filed for approval:

~~(a)1-~~ Annually rated group health insurance policies as defined by Section 627.652(1), F.S., including blanket insurance as defined by Section 627.659, F.S., issued in this state that provide availability of coverage only to groups with 51 or more employees/members.

~~(b)2-~~ This filing exemption does not apply to franchise policies issued pursuant to Section 627.663, F.S.

~~(c)3-~~ This filing exemption does not apply to stop-loss policy forms, unless the policy is issued only to employers with 51 or more employees.

~~(7)(a)(b)1-~~ Forms that provide for the acceleration of the benefits of a life insurance policy that are ~~is~~ incidental to the total life insurance coverage are not subject to the annual rate or ARC filing requirements of Section 627.410, F.S., or these rules. The insurer is required to submit an actuarial demonstration with the initial filing for approval demonstrating such incidental compliance.

~~(b)2-~~ The acceleration is considered incidental if the value of the accelerated benefit is less than 10 percent of the total value of the benefits provided by the life insurance coverage. These values shall be measured as: a. ~~The present values of the benefits determined as of the date of issue, determined according to the formula (NSP2-NSP1)/NSP1, applied over a range of underwriting classes and plans at which the benefit is being made available, is not in any case greater than 10%, where; or~~

1. NSP1 and NSP2 are determined using an effective annual interest rate of 6%.

2. NSP1 is the net single premium for the base policy benefits assuming there is no accelerated death benefit.

3. NSP2 is the net single premium for the base policy benefits assuming that the full death benefit is paid at time of death or the occurrence of the non-death accelerated death benefit trigger.

~~(b) The relationship between the premiums if the premiums are separable and fixed at issue.~~

(c) If a separate premium or cost of insurance (COI) charge is the only charge being charged for the accelerated benefit provided, the ratio of the present value of the accelerated benefit premiums or COI charges over the life of the policy to the present value of the policy premiums or COI charges exclusive of any riders, does not exceed 10%, the present values shall be determined using an effective annual interest rate of 6%.

(d) Upon request of the Office, the insurer shall provide an actuarial demonstration that the accelerated death benefit continues to meet these standards. If it is determined that the accelerated death benefit fails to comply with these standards, the provisions of these rules shall apply.

Specific Authority 624.308(1), 627.410(6)(b) FS. Law Implemented 624.307(1), 627.402, 627.410(1), (2), (6), (7), 627.411(1)(e), (2), 627.6515(2)(a), 627.6699 FS. History—New 7-1-85, Formerly 4-58.02, 4-58.002, Amended 4-18-94, 4-9-95, 10-27-02, Formerly 4-149.002, Amended 5-18-04, \_\_\_\_\_.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: November 14, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is the Final Public Hearing on the adoption of proposed amendments to paragraph 69O-149.003(6)(d), Florida Administrative Code, published on September 7, 2007 in Vol. 33, No. 36, of the F.A.W., No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Tracie Lambright at e-mail [Tracie.Lambright@fldfs.com](mailto:Tracie.Lambright@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.003 Rate Filing Procedures.

(6)(a) The following tables shall apply to filings made pursuant to subsection (5) above.

(b) A company without fully credible data may, at its option, use an annual medical trend assumption not to exceed the values in the following tables for the medical trend assumption used in a complete filing made pursuant to paragraph 69O-149.003(2)(b), F.A.C., including the actuarial memorandum required by Rule 69O-149.006, F.A.C., without providing explicit trend justification.

(c) Use of an annual medical trend assumption exceeding the maximum medical trend in the following tables shall be filed pursuant to subparagraph 69O-149.006(3)(b)18., F.A.C.

(d) The maximum medical trend for medical expense coverage described in Section 627.6561(5)(a)2., F.S., is:

Category	Individual	Individual	Group	Group
	Without Rx	With Rx	Without Rx	With Rx
Major Medical	+2%11.5%	+4%12.0%	+3.5%13.0%	+4.5%13.5%
Health Maintenance Organizations	+1.5%10.5%	+2.5%11.0%	+3.5%13.0%	+4.5%13.5%

(e) The maximum medical trend for Medicare supplement coverage is:

Medicare supplement	5.5%	10%	5.5%	10%
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Specific Authority 624.308(1), 624.424(1)(c), 627.410(6)(b), (e) FS. Law Implemented 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 FS. History—New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95, 4-4-02, 10-27-02, 6-19-03, Formerly 4-149.003, Amended 5-18-04, 12-22-05, \_\_\_\_\_.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: November 14, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-162.203, Florida Administrative Code, published on July 27, 2007 in Vol. 33, No. 30, of the F.A.W., No notice of change was published. This takes the place of the earlier Notice published on October 19, 2007, about the December 18, 2007 Public Hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Kerry Krantz at e-mail [kerry.krantz@fldfs.com](mailto:kerry.krantz@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-162.203 Adoption of 2001 Commissioners Standard Ordinary (CSO) Preferred Mortality Tables for Determining Reserve Liabilities for Ordinary Life Insurance.

(1) Scope. This rule shall govern mortality tables for use in reserves as set forth in Section 625.121, F.S.

(2) Purpose. The purpose of this rule is to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between Preferred and Standard lives in determining minimum reserve liabilities in accordance with Section 625.121(5)(a)3., F.S., and subsection 69O-164.020(5), F.A.C.

(3) Definitions.

(a) "2001 CSO Mortality Table" means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the



NAIC in December 2002. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC (2nd Quarter 2002) and supplemented by the 2001 CSO Preferred Class Structure Mortality Table defined below in paragraph (b). Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables. Mortality tables in the 2001 CSO Mortality Table include the following:

1. "2001 CSO Mortality Table (F)" means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

2. "2001 CSO Mortality Table (M)" means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

3. "Composite mortality tables" means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

4. "Smoker and nonsmoker mortality tables" means mortality tables with separate rates of mortality for smokers and nonsmokers.

(b) "2001 CSO Preferred Class Structure Mortality Table" means mortality tables with separate rates of mortality for Super Preferred Nonsmokers, Preferred Nonsmokers, Residual Standard Nonsmokers, Preferred Smokers, and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker tables as adopted by the NAIC September 10, 2006, which is available in the NAIC Proceedings {3rd Quarter 2006} which is adopted herein and incorporated by reference. Unless the context indicates otherwise, the "2001 CSO Preferred Class Structure Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table. It includes both the smoker and nonsmoker mortality tables. It includes both the male and female mortality tables and the gender composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table.

(c) "Statistical agent" means an entity with proven systems for protecting the confidentiality of individual insured and insurer information; demonstrated resources for and history of ongoing electronic communications and data transfer ensuring data integrity with insurers, which are its members or subscribers; and a history of and means for aggregation of data and accurate promulgation of the experience modifications in a timely manner.

(4) 2001 CSO Preferred Class Structure Table.

(a) At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in this rule, the 2001 CSO Preferred Class Structure Mortality Table may be

substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007.

(b) No such election shall be made until the company demonstrates at least 20% of the business to be valued on this table is in one or more of the preferred classes.

(c) A table from the 2001 CSO Preferred Class Structure Mortality Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of this rule, will be treated as part of the 2001 CSO Mortality Table only for purposes of reserve valuation pursuant to the requirements of Rule 69O-162.201, F.A.C., Adoption of 2001 Commissioners Standard Ordinary (CSO) Mortality Tables.

(5) Conditions.

(a) For each plan of insurance with separate rates for Preferred and Standard Nonsmoker lives, an insurer may use the Super Preferred Nonsmoker, Preferred Nonsmoker, and Residual Standard Nonsmoker tables to substitute for the Nonsmoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, except for business valued under the Residual Standard Nonsmoker Table, the appointed actuary shall certify that:

1. The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

2. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

(b) For each plan of insurance with separate rates for Preferred and Standard Smoker lives, an insurer may use the Preferred Smoker and Residual Standard Smoker tables to substitute for the Smoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, for business valued under the Preferred Smoker Table, the appointed actuary shall certify that:

1. The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basic table corresponding to the valuation table being used for that class.

2. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basic table.

(6) Effective Date. This rule shall be effective for policies issued on or after January 1, 2007, for valuation dates on or after the date this rule becomes effective.

Specific Authority 624.308(1), 625.121 FS. Law Implemented 624.307(1), 625.121 FS. History—New.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: November 14, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-164.030, Florida Administrative Code, published on July 27, 2007 in Vol. 33, No. 30, of the F.A.W., No notice of change was published. This takes the place of the earlier Notice published on October 19, 2007, about the December 18, 2007 Public Hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Kerry Krantz at e-mail [kerry.krantz@fldfs.com](mailto:kerry.krantz@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

690-164.030 Application of Rule 690-164.020, F.A.C., to Various Product Designs.

- (1) No change.
- (2) Application. The list below specifies reserving approaches which the Office regards as being most consistent with the letter and spirit of Rule 690-164.020, F.A.C. However, the specified reserving approaches should be modified as needed to comply with the intent of this rule that similar reserves be established for policy designs that contain similar guarantees.

- (a) through (h) No change.
- (i) A universal life policy guarantees the coverage to remain in force as long as the accumulation of premiums paid satisfies the secondary guarantee requirement.

1. For policies and certificates issued prior to July 1, 2005, and for policies and certificates issued on or after January 1, 2011:

- a. through i. No change.
- 2. For policies and certificates issued on or after July 1, 2005, and prior to January 1, 2007:

- a. through i. No change.
- 3. For policies and certificates issued on or after January 1, 2007, and prior to January 1, 2011:

a. First, the minimum gross premiums (determined at issue) that will satisfy the secondary guarantee requirement must be derived.

b. Second, for purposes of applying paragraphs (7)(b) and (7)(c) of Rule 690-164.020, F.A.C., the "specified premiums" are the minimum gross premiums derived in sub-subparagraph a.

(I) Consistent with Rule 690-164.020, F.A.C., the remaining sub-subparagraphs in this rule should be calculated on a segmented basis, using the segments that Rule 690-164.020, F.A.C., defines for the product. Therefore, in the remaining sub-subparagraphs, the term "fully fund the guarantee" should be interpreted to mean fully funding the guarantee to the end of each possible segment. The term "remainder of the secondary guarantee period" should be interpreted to mean the remainder of each possible segment. The total reserve should equal the greatest of all possible segmented reserves.

(II) Additionally, for purposes of applying paragraphs (7)(b) and (c) of Rule 690-164.020, F.A.C., a lapse rate of no more than 2% per year for the first 5 years, followed by no more than 1% per year to the policy anniversary specified in the following table based on issue age, and 0% per year thereafter may be used. If the duration in the table is less than 5, then a lapse rate of no more than 2% per year may be used through that duration, and 0% per year thereafter.

<u>Issue Age</u>	<u>Duration</u>
<u>0-50</u>	<u>30th Policy Anniversary</u>
<u>51-60</u>	<u>Policy Anniversary Age 80</u>
<u>61-70</u>	<u>20th Policy Anniversary</u>
<u>71-89</u>	<u>Policy Anniversary Age 90</u>
<u>90 and over</u>	<u>No Lapse</u>

c. Third, a determination should be made of the amount of actual premium payments in excess of the minimum gross premiums. For policies utilizing shadow accounts, this will be the amount of the shadow account. For policies with no shadow accounts but which specify cumulative premium requirements, this excess will be the amount of the cumulative premiums paid in excess of the cumulative premium requirements; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee).

d. Fourth, as of the valuation date for the policy being valued, for policies utilizing shadow accounts, determine the minimum amount of shadow account required to fully fund the guarantee. For policies with no shadow accounts but which specify cumulative premium requirements, determine the amount of the cumulative premiums paid in excess of the cumulative premium requirements that would result in no future premium requirements to fully fund the guarantee; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee). For any policy for which the secondary guarantee cannot be fully funded in advance, solve for the minimum sum of any possible excess funding (either the amount in the shadow account or excess cumulative premium payments depending on the product design) and the present value of future premiums (using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves) that would fully fund the guarantee. The amount determined above for this sub-subparagraph is to then be divided by one minus a seven percent premium load allowance (0.93). The result from sub-subparagraph c. should be divided by this number, with the resulting ratio capped at 1. The ratio is intended to measure the level of prefunding for a secondary guarantee which is used to establish reserves. Assumptions within the numerator and denominator of the ratio therefore must be consistent in order to appropriately reflect the level of prefunding. The denominator is allowed to be inconsistent only by the amount of the premium load allowance as defined in this sub-subparagraph. As used here, "assumptions" include any factor or value, whether assumed or known, which is used to calculate the numerator or denominator of the ratio.

e. Fifth, compute the net single premium on the valuation date for the coverage provided by the secondary guarantee for the remainder of the secondary guarantee period, using any valuation table and select factors authorized in paragraph (5)(a) of Rule 69O-164.020, F.A.C. For purposes of calculating the net single premium, a lapse rate subject to the same criteria as the lapse rate used in applying paragraph b. above may be used.

f. Sixth, the "net amount of additional premiums" is determined by multiplying the ratio from sub-subparagraph d. by the difference between the net single premium from sub-subparagraph e. and the basic and deficiency reserve, if any, computed in sub-subparagraph b.

g. Seventh, a "reduced deficiency reserve" should be computed by multiplying the deficiency reserve, if any, by one minus the ratio from sub-subparagraph d., but not less than zero. This "reduced deficiency reserve" is the deficiency reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

h. Eighth, the actual reserve used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., is the lesser of: (1) the net single premium from sub-subparagraph e., and (2) the amount of the excess from sub-subparagraph f., plus the basic reserve and the deficiency reserve, if any, computed in sub-subparagraph b.

(I) Reduce this result by the applicable policy surrender charges, i.e., the account value less the cash surrender value.

(II) Multiply the applicable policy surrender charge by the ratio of the net level premium for the secondary guarantee period divided by the net level premium for whole life insurance.

(III) Calculate both net premiums using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves. However, if no future premiums are required to support the guarantee period being valued, there is no reduction for surrender charges.

(IV) Multiply this surrender charge by the ratio of the net level premium for the secondary guarantee period divided by the net level premium for whole life insurance. Calculate both net premiums using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves.

(V) If the resulting amount is less than the sum of the basic and deficiency reserve from sub-subparagraph b., then the basic and deficiency reserves to be used for the purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., are those calculated in sub-subparagraph b., and no further calculation is required.

i. Ninth, an "increased basic reserve" should be computed by subtracting the "reduced deficiency reserve" in sub-subparagraph g. from the reserve computed in sub-subparagraph h. This "increased basic reserve" is the basic reserve to be used for purposes of subparagraph 69O-164.020(7)(d)1., F.A.C.

j. Business reserved pursuant to subparagraph (2)(i)3. of this rule must be supported by an asset adequacy analysis specific to this business.

(I) This asset adequacy analysis must be performed pursuant to the requirements of Section 625.121(3), F.S.

(II) Reserves required by subparagraph (2)(i)3. of this rule, plus any additional reserves required by the asset adequacy analysis, shall be the minimum reserves for this business.

(3) No change.

Specific Authority 624.308(1), 625.121(5) FS. Law Implemented 624.307(1), 625.121(5) FS. History--New 5-4-06, Amended \_\_\_\_\_.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission** announces a hearing on Rules 69V-50.055, Application Procedure for Motor Vehicle Retail Installment Seller License; 69V-50.058, Motor Vehicle Retail Installment Seller Branch Office License; 69V-50.070, Motor Vehicle Retail Installment Seller and Motor Vehicle Retail Installment Seller Branch Office License Renewal and Reactivation, F.A.C., to which all persons are invited.

DATES AND TIMES: November 14, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission. The corresponding meeting of the Cabinet Aides will take place on November 7, 2007, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 69V-50.055, .058, .070, Florida Administrative Code, published on August 10, 2007, in Vol. 33, No. 32, of the F.A.W. These rules are proposed for repeal. No notice of change was published.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-50.055 Application Procedure for Motor Vehicle Retail Installment Seller License.

~~(1) Each person desiring to obtain licensure as a motor vehicle retail installment seller shall apply to the Office of Financial Regulation by submitting the following:~~

~~(a) A completed Application for Motor Vehicle Retail Installment Seller License, Form OFR-HV-1, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

~~(b) The statutory, non-refundable application fee required by Section 520.03, F.S., which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar 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) calendar days from the date of the request. Failure to respond to the request within forty five (45) calendar 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) 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.~~

~~(4) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(5) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~(6) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, 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 operation of a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 520.03(2), 520.994(5) FS. Law Implemented 120.60(1), 520.03(2) FS. History--New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-50.055, Repealed \_\_\_\_\_.

69V-50.058 Motor Vehicle Retail Installment Seller Branch Office License.

~~(1) Every motor vehicle retail installment seller which conducts business in a branch office shall apply for a license to operate a branch office on Form OFR-HV-2, Application for Motor Vehicle Retail Installment Seller Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Any office or location shall be deemed to be a branch office if the name or advertising of a motor vehicle retail installment seller shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address. If a motor vehicle retail installment seller has more than one location in the same county, only one license is required for that county.~~

~~(2) The statutory, non-refundable application fee for an initial branch office license required by Section 520.03, F.S., shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar 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) calendar days from the date of the request. Failure to respond to the request within forty five (45) calendar 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) ~~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.

(5) ~~Refunds.~~ If the application is withdrawn or denied, the license fee is non-refundable.

(6) ~~Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

Specific Authority 520.03(2), 520.994(5) FS. Law Implemented 120.60(1), 520.03(2) FS. History—New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-50.058, Repealed.

69V-50.070 Motor Vehicle Retail Installment Seller and Motor Vehicle Retail Installment Seller Branch Office License Renewal and Reactivation.

(1) ~~Each active motor vehicle retail installment seller and motor vehicle retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year upon receipt of the statutory renewal fee required by Section 520.03, F.S., and the renewal/reactivation notice, Form OFR-MV-3, 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.~~

(2) ~~If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.~~

(3) ~~A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier office in Tallahassee, Florida.~~

(4) ~~The received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

(5) ~~Engaging in a retail installment transaction as defined in Section 520.02(15), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.~~

(6) ~~Renewal via the Internet.~~ In lieu of filing the paper version of the renewal form, 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.

(7) ~~If December 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.~~

Specific Authority 520.03(2), (3), 520.994(5) FS. Law Implemented 520.03(2), (3), 520.994(5) FS. History—New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-50.070, Repealed.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

Pursuant to the provisions of 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 Andrea Moreland, Office of Financial Regulation, (850)410-9601 or [andrea.moreland@fldfs.com](mailto:andrea.moreland@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 Andrea Moreland, Office of Financial Regulation, (850)410-9601 or [andrea.moreland@fldfs.com](mailto:andrea.moreland@fldfs.com).

The **Financial Services Commission** announces a hearing on Rules 69V-60.060, Application Procedure for Retail Installment Seller License; 69V-60.065, Retail Installment Seller Branch Office License; 69V-60.070, Retail Installment Seller and Retail Installment Seller Branch Office License Renewal and Reactivation, F.A.C., to which all persons are invited.

DATES AND TIMES: November 14, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission. The corresponding meeting of the Cabinet Aides will take place on November 7, 2007, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 69V-60.060, .065, .070, Florida Administrative Code, published on August 10, 2007, in Vol. 33, No. 32, of the F.A.W. These rules are proposed for repeal. No notice of change was published.

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-60.060 Application Procedure for Retail Installment Seller License.

(1) ~~Each person desiring to obtain licensure as a retail installment seller shall apply to the Office of Financial Regulation by submitting the following:~~

~~(a) A completed Application for Retail Installment Seller License, Form OFR HR-1, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

~~(b) The statutory, non refundable application fee required by Section 520.32, F.S., which shall be the fee for the biennial period beginning January 1 of each odd numbered year or any part thereof.~~

~~(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar 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) calendar days from the date of the request. Failure to respond to the request within forty five (45) calendar 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) 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.~~

~~(4) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(5) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~(6) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction directly related to the operation of a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

~~Specific Authority 520.32(2), 520.994(5) FS. Law Implemented 520.32(2) FS. History--New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-60.060, Repealed \_\_\_\_\_.~~

~~69V-60.065 Retail Installment Seller Branch Office License.~~

~~(1) Every retail installment seller which conducts business in a branch office shall apply for a license to operate a branch office on Form OFR HR-2, Application for Retail Installment Seller Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee,~~

~~Florida 32399-0375. Any office or location shall be deemed to be a branch office if the name or advertising of a retail installment seller shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location or advertised address.~~

~~(2) The statutory, non refundable application fee required by Section 520.32, F.S., for an initial branch office license shall be for the biennial period beginning January 1 of each odd numbered year or any part thereof.~~

~~(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar 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) calendar days from the date of the request. Failure to respond to the request within forty five (45) calendar 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) 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.~~

~~(5) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~Specific Authority 520.32(2), 520.994(5) FS. Law Implemented 520.32(2) FS. History--New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-60.065, Repealed \_\_\_\_\_.~~

~~69V-60.070 Retail Installment Seller and Retail Installment Seller Branch Office License Renewal and Reactivation.~~

~~(1) Each active retail installment seller and retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd numbered year, upon receipt of the statutory renewal fee required by Section 520.32, F.S., and the renewal/reactivation notice, Form OFR-RS-3, 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.~~

~~(2) If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal~~

~~fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.~~

~~(3) A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(4) The received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(5) Engaging in a retail installment transaction as defined in Section 520.31(13), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.~~

~~(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, 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.~~

~~(7) If December 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.~~

Specific Authority 520.32(2), (3), 520.994(5) FS. Law Implemented 520.32(2), (3), 520.994(5) FS. History—New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-60.070, Repealed.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

Pursuant to the provisions of 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 Andrea Moreland, Office of Financial Regulation, (850)410-9601 or [andrea.moreland@fldfs.com](mailto:andrea.moreland@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 Andrea Moreland, Office of Financial Regulation, (850)410-9601 or [andrea.moreland@fldfs.com](mailto:andrea.moreland@fldfs.com).

The **Financial Services Commission** announces a hearing on Rules 69V-70.050, Application Procedure for Sales Finance Company License; 69V-70.055, Sales Finance Company Branch Office License; 69V-70.060, Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation, to which all persons are invited.

DATES AND TIMES: November 14, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission. The corresponding meeting of the Cabinet Aides will take place on November 7, 2007, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 69V-70.050, .055, and .060, Florida Administrative Code, published on August 10, 2007, in Vol. 33, No. 32, of the F.A.W. These rules are proposed for repeal. No notice of change was published.

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-70.050 Application Procedure for Sales Finance Company License.

~~(1) Each person desiring to obtain licensure as a sales finance company shall apply to the Office of Financial Regulation by submitting the following:~~

~~(a) A completed Application for Sales Finance Company License, Form OFR HI 1, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

~~(b) The statutory, non-refundable application fee required by Section 520.52, F.S., which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar 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) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar 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) 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.~~

~~(4) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(5) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~(6) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction directly related to operating a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 520.52(2), 520.994(5) FS. Law Implemented 520.52(2) FS. History–New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-70.050, Repealed \_\_\_\_\_.

69V-70.055 Sales Finance Company Branch Office License.

~~(1) Every sales finance company which conducts business in a branch office shall apply for a license to operate a branch office on Form OFR-HI-2, Application for Sales Finance Company Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399 0375. Any office or location shall be deemed to be a branch if the name or advertising of a sales finance company shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address.~~

~~(2) The statutory, non-refundable application fee for an initial branch office license required by Section 520.52, F.S., shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar 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) calendar days from the date of the request. Failure to respond to the request within forty five (45) calendar 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) 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.~~

~~(5) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

Specific Authority 520.52(2), 520.994(5) FS. Law Implemented 520.52(2) FS. History–New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-70.055, Repealed \_\_\_\_\_.

69V-70.060 Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation.

~~(1) Each active sales finance company and sales finance company branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year, upon receipt of the statutory renewal fee required by Section 520.52, F.S., and the renewal/reactivation notice, Form OFR-SF-3, 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.~~

~~(2) If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.~~

~~(3) A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(4) The received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier office in Tallahassee, Florida.~~

~~(5) Engaging in a business as a sales finance company as defined in Section 520.31(16), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.~~

~~(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, 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) If December 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.~~

Specific Authority 520.52(2), (3), 520.994(5) FS. Law Implemented 520.52(2), (3), 520.994(5) FS. History–New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-70.060, Repealed \_\_\_\_\_.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.



Pursuant to the provisions of 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: Andrea Moreland, Office of Financial Regulation, (850)410-9601 or andrea.moreland@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 Andrea Moreland, Office of Financial Regulation, (850)410-9601 or andrea.moreland@fldfs.com.

The **Financial Services Commission** announces a hearing on Rules 69V-80.003, Completion Certificates; 69V-80.015, Application Procedure for Home Improvement Finance Seller License; 69V-80.050, Home Improvement Finance Seller and Home Improvement Finance Seller Branch Office License Renewal and Reactivation; 69V-80.060, Home Improvement Finance Seller Branch Office License, F.A.C., to which all persons are invited.

**DATES AND TIMES:** November 14, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission. The corresponding meeting of the Cabinet Aides will take place on November 7, 2007, 9:00 a.m.

**PLACE:** Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is the Final Public Hearing on the adoption of proposed amendments to Rules 69V-80.003, .015, .050, and .060, Florida Administrative Code, published on August 10, 2007, in Vol. 33, No. 32, of the FAW. No notice of change was published.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-80.003 Completion Certificates.

The completion certificate required by Section 520.81, F.S., Completion Certificate, Form OFR-520-03, effective XX-XX-2007, is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Specific Authority 520.81(2), 520.994(5) FS. Law Implemented 520.81 FS. History-New \_\_\_\_\_.

69V-80.015 Application Procedure for Home Improvement Finance Seller License.

~~(1) Each person desiring to obtain licensure as a home improvement finance seller shall apply to the Office of Financial Regulation by submitting the following:~~

~~(a) A completed Application for Home Improvement Finance Seller License, Form OFR-HC-1, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

~~(b) The statutory non-refundable application fee required by Section 520.63, F.S., which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar 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) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar 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) 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.~~

~~(4) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(5) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~(6) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction directly related to the operation of a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 520.63(2), (3), 520.994(5) FS. Law Implemented 520.63(2) FS. History-New 4-13-88, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-80.015, Repealed \_\_\_\_\_.

69V-80.050 Home Improvement Finance Seller and Home Improvement Finance Seller Branch Office License Renewal and Reactivation.

(1) Each active home improvement finance seller and home improvement finance seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year, upon receipt of the statutory renewal fee required by Section 520.63, F.S., and the renewal/reactivation

~~notice, Form OFR-HI-3, effective 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.~~

~~(2) If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.~~

~~(3) A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(4) The received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(5) Acting as "home improvement finance seller" as defined in Section 520.61(13), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.~~

~~(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, 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.~~

~~(7) If December 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.~~

~~Specific Authority 520.63(2), (3), 520.994(5) FS. Law Implemented 520.63(2), (3), 520.994(5) FS. History-New 4-13-88, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-80.050, Repealed \_\_\_\_\_.~~

69V-80.060 Home Improvement Finance Seller Branch Office License.

~~(1) Every home improvement finance seller which conducts home improvement business in a branch office shall apply for a license to operate a branch office on Form OFR-HC-2, Application for Home Improvement Finance Seller Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Any office or location shall be deemed to be a branch office if the name or advertising of a home improvement finance seller shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address.~~

~~(2) The statutory, non-refundable applicant fee for an initial branch office license required by Section 520.63, F.S., shall be for the biennial period beginning January 1 of each odd numbered year or any part thereof.~~

~~(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar 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) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar 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) 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.~~

~~(5) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~Specific Authority 520.63(2), 520.994(5) FS. Law Implemented 520.63(2) FS. History-New 4-13-88, Amended 5-9-90, 11-11-90, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-80.060, Repealed \_\_\_\_\_.~~

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

Pursuant to the provisions of 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 Andrea Moreland, Office of Financial Regulation, (850)410-9601 or [andrea.moreland@fldfs.com](mailto:andrea.moreland@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 Andrea Moreland, Office of Financial Regulation, (850)410-9601 or [andrea.moreland@fldfs.com](mailto:andrea.moreland@fldfs.com).

The **Financial Services Commission** announces a hearing on Rules 69V-85.002, Application Forms, Fees, Procedures and Requirements; 69V-85.003, Branch Application Forms, Fees, Procedures and Requirements; 69V-85.004, Renewal Fees, Deadlines and Requirements; 69V-85.005, Amendments,

Change of Name, Change of Entity and Change in Control or Ownership; 69V-85.200, Definition of Moral Turpitude, to which all persons are invited.

DATES AND TIMES: November 14, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission. The corresponding meeting of the Cabinet Aides will take place on November 7, 2007, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 69V-85.002, .003, .004., .005, and .200, Florida Administrative Code, published on August 10, 2007, in Vol. 33, No. 32, of the F.A.W. A notice of change for Rules 69V-85.002, .003, and .005 is published in this edition of the F.A.W.

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-85.002 Application Forms, Fees, Procedures and Requirements.

(1) Each person desiring to obtain licensure under Chapter 520, F.S., shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for License under Chapter 520, Florida Statutes, Form OFR-520-01, revised \_\_\_\_\_, which is hereby incorporated by reference and 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; and

(b) The statutory, non-refundable application fee required by Sections 520.03, 520.32, 520.52, and 520.63, F.S., as applicable, which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(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, and each director of an entity applying for licensure, shall submit a completed Biographical Summary from Form OFR-520-01, to the Office of Financial Regulation. Form OFR-520-01 is incorporated by reference in subsection 69V-85.002(1), F.A.C.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar 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) calendar days after the date of the request. Failure to respond to the request within forty-five (45) calendar days after 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., unless the Office has received a written request prior to the original 45-day deadline from the applicant to extend the original 45-day period. However, no request for extension shall be granted for a period exceeding an additional forty-five (45) days.

(4) Amendments to Pending Applications. If the information contained in any application form for a licensure under Chapter 520, F.S., or any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-520-01. 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 after receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes that are material to the application shall be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, shall be required. Material changes include the substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, or a joint venturer. Form OFR-520-01 is incorporated by reference in subsection 69V-85.002(1), F.A.C.

(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 non-refundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 520.03(2), 520.32(2), 520.52(2), 520.63(2), 520.994(5) FS. Law Implemented 520.03(2), 520.32(2), 520.52(2), 520.63(2) FS. History—New \_\_\_\_\_.

69V-85.003 Branch Application Forms, Fees, Procedures and Requirements.

(1) Every licensee under Chapter 520, F.S., that conducts business in a branch office shall apply for a license to operate a branch office using Form OFR-520-02, Application for Branch Office License, revised XX/XX/2007, which is hereby incorporated by reference and 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. Any office or location shall be deemed to be a branch office if the name or advertising of a licensee is displayed in such a manner as to reasonably lead the public to

believe that such business may be conducted at such office, location, or advertised address. If a motor vehicle retail installment seller licensed under Section 520.03, F.S., has more than one location in the same county, only one license is required for that county.

(2) The statutory, non-refundable application fee for an initial branch office license required by Sections 520.03, 520.32, 520.52, and 520.63, F.S., as applicable, shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar 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) calendar days after the date of the request. Failure to respond to the request within forty-five (45) calendar days after 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., unless the applicant has made a good faith effort to comply with the statutory requirements of Chapter 520, F.S., and the rules of this chapter.

(4) Amendments to Pending Applications. If the information contained in any application form for branch office license, or any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-520-02. 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 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 of Financial Regulation. Requests to make changes that are material to the application shall be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, shall be required. Material changes include the substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, or a joint venturer. Form OFR-520-02 is incorporated by reference in subsection 69V-85.003(1), F.A.C.

(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 non-refundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 520.03(2), 520.32(2), 520.52(2), 520.63(2), 520.994(5) FS. Law Implemented 520.03(2), 520.32(2), 520.52(2), 520.63(2) FS. History—New \_\_\_\_\_.

#### 69V-85.004 Renewal Fees, Deadlines and Requirements.

(1) Each active license and each active branch office license issued under Chapter 520, F.S., shall be renewed for the biennial period beginning January 1 of each odd-numbered year upon receipt of the statutory renewal fee required by Sections 520.03, 520.32, 520.52, and 520.63, F.S., as applicable.

(2) If the Office of Financial Regulation has not received the renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee and reactivation fee equal to the renewal fee. A license that is not reactivated within six (6) months after becoming inactive automatically expires.

(3) A renewal fee submitted 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.

(4) 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.

(5) All fees required to be filed under this rule shall be filed electronically at [www.floft.com](http://www.floft.com).

(6) Any person may petition for waiver of the requirement of electronic submission of fees 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.

(7) If December 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.

Specific Authority 520.03(3), 520.32(3), 520.52(3), 520.63(2), 520.994(3) FS. Law Implemented 520.02(17), 520.03(1), 520.03(3), 520.31(15), 520.31(18), 520.32(1), 520.32(3), 520.52(1), 520.52(3), 520.61(18), 520.61(1), 520.63(3) FS. History—New \_\_\_\_\_.

#### 69V-85.005 Amendments, Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed under Chapter 520, F.S., 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 Section 520.999, F.S., not later than thirty-days (30) after the

effective date of the change on: Application for License under Chapter 520, Florida Statutes, Form OFR-520-01 and Application for Branch Office License, Form OFR-520-02. The forms 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. Name changes pursuant to this subsection shall not involve any change in controlling interest of the licensed entity:

(2) Each licensee under Chapter 520, F.S., that proposes to change any personnel described in Sections 520.03, 520.32, 520.52, and 520.63, F.S., listed in any initial application 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 Application for License under Chapter 520, Florida Statutes, Form OFR-520-01 and Application for Branch Office License, Form OFR-520-02. In the event the change in personnel in Section 520.999, 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 Section 520.999, F.S. unless such person has previously complied with Section 520.999, F.S., with an entity currently licensed under this chapter.

(3) Applications for licensure under Chapter 520, F.S., required as a result of an acquisition of a controlling interest in a licensee pursuant to subsection 520.999(2), 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 not later than thirty (30) days prior to the date of such acquisition. Such applications must be filed in accordance with Sections 520.03, 520.32, 520.52, and 520.63, F.S.

(4) The office shall waive the requirement for a licensee to file a new application pursuant to Section 520.999(2), F.S. when:

(a) A person or group of persons proposing to purchase or acquire a controlling interest in a Chapter 520, F.S., licensee has previously filed the information with the Office required in Sections 520.03, 520.32, 520.52, and 520.63, F.S., with a licensee to the office, provided that such person is currently affiliated with the licensee; or

(b) The acquirer is currently licensed with the office under Chapter 520, F.S.

(5) If the requirement to file a new application for a change in controlling interest is waived pursuant to subsection (4) of this rule, the licensee must file an amendment as prescribed in subsection (2) of this rule to report the change in controlling interest.

(6) Forms OFR-520-01 and OFR-520-02 are incorporated by reference in subsections 69V-85.002(1) and 69V-85.003(1), F.A.C., respectively.

Specific Authority 520.999, 520.994(5) FS. Law Implemented 520.999 FS. History–New \_\_\_\_\_.

69V-85.200 Definition of Moral Turpitude.

~~The following definition of "moral turpitude" shall apply in all licensing and enforcement actions under Chapter 520, F.S. This definition shall serve as the Office of Financial Regulation's interpretation of the term "moral turpitude" as used in paragraphs 520.995(3)(b) and (c), F.S.:~~

~~"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."~~

~~Specific Authority 520.994(5) FS. Law Implemented 520.995(3)(b), (c) FS. History–New 8-9-95, Formerly 3D-85.200, Repealed \_\_\_\_\_.~~

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

Pursuant to the provisions of 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 Andrea Moreland, Office of Financial Regulation, (850)410-9601 or [andrea.moreland@fldfs.com](mailto:andrea.moreland@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 Andrea Moreland, Office of Financial Regulation, (850)410-9601 or [andrea.moreland@fldfs.com](mailto:andrea.moreland@fldfs.com).

The **Financial Services Commission** announces a hearing on Rules 69V-160.024, Names and Addresses of Corporate Officers; 69V-160.030, Application Procedure for Consumer Finance License; 69V-160.031, Consumer Finance License Renewal and Reactivation; 69V-160.032, Amendments, Change of Name, Change of Entity, and Change in Control or Ownership, F.A.C., to which all persons are invited.

DATES AND TIMES: November 14, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission. The corresponding meeting of the Cabinet Aides will take place on November 7, 2007, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 69V-160.024, 69V-160.030, 69V-160.031, and 69V-160.032, Florida Administrative Code,

published on August 10, 2007, in Vol. 33, No. 32, of the F.A.W. A notice of change for Rule 69V-160.030 is published in this edition of the F.A.W.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-160.024 Names and Addresses of Corporate Officers. ~~A licensee constituted in the corporate form shall furnish the Office of Financial Regulation the name and address of each officer of its corporation and when any officer of the corporation is changed, the Office of Financial Regulation shall immediately be notified of the change and the name and address of any new officer or officers.~~

Specific Authority 20.05(5), 516.22(1) FS. Law Implemented 516.12(1)(2), 516.05(2)(a), 516.07(1)(c) FS. History—Amended 10-20-73, Renumbered 3-2.24 to 3D-160.24 on 8-11-75, Readopted 9-1-75, Formerly 3D-160.24, 3D-160.024, Repealed \_\_\_\_\_.

69V-160.030 Application Procedure for Consumer Finance License.

(1) Each person desiring to apply for licensure as a consumer finance company shall submit the following to the Office of Financial Regulation:

(a) A completed Application for Consumer Finance License, Form ~~OFR-516-01~~ ~~CF-301~~, revised ~~XX/XX/2007~~ ~~10/99~~, which is hereby incorporated by reference and 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~~ ~~32399-0375~~;

(b) The statutory, non-refundable investigation fee required by Section 516.03, F.S.;

(c) The statutory, non-refundable biennial license fee required by Section 516.03, F.S., ~~which is refundable upon denial of licensure~~; and

(d) ~~Evidence Documentation~~ that the applicant has liquid assets of at least \$25,000.00 for the operation of the consumer finance company. For the purposes of this rule "Evidence" means documentation from an insured financial institution that the liquid assets are on deposit with the institution.

(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, and each director of an entity applying for licensure as a consumer finance company, shall submit a completed Biographical Summary from Form OFR-516-01 to the Office of Financial Regulation.

~~(3)(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 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., unless the Office has received a written request prior to the original 45-day deadline from the applicant to extend the original 45-day period. However, no request for extension shall be granted for a period exceeding an additional forty-five (45) days.

(4) Amendments to Pending Applications. If the information contained in any application form for licensure as a consumer finance company, or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-516-01, Application for Consumer Finance License. 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 after receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes that are material to the application shall be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fees, shall be required. Material changes include:

(a) The substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, or a joint venturer; and

(b) Amendments affecting the \$25,000.00 liquid asset requirement.

~~(5)(3)~~ 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)(4)~~ Refunds. If the application is withdrawn or denied, all fees are non-refundable ~~the investigation fee is non-refundable. If the application is withdrawn or denied, the license fee is refundable.~~

~~(5) If one's civil rights have been restored and the conviction did not directly relate to the consumer finance industry, the applicant shall provide evidence of restoration of civil rights. If one's civil rights have been restored and the conviction is directly related to the consumer finance 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) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 516.22(1), 516.23(3), 516.031 FS. Law Implemented 516.03(1), 516.05(1), 516.07 FS. History--New 12-18-88, Amended 5-9-90, 10-1-95, 1-5-00, Formerly 3D-160.030, Amended \_\_\_\_\_.

69V-160.031 Consumer Finance License Renewal and Reactivation.

(1) Each active consumer finance license will be renewed for the biennial period beginning January 1 of every odd-numbered year, upon submission of the statutory renewal fee and renewal notice to the Office of Financial Regulation, Form OFR CF 3 (effective 10/99), Consumer Finance License Renewal, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) ~~If the Office of Financial Regulation has not received the renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. Failure to return the renewal notice and fee prior to January 1 of the renewal year shall automatically result in the license becoming inactive.~~ The inactive license may be reactivated within six (6) months after becoming inactive upon payment of the biennial license fee; and payment of the reactivation fee which is a fee equal to the biennial license fee; ~~and return of the reactivation notice.~~

(3) A renewal fee submitted 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 a renewal payment. ~~Renewal via the Internet. In lieu of filing the paper version of the renewal form, 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.~~

(4) ~~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.~~

(5) All renewal fees required to be filed under this rule shall be filed electronically at [www.flofr.com](http://www.flofr.com).

(6) Any person may petition for waiver of the requirement of electronic submission of fees 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.

~~(7)~~(4) If December 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.

Specific Authority 516.03(1), 516.22(1), 516.23(3) FS. Law Implemented 516.03(1), 516.05(1), (2) FS. History--New 12-13-88, Amended 1-5-00, 12-25-00, Formerly 3D-160.031, Amended \_\_\_\_\_.

69V-160.032 Amendments, Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed under Chapter 516, F.S., that 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 Section 516.05, F.S., not later than thirty-days (30) after the effective date of the change on Application for Consumer Finance License, Form OFR-516-01. Name changes pursuant to this subsection shall not involve any change in controlling interest of the licensed entity.

(2) Each licensee under Chapter 516, F.S., that proposes to change any personnel described in Section 516.03, F.S., listed in any initial application 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 Application for Consumer Finance License, Form OFR-516-01. In the event the change in personnel in Section 516.03, 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 Section 516.03, F.S. unless such person has previously complied Section 516.03, F.S., with an entity currently licensed under this chapter.

(3) Applications for licensure under Chapter 516, F.S., required as a result of an acquisition of a controlling interest in a licensee pursuant to Section 516.05(5), 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 not later than thirty (30) days prior to the date of such acquisition. Such applications must be filed in accordance with Section 516.03, F.S.

(4) The office shall waive the requirement for a licensee to file a new application pursuant to Section 516.05(5), F.S., when:

(a) A person or group of persons proposing to purchase or acquire a controlling interest in a Chapter 516, F.S., licensee has previously filed with the Office the information required in Section 516.03, F.S., with the licensee to the office, provided that such person is currently affiliated with the licensee; or

(b) The acquirer is currently licensed with the office under Chapter 516, F.S.

(5) If the requirement to file a new application for a change in controlling interest is waived pursuant to subsection (4) of this rule, the licensee must file an amendment as prescribed in subsection (2) of this rule to report the change in controlling interest.

(6) Form OFR-516-01 is incorporated by reference in subsection 69V-160.030(1), F.A.C.

Specific Authority 516.05(4), 516.05(5), 516.23(3) FS. Law Implemented 516.01, 516.02(1), 516.05(4), 516.05(5) FS. History--New \_\_\_\_\_.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

Pursuant to the provisions of 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 Andrea Moreland, Office of Financial Regulation, (850)410-9601 or [andrea.moreland@fldfs.com](mailto:andrea.moreland@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 Andrea Moreland, Office of Financial Regulation, (850)410-9601, or [andrea.moreland@fldfs.com](mailto:andrea.moreland@fldfs.com).

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### BLUEPRINT COMMISSION

The **Blueprint Commission** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Monday, October 29, 2007, 1:00 p.m. – 6:30 p.m.; Public Comment, 4:30 p.m. – 6:30 p.m.; Tuesday, October 30, 2007, 8:30 a.m. – 3:30 p.m. This meeting will not feature public comment

**PLACE:** The University Area Community Development Center, 14013 North 22nd Street, Suite A, Tampa, FL

**SUBJECT MATTER TO BE CONSIDERED:** The Commission welcomes the public to attend this meeting, which will include presentations from juvenile justice stakeholders and a determined time for citizens to provide input and suggestions for improving Florida's juvenile justice system. Public comment will be received on October 29, 2007, 4:30 p.m. – 6:30 p.m. on any issue related to juvenile justice. October 30, 2007, is for presentations only; public comment will not be received. Speakers will be required to fill out a public testimony card available at the registration table outside the meeting room and are limited to five minutes.

If you have questions or would like a copy of the agenda, please contact Bonnie Rogers at (850)921-0745 or visit [www.floridablueprintforyouth.com](http://www.floridablueprintforyouth.com), <<http://www.floridablueprintforyouth.com/>>.

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### FLORIDA ASSOCIATION OF COURT CLERKS AND COMPTROLLERS

The **Florida Electronic Recording Advisory Committee** announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 31, 2007, 9:00 a.m.

**PLACE:** Florida Association of Court Clerks and Comptrollers, 3544 Maclay Blvd., Tallahassee, Florida 32312

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is regular meeting of the full committee. Existing standards and practices for county recorders in this state will be reviewed, along with a preliminary review of published standards on which the committee will be relying.

A copy of the agenda may be obtained from: <http://flclerks.com/eRecording.html> or by contacting Beth Allman at the Florida Association of Court Clerks and Comptrollers, (850)921-0808 or [allman@flclerks.com](mailto:allman@flclerks.com).

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### WORKFORCE FLORIDA

**Workforce Florida** announces their quarterly Board of Directors' and related meetings to which all persons are invited.

Partners' Meeting

**DATE AND TIME:** November 7, 2007, 1:00 p.m. – 4:00 p.m. (EST)

Board of Directors' meeting and Council/Committee meetings  
**DATE AND TIME:** November 8, 2007, 9:00 a.m. – 4:00 p.m. (EST)

**PLACE:** The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809, (407)859-1500

For more information contact Peggy Dransfield at (850)921-1119.

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### CLERKS OF COURT OPERATIONS CORPORATION

The **Clerks of Court Operations Corporation** announces a business meeting to which all persons are invited to attend.

**DATE AND TIME:** Tuesday, November 13, 2007, 1:00 p.m.

**PLACE:** Room: Traditions, Florida Mall Hotel, Orlando, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discuss Executive Council vacancy; Review 06-07 budgets; Status of 07-08 Budgets, and other related issues.

Information regarding the meeting may be obtained by contacting John Dew, Florida CCOC at (850)386-2223 or by visiting the CCOC website at [www.flccoc.org](http://www.flccoc.org).

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### VISIT FLORIDA

The Florida Commission on Tourism announces a public meeting of the **VISIT FLORIDA**, Board of Directors and the Florida Commission on Tourism to which all interested persons are invited.

**PLACE:** Casa Marina Resort, 1500 Reynolds Street, Key West, FL 33040, 1(866)397-6342

Meeting: Visitor Services Committee

**DATE AND TIME:** Wednesday, December 12, 2007, 8:00 – 9:45 a.m.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The committee will discuss Welcome Center business and other updates.



Meeting: New Product Development Steering Committee  
 DATE AND TIME: Wednesday, December 12, 2007, 9:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hear regional updates and other business as necessary.

Meeting: Finance Committee  
 DATE AND TIME: Wednesday, December 12, 2007, 10:00 a.m. – 11:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will review financial statements and other business as necessary.

Meeting: Partner Development Committee  
 DATE AND TIME: Wednesday, December 12, 2007, 1:00 p.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss old business and strategies for recruiting new Partners.

Meeting: Marketing Steering Committee  
 DATE AND TIME: Wednesday, December 12, 2007, 3:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss and review marketing strategies and other business as necessary.

Meeting: VISIT FLORIDA Board of Directors Meeting  
 DATE AND TIME: Thursday, December 13, 2007, 8:00 a.m. – until adjournment

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will discuss committee reports, on-going issues and other matters.

Meeting: Florida Commission on Tourism  
 DATE AND TIME: Thursday, December 13, 2007, Upon adjournment of the Board of Directors meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will ratify actions of the Board of Directors and discuss other matters as necessary.

For further information contact: Susan Gale, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, or at (850)488-5607, ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**FLORIDA LOCAL ADVOCACY COUNCIL**

The **Florida Local Advocacy Council in Service Area 15** 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  
 DATES AND TIMES: Second Thursday of each month, January 10, 2008; February 14, 2008; March 13, 2008; April 10, 2008; May 8, 2008; June 12, 2008, 10:00 a.m.; Open Session 1:00 p.m.

PLACE: Joseph P. D’Alessandro Office Complex, 2295 Victoria Avenue, Room 110, Ft. Myers, FL. Please call 1(800)342-0825, to confirm the time and place of the meetings.  
 SARASOTA MULTI-PROGRAM COUNCIL

DATES AND TIME: First Thursday of each month, January 3, 2008; February 7, 2008; March 6, 2008; April 3, 2008; May 1, 2008; June 5, 2008, 10:00 a.m.

PLACE: Special Olympics Gene Whipp Center, 910 Gulf Coast Blvd., Venice, FL. Please call 1(800)342-0825, to confirm the time and place of the meetings

DEVELOPMENTAL DISABILITIES COUNCIL  
 DATES AND TIME: Third Thursday of each month, January 17, 2008; February 21, 2008; March 20, 2008; April 17, 2008; May 15, 2008; June 19, 2008, 10:00 a.m.

PLACE: Joseph P. D’Alessandro Office Complex, 2295 Victoria Avenue, Room 123, Ft. Myers, FL. Please call 1(800)342-0825 to confirm the time and place of the meetings.

MENTAL HEALTH COUNCIL  
 DATES AND TIME: Second Thursday of each month., January 7, 2008; February 4, 2008; March 3, 2008; April 7, 2008; May 5, 2008; June 2, 2008, 10:00 a.m.

PLACE: Joseph P. D’Alessandro Office Complex, 2295 Victoria Avenue, Room 110, Ft. Myers, FL. Please call 1(800)342-0825, to confirm the time and place of the meetings.

The **Florida Local Advocacy Council in Service Area 10** 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  
 DATES AND TIME: Fourth Wednesday of each month, January 23, 2008; February 27, 2008; March 26, 2008; April 23, 2008; May 28, 2008; June 25, 2008, 10:00 a.m.

PLACE: Mary Grizzle Building, Room 142B, 11351 Ulmerton Road, Largo, FL. Please call 1(800)342-0825, to confirm the time and place of the meeting.

MENTAL HEALTH COUNCIL  
 DATES AND TIME: Fourth Wednesday of each month, January 23, 2008; February 27, 2008; March 26, 2008; April 23, 2008; May 28, 2008; June 25, 2008, 2:00 p.m.

PLACE: Mary Grizzle Building, Room 142B, 11351 Ulmerton Road, Largo, FL. Please call 1(800)342-0825, to confirm the time and place of the meeting.

Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Leonard Devine, on behalf of the Palm Beach County Building Department (Petitioner) on June 5, 2007. The following is a summary of the agency's disposition of the petition: It was assigned the number DCA07-DEC-105.

The Commission determined that an office that is enclosed by ceiling height partitions within an 11,000 square foot office building is considered a "space," and that the building is required by section 13-415.1.ABC.1.2, Florida Building Code, Building Volume (2004, as amended 12/06) to have manual or automatic lighting controls with an individual override for each space. Using only two overrides per floor would not be acceptable in lieu of having at least one override control in each space.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Altamira at North Hutchinson Island Condominium Association, Inc.; Docket No. 2007042090 on July 23, 2007. The following is a summary of the agency's disposition of the petition:

The Division ordered that if the Association amends the declaration to change the allocation of common expenses for limited common elements with an excess of two-thirds vote pursuant to the amendment provisions of its declaration, it may combine the reserve funds under Section 718.112(2)(f), Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Emerald Pointe At Bay Isles Condominium Association, Inc.; Docket Number: 2007040083 on July 12, 2007. The following is a summary of the agency's declination of the petition:

The Division may not interpret the merger or dissolution provisions of the Condominium Act or corporate law to declare the vote required for unit owners in a condominium managed by a multicondominium association to separate and form their own association; this is a matter for the courts.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Galt Mile Apartments, Inc., d/b/a Coral Ridge Towers; Docket No. 2007043749 on July 30, 2007. The following is a summary of the agency's disposition of the petition:

The Division ordered that Galt Mile may properly amend the terms and provisions of the occupancy agreement under Section 719.1055(4)(a), Florida Statutes, with a vote of not less than two thirds of the unit owners.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Denise and Jerry Tremblay, In Re: Lakeside of Charlotte Condominium Association, Inc. Docket No.: 2007056280. The petition seeks the agency’s opinion as to the applicability of Sections 718.111(11) and 718.115, Florida Statutes, as it applies to the petitioner.

Whether Sections 718.111(11) and 718.115, Florida Statutes, require Lakeside of Charlotte County Condominium Association, Inc. to use insurance proceeds to reimburse Denise and Jerry Tremblay, unit owners, the money they spent repairing hurricane damage to their unit.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Scott H. Plantz, M.D., on October 10, 2007. The Petitioner, an emergency room physician, seeks the Board’s opinion as to whether the writing of a prescription for one non-scheduled pill; for multiple non-scheduled medications, to be dispensed directly to the Petitioner for the sole purpose of the First Defender XL would constitute a violation of Section 456.072(1)(gg), 458.331(1)(q) or (r), Florida Statutes, as set forth in the Petition. The Board will consider this petition at its meeting scheduled for December 1, 2007, in Orlando, Florida.

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has issued an order disposing of the petition for declaratory statement filed by Craig A. Waltzer on behalf of Aventura Holdings, Inc. on July 17, 2007. The following is a summary of the agency’s disposition of the petition.

The Office denied the Petition for Declaratory Statement because the Petition was ambiguous as to which statutory provision was to be applied to Petitioner’s circumstances, sought an opinion determining the conduct of other persons, involved facts related to pending litigation, and cited to facts that were premised upon past events.

A copy of the Denial of Petition for Declaratory Statement may be obtained by writing: Agency Clerk, Office of Financial Regulation, Fletcher Building, Suite #526, 200 E. Gaines Street, Tallahassee, FL 32399-0379.

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation received a request for a Declaratory Statement on July 16, 2007, from Floridian Community Bank, Inc. and Joanne P. Gaines (“Petitioners”), regarding the continuing application of a condition of approval contained in the 2002 Final Order of Approval entered with regard to the organization of Floridian Community Bank, Inc. The Office of Financial Regulation issued a Final Order and Declaratory Statement on October 11, 2007 stating that the condition challenged will remain in effect and Joanne P. Gaines shall not serve as a director or executive officer of Floridian Community Bank, Inc. The request has been assigned the number 0443-B-7/07.

A copy of the Petition for Declaratory Statement, and the agency’s Declaratory Statement and Final Order may be obtained by writing: Steven S. Ferst, Assistant General Counsel, Office of Financial Regulation, 200 E. Gaines Street, Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**REQUEST FOR STATEMENT OF QUALIFICATIONS (SOQ)**

As an Architect or Engineer, you are invited to submit an SOQ to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF PLANT INDUSTRY, hereinafter referred to as the Department.

The Department is seeking professional services of an architectural/engineering firm to provide design and construction administration / oversight services for the construction of two (2) greenhouses and headhouses at the Citrus Repository located at 14202 N. W. 294th Avenue, Alachua, Florida 32615. The estimated budget for this project is \$2.3 million dollars. Professional firms with experience with laboratory or greenhouse design and construction are encouraged to respond to this Request for Statement of Qualifications.

PROJECT LOCATION: Alachua, Florida.

SOLICITATION DOCUMENT: The entire solicitation document, which includes specifications and the additional information, may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number SOQ/PI-07/08-25, or by calling the Purchasing Office at (850)487-3727.

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, Florida Statutes, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

Statements of Qualifications will be received and publicly opened on:

DATE AND TIME: November 16, 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.

**DEPARTMENT OF EDUCATION**

**REQUEST FOR BID**

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB08SV-241, W/O 914831, Substation No. 6 Refurbishment, estimated budget: \$725,000, to be opened November 27, 2007, at 2:00 p.m., in 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Refurbish and expand Substation No. 6 with a third transformer (transformer is owner furnished, contractor installed) and switchgear including a tie switchgear.

Mandatory Pre-Bid Meeting will be held November 6, 2007, 9:30 a.m., in the PPD A/E Conference Room, Building 700, Radio Road, Gainesville, FL. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. Questions should be

directed to Karen Olitsky, Purchasing and Disbursement Services, kolitsk@unf.edu or (352)392-1331. For more information visit [www.purchasing.unf.edu](http://www.purchasing.unf.edu).

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, purchasing@unf.edu or (352)392-1331 within three (3) days of the event.

NOTICE FOR UNF SOLID WASTE COMPACTION SYSTEMS

Invitation to Bid ITB 08-07

The University of North Florida, Board of Trustees, a public body corporate, announces that Solid Waste Compaction Systems will be required for 3 sites on Campus locations, herein defined as Library Site (Bldg. 12), Transfer Station (Lot 14) and Cafeteria Building (Bldg. 14) at the University of North Florida, 1 UNF Drive, Jacksonville, Florida.

The project consists of the Solid Waste Compaction Systems equipment, the associated hoppers, dumpers, containers and their complete installation as specified in these bid documents. Successful suppliers must have demonstrable previous experience with the systems and technical requirements. No submittal material will be returned.

Minority Business participation is strongly recommended and supported by the University of North Florida.

As required by Section 287.133, Florida Statutes, a supplier may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected supplier must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Vendor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither Vendor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

UNF ITB 08-07 Solid Waste Compaction Systems documents and additional information may be obtained on the UNF Purchasing Bids website <http://www.unf.edu/dept/purchasing/bids.html> or by contacting:

Dianna White  
Purchasing Department Bldg. 6  
University of North Florida  
1 UNF Drive, Jacksonville, Florida 32224  
Phone: (904)620-1731  
Email: [dianna.white@unf.edu](mailto:dianna.white@unf.edu)

Submit three (3) copies of the Bid to: University of North Florida, Purchasing Department, Attn: Dianna White, Building 6, 1 UNF Drive, Jacksonville, Florida 32224. Bid packages must be received no later than 2:00 p.m. (Local Time), November 16, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

Duval County Public Schools  
NOTICE TO CONSTRUCTION MANAGEMENT FIRMS  
Request for Qualifications (RFQ)

FOR Construction Management Services

The Office of Facilities Design and Construction announces that Construction Management services are required for the following projects:

Project Title: New Bartram Springs K-5 School No. 161, DCSB Project No. C-91130 and New Waterleaf K-5 No. 160, DCSB Project No. C-91140

RFQ's ARE DUE ON OR BEFORE NOVEMBER 27, 2007  
AND WILL BE ACCEPTED UNTIL 4:30 P.M.

The selected Construction Manager(s) will provide preconstruction services including value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase. All payments made under this contract and/or payment made under Sales Tax Exemption purchases (Direct Purchases) may be made via Electronic Payment via credit card or direct check at the District's sole option.

Scope of Work: Construction management services for New Bartram Springs K-5 School No. 161, DCSB Project No. C-91130 with a construction budget not to exceed \$20,000,000 and New Waterleaf K-5 No. 160, DCSB Project No. C-91140 with construction budget not to exceed \$20,000,000.

Selection of finalists for interviews will be made on the basis of construction manager(s) qualifications, including but not limited to experience and ability, financial capability, record keeping/administrative ability, critical path scheduling expertise, cost estimating, cost control ability, quality control ability, qualifications of firm's personnel, staff and consultants, and distance from the construction site. Construction management firms may elect to submit on one or both projects with separated qualification packages submitted for each project. The District reserves the right to award the projects individually to separate construction management firms or both to a single construction management firm.

To receive application information and instruction booklet or for additional information contact the Project Manager listed below or visit [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities).

Applications are to be sent to:

Facilities Design and Construction  
1701 Prudential Drive, 5th Floor  
Jacksonville, FL 32207-8182

PROJECT MANAGER: Tony Gimenez  
 PHONE NO.: (904)390-2279  
 MBE GOALS: 20% Overall  
 Information on the selection process can be found at [www.dreamsbeginhere.org](http://www.dreamsbeginhere.org) go to about dcps, then dcps departments, then facilities design and construction then Selection Booklets.

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

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT FOR INDOOR AIR QUALITY REMEDIATION AND MECHANICAL CONTRACTING SERVICES**

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services (DMS), Division of Real Estate Development and Management, requests qualifications from licensed Florida Mechanical Contractors for Indoor Environmental mold remediation from duct work, Variable Air Volume boxes (VAV), Powered Induction Units (PIU), and Fan Coil Units (FCU), including some removal and installation services for air distribution equipment where applicable for the following project:

PROJECT NUMBER: MSFM-27007004  
 PROJECT NAME: Indoor Air Quality (IAQ) Mold Remediation at the Capital Circle Office Center (CCOC)  
 PROJECT LOCATION: Tallahassee, Florida (various building)  
 ESTIMATED CONSTRUCTION BUDGET: \$1,025,000.00  
 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).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF INVITATION TO BID  
 BID NO. BDC 30-07/08**

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: John U. Lloyd Beach State Park-Shop Building Replacement

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to demolish an existing building slab and all related infrastructure and legally dispose all debris off-site. Additionally, the contractor shall furnish all labor, materials, equipment and supervision necessary to engineer, permit and construct a new metal shop building and all related infrastructure according to the plans and specifications. The scope of work includes all licensed and professional structural engineering necessary for the project including signed and sealed documents required for the pre-engineered metal building and the site specific foundation design. Shop space shall be unconditioned, enclosed space.

PARK LOCATION: John U. Lloyd Beach State Park, 6503 N. Ocean Drive, Dania Beach, FL 33004, Broward County

PROJECT MANAGER: Mitch Fenton, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida, Telephone Number: (850)488-5372, Fax Number: (850)488-3537.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose bid is governed by Chapters 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility prior to the bid closing date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, October 26, 2007 at: John U. Lloyd Beach State Park, 6503 N. Ocean Drive, Dania Beach, Florida 33004, Attention: Sidney Leve, Park Manager, Telephone Number: (954)924-3859.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard' with the Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to opening. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 2:00 p.m. (EST), Tuesday, November 20, 2007, to the below address: Florida Department of Environmental Protection, Bureau of

Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309. For questions concerning the ad or bidding procedures, contact Michael Renard, Construction Projects Administrator 2, Bureau of Design and Construction. The Department reserves the right to reject any or all bids.

**PETER R. BROWN CONSTRUCTION**

Notice of Request for Proposals  
 ST. PETERSBURG COLLEGE  
 REMODEL-RENOVATE-REROOF ANNEX TWO  
 EPICENTER CAMPUS #186-J-07-1  
 14155 58th St., LARGO, FL

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for St. Petersburg College hereby solicits sealed proposals for the following trades for the referenced project in accordance with the proposal documents to include but not limited to the following:

- |     |                                    |     |                          |
|-----|------------------------------------|-----|--------------------------|
| 02B | Selective Demolition               | 07C | Joint Sealants           |
| 03A | Cast-in-Place & Tilt Wall Concrete | 08A | Doors, Frames & Hardware |
| 04A | Masonry                            | 08D | Storefront               |
| 05A | Structural Steel                   | 09G | Painting                 |
| 07B | Built-up Roofing                   |     |                          |

A pre-proposal meeting will be held at 10:00 a.m. (Local Time), November 15, 2007 (The above referenced trades)  
 A pre-proposal meeting will be held at 10:00 a.m. (Local Time), March 16, 2008 (All other trades) at the following location:

Project Site  
 14155 58th St., N.  
 Largo, Florida

Deadline for receipt of Proposal Packages 02B, 03A, 04A, 05A, 07B, 07C, 08A, 08D, 09G has been set for 2:00 p.m., November 27, 2007.

Deadline for receipt of All Other Proposal Packages has been set for 2:00 p.m., April 8, 2008.

Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All trade contractors must be pre-qualified prior to submitting a proposal. A copy of the pre-qualification form can be received by contacting Peter R. Brown Construction, Inc., Estimating Department at (727)535-6407 or faxing a letter of interest to (727)539-8485.

St. Petersburg College and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

One set of plans and specifications will be supplied to all pre-qualified trade contractors at no cost. Drawings will be available for Proposal Packages 02B, 03A, 04A, 05A, 07B,

07C, 08A, 08D, 09G: October 24, 2007 and All Other Trades February 26, 2008. Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

St. Petersburg College and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Construction Manager, in writing by: Proposal Packages 02B, 03A, 04A, 05A, 07B, 07C, 08A, 08D, 09G November 19, 2007 and All Other Trades March 31, 2007. The Owner and Architect will not accept calls regarding this project.

**Section XII  
 Miscellaneous**

**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 New Era Trans, Inc., intends to allow the establishment of Affordable Auto Sales of Miami, Inc., as a dealership for the sale of JMSTAR motorcycles (JMST) at 1075 Southwest 67th Avenue, Miami (Dade County), Florida 33144, on or after October 4, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Affordable Auto Sales of Miami, Inc. are dealer operator(s): Manuel Binker, 1075 Southwest 67th Avenue, Miami, Florida 33144; principal investor(s): Manuel Binker, 1075 Southwest 67th Avenue, Miami, Florida 33144 and Abraham Binker, 1075 Southwest 67th Avenue, Miami, Florida 33144.

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: Zev Kraiem, New Era Trans, Inc., 3350 Lawson Boulevard, Oceanside, New York 11572.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that RTM Group, Inc., intends to allow the establishment of Wenmark, Inc. d/b/a All The Wheel Toys, as a dealership for the sale of RTM Group, Inc. (RTMI) motorcycles at 1540 Northwest Federal Highway, Stuart, (Martin County), Florida 34994, on or after October 9, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Wenmark, Inc. d/b/a All The Wheel Toys are dealer operator(s): Mark Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994; principal investor(s): Mark Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Raul Romero Jr., President, RTM Group, Inc., 6500 Northwest 72nd Avenue, Suite 103, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that United Motors of America, intends to allow the establishment of Big Boy Toys Florida, LLC, as a dealership for the sale of motorcycles manufactured by Sacin Motor Co. Ltd. (SKTM), Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) and United Motors of America, Inc. (UNMO) at 1312 Thomas Drive, Panama City Beach, (Bay County), Florida 32408, on or after October 4, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Big Boy Toys Florida, LLC are dealer operator(s): R.A. Peavy, 4421 Thomas Drive 902, Panama City Beach, Florida 32408; principal investor(s): R.A. Peavy, 4421 Thomas Drive 902, Panama City Beach, Florida 32408.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Elvis Valdivia, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Argo Scooters, LLC, intends to allow the establishment of City Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Meitian Motorcycles (MEIT) and Bajaj Motorcycles (BAJA) at 984 West Prospect Road, Oakland Park (Broward County), Florida 33309, on or after October 1, 2007.



The name and address of the dealer operator(s) and principal investor(s) of City Cycle, Inc. are dealer operator(s): James Nuhn, 141 Northwest 34th Street, Oakland Park, Florida 33309; principal investor(s): James Nuhn, 141 Northwest 34th Street, Oakland Park, Florida 33309.

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: Florence Kolvites, Argo Scooters, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

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 CF MOTO Powersports, intends to allow the establishment of U.V.M. Trading, Inc. d/b/a Cubi-K Scooters, as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 7341 Collins Avenue, Miami Beach (Dade County), Florida 33141, on or after October 12, 2007.

The name and address of the dealer operator(s) and principal investor(s) of U.V.M. Trading, Inc. d/b/a Cubi-K Scooters are dealer operator(s): Anabella Cabello, 7341 Collins Avenue, Miami Beach, Florida 33141; principal investor(s): Anabella Cabello, 7341 Collins Avenue, Miami Beach, Florida 33141.

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: Ivan Escalante, CF MOTO Powersports, 3555 Holly Lane North #30, Plymouth, Minnesota 55447.

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 CF MOTO Powersports, intends to allow the establishment of Douglas Adkins Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 21657 South Dixie Highway, Miami (Dade County), Florida 33170, on or after October 12, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Douglas Adkins Motorsports, Inc. are dealer operator(s): Deborah D. Miller, 21657 South Dixie Highway, Miami, Florida 33170; principal investor(s): Deborah D. Miller, 21657 South Dixie Highway, Miami, Florida 33170.

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: Ivan Escalante, CF MOTO Powersports, 3555 Holly Lane North #30, Plymouth, Minnesota 55447.

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 United Motors of America, intends to allow the establishment of East Coast Cycles Motorsports, Inc., as a dealership for the sale of Sacin Motor Co. Ltd. (SKTM) and United Motors of America, Inc. (UNMO) motorcycles at 8242 West State Road 84, Davie (Broward County), Florida 33324, on or after October 4, 2007.

The name and address of the dealer operator(s) and principal investor(s) of East Coast Cycles Motorsports, Inc. are dealer operator(s): Winston Mendoza, 10 Gables Boulevard, Weston, Florida 33326; principal investor(s): Winston Mendoza, 10 Gables Boulevard, Weston, Florida 33326.

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: Elvis Valdivia, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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 American Lifan Industry, Inc., intends to allow the establishment of JJ's Motor Toys & More, LLC, as a dealership for the sale of Chongqing Lifan motorcycles (CHOL) at 19630 South Tamiami Trail, Fort Myers (Lee County), Florida 33908, on or after October 10, 2007.

The name and address of the dealer operator(s) and principal investor(s) of JJ's Motor Toys & More, LLC are dealer operator(s): Jay Granitz, 19630 South Tamiami Trail, Fort Myers, Florida 33908; principal investor(s): Jay Granitz, 19630 South Tamiami Trail, Fort Myers, Florida 33908.

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: Peter Xie, General Manager, American Lifan Industry, Inc., 10990 Petal Street, Suite 500, Dallas, Texas 75238.

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 Argo Scooters, LLC, intends to allow the establishment of Mojo Powersports, Inc. d/b/a Mojo Scooters d/b/a Gekgo Scooters, as a dealership for the sale of motorcycles manufactured by Shanghai Meitian Motorcycles (MEIT) at 707 West Bay Drive, Largo (Pinellas County), Florida 33770, on or after October 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Mojo Powersports, Inc. d/b/a Mojo Scooters d/b/a Gekgo Scooters are dealer operator(s): Peter M. Spoto, 100 Squire Court, Dunedin, Florida 34698; principal investor(s): Peter M. Spoto, 100 Squire Court, Dunedin, Florida 34698.

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: Florence Kolvites, Argo Scooters, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

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, Ferrari North America, Inc. (Ferrari NA), gives notice of its intent to permit the establishment of New Country Motor Cars of Palm Beach, LLC d/b/a Ferrari of Palm Beach, as a dealership for the sale and service of Ferrari automobiles, at a location currently having a street address of 3974 and 3978 Okeechobee Boulevard, West Palm Beach, Florida 33401, being on the south side of Okeechobee Boulevard, one-half mile east of intersection at Military Trail.

The legal description of this address is as follows: Commence at the northwest corner of Section 30, Township 43 south, range 43 east, Palm Beach County, Florida; thence southerly along the west line of said section 30, a distance of 15 feet to a point in the south right of way line of Okeechobee (road) Boulevard and the point of beginning; thence easterly along said south right of way line which is 15 feet south of and parallel with the north line of said section 30, a distance of 243.98 feet to a point; thence southerly, at right angles, a distance of 273 feet to a point in the south line of tract "b", according to Sharon's replat of portions of West Gate Estates, as recorded in plat book 15, page 64, Palm Beach County records; thence a distance of 246.06 feet, to a point in the west line of section 30, thence distance of 273 feet more or less to the point of beginning and Lots 33 through 39, block 7, according to the plat of "West Gate Estates", as recorded in plat book 8, page 38 in and for Palm Beach County, Florida. Less and except the northerly 5.50 feet thereof for road right-of-way as described in official records book 6633, page 163 and official records book 7309, page 1452, public records of Palm Beach County, Florida.

The dealer operator and principal investor of the proposed dealership is: Michael J. Cantanucci, 39 Brayton Lane, Lake George, New York 12845. Ferrari NA intends to permit the establishment of the proposed dealership on or after March 1, 2008

The notice indicates intent to permit the addition of a dealership to a 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: David M. Wertheim, Ferrari North America, Inc., 250 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.

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 Argo Scooters, LLC, intends to allow the establishment of Fortis USA, Inc. d/b/a Scooters of Palm Beach and Fortis Auto Mall, as a dealership for the sale of motorcycles manufactured by Shanghai Meitian Motorcycles (MEIT) at 21000 Boca Rio Road, A-21C, Boca Raton (Palm Beach County), Florida 33433, on or after October 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Fortis USA, Inc. d/b/a Scooters of Palm Beach and Fortis Auto Mall are dealer operator(s): Edson Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487 and Mary Ann Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487; principal investor(s): Edson Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487 and Mary Ann Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487.

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: Florence Kolvites, Argo Scooters, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that United Motors of America, intends to allow the establishment of Steve's Cycles, Inc., as a dealership for the sale of Sacin Motor Co. Ltd. (SKTM), Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) and United Motors of America, Inc., (UNMO) motorcycles at 1045 West King Street, Cocoa (Brevard County), Florida 32922, on or after October 4, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Steve's Cycles, Inc. are dealer operator(s): Steve T. Foley, 955 Beechfern Lane, Rockledge, Florida 32855; principal investor(s): Steve T. Foley, 955 Beechfern Lane, Rockledge, Florida 32855.

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: Elvis Valdivia, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Sun Coast Motors, Inc., as a dealership for the sale of motorcycles manufactured by Qingqi Group Ningbo Cycles (NING) at 853 US Highway 41 Bypass South, Venice (Sarasota County), Florida 34285, on or after October 16, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Sun Coast Motors, Inc. are dealer operator(s): Robert Shapiro, 853 US Highway 41 Bypass, Venice, Florida 34285; principal investor(s): Robert Shapiro, 853 US Highway 41 Bypass, Venice, Florida 34285.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JH Global Services, Inc., intends to allow the establishment of Taylor Auto Group d/b/a American eCars, as a dealership for the sale of Star Neighborhood Electric Vehicles (STAR) at 369 Blanding Boulevard, Suite N-2, Orange Park, ( Clay County), Florida 32073, on or after October 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Taylor Auto Group d/b/a American eCars are dealer operator(s): Joe Taylor, 369 Blanding Boulevard, Suite N-2, Orange Park, Florida 32073; principal investor(s): Joe Taylor, 369 Blanding Boulevard, Suite N-2, Orange Park, Florida 32073.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jane Zhang, CEO, JH Global Services, Inc., 52 Pelham Davis Circle, Greenville, South Carolina 29615.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Grandeur Manufacturing Incorporation, intends to allow the establishment of Treasure Coast Harley-Davidson of Stuart, Inc. d/b/a Treasure Coast Toy Store, as a dealership for the sale of Grandeur motorcycles (GRAE) at 4519 Southeast Commerce Avenue, Stuart (Martin County), Florida 34997, on or after October 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Treasure Coast Harley-Davidson of Stuart, Inc. d/b/a Treasure Coast Toy Store are dealer operator(s): James C. LaBar, 4519 Southeast Commercial Avenue, Stuart, Florida 34997; principal investor(s): James C. LaBar, 4519 Southeast Commercial Avenue, Stuart, Florida 34997.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Steve Dudley, Grandeur Manufacturing, Inc., Post Office Box 216, Highway 67 East, Jonesville, North Carolina 28642.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Grandeur Manufacturing Incorporation, intends to allow the establishment of Treasure Coast Harley-Davidson of Stuart, Inc., as a dealership for the sale of Grandeur motorcycles (GRAE) at 4967 Southeast Federal Highway, Stuart (Martin County), Florida 34997, on or after October 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Treasure Coast Harley-Davidson of Stuart, Inc. are dealer operator(s): James C. LaBar, 4967 Southeast Federal Highway, Stuart, Florida 34997; principal investor(s): James C. LaBar, 4967 Southeast Federal Highway, Stuart, Florida 34997.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Steve Dudley, Grandeur Manufacturing, Inc., Post Office Box 216, Highway 67 East, Jonesville, North Carolina 28642.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Argo Scooters, LLC, intends to allow the establishment of Wala Corporation d/b/a Vespa Jacksonville, as a dealership for the sale of Bajaj motorcycles (BAJA) at 1128 North 3rd Street, Jacksonville (Duval County), Florida 32250, on or after October 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Wala Corporation d/b/a Vespa Jacksonville are dealer operator(s): Tom Bolc, 1128 North 3rd Street, Jacksonville Beach, Florida 32250; principal investor(s): Tom Bolc, 1128 North 3rd Street, Jacksonville Beach, Florida 32250.

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: Florence Kolvites, Argo Scooters, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

**STATE BOARD OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida ("the Board") of its estimate of the borrowing capacity and the projected year-end (as of December 31, 2007) fund balance for the Florida Hurricane Catastrophe Fund ("the Fund"), in compliance with the requirements of Section 215.555(4)(c)2., Florida Statutes. This estimate is as of October 1, 2007. The projected year-end balance on December 31, 2007, is estimated to be \$2,077,600,000 which represents available funds to pay losses during the 2007/2008 Contract Year. The Fund's estimated borrowing capacity, defined as the amount that the Board will need to raise through the issuance of revenue bonds under Section 215.555(6), Florida Statutes, pursuant to the limitations in Section 215.555(4), Florida Statutes, is \$25,752,400,000. The liability of the State Board of Administration under the Act and the Reimbursement Contracts for payment of reimbursable losses under all Reimbursement Contracts for a Contract Year in which a Covered Event has occurred will not exceed the actual claims-paying capacity of the Florida Hurricane Catastrophe Fund, up to a maximum limit of \$38,450,000,000 for that Contract Year. Given the projected year-end cash balance of \$2,077,600,000, the Board estimates that if interest rates and the Fund's credit ratings remain stable and if there are no unforeseen exogenous factors that impact the financial markets that the Fund's estimated borrowing capacity is \$25,752,400,000 given actual coverage selections by insurers for the 2007/2008 reimbursement contract year. This estimate is based upon the Board's good faith assessment of the current global market conditions and is net of required debt service reserve funds and the costs of issuing the bonds. These conditions may or may not be the same if and when the Board determines that it is necessary to seek the issuance of revenue bonds. The Board's estimate is also based upon projected

year-end reimbursement premiums. Emergency assessments are based on the data available as of this estimate. This estimate is provided to comply with the requirements of Section 215.555(4)(c)2., Florida Statutes, and should only be relied upon after careful consideration of all relevant assumptions and reservations, including those set forth below.

Assumptions:

- (1) The Board assumes that both the annual reimbursement premiums and up to 6% emergency assessments as described in Section 215.555(6)(b)2., Florida Statutes, will be used as the revenue source to service the debt and to provide debt service coverage.
- (2) The debt service coverage ratio is assumed to be 1.61x, this means that the revenue stream available to service the debt is 1.61 times the amount actually needed to service the debt. The debt service coverage ratio is sensitive to actual reimbursement premiums collected during the year. Changes in deductible distributions and other factors that impact actual reimbursement premiums may impact the coverage ratio.
- (3) The Board has assumed interest rates reflecting market conditions on October 1, 2007. Many factors will impact the interest rates that will ultimately be used when the Board determines that bonds must be issued. It is not possible to predict the actual interest at the time of a bond issuance.
- (4) In response to the private letter ruling received in March 1998, and renewed on June 13, 2003, the Internal Revenue Service ruled that interest on the bonds issued under Section 215.555(6), Florida Statutes, is exempt from federal taxation.
- (5) The Fund has issued bonds. On July 6, 2006, Series 2006A, \$1,350,025,000 in post-event revenue bonds were issued. On July 21, 2006, Series 2006B, \$2,800,000,000 in pre-event extendable floating rate notes were issued. On October 3, 4, 5, 10, 12 and 15, 2007, a total of \$3,500,000,000 in Series 2007A pre-event floating rate notes were issued.

Reservations:

- (1) If additional bonding is necessary, there are a number of uncertainties. Among these are the following: the financial condition of the insurance industry, the state, and the national economy at the time of a catastrophic loss. The stability of the revenue stream and potential litigation could adversely impact the Fund's bonding capacity.
- (2) A more general uncertainty is the condition of the financial markets at the time the bonds are issued and the familiarity of investors with the Fund.

- (3) Another general uncertainty is the ability of the capital markets to absorb a bond issue of the magnitude that may be required at the time of the bond issuance.

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## LAND AND WATER ADJUDICATORY COMMISSION

### BEXLEY COMMUNITY DEVELOPMENT DISTRICT I

On July 5, 2007, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Bexley Community Development District I (the "District"). The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (F.A.C.), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

**SUMMARY OF CONTENTS OF PETITION:** The petition, filed by NNP-Bexley, Ltd., requests the Commission to establish a community development district located entirely within unincorporated Pasco County, Florida. The land area proposed to be served by the District comprises approximately 2,528.306 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There is no real property located within the external boundaries of the proposed District to be excluded from the District. The Petitioner has obtained written consent to establish the District from the landowners of 100% of the real property located within the proposed District. The proposed infrastructure plan consists of district roads and street lighting, county owned off-site roadways, state owned off-site roadways, water and wastewater, irrigation system, surface water management, landscaping and security walls, and park and recreational facilities.

**SUMMARY OF ESTIMATED REGULATORY COSTS:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 7 to the petition. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a

statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the District, the State of Florida and its residents, Pasco County and its residents, current property owners of lands within the boundaries of the proposed District and future property owners are the principal entities that are likely to be required to comply with the rule. Under section (b), FLWAC and the State of Florida will incur administrative costs. Pasco County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a \$15,000 filing fee paid to Pasco County to offset any costs it may incur. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on small businesses. The petition to establish the District will not have an impact on small counties as Pasco County is not a small county as defined by Section 120.52, F.S. Under section (e), certain data utilized in the report was provided by the developer/petitioner and represents the best information available at the time. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other Districts in various stages of existence. A LOCAL HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, November 9, 2007, 9:30 a.m.  
 PLACE: Rizzetta & Company  
 5844 Old Pasco Road  
 Suite 100  
 Wesley Chapel, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact: Susan E. Johnson-Velez, Fowler White Boggs Bank, P.A., Post Office Box 1438, Tampa, Florida 33601, Telephone (813)228-7411, at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Susan E. Johnson-Velez, Fowler White Boggs Bank, P.A., Post Office Box 1438, Tampa, Florida 33601, telephone (813)228-7411; or

Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF LITIGATION**

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on October 5, 2007, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)  
 9989 Denial, construct a 76 bed skilled nursing facility as part of Freedom Pointe at the Villages, Sumter County, ARC Villages IL, LLC d/b/a Freedom Pointe at the Villages, (PRH) same as applicant

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF AVAILABILITY  
 FLORIDA CATEGORICAL EXCLUSION NOTICE  
 CORAL SPRINGS, FLORIDA**

The Department of Environmental Protection has determined that the proposed Coral Springs artificial turf project will not have a significant adverse affect on the environment. The potential amount of the loan is estimated at \$800,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Bob Ballard, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8358.



## NOTICE OF INTENT TO ISSUE PROPOSED

## MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Florida Crushed Stone Company Power Plant Siting Application No. PA 82-17, OGC Case No. 07-1803 Pursuant to Section 403.516(1)(c), Florida Statutes, the Department proposes to modify the Conditions of Certification for the Florida Crushed Stone Company site to require notice to the Siting Office of changes to site-wide management plans.

A copy of the proposed modification may be obtained by contacting: Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

## 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.

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT ON  
INITIAL PLAN OF EXPLORATION FOR FEDERAL  
WATERS OF THE CENTRAL GULF OF MEXICO  
PLANNING AREA

Interested persons are hereby given notice that a U.S. Department of the Interior, Minerals Management Service, Initial Plan of Exploration submitted by Murphy, for Desoto Canyon Block 838, was received by the State of Florida. Proposed activities include drilling up to two exploration wells in approximately 8,260 feet of water located south of Alabama about 150 miles south southwest of Florida.

The plan is available for inspection at the Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953 DA, Douglas Building, 3900 Commonwealth Boulevard, MS 47, Tallahassee, Florida 32399-3000, (850)245-2163. Written comments regarding this activity and its consistency with the Florida Coastal Management Program should be submitted to FDEP, at the address listed above, by November 30, 2007. Contact Shana Kinsey or Debby Tucker, (850)245-2163; email address [Shana.Kinsey@dep.state.fl.us](mailto:Shana.Kinsey@dep.state.fl.us) or [Debby.Tucker@dep.state.fl.us](mailto:Debby.Tucker@dep.state.fl.us).

This public notice fulfills the requirements of 15 CFR 930.

## DEPARTMENT OF HEALTH

On October 8, 2007, Ana M. Viamonte Ros, M.D., M.P.H. State Surgeon General, issued an Order of Emergency Suspension with regard to the license of Daniel Leath Lawson, R.N. license number ME 70213. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 12, 2007, Ana M. Viamonte Ros, M.D., M.P.H. State Surgeon General, issued an Order of Emergency Suspension with regard to the license of Mitchell Scott Foster, M.D. license number ME 90462. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 16, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Mariliz Suarez, M.D. license ACN 202. This Emergency

Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 8, 2007, Ana M. Viamonte Ros, M.D., M.P.H. State Surgeon General, issued an Order of Emergency Suspension with regard to the license of Tammy Sue Castleman, R.N. license number RN 2958062. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 12, 2007, Ana M. Viamonte Ros, M.D., M.P.H. State Surgeon General, issued an Order of Emergency Suspension with regard to the license of Lori Kay Ray, R.N. license number RN 9234636. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 12, 2007, Ana M. Viamonte Ros, M.D., M.P.H. State Surgeon General, issued an Order of Emergency Suspension with regard to the license of Nefertiti Sameera Abdullah, R. Ph. license number PS 40407. 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.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Department of Children and Family Services has conducted a survey to determine the need for new medication (methadone) treatment service providers, pursuant to Section 397.427, Florida Statutes, and administrative rules adopted thereunder. The results of the survey do not demonstrate the need for additional outpatient methadone maintenance treatment at this time.

Information regarding this matter may be obtained from:  
Department of Children and Family Services  
Substance Abuse Program Office  
1317 Winewood Boulevard  
Building 6, Room 315  
Tallahassee, Florida 32399-0700  
Attention: Darran Duchene

**DEPARTMENT OF FINANCIAL SERVICES**

**DIVISION OF TREASURY  
BUREAU OF COLLATERAL MANAGEMENT  
PUBLIC DEPOSITS SECTION**

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FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THEY ARE LISTED UNDER THE STATE OF HOME OFFICE LOCATION. INSTITUTIONS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT ACCEPTING NEW PUBLIC DEPOSIT ACCOUNTS. DEPOSITORIES HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

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**ALABAMA**

**ATMORE**  
UNITED BANK

**BIRMINGHAM**

COMPASS BANK  
REGIONS BANK  
SUPERIOR BANK

**MONTGOMERY**

COLONIAL BANK, N.A.

**DISTRICT OF COLUMBIA**

**WASHINGTON, DC**

URBAN TRUST BANK

**FLORIDA**

**APALACHICOLA**

COASTAL COMMUNITY BANK

**ARCADIA**

FIRST STATE BANK OF ARCADIA

**AVENTURA**

TURNBERRY BANK

**BARTOW**

CITRUS & CHEMICAL BANK  
COMMUNITY NATIONAL BANK AT BARTOW

**BELLE GLADE**

BANK OF BELLE GLADE

**BOCA RATON**

FIRST SOUTHERN BANK  
FIRST UNITED BANK  
LEGACY BANK OF FLORIDA  
PARADISE BANK  
SUN AMERICAN BANK

**BONIFAY**

BANK OF BONIFAY

**BRADENTON**

COAST BANK OF FLORIDA  
FIRST AMERICA BANK  
FLAGSHIP NATIONAL BANK

**BRANDON**

PLATINUM BANK

**BROOKSVILLE**

HERNANDO COUNTY BANK

**CAPE CORAL**

RIVERSIDE BANK OF THE GULF COAST

**CARRABELLE**

GULF STATE COMMUNITY BANK

**CASSELBERRY**

R-G CROWN BANK

**CHIEFLAND**

DRUMMOND COMMUNITY BANK

**CLEWISTON**

FIRST BANK  
OLDE CYPRESS COMMUNITY BANK

**COCOA BEACH**

SUNRISE BANK

**CORAL GABLES**

BANKUNITED, F.S.B.  
COMMERCEBANK, N.A.  
GIBRALTAR PRIVATE BANK & TRUST COMPANY  
INTERNATIONAL BANK OF MIAMI, N.A.

**CRAWFORDVILLE**

WAKULLA BANK

**CRESTVIEW**

FIRST NATIONAL BANK OF CRESTVIEW

**CRYSTAL RIVER**

CRYSTAL RIVER BANK

**DADE CITY**

FIRST NATIONAL BANK OF PASCO

**DANIA BEACH**

COMMUNITY BANK OF BROWARD

**DAVIE**

REGENT BANK

**DESTIN**

DESTIN FIRST BANK

**DUNNELLON**

DUNNELLON STATE BANK

**ENGLEWOOD**

ENGLEWOOD BANK

PENINSULA BANK

**FERNANDINA BEACH**

FIRST COAST COMMUNITY BANK

FIRST NATIONAL BANK OF NASSAU COUNTY

**FORT LAUDERDALE**

BANKATLANTIC

EQUITABLE BANK

LANDMARK BANK, N.A.

VALLEY BANK

**FORT MYERS**

EDISON NATIONAL BANK

FINEMARK NATIONAL BANK & TRUST

FLORIDA GULF BANK

IRONSTONE BANK

RELIANCE BANK, F.S.B.

**FORT PIERCE**

OCULINA BANK

RIVERSIDE NATIONAL BANK OF FLORIDA

**FORT WALTON BEACH**

BEACH COMMUNITY BANK

FIRST CITY BANK OF FLORIDA

FIRST NATIONAL BANK & TRUST

**FROSTPROOF**

CITIZENS BANK & TRUST

**GAINESVILLE**

FLORIDA CITIZENS BANK

MERCHANTS & SOUTHERN BANK

MILLENNIUM BANK

**GRACEVILLE**

BANK OF JACKSON COUNTY

PEOPLES BANK OF GRACEVILLE

**HALLANDALE**

DESJARDINS BANK, N.A.

**HOMESTEAD**

COMMUNITY BANK OF FLORIDA

FIRST NATIONAL BANK OF SOUTH FLORIDA

**HOMOSASSA**

HOMOSASSA SPRINGS BANK

**IMMOKALEE**

FLORIDA COMMUNITY BANK

**INDIANTOWN**

FIRST BANK AND TRUST COMPANY OF INDIANTOWN

**INVERNESS**

BANK OF INVERNESS

**JACKSONVILLE**

CNLBANK, FIRST COAST

EVERBANK

**JACKSONVILLE BEACH**

OCEANSIDE BANK

**KEY LARGO**

TIB BANK

**KEY WEST**

FIRST STATE BANK OF THE FLORIDA KEYS

**KISSIMMEE**

CENTERSTATE BANK CENTRAL FLORIDA, N.A.

**LAKE CITY**

COLUMBIA BANK

FIRST FEDERAL SAVINGS BANK OF FLORIDA

PEOPLES STATE BANK

**LAKELAND**

COMMUNITY SOUTHERN BANK

**LANTANA**

STERLING BANK

**LEESBURG**

CENTERSTATE BANK MID FLORIDA

**LONGWOOD**

\*ORLANDO NATIONAL BANK

**MADISON**

MADISON COUNTY COMMUNITY BANK

**MARATHON**

MARINE BANK

**MARIANNA**

FIRST CAPITAL BANK

**MAYO**

LAFAYETTE STATE BANK

**MERRITT ISLAND**

COMMUNITY BANK OF THE SOUTH

**MIAMI**

BAC FLORIDA BANK  
CITY NATIONAL BANK OF FLORIDA  
COCONUT GROVE BANK  
CONTINENTAL NATIONAL BANK OF MIAMI  
EAGLE NATIONAL BANK OF MIAMI  
EASTERN NATIONAL BANK  
ESPIRITO SANTO BANK  
EXECUTIVE NATIONAL BANK  
GREAT FLORIDA BANK  
INTERAMERICAN BANK, F.S.B.  
MELLON UNITED NATIONAL BANK  
METRO BANK OF DADE COUNTY  
NORTHERN TRUST, N.A.  
OCEAN BANK  
SUNSTATE BANK  
TOTALBANK  
TRANSATLANTIC BANK  
U.S. CENTURY BANK

**MILTON**

FIRST NATIONAL BANK OF FLORIDA

**MONTICELLO**

FARMERS & MERCHANTS BANK

**MOUNT DORA**

FIRST NATIONAL BANK OF MOUNT DORA  
FLORIDA CHOICE BANK

**NAPLES**

BANK OF NAPLES  
COMMUNITY BANK OF NAPLES, N.A.  
ORION BANK  
PARTNERS BANK

**NEW SMYRNA BEACH**

FRIENDS BANK

**NICEVILLE**

PEOPLES NATIONAL BANK

**NORTH LAUDERDALE**

SECURITY BANK, N.A.

**NORTH PALM BEACH**

ENTERPRISE NATIONAL BANK OF PALM BEACH

**OAKLAND PARK**

AMERICAN NATIONAL BANK

**OCALA**

ALARION BANK  
COMMUNITY BANK & TRUST OF FLORIDA  
INDEPENDENT NATIONAL BANK

**ORANGE PARK**

HERITAGE BANK OF NORTH FLORIDA

**ORLANDO**

CNLBANK  
FLORIDA BANK OF COMMERCE  
OLD SOUTHERN BANK  
ORANGE BANK OF FLORIDA  
SEASIDE NATIONAL BANK & TRUST

**ORMOND BEACH**

CYPRESSCOQUINA BANK

**OVIEDO**

CITIZENS BANK OF FLORIDA

**PALATKA**

FIRST FEDERAL BANK OF NORTH FLORIDA  
PUTNAM STATE BANK

**PANAMA CITY**

BAY BANK & TRUST COMPANY  
FIRST NATIONAL BANK NORTHWEST FLORIDA  
PEOPLES FIRST COMMUNITY BANK  
VISION BANK

**PENSACOLA**

BANK OF PENSACOLA  
BANK OF THE SOUTH  
FIRST GULF BANK, N.A.  
GULF COAST COMMUNITY BANK

**PERRY**

CITIZENS STATE BANK

**PINELLAS PARK**

FIRST COMMUNITY BANK OF AMERICA

**PORT CHARLOTTE**

BUSEY BANK, N.A.

**PORT RICHEY**

REPUBLIC BANK

**PORT ST. JOE**

BAYSIDE SAVINGS BANK

**PORT ST. LUCIE**

FIRST PEOPLES BANK

**ST. AUGUSTINE**

BANK OF ST. AUGUSTINE  
PROSPERITY BANK

**ST. PETERSBURG**

SYNOVUS BANK OF TAMPA BAY

**SANTA ROSA BEACH**

BANKTRUST

**SARASOTA**

LANDMARK BANK OF FLORIDA

**SEBRING**

HEARTLAND NATIONAL BANK  
HIGHLANDS INDEPENDENT BANK

**SOUTH MIAMI**

FIRST NATIONAL BANK OF SOUTH MIAMI

**STARKE**

COMMUNITY STATE BANK

**STUART**

GULFSTREAM BUSINESS BANK  
SEACOAST NATIONAL BANK

**TALLAHASSEE**

CAPITAL CITY BANK  
HANCOCK BANK OF FLORIDA  
PREMIER BANK  
TALLAHASSEE STATE BANK  
THE BANK OF TALLAHASSEE

**TAMPA**

AMERICAN MOMENTUM BANK  
BANK OF ST. PETERSBURG  
FIRST CITRUS BANK

**THE VILLAGES**

CITIZENS FIRST BANK

**TRINITY**

PATRIOT BANK

**UMATILLA**

UNITED SOUTHERN BANK

**VALPARAISO**

VANGUARD BANK & TRUST COMPANY

**VENICE**

COMMUNITY NATIONAL BANK OF SARASOTA COUNTY  
THE BANK OF VENICE

**VERO BEACH**

CITRUS BANK, N.A. 1/09/2007  
INDIAN RIVER NATIONAL BANK

**WAUCHULA**

FIRST NATIONAL BANK OF WAUCHULA  
WAUCHULA STATE BANK

**WEST PALM BEACH**

FLAGLER BANK  
GRAND BANK & TRUST OF FLORIDA

**WILLISTON**

PERKINS STATE BANK

**WINTER HAVEN**  
CENTERSTATE BANK OF FLORIDA, N.A.

**WINTER PARK**  
BANKFIRST  
FIRST NATIONAL BANK OF CENTRAL FLORIDA  
RIVERSIDE BANK OF CENTRAL FLORIDA

**ZEPHYRHILLS**  
CENTERSTATE BANK WEST FLORIDA, N.A.

**GEORGIA**

**ALBANY**  
HERITAGEBANK OF THE SOUTH

**ATLANTA**  
SUNTRUST BANK

**COLQUITT**  
PEOPLESOUTH BANK

**DARIEN**  
SOUTHEASTERN BANK

**MOULTRIE**  
AMERIS BANK

**LOUISIANA**

**NEW ORLEANS**  
WHITNEY NATIONAL BANK

**MASSACHUSETTS**

**BOSTON**  
ONEUNITED BANK

**MICHIGAN**

**GRAND RAPIDS**  
FIFTH THIRD BANK

**MISSISSIPPI**

**JACKSON**  
TRUSTMARK NATIONAL BANK

**TUPELO**  
BANCORPSOUTH BANK

**NEVADA**

**LAS VEGAS**  
CITIBANK, N.A.

**NEW YORK**

**NEW YORK CITY**  
BANCO POPULAR NORTH AMERICA  
INTERVEST NATIONAL BANK

**NORTH CAROLINA**

**CHARLOTTE**  
BANK OF AMERICA, N.A.  
WACHOVIA BANK, N.A.

**ROCKY MOUNT**  
RBC CENTURA BANK  
**WINSTON-SALEM**  
BRANCH BANKING & TRUST COMPANY

**OHIO**

**CLEVELAND**  
NATIONAL CITY BANK

**WILMINGTON**  
LIBERTY SAVINGS BANK, F.S.B.

**PENNSYLVANIA**

**PHILADELPHIA**  
COMMERCE BANK, N.A.

**SOUTH CAROLINA**

**GREENVILLE**  
CAROLINA FIRST BANK

**WISCONSIN**

**MILWAUKEE**  
M&I MARSHALL & ILSLEY BANK

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THE FOLLOWING IS A LIST OF INSTITUTIONS THAT  
HAD A CHANGE SINCE THE LAST PUBLICATION OF  
THIS REPORT.  
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**CITIZENS BANK OF PERRY**

PERRY

CITIZENS BANK OF PERRY (PERRY) HAS CHANGED ITS NAME TO CITIZENS STATE BANK.

**ENCORE BANK, N.A.**

HOUSTON, TEXAS

ENCORE BANK, N.A. HAS WITHDRAWN FROM THE PROGRAM EFFECTIVE OCTOBER 1, 2007.

**MERCANTILE BANK**

ORLANDO

MERCANTILE BANK (ORLANDO) WAS MERGED INTO CAROLINA FIRST BANK (GREENVILLE, SOUTH CAROLINA) AS OF THE CLOSE OF BUSINESS JUNE 30, 2007. CAROLINA FIRST BANK HAS COMPLETED THE PROPER PAPERWORK TO REMAIN AS A QPD IN THE FLORIDA PUBLIC DEPOSITS PROGRAM AND IS DOING BUSINESS IN FLORIDA AS MERCANTILE BANK, A DIVISION OF CAROLINA FIRST BANK.

**PEOPLE'S COMMUNITY BANK OF THE WEST COAST**

SARASOTA

PEOPLE'S COMMUNITY BANK OF THE WEST COAST WAS MERGED INTO SUPERIOR BANK (BIRMINGHAM, AL) AS OF THE CLOSE OF BUSINESS JULY 27, 2007.

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**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.fldfs.com/ofr/banking/cufm.asp>. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., November 16, 2007):  
Name and Address of Applicant: City-County Credit Union of Fort Lauderdale, 1982 North State Road 7, Margate, Florida 33063

Expansion Includes: Nine incorporated and eight unincorporated cities in Miami-Dade, Florida

Received: October 15, 2007

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN October 8, 2007  
 and October 12, 2007**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CORRECTIONS**

33-103.001	10/8/07	10/28/07	33/31	
33-103.006	10/8/07	10/28/07	33/31	
33-103.015	10/8/07	10/28/07	33/31	
33-103.017	10/8/07	10/28/07	33/31	33/36

**AGENCY FOR HEALTH CARE ADMINISTRATION  
 Medicaid Program Office**

59G-4.130	10/10/07	10/30/07	33/29	33/36
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-4.050	10/11/07	10/31/07	33/32	
62-4.052	10/11/07	10/31/07	33/32	

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

64B2-15.002	10/12/07	11/1/07	33/37	
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**Board of Massage Therapy**

64B7-32.003	10/10/07	10/30/07	33/32	
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**Board of Medicine**

64B8-9.0091	10/10/07	10/30/07	33/35	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Board of Pharmacy**

64B16-26.1001	10/10/07	10/30/07	33/35	
64B16-26.1004	10/10/07	10/30/07	33/35	

**Board of Psychology**

64B19-18.008	10/12/07	11/1/07	33/13	33/17
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**Board of Respiratory Care**

64B32-6.001	10/8/07	10/28/07	33/9	33/36
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**Division of Family Health Services**

64F-21.001	10/11/07	10/31/07	33/35	
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-1.712	10/12/07	11/1/07	33/8	33/18
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**FINANCIAL SERVICES COMMISSION**

**OIR Insurance Regulation**

69O-125.003	10/12/07	11/1/07	33/24	
69O-142.200	10/12/07	11/1/07	33/27	
69O-157.301	10/12/07	11/1/07	33/23	33/32
69O-157.302	10/12/07	11/1/07	33/23	33/32
69O-157.303	10/12/07	11/1/07	33/23	33/32
69O-157.304	10/12/07	11/1/07	33/23	33/32
69O-167.015	10/12/07	11/1/07	33/21	
69O-203.202	10/12/07	11/1/07	33/18	
69O-203.204	10/12/07	11/1/07	33/18	
69O-203.205	10/12/07	11/1/07	33/18	33/29