

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

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-31.001 **RULE TITLE:** Real Property Electronic Recording

PURPOSE AND EFFECT: The purpose of this rule is to establish standards to implement the Uniform Real Property Electronic Recording Act (URPERA), Section 695.27, F.S. These standards were recommended by the Florida Electronic Recording Advisory Committee in their Final Report dated November 30, 2007 (available on the Florida Association of Court Clerks and Comptrollers Website at <http://www.flclerks.com/eRecording.html>), based on electronic recording standards issued by the Property Records Industry Association (PRIA).

SUBJECT AREA TO BE ADDRESSED: Standards for electronic recording of real property documents.

SPECIFIC AUTHORITY: 695.27(5)(a) FS.

LAW IMPLEMENTED: 695.27(5)(a) FS.

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

DATE AND TIME: Wednesday, February 14, 2008, 2:00 p.m.
PLACE: Conference Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250; (850)245-6750, SUNCOM 205-6750. If you are 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: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250; (850)245-6750, SUNCOM 205-6750

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0163 **RULE TITLE:** Reading Endorsement Competencies

PURPOSE AND EFFECT: The purpose of this rule is to establish the six competencies that must be completed to earn the Reading Endorsement. The effect of this rule will be a clear description of the six Reading Endorsement competencies and their accompanying indicators.

SUBJECT AREA TO BE ADDRESSED: Reading Endorsement.

SPECIFIC AUTHORITY: 1001.02(2), 1012.55(1), 1001.215 FS.

LAW IMPLEMENTED: 1012.55(1), 1001.215 FS.

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

DATES AND TIMES: February 11, 2008, 3:00 p.m. – 5:00 p.m.; February 12, 2008, 3:00 p.m. – 5:00 p.m.; February 14, 2008, 3:00 p.m. – 5:00 p.m.

PLACES: February 11, 2008 – Florida Department of Education, 325 West Gaines Street, Turlington Building, Room 721/25, Tallahassee, Florida 32399; February 12, 2008 – University of Central Florida, 4000 Central Florida Boulevard, Teaching Academy, Room 117, Orlando, FL 32816; February 14, 2008 – Broward Community College, Central Campus, 3501 S.W. Davie Road, Davie, FL 33314

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida! Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-9699

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.090 **RULE TITLE:** Content Area Reading Professional Development

PURPOSE AND EFFECT: The purpose of the rule is to delineate the professional development package designed to provide information that content area teachers need to become proficient in applying scientifically based reading strategies through their content areas, pursuant to Section 1003.413(4)(b), F.S. The effect of the rule will be the provision of professional development that will, upon its completion, allow content area teachers to effectively deliver reading intervention to students who are fluent readers in English and who scored at level 2 in reading on the Florida Comprehensive Assessment Test (FCAT).

SUBJECT AREA TO BE ADDRESSED: Reading Professional Development.

SPECIFIC AUTHORITY: 1001.02, 1003.413(3)(g), 1003.413(4)(b), 1001.215, 1003.4156, 1003.428 FS.

LAW IMPLEMENTED: 1003.413(3)(g), 1003.413(4)(b), 1001.215, 1003.4156, 1003.428 FS.

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

DATES AND TIMES: February 11, 2008, 3:00 p.m. – 5:00 p.m.; February 12, 2008, 3:00 p.m. – 5:00 p.m.; February 14, 2008, 3:00 p.m. – 5:00 p.m.

PLACES: February 11, 2008 – Florida Department of Education, 325 West Gaines Street, Turlington Building, Room 721/25, Tallahassee, Florida 32399; February 12, 2008 – University of Central Florida, 4000 Central Florida Boulevard, Teaching Academy, Room 117, Orlando, FL 32816; February 14, 2008 – Broward Community College, Central Campus, 3501 S. W. Davie Road, Davie, FL 33314

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida! Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-9699

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.05281	Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate the revisions required for educational programs in Department of Juvenile Justice by amendments to Florida Statutes. The effect of these revisions will be consistency with state requirements.

SUBJECT AREA TO BE ADDRESSED: State requirements for juvenile justice education programs to include student assessment, funding, academic plans, and teacher recruitment and retention.

SPECIFIC AUTHORITY: 1003.51(2)(e), 1003.51(2)(g), 1008.25, 1003.52(10) FS.

LAW IMPLEMENTED: 1001.03, 1003.51, 1003.52 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: Bambi Lockman, Chief,

Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)245-0475

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.05281 Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs.

School districts must provide instruction to prepare all students to demonstrate proficiency in the skills necessary for successful grade-to-grade progression and high school graduation. For students placed in Department of Juvenile Justice (DJJ) programs, collaboration between the DJJ, the Department of Education, school districts, and private providers is essential in order for these students to attain this goal and become productive members of the community.

(1) Student Eligibility.

(a) Students who do not attend a local public school due to their placement in a DJJ detention, commitment, day treatment, or early delinquency intervention program shall be provided high quality and effective educational programs by the local school district in which the DJJ facility is located or by a Juvenile Justice provider through a contract with the local school district.

(b) If any student in these DJJ facilities has filed an intent to terminate school enrollment, the local school district shall notify these students of the option of enrolling in a program to attain a general education diploma (GED).

(c) Exceptional Student Education. All students placed in a DJJ program, who meet the eligibility criteria for exceptional student education, shall be provided a free appropriate public education consistent with the requirements of Chapter 6A-6, F.A.C. Students with disabilities, as defined by Section 504 of the Rehabilitation Act, shall be provided the necessary aids and services.

(d) Limited English Proficient Students. All limited English proficient students placed in a DJJ program shall have equal access to entitled services, including assessment and appropriate instructional strategies consistent with the requirements of Chapter 6A-6, F.A.C.

(2) Student Records.

(a) Content. Each school district shall maintain educational records for students in DJJ programs as required by Section 1003.25, Florida Statutes. The content of these records shall be as defined in subsections 6A-1.0955(2)-(5) and 6A-1.0014(2), F.A.C., Section 1003.51, Florida Statutes, and paragraph (5)(d) of this rule.

(b) Transfer of Educational Records. Each school district shall transfer records of students entering or exiting DJJ programs as provided in paragraph 6A-1.0955(7)(b) and subsection 6A-1.0014(2), F.A.C. Beginning with the 2000-2001 school year, each school district shall provide these

students' educational records no later than five (5) school days after the receipt of the request. Each school district shall make available a copy of the student's transcript record, including pertinent exceptional student education information, to designated DJJ staff for inclusion in the DJJ file when the student exits the program. DJJ staff shall provide this information to the receiving school district.

(c) Protection of Privacy. The requirements of Section 1002.22, Florida Statutes, and applicable rules of the State Board of Education apply to the Department of Juvenile Justice's maintenance and transfer of these records as described in paragraphs (2)(a) and (b) of this rule.

(3) Student Assessment.

(a) To ensure high quality and effective educational programs for youth in DJJ detention, commitment, day treatment, or early delinquency intervention programs, the school district shall provide for the review of the student's educational records and conduct assessments, consistent with the requirements of this subsection, in order to identify the students' functioning levels, provide appropriate educational programs, and report the learning gains of the student.

(b) All students in DJJ commitment, day treatment, or early delinquency intervention programs, who have not graduated from school, shall be assessed within ten (10) school days ~~seven (7) calendar~~ days of the student's commitment. The entry assessments shall include:

1. Academic measures that provide proficiency levels in:
 - a. Reading,
 - b. Mathematics,
 - c. Writing.
2. Vocational interest and/or aptitude measures.

(c) For the students referenced in paragraph (3)(b) of this rule, exit assessments shall include, at a minimum, the academic measures.

(d) Students placed in a detention center ~~and not transferring to a commitment program~~ shall be assessed only upon entry for academic measures. ~~Assessment information for students in detention centers, transferring to commitment programs, shall be sent directly to the commitment program with the transfer of the student.~~

(e) ~~A common e~~Entry and exit academic assessment ~~measures~~ shall be selected as required by Section 1003.52, Florida Statutes, that ~~is~~ are appropriate for the age, grade, and language proficiency, and program length of stay of the students and shall be non-discriminatory with respect to culture, disability, and socioeconomic status.

(f) All students in DJJ detention, commitment, day treatment, or early delinquency intervention programs shall also participate in the state and district-wide assessments required by Sections 1008.22, 1008.25, 1003.43, and 1003.438, Florida Statutes.

(g) The results of the academic measures, as required by paragraphs (3)(b)-(d) of this rule shall be reported in the format prescribed by Rule 6A-1.0014, F.A.C., to the Department of Education via the Automated Student Data System. The format for the reporting of the results of the academic measures shall ~~may~~ include standard scores for each academic area assessed.

- ~~1. Grade equivalent scores;~~
- ~~2. Percentiles;~~
- ~~3. Scaled scores.~~

(h) Beginning in the 2000-2001 school year, the Department of Education shall include the results of these assessments in applicable statewide and school reports.

(4) Individual Academic Plans.

(a) An individual plan for educational progress shall be developed within twenty-two (22) calendar days of student entry to DJJ detention programs and within fifteen (15) school days of entry to DJJ commitment, day treatment, or early delinquency intervention programs. This plan shall be based upon the student's entry assessments and past educational history and must address the areas of academic, literacy, and life skills. The plan shall include:

1. Specific and individualized long-term goals and short-term instructional academic and vocational/technical objectives;
2. Remedial strategies and/or tutorial instruction;
3. Evaluation procedures;
4. A schedule for determining progress toward meeting the goals and instructional and vocational/technical objectives.

(b) Progress monitoring ~~Academic improvement~~ plans, required by Section 1008.25, Florida Statutes, or individual educational plans (IEPs) developed for eligible exceptional students, 504 plans developed for eligible students with disabilities, or individual plans developed for limited English proficient students may incorporate the requirements of subsections (4) and (5) of this rule.

(5) Transition Services.

(a) For all students in DJJ commitment, day treatment, or early delinquency intervention programs, an individual transition plan based on the student's post-placement goals shall be developed cooperatively with the student, his/her parents, school district and/or contracted provider personnel and DJJ program staff. Re-entry counselors, probation officers, and personnel from the student's "home" school district shall be involved in the transition planning to the extent practicable.

(b) The transition plan must address, at a minimum:

1. Academic re-entry goals,
2. Career and employment goals,
3. The recommended educational placement for the student.

(c) Key personnel who must be involved in entry transition activities for students in juvenile justice programs shall include: appropriate personnel responsible for student

assessment, a guidance counselor from the school district and/or program personnel who are responsible for providing guidance services under the supervision of the school district's guidance counselor, a registrar or a designee of the school district who has access to the district's MIS system, and instructional personnel.

(d) Exit portfolios shall be created for each student prior to exit from a commitment, day treatment, or early delinquency intervention program and provided to DJJ personnel for inclusion in the DJJ file. DJJ shall provide this information to the home school district. The exit portfolio shall include the records required by Sections 1003.51, Florida Statutes, and include at a minimum:

1. Transition plan;
2. Results of district and state-wide assessments;
3. Individual academic plan, 504 plan, and/or individual educational plan for exceptional students;
4. Academic record or transcript; and
5. Work and/or project samples.

(6) Instructional Program and Academic Expectations.

(a) School Day and Year. The instructional program shall consist of 250 days of instruction, ten (10) of which may be used for teacher planning, distributed over twelve (12) months as required by Section 1003.01(11), Florida Statutes. Each school district shall collaborate with private providers and the DJJ, as appropriate, to develop a school calendar for these programs to be adopted by the local school board.

(b) Requirements. The instructional program shall meet the requirements of Sections 1003.42, 1003.43, 1003.438, 1003.52, 1008.23, and 1008.25, Florida Statutes, and include:

1. Curricular offerings, consistent with the Florida Course Code Directory and Instructional Personnel Assignments as adopted in Rule 6A-1.09441, F.A.C., that reflect the students' assessed educational needs and meet the students' needs as identified by the individual plan as required by paragraph (4)(a) of this rule. Students shall receive vocational/technical training, workplace readiness training, or career awareness and exploration instruction while in the juvenile justice program.

2. GED preparation shall meet GED course requirements specified in Rules 6A-6.0571 and 6A-6.021, F.A.C., and adult education course descriptions and/or the school district's approved GED/HSCT Exit Option must meet the requirements specified by the Department of Education.

3. Tutorial activities that are based on the students' assessed academic needs. Such activities shall be designed to assist students in advancing to their age appropriate grade level or to assist students in meeting their goals for reentry into the public school system, alternative schools, adult education, vocational/technical education, employment, or post secondary education.

4. Instruction shall be individualized to address the academic and vocational/technical goals and objectives that are outlined in each student's individual academic plan.

5. Instruction shall be delivered through a variety of instructional techniques to address students' academic levels and learning styles, including access to the Florida Virtual School as required in Section 1003.52(4), Florida Statutes.

(7) Qualifications and Procedures for Selection of Instructional Staff.

(a) The school district shall ensure that only qualified instructional staff members, consistent with the requirements of Rules 6A-1.0502 and 6A-1.0503, F.A.C., are employed to provide instruction to students in DJJ programs. Any use of non-certificated instructional staff must be approved by the school board.

(b) School districts shall recruit and train teachers who are interested, qualified, and experienced in educating students in DJJ programs as required by Section 1003.52(10), Florida Statutes. Teachers assigned to educational programs, operated by local school districts, in DJJ facilities shall be selected by the school district in consultation with the director of the DJJ facility, as required by Section 1003.52(10), Florida Statutes.

(c) The school district's substitute teacher pool shall also be available for these educational programs.

(d) Full-time teachers working in juvenile justice schools, whether employed by a district school board or a provider, shall be eligible for the critical teacher shortage tuition reimbursement program as defined by Section 1009.58, Florida Statutes, and other teacher recruitment and retention programs.

(8) Funding.

(a) To implement the Full-Time Equivalent (FTE) funding for students in DJJ programs based on direct instructional time:

1. Student attendance shall be taken once per class period or during each course reported for FTE purposes.

2. Time students spend participating in school activities such as field trips, performances, or receiving school-based services such as counseling may be counted as direct instructional time.

3. Certain interruptions to the education program, over which the teacher and student have no control, do not have to be deducted from the direct instructional time reported for FTE. These include:

- a. Fire drills;
- b. Lockdowns of the classroom or program for security purposes;
- c. Bomb scares;
- d. Court hearings; and
- e. Meetings students have with law enforcement personnel during school hours.

4. Direct instructional time shall not be counted for students who choose not to attend class or who are not present at school due to illness, or other non-school related activity other than those listed above.

(b) As required by Sections 1003.51 and 1010.20, Florida Statutes, at least ~~ninety (90) eighty (80)~~ percent of the FEFP funds generated by students in DJJ programs must be spent on instructional costs for these students and one-hundred (100) percent of the formula-based categorical funds generated by these students must be spent on appropriate categoricals such as instructional materials and public school technology for these students.

(c) Compliance with the expenditure requirement in Section 1010.20, Florida Statutes, for programs provided directly by local school boards shall be verified by the Department of Education through the review of the district's cost report as required by Section 1010.20, Florida Statutes. If school districts enter into contracts with private providers for these educational programs, an accounting of the expenditures, as specified in paragraph (8)(b) of this rule shall be required by the local school board.

(9) Contracts with Private Providers.

(a) School districts may provide services directly or may enter into a contract with a private provider to provide educational services to these youth. Beginning in 2000-2001, such contracts with private providers shall address the responsibilities of the school district and the private provider for implementing the requirements of this rule. The private provider shall have, at a minimum:

1. Documented experience in providing high quality educational services or a detailed plan for providing high quality educational services that meets applicable state and federal requirements.

2. Sufficient financial stability and resources to hire an adequate number of certified or qualified instructional personnel.

(b) Prior to contracting with a private provider, the school district shall:

1. Review and consider the provider's past performance history, including the results of prior Quality Assurance Reviews.

2. Review the private provider's contract, if any, with DJJ for the care and custody of the youth in the commitment, detention, day treatment, or early delinquency intervention program to ensure that services and resources are coordinated and not duplicative.

(c) Contracts with private providers, as described above, shall be submitted to the Department of Education prior to the October FTE Reporting Survey for review to verify compliance with this rule.

(d) The provider(s) of workforce development programs in the district in which the DJJ facility is located shall be responsible for notifying the DJJ program of the requirements for enrollment and completion of these programs. The inclusion of DJJ students in the school district's workforce

development program may be included in the contract referenced above and the cooperative agreement required by Section 1003.52, Florida Statutes.

(10) Interventions and Sanctions.

(a) If the educational program in a DJJ detention, commitment, day treatment, or early delinquency intervention program has received an unsatisfactory rating on the educational component of the Quality Assurance Review, does not meet the minimum standards for a designated priority indicator of the Educational Quality Assurance Review, or has demonstrated noncompliance with state and federal requirements, the Department of Education shall initiate a series of interventions and graduated sanctions. Sanctions shall be initiated against programs that have not taken appropriate corrective actions within six months.

(b) Interventions shall include:

1. The provision of technical assistance to the program.

2. The development of a corrective action plan with verification of the implementation of the corrective actions within ninety (90) days.

3. A follow-up review of the educational program.

(c) Sanctions shall include:

1. Public release of the unsatisfactory findings, the interventions, and/or corrective actions proposed.

2. Assignment of a monitor, master, or management team to address identified deficiencies paid for by the local school board or private provider if included in the contract.

3. Reduction in payment or withholding of state and/or federal funds.

(d) If the sanctions proposed in paragraph (10)(c) of this rule are determined by the Department of Education and DJJ to be ineffective in correcting the deficiencies in the educational program and improving the quality of the program, the State Board of Education shall have the authority to require further actions, which shall include:

1. Requiring the school board to revoke the current contract with the private provider, if applicable;

2. Requiring the school board to contract with the private provider currently under contract with DJJ for the facility; or

3. Requiring the school board to transfer the responsibility and funding for the educational program to another school district.

(e) Each school district is responsible for ensuring that appropriate educational services are provided to students in the district's juvenile justice programs, regardless of whether the services are provided directly by the school district or through a contract with a private provider.

(11) Coordination. The cooperative agreement between the local school district and DJJ, required by Section 1003.51, Florida Statutes, shall be submitted to the Department of Education prior to the October, FTE Reporting Survey. The timelines and responsibilities, as required by Section 1013.53,

Florida Statutes, for the notification by DJJ to the local school board of the siting of new facilities and the awarding of a contract for the construction or operation of such a facility shall be included in the agreement.

Specific Authority 1003.51 FS. Law Implemented 1003.51, 1003.52 FS. History—New 4-16-00, Amended.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.053
 RULE TITLE: K-12 Comprehensive Reading Plan Implementation

PURPOSE AND EFFECT: The purpose of the rule is to provide criteria for the development and implementation of district plans for use of the research-based reading instruction allocation provided in Section 1011.62(9), F.S. The effect of the rule will be the establishment of criteria by which the K-12 Comprehensive Reading Plans will be evaluated and approved pursuant to Sections 1001.215(5) and (6), F.S.

SUBJECT AREA TO BE ADDRESSED: K-12 Comprehensive Reading Plan.

SPECIFIC AUTHORITY: 1001.215(5), 1001.215(6), 1011.62(9), 1011.02(2) FS.

LAW IMPLEMENTED: 1001.215, 1011.62, 1011.02 FS.

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

DATES AND TIMES: February 11, 2008, 3:00 p.m. – 5:00 p.m.; February 12, 2008, 3:00 p.m. – 5:00 p.m.; February 14, 2008, 3:00 p.m. – 5:00 p.m.

PLACES: February 11, 2008 – Florida Department of Education, 325 West Gaines Street, Turlington Building, Room 721/25, Tallahassee, Florida 32399; February 12, 2008 – University of Central Florida, 4000 Central Florida Boulevard, Teaching Academy, Room 117, Orlando, FL 32816; February 14, 2008 – Broward Community College, Central Campus, 3501 S. W. Davie Road, Davie, FL 33314

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida! Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-9699

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.054
 RULE TITLE: K-12 Student Reading Intervention Requirements

PURPOSE AND EFFECT: The purpose of the rule is to provide criteria for reading intervention for students in grades K-12 as required by Section 1008.25, F.S. The effect of the rule

is to establish criteria for diagnosing and meeting the varying instructional needs of students reading below grade level and for students who score below levels of performance on statewide assessments as defined by the Commissioner. The rule will also establish criteria for designing and offering reading courses for middle and high school students scoring at Levels 1 or 2 on the Florida Comprehensive Assessment Test in reading pursuant to the comprehensive reading plan required by Section 1011.62(9), F.S.

SUBJECT AREA TO BE ADDRESSED: Reading intervention.

SPECIFIC AUTHORITY: 1001.02(2), 1001.215(5),(6), 1003.4156(5)(b), 1003.428(2)(c), 1008.25(2)(b) FS.

LAW IMPLEMENTED: 1001.215, 1008.25, 1003.4156, 1003.428 FS.

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

DATES AND TIMES: February 11, 2008, 3:00 p.m. – 5:00 p.m.; February 12, 2008, 3:00 p.m. – 5:00 p.m.; February 14, 2008, 3:00 p.m. – 5:00 p.m.

PLACES: February 11, 2008 – Florida Department of Education, 325 West Gaines Street, Turlington Building, Room 721/25, Tallahassee, Florida 32399; February 12, 2008 – University of Central Florida, 4000 Central Florida Boulevard, Teaching Academy, Room 117, Orlando, FL 32816; February 14, 2008 – Broward Community College, Central Campus, 3501 S. W. Davie Road, Davie, FL 33314

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida! Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400; (850)245-9699

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: 6A-6.0902
 RULE TITLES: Requirements for Identification, Eligibility, Programmatic, and Annual Assessments of English Language Learners and Standards for Exit from ESOL

6A-6.0903
 Requirement for Classification, Reclassification, and Post Reclassification of English Language Learners

PURPOSE AND EFFECT: The purpose of the rule developments is to make technical changes, update terminology, to clarify the eligibility determination and assessment of limited English proficient students, and to

incorporate the standards for annual assessment to measure progress limited English proficiency students are making towards mastery of the English language.

SUBJECT AREA TO BE ADDRESSED: English for Speakers of Other Languages and Assessment of English language learners.

SPECIFIC AUTHORITY: 1001.02, 1003.56, 1008.25, 1003.4156, 1003.428 FS.

LAW IMPLEMENTED: 1003.56, 1011.62 FS.

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

DATES AND TIMES: February 12, 2008, 1:00 p.m. – 6:00 p.m. (EST); February 15, 2008, 1:00 p.m. – 6:00 p.m. (EST)

PLACE: February 12, 2008 – Orange County School District, Jones High School Auditorium, 801 S. Rio Grande Avenue, Orlando, Florida 32805; phone: (407)835-2300; Local Contact Person: Eli Santiago; February 15, 2008 – Miami-Dade College, InterAmerican Campus, 627 S. W. 27th Avenue, Room 31303, Miami, Florida 33135

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lisa C. Saavedra, Executive Director, Bureau of Academic Achievement through Language Acquisition, 325 West Gaines Street, Suite 501 C, Turlington Building, Tallahassee, Florida 323299, phone: (805)245-5074

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0902 Requirements for Identification, Eligibility, Assessment and Programmatic, and Annual Assessments of English Language Learners and Standards for Exit from ESOL Limited English Proficient Students.

(1) Requirements for identification. ~~Beginning with the 1990-91 school year, each student shall be surveyed upon initial enrollment in a school district, with questions specified in this rule. Each student whose initial enrollment in the school district was prior to the 1990-91 school year shall be surveyed unless they have been surveyed previously with the questions provided in this rule. The survey shall contain the following questions:~~

(a) Is a language other than English used in the home?

(b) Did the student have a first language other than English?

(c) Does the student most frequently speak a language other than English?

The questions may appear on a school's registration form or a separate survey form. The home language and the national origin of each student shall also be collected and retained in the district's data system. Affirmative responses to

question (b) or (c), or both requires that the student be placed in the English for Speakers of Other Languages (ESOL) program until completion of the eligibility assessment.

(2) Assessment to determine eligibility for appropriate services and funding.

(a) Each student who responded "yes" to any question on the home language survey shall be assessed to determine if the student is limited English proficient based on one of the standards set forth in subsection (2) of this rule. Any student identified by the home language survey who also meets one of the standards in subparagraphs (2)(a)1., 2. and 3. of this rule shall be classified as an English Language Learner (ELL) determined to be limited English proficient and shall receive appropriate instruction and funding as specified in Section 1003.56, F.S., ~~as amended by Chapter 2002-387, Laws of Florida.~~

1. Any student who scores within the limited English proficient range as determined by the publisher's standards on a Department of Education approved approval aural and oral language proficiency test, or scores below the English proficient level on a Department of Education approved assessment in listening and speaking shall be classified as an English Language Learner determined limited English proficient and shall be provided appropriate services.

2. Any student in grade 4 or above, who scores at or below 32nd percentile on reading comprehension and writing or language usage subtests reading and writing subparts of a nationally norm referenced test or scores below the English proficient level on a Department of Education approved assessment in reading and writing shall be determined to be limited English proficient and shall be classified as an English Language Learner and provided appropriate services.

3. Any student who is determined not to be limited English proficient as described in subparagraph (2)(a)1. or 2. of this rule or any student determined to be limited English proficient based solely on one reading or writing assessment standards as described in subparagraph (2)(a)2. of this rule may be referred to an ELL LEP Committee to determine eligibility for appropriate services ~~as a limited English proficient student~~ based upon a parent's or a teacher's request. The ELL LEP Committee may determine a student to be limited English proficient or not to be limited English proficient according to consideration of at least two of the following criteria in addition to the test results from subparagraph (2)(a)1. or 2. of this rule:

a. Extent and nature of prior educational or academic experience, and social experience, and a student interview;

b. Written recommendation and observation by current and previous instructional and supportive services staff;

c. Level of mastery of basic competencies or skills in English and heritage home language according to appropriate local, state or ~~and~~ national criterion-referenced standards;

d. Grades from the current or previous years; or

e. Test results other than subparagraph (2)(a)1. or 2. of this rule.

(b) Any determinations by the ~~ELL LEP~~ Committee shall be contained in a written evaluation which shall be placed in the ELL Student Plan, ~~limited English proficient student's plan~~. Such evaluations shall further set forth a plan, which will be implemented, to address the student's English language needs.

(c) In lieu of the standards in subparagraph (2)(a)1. and 2. of this rule, a school district may use the test form of the Comprehensive English Language Learning Assessment (CELLA) approved for use as a placement tests a district developed or adapted test procedure to assess a student's ~~limited~~ English proficiency. The procedure must be approved by the Department of Education prior to implementation. In reviewing the district's submission of the assessment procedure in lieu of (2)(a)1. and 2., the Department shall make including an affirmative determination that the instruments and standards proposed to be utilized by the school district are valid and reliable measures of whether or not a student is limited English proficient.

(d) Assessment of each student's aural and oral proficiency should be completed as soon as possible after the student's initial enrollment but not later than twenty (20) school days after the student's enrollment and shall be completed within four weeks unless documented in the following manner:

1. The documentation shall include the reason for the delay, evidence that the child is accorded the programming required for ELLs limited English proficient students pending the delay, and a specific timetable for completing the assessment.

2. This documentation shall be mailed to the parents in the language they understand, unless clearly not feasible their primary language no later than eight weeks after initial enrollment.

3. A copy shall be retained in the student's files for a minimum of one year.

(e) ~~For each student Assessment of each student's reading and writing proficiency shall be completed within one year after the date of enrollment for those students who is~~ are not identified as limited English proficient but enrolled in the ESOL program under the provisions of subparagraph (2)(a)3., the assessment of reading and writing proficiency shall be completed within one year after the date of enrollment. For students transferring into the school district, assessments completed within one year prior to the date of the student's transfer may be used. ~~For students enrolled in the district prior to 1990-91 who responded "yes" on the home language survey, assessments, completed within one year of the date the district administered the home language survey may be used.~~

(f) Assessment of a student's English proficiency as specified in subparagraphs (2)(a)1. and 2. of this rule shall be completed as rapidly as possible. The student shall receive services until assessment is completed. In the interim, from enrollment to eight weeks, the student shall be eligible for ESOL English for Speakers of Other Languages funded services based on a school district interim assessment procedure which shall be described in the school ~~District~~ ELL LEP Plan approved by the Department of Education.

(g) ~~An ELL A LEP~~ Committee, after notification to the parent of the opportunity to participate in the meeting, shall conduct assessments referred to in subsections (2) and (3) of this rule and recommend an ELL limited English proficient Student Pplan for such student.

(h) An eligible student shall be reported for ESOL funding as specified in Section 1011.62 ~~4003.56~~, Florida Statutes, as amended by Chapter 2007-216 90-288, Laws of Florida.

(3) Programmatic Assessment.

(a) Each student determined to be an ELL limited English proficient shall be further assessed in academic areas basic subject areas so as to aid the student's teacher in developing an appropriate instructional program.

(b) Each school district shall seek to document the prior schooling experience of ELLs limited English proficient students by means of school records, transcripts and other evidence of educational experiences, and take such experiences into account in planning and providing appropriate instruction to such students. The school district shall award equal credit for courses taken in another country or a language other than English, as they would the same courses taken in the United States or taken in English. For foreign-born students, the same district adopted policies regarding "age appropriate" placement at the elementary grades shall be followed as are followed for students born in the United States. Should a school district use a placement test for determining appropriate grade or course placement, such assessment may not be based in whole or in part on the student's English language proficiency.

(c) Any ~~limited English proficient student's~~ teacher, administrator, parent or parent's designee may request the convening of an ELL LEP Committee to review the student's progress in attaining necessary subject area competencies or in overcoming persistent deficiencies in overall student performance. The ELL LEP Committee may be reconvened at any time after a student has been served for a semester. The ELL LEP Committee shall make recommendations for appropriate modifications in the student's programming to address problems identified and shall document such modifications in the student's ELL Student Pplan.

(4) Annual assessment to determine progress towards English language proficiency

(a) All students classified as an ELL shall be assessed annually on the CELLA, including former English Language Learners that exited the ESOL program after the prior year's assessment.

(b) The CELLA shall be administered in accordance with standard written instructions appropriate for the examination. The written instructions will be issued by the Commissioner in the form of directions for administration and other written communications, as required, and provided to school districts in sufficient time prior to each test.

(c) Provisions shall be made by school districts to administer the test to students who are absent on the designated testing dates according to directions specified by the Commissioner. The directions will be issued in the form of test administration manuals and other written communications, as required, and provided to school districts in sufficient time prior to each test.

(d) Beginning with the effective date of this rule, until changes are recommended by the Commissioner to the State Board of Education, the English proficiency levels for Oral Skills, Reading and Writing shall be as shown in the following tables:

Grade Clusters	Beginning	Low Intermediate	High Intermediate	Proficient
K-2	495-632	633-649	650-672	673-755
3-5	560-675	676-697	698-719	720-805
6-8	565-680	681-712	713-732	733-830
9-12	580-681	682-713	714-738	739-835

Grade Clusters	Beginning	Low Intermediate	High Intermediate	Proficient
K-2	515-636	637-657	658-689	690-775
3-5	575-674	675-702	703-726	727-825
6-8	580-687	688-719	720-745	746-845
9-12	600-689	690-720	721-745	746-850

Grade Clusters	Beginning	Low Intermediate	High Intermediate	Proficient
K-2	345-545	546-628	629-689	690-800
3-5	590-689	690-714	715-733	734-810
6-8	600-713	714-741	742-758	759-815
9-12	605-743	744-761	762-777	778-820

(e) The Commissioner shall review annually the CELLA performance data and the CELLA English proficiency levels and recommend to the State Board of Education whether to maintain the existing proficiency level scores or make changes as may be necessary to the scores or other requirements of this rule.

(5) Standards for Student Exit from the ESOL Program.

(a) The standards for determining whether ELLs have attained sufficient English proficiency to exit the ESOL program shall be based on multiple measures as described below.

(b) CELLA shall be used as one of the measures for determining exit. Oral skills, reading, and writing scale scores for each grade cluster shall be added to determine the composite score. Scores equal to or greater than the CELLA composite scores in the following table shall be used to determine English proficiency:

Grade Cluster	CELLA English Proficient Composite Scores
K-2	2050 or greater
3-5	2150 or greater
6-8	2200 or greater
9-12	2250 or greater

(c) A student previously classified as an ELL shall be determined English proficient based on at least two of the following standards:

1. Minimum CELLA composite score for student's grade level and grade level scale score on CELLA Reading at the proficient level.

2. English proficiency determination by a majority decision of the ELL Committee based on the following:

a. Grade level mastery of basic competencies or skills in English according to applicable local, state or national criterion-referenced standards;

b. A passing grade in English language arts and reading subject area courses.

3. A score at or above the 33rd national percentile on the reading comprehension and writing or language usage subtests on a nationally norm referenced test.

4. A Florida Comprehensive Assessment Test (FCAT) achievement level of 3 or greater on the Reading test of the Sunshine State Standards pursuant to Rule 6A-1.09422, F.A.C.

5. A passing grade level developmental scale score in reading on the FCAT pursuant to Rule 6A-1.09422, F.A.C.

(d) School districts shall adopt the exit standards described in subsection (5) of this rule. In lieu of the standards described in subparagraphs (5)(c)1.-4. of this rule, a district may propose an alternative exit standard for use during the first full academic year after this rule is adopted. The district shall submit its proposed alternative exit standards as an amendment to the District's ELL Plan. The proposed alternative exit standards shall be approved by the Department of Education prior to implementation. Alternative exit standards may not be used if use will result in standards for students classified as ELL that are higher than those required of all other students in the school for determining grade promotion, minimum grade level achievement level, or graduation.

Specific Authority 1001.02 FS. Law Implemented 1003.56 FS., as amended by Section 150, Chapter 2002-387, Laws of Florida. History--New 10-30-90, Amended _____.

6A-6.0903 Requirement for Classification, Reclassification, and Post Reclassification of English Language Learners.

(1) Classification and reclassification for English Language Learners (ELLs) ~~limited English proficient students.~~

(a) Each student identified as ~~an ELL limited English proficient~~ shall continue to receive appropriate instruction and be reported for state funding until such time as the student is reclassified as English proficient. English proficiency shall be determined by reassessing the student utilizing the same or comparable assessment instruments, procedures and standards, adjusted for age and grade level, used to determine the student's eligibility assessment. Beginning with the effective date of this rule, the Comprehensive English Language Learning Assessment (CELLA) shall be one of assessments used to determine if the student has mastered sufficient English to exit the English for Speakers of Other Languages (ESOL) program. The Composite Score by grade levels shall be as specified in Rule 6A-6.0902, F.A.C.

(b) Upon the request of a student's teacher, counselor, administrator or parent, a student who has been classified as ~~an ELL limited English proficient~~ and enrolled in an English for ~~S~~peakers of ~~O~~ther ~~L~~anguages (ESOL) program may be reassessed ~~utilizing additional information upon the request of an English for speakers of other languages teacher, counselor, administrator or parent.~~ The ~~ELL LEP~~ Committee may use other assessment information to determine that the student should be exited from the ESOL program if the committee

determines that another instructional program or combination of instructional programs better meets the needs of the student. The documentation of the assessment instruments used and the justification for such action shall be retained in the student's records.

(c) ~~An ELL limited English proficient student~~ shall be enrolled in one or more programs other than ~~ESOL English for speakers of other languages~~ programs based on eligibility and need. The amount of time the student is assigned to such a program(s) shall be comparable to that assigned ~~to non-limited~~ English proficient students under similar conditions, provided; however, the student assigned full time to a program other than ESOL shall be provided English and basic subject area instruction as required by Rule 6A-6.0904, F.A.C., as soon as possible.

(d) ~~An ELL limited English proficient student~~ may only be reclassified as English proficient utilizing the procedures in paragraphs (1)(a) and (b) of this rule.

(e) Extension of time in the ESOL program for ~~ELLs limited English proficient students~~ shall be determined by applying the multiple criteria for entry as specified in Rule 6A-6.0902, F.A.C., and the ~~ELL LEP~~ Committee procedure. This extension of instruction shall be provided to all ~~ELLs limited English proficient students~~ not satisfying the standards in this subsection and to all ~~ELLs other limited English proficient students on an individualized basis~~ whose academic aural and oral proficiency testing and achievement is not on grade level due to lack of English language proficiency, including listening, speaking, reading, and writing in English results in English are not consistent. ~~An ELL LEP Committee~~ considering the extension of programming for such students shall refer the students as necessary, for appropriate remedial, compensatory, special and supportive services evaluations, and programs.

(f) English Language Learners ~~Limited English proficient students~~ provided ESOL or heritage home language instruction may be reported for funding in the Florida Educational Finance Program as specified in Section 1011.62, Florida Statutes F.S., as amended by Chapter 2003-391, Laws of Florida.

(2) Post Reclassification.

(a) The performance of former ~~ELLs limited English proficient students~~ shall be reviewed periodically to ensure parity of participation once they have been classified as English proficient. These reviews shall take place automatically at the student's first report card and semi-annually during the first year after exiting. Any consistent pattern of either under-performance on appropriate tests or failing grades shall result in the convening of a ~~ELL LEP~~ Committee, with parental participation, to assess the student's need for additional appropriate programming such as ESOL or other needed programs. Special consideration shall be given to any decline in grades and decline in test performance and to parent preference.

(b) The ~~ELL LEP~~ Committee shall recommend an appropriate ~~ELL Student LEP~~ Plan for students reclassified as ~~ELLs limited English proficient~~. The basis and nature of such recommendations shall be in writing and maintained in the student's file. Any such plan shall be reevaluated for continued appropriateness after one year, and each year thereafter as necessary.

(c) Any student who is reclassified as ~~an ELL limited English proficient~~ shall be provided appropriate instruction on the basis of an annual extension pursuant to a documented determination of the student's needs.

(d) A student who exits the program and is later reclassified as ~~an ELL limited English proficient~~, may be reported in the ESOL program, as specified in Section 1003.56, F.S., as amended by ~~Chapter 2003.391 Chapter 2002-387~~, Laws of Florida.

(e) Lack of a students' ESOL funding eligibility does not relieve a school district of any obligation it may have under state or federal law to continue to provide appropriate services to ~~ELLs limited English proficient students~~ beyond the state ESOL program funding limits.

Specific Authority 1001.02 FS. Law Implemented 1003.56 FS., as amended by Section 150, Chapter 2002-387, Laws of Florida. History--New 10-30-90, Amended.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0907
 RULE TITLE: Inservice Requirements for Personnel of Limited English Proficient Students

PURPOSE AND EFFECT: The purpose of the rule development is to review the rule to make technical changes, update terminology and to specify and/or clarify the inservice requirements for teachers, administrators, and guidance counselors of limited English proficient students, and the timeframes necessary for fulfillment of these requirements.

SUBJECT AREA TO BE ADDRESSED: Inservice requirements for educators of limited English Proficient students.

SPECIFIC AUTHORITY: 1003.56 FS.

LAW IMPLEMENTED: 1003.56 FS.

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

DATES AND TIMES: February 12, 2008, 1:00 p.m. – 6:00 p.m. (EST); February 15, 2008, 1:00 p.m. – 6:00 p.m. (EST)

PLACES: February 12, 2008, Orange County School District, Jones High School Auditorium, 801 S. Rio Grande Avenue, Orlando, Florida 32805; phone: (407)835-2300; Local Contact Person: Eli Santiago; February 15, 2008, Miami-Dade College, InterAmerican Campus, 627 S. W. 27th Avenue, Room 31303, Miami, Florida 33135

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa C. Saavedra, Executive Director, Bureau of Academic Achievement through Language Acquisition, 325 West Gaines Street, Suite 501 C, Burlington Building, Tallahassee, Florida 323299, phone: (805)245-5074

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.0475
 RULE TITLE: Mitigation Retrofits Required

PURPOSE AND EFFECT: Modify, enhance and clarify cost effective means to incorporate mitigation related elements in existing buildings that are subject to permitted work.

SUBJECT AREA TO BE ADDRESSED: Requirements for integration of mitigation elements in existing buildings when subject to permitted work.

SPECIFIC AUTHORITY: 553.844(3) FS., as created by CS for House Bill 7057, First Enrolled (2007).

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9), 553.844(3) FS., as created by CS for House Bill 7057, First Enrolled (2007)

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD BASED ON THE IMMEDIATE PUBLIC NEED FOR THE RELIEF AFFORDED BY THE CLARIFICATIONS AND MODIFICATIONS, THE NATURE OF THE ACTION AS BEING ONE PRIMARILY CLARIFYING THE COMMISSION'S INTENT WITH REGARD TO THE INITIAL ADOPTION OF THE RULE, AND THE FACT THAT THE ACTION HAS BEEN DISCUSSED AT TWO NOTICED PUBLIC MEETINGS, THE COMMISSION'S TELEPHONIC MEETING OF JANUARY 8, 2008, AND THE MEETING OF THE HURRICANE MITIGATION WORK GROUP ON DECEMBER 12, 2007.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-3.0475 Mitigation Retrofits Required.

The 2007 Manual of Hurricane Mitigation Retrofits for Existing Site-Built Single Family Residential Structures, Version 2, as approved by the Commission on January 8, 2008, is hereby adopted by reference. The manual provides requirements for construction in addition to those contained in the Florida Building Code as adopted by Rule 9B-3.047, F.A.C., that shall be enforced as provided in the manual and as required by Section 553.844, F.S. A copy of the manual may be obtained from the Florida Building Commission's website, www.floridabuilding.org. If any person encounters any difficulty utilizing the website, assistance is available by calling the Codes and Standards Unit at (850)4871824.

Specific Authority 553.844(3) FS. Law Implemented 553.72 FS. 553.73(2), (3), (7), (9), 553.844(3) FS. History—New 11-14-07, Amended _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.056	Tax Due at Time of Sale; Tax Returns and Regulations
12A-1.105	Service Warranties

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.056, Florida Administrative Code (F.A.C.) (Tax Due at Time of Sale; Tax Returns and Regulations) is to: (1) clarify instructions to dealers who cannot reasonably compile the information required for an accurate sales and use tax return on a calendar month basis on how to request to file and pay returns on an alternative-period basis; and (2) require dealers who have obtained authorization from the Department to file returns and pay tax on an alternative-period basis to provide the Department with a calendar of alternate-reporting periods each calendar year.

The purpose of the proposed amendments to Rule 12A-1.105, F.A.C. (Service Warranties), is to clarify that service warranties to repair, maintain, or replace tangible personal property are not subject to tax if the parts and labor to repair the property are exempt from sales and use tax, as provided in Section 21, Chapter 2007-106, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the requirement for taxpayers who report on an alternate-reporting period to provide a calendar of the alternate reporting periods to the Department each calendar year; and (2) the clarification that service warranties to repair, maintain, or replace tangible personal property are not subject to sales tax if the parts and labor to repair the property are exempt from sales and use tax.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. **LAW IMPLEMENTED:** 125.0104(3)(g), 125.0108(2)(a), 212.02(4), (14)(a), (16), 212.03(2), 212.0305(3)(c), 212.031(3), 212.04(3), (4), 212.0506, 212.055, 212.06, 212.0606, 212.08(7)(v), 212.11, 212.12(1), (2), (3), (4), (5), 212.14(2), 212.15(1), 212.18(3), 213.235, 213.755, 370.07(3), 373.41492, 376.70, 376.75, 403.718, 403.7185, 634.011, 634.131, 634.401, 634.415, 681.117 FS.

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

DATE AND TIME: February 20, 2008, 10:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.056 Tax Due at Time of Sale; Tax Returns and Regulations.

(1) DUE DATES FOR PAYMENTS AND TAX RETURNS.

(a) The total amount of tax on cash sales, credit sales, installment sales, or sales made on any kind of deferred payment plan shall be due at the moment of the transaction. Except as provided in Rule Chapter 12-24, F.A.C., Rules 12A-1.005, and 12A-1.070, F.A.C., and this rule, all taxes required under Chapter 212, F.S., to be collected or paid in any month, are due to the Department on the first day of the month following the date of sale or transaction. The payment and return must be delivered to the Department or be postmarked on or before the 20th day of the month following the date of sale or transaction for a dealer to be entitled to the collection allowance and to avoid penalty and interest for late filing. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and s. 7503

of the Internal Revenue Code of 1986, as amended. A “legal holiday” pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) through (c) No change.

(d)1. ~~If a dealer cannot reasonably compile the information required for an accurate return on a calendar month basis, the dealer may who maintains records on a period other than a monthly basis can request to file returns and pay tax on an alternative-period basis a variation from monthly filing and remittance of the tax. The dealer’s request must be in writing and must be submitted by submitting a written request to the Florida Department of Revenue, Return Reconciliation, Building F-3, 5050 West Tennessee Street, Building F-3, Tallahassee, Florida 32399-0100. The request must contain:~~

- a. The name of the business;
- b. The business mailing address;
- c. The business partner number;

~~d.e.~~ The dealer’s certificate of registration number;

~~e.d.~~ A detailed explanation why the dealer cannot reasonably file returns on a calendar month basis of the problems associated with filing on a monthly basis; and

~~f.e.~~ The beginning and ending month ~~and~~ day, ~~and~~ year of each requested ~~alternative-~~ reporting period for the current calendar year.

2. When the ~~Department Executive Director or the Executive Director’s designee~~ determines that the ~~dealer cannot reasonably compile the~~ information required for ~~the making of an accurate return cannot reasonably be compiled by a taxpayer~~ on a calendar month basis, ~~the Department the Executive Director or the Executive Director’s designee~~ will notify the dealer in writing that the ~~dealer may report as an alternative-period filer deviation from monthly filing of returns and remitting of tax is authorized. Alternative-period returns and payments~~ Such payments and returns are due on the first day ~~after succeeding~~ the end of the ~~designated alternative-~~reporting period and become delinquent on the twenty-first day ~~after succeeding~~ the end of the ~~alternative-~~reporting period.

3. Each year, ~~dealers who have been authorized to file on an alternative-reporting basis must provide a calendar of alternative-reporting dates for the upcoming year. The dealer must provide the calendar by December 15, and the calendar must include all alternative-reporting periods for the following calendar year. The annual calendars may be submitted to the Department by any one of the following means:~~

a. E-mailing the calendar to conssut@dor.state.fl.us;

b. Faxing the calendar to Returns Reconciliation/Sales Tax Unit at (850)922-9672;

c. Mailing the calendar to General Tax Administration, Returns Reconciliation/Sales and Use Tax Unit, 5050 West Tennessee Street, Building F-3, Tallahassee, Florida 32399-0100.

(e) through (i) No change.

(2) through (4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104(3)(g), 125.0108(2)(a), 212.03(2), 212.0305(3)(c), 212.031(3), 212.04(3), (4), 212.0506(4), (11), 212.055, 212.06(1)(a), 212.0606, 212.11, 212.12(1), (2), (3), (4), (5), 212.14(2), 212.15(1), 213.235, 213.755, 370.07(3), 373.41492, 376.70, 376.75, 403.718, 403.7185, 681.117 FS. History—Revised 10-7-68, 6-16-72, Amended 10-21-75, 6-9-76, 11-8-76, 2-21-77, 4-2-78, 10-18-78, 12-23-80, 8-26-81, 9-24-81, 11-23-83, 5-28-85, Formerly 12A-1.56, Amended 3-12-86, 1-2-89, 12-19-89, 12-7-92, 10-20-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01, 8-1-02, 4-17-03, 9-28-04,_____.

12A-1.105 Service Warranties.

(1)(a) Every person who solicits, offers, provides, enters into, issues, or delivers any service warranty, or who receives, on behalf of another person, any consideration from a service warranty holder is exercising a taxable privilege and shall register as a dealer with the Department of Revenue before such person may engage in or conduct business in this state. See Rule 12A-1.060, F.A.C.

(b)1. The term “service warranty” means any contract or agreement which indemnifies the holder of the contract or agreement for the cost of maintaining, repairing, or replacing tangible personal property, whether or not the contract provides for the furnishing of parts. The term “service warranty” includes motor vehicle warranties issued under Part I of Chapter 634, F.S., and service warranties issued under Part III of Chapter 634, F.S.

a. through e. No change.

2. The term “service warranty” does not include contracts or agreements to repair, maintain, or replace tangible personal property if such property when sold at retail in this state would not be subject to sales tax or if the parts and labor to repair tangible personal property qualify for an exemption under Chapter 212, F.S.

a. through b. No change.

c. Example: A maintenance contract covering the cost of parts and labor that are exempt when used to repair industrial machinery and equipment, as provided in Section 212.08(7)(xx), F.S., is not considered a service warranty contract.

3. No change.

(c) through (d) No change.

(2) through (5) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (14)(a), (16), 212.0506, 212.06, 212.08(7)(v), 212.18(3), 634.011, 634.131, 634.401, 634.415 FS. History—New 1-2-89, Amended 12-11-89, 8-10-92, 1-4-94, 3-20-96, 4-2-00, 6-19-01, 5-1-06,_____.

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-20.0025	Definitions
14-20.003	Placement of Shelters
14-20.0032	Placement of Benches
14-20.0033	Competitive Public Bidding of Advertising
14-20.004	Public Transit Bus Stops
14-20.010	General Use Permit

PURPOSE AND EFFECT: Rule Chapter 14-20, F.A.C., is being restructured into a Part I and Part II, with the existing rules on bus stops, shelters, and benches remaining in Part I, and a new Part II General Use Permits. Three existing rules are being amended and one rule is to be repealed. The rule chapter title is being expanded to "Use of Department Right of Way" with the existing rules addressed in this amendment becoming Part I "Bus Stops, Benches, and Transit Shelters."

SUBJECT AREA TO BE ADDRESSED: A new rule on General Use Permits is being adopted. The existing rules in the chapter will be in Part I with the new rule being in Part II. The overall rule chapter title is expanded to Use of Department Right of Way. Three existing rules related to bus stops, benches, and transit shelters are being amended and one rule is to be repealed. The rule chapter title is being expanded to "Use of Department Right of Way" with the existing rules addressed in this amendment becoming Part I "Bus Stops, Benches, and Transit Shelters."

SPECIFIC AUTHORITY: 334.044 (2), 337.408(4), (6) FS.

LAW IMPLEMENTED: 334.044(13), 335.02(1), 337.408 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:

USE OF DEPARTMENT RIGHT OF WAY BUS STOPS, SHELTERS, AND BENCHES

PART II GENERAL USE PERMITS

14-20.0025 Definitions.

(1) "Bench" means a seat designed for seating two or more persons, which is placed along a regular transit bus route at or near recognized transit bus stops.

(2)(4) "Department" means the Florida Department of Transportation.

~~(3)(2) "School Bus" means as defined in Section 316.003, F.S. any motor vehicle that complies with the color and identification requirements of Chapter 234, F.S., and is used to transport children to or from school or in connection with school activities.~~

~~(3) "School Bus Shelter" means a structure or facility located at a site designated and approved by the local school board to protect awaiting school children from the elements.~~

~~(4) "School Bus Stop" means a site designated and approved by the local school board for the purpose of loading and unloading school children.~~

(4)(5) "Shelter" means a structure or facility located at a designated site to protect passengers from the elements. "Shelter" refers to both public transit bus shelters and school bus shelters.

~~(5)(6) "Transit Bus" means any motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.~~

~~(7) "Transit Bus Shelter" means a structure or facility located at a site designated and approved by the operating transit agency to protect passengers from the elements.~~

~~(8) "Transit Bus Stop" means a site designated and approved by the operating transit agency for the purpose of loading and unloading passengers.~~

~~(9) "Transit Bus Bench" means a seat designed for seating two or more persons, which is placed along a regular transit bus route at or near recognized transit bus stops.~~

Specific Authority 334.044(2), 337.408(4), (6) FS. Law Implemented 334.044(13), 335.02(1), 337.408 FS. History—New 12-26-90, Amended 5-15-97, _____.

14-20.003 Placement of Transit and School Bus Shelters.

The appropriate city or county government in whose jurisdiction a ~~transit or school bus~~ shelter is to be located may approve, by written authorization, the erection and placement of a shelter. ~~A shelter may be located on the right of way of a road Federal Aid Highway or State Highway~~ when it complies with the following:

~~(1) Shelters may be erected upon approval of proposed shelter locations and building plans, by the appropriate city or county government.~~

~~(1)(2) A transit bus shelter may be erected only at bus stops designated by a public transit agency or~~

~~(3) A school bus shelter may be erected only at bus stops designated by the local school board and identified as having service a minimum of ten times in a five-day period, excluding weekends and holidays.~~

~~(4) Transit bus shelters shall be located at a minimum of 12 feet from an intersection, as measured along the tangent line of the state road beginning at the point of the intersection of the radius of the connecting road and tangent of the state road.~~

~~(5)~~ School bus shelters shall be located at a minimum of 50 feet from an intersection, as measured along the tangent line of the state road beginning at the point of the intersection of the radius of the connecting road and the tangent of the state road.

~~(2)(6)~~ School bus shelters erected outside of the urban limits shall be spaced so that no more than two shelters are erected per mile of two-lane highway and no more than four shelters are erected per mile on highways with four or more lanes having a minimum of five foot unpaved median or a physical barrier.

~~(3)(7)~~ Shelters are prohibited in medians and on limited access facilities.

~~(4)(8)~~ The shelter location must meet the set back and minimum clear recovery zone requirements as established detailed in the Department's Design Standards, Roadway and Traffic Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index Number 700, incorporated herein by reference entitled "Design Criteria Related to Highway Safety". Copies of Index Number 700 are available at: www.dot.state.fl.us/rddesign/designstandards/standards.htm. The Department's Roadway and Traffic Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System is incorporated by reference in Rule 14-85.004, F.A.C.

~~(5)(9)~~ Shelters shall not be located within 15 feet of any fire hydrant or handicapped parking space.

~~(6)(10)~~ A shelter shall not obstruct any sidewalk, bike path, pedestrian path, driveway, drainage structure, or ditch, etc., and shall provide at least three feet of clearance for pedestrian traffic.

~~(7)(11)~~ Prior to the installation of the shelter, the impacted utility companies must be notified to determine location of utilities and prevent conflicts.

~~(8)(12)~~ All shelter utility connections shall comply with Rule 14-46.001, F.A.C., and must be approved by the appropriate city or county building department.

~~(9)(13)~~ The owner of abutting property shall be notified by certified mail of the proposed shelter location if there will be advertising. ~~Such owner of the abutting property shall be provided an opportunity to comment.~~

~~(10)(14)~~ Advertising on a shelter shall be no greater than 72 inches by 60 inches per side of the shelter including the roof. There shall be no more than one advertisement per side.

~~(11)(15)~~ Companies engaged in the business of outdoor advertising shall obtain and maintain a current license pursuant to Section 479.04, F.S., and Rule 14-10.003, F.A.C.

~~(12)(16)~~ Flashing lights on shelters are prohibited. All lights must be placed or shielded so they do not interfere with motorists on the roadway. Lights are not permitted for the sole purpose of illuminating advertising.

~~(13)(17)~~ Sides and internal dividers in shelters shall be constructed in a manner to provide visibility of waiting passengers to passing traffic and pedestrians. All transparent materials will be shatterproof. No shelter shall be located in such manner, or be constructed of such materials, so as to adversely affect sight distances at any intersection or to obstruct the view of traffic signs or other traffic control devices.

~~(14)(18)~~ The maximum height of a shelter cannot exceed ten feet.

~~(15)(19)~~ Shelters must be securely attached to their foundations and must provide for a clear opening between the structure and the ground or foundation to facilitate cleaning and to preclude the accumulation of debris.

~~(16)(20)~~ Shelters shall be properly maintained as to aesthetics, function, and safety. If the Department finds any shelter in violation of any portion of this rule, except those determined to be a safety hazard endanger life or property, the Department shall provide written notice of the violation to the appropriate city or county government, who shall correct the violation or remove the shelter within 30 days after receipt of the notice. If the Department finds any shelter to be a safety hazard danger to life or property, the Department will shall provide notice to the appropriate city or local government, who shall take immediate steps to make the shelter safe or remove the shelter. If the condition or location of a shelter is not corrected in accordance with the Department's notice, the Department will cause the shelter to be moved or removed and seek the cost of removal ~~from the appropriate city or county government.~~

~~(17)(21)~~ Whenever necessary for the construction, repair, improvement, maintenance, safe and efficient operation, alteration, or relocation of all, or any portion of a sState rRoad, ~~as determined by the Department~~, any bus shelter and appurtenances thereto, authorized by this rRule, shall be immediately removed from the said State Road rRight of wWay or shall be reset or relocated thereon as required by the Department, at the expense of the shelter owner ~~unless reimbursement is authorized by separate agreement~~. In the event the relocation of said shelters is scheduled to be done simultaneously with the Department's construction work, the shelter owner shall coordinate with the Department before proceeding. The shelter owner shall cooperate with the Department's contractor to arrange the sequence of work so as not to delay the work of the Department's contractor and shall defend any legal claims of the Department's contractor due to delays caused by the shelter owner's failure to comply with the approved schedule. The shelter owner shall not be responsible for delays for reasons beyond the shelter owner's reasonable control.

Specific Authority 334.044(2), 337.408(6) FS. Law Implemented 334.044(13), 335.02(1), 337.408 FS. History—New 12-11-79, Amended 6-24-81, Formerly 14-20.03, Amended 12-26-90, 5-15-97, 7-16-98,_____.

14-20.0032 Placement of ~~Transit Bus~~ Benches.

The Department allows placement and maintenance of ~~transit bus~~ benches on the right of way of a ~~Federal Aid highway or~~ state highway pursuant to written approval by the appropriate city or county government within whose jurisdiction the bench is to be located. All bus benches shall be subject to the following:

(1) ~~Transit bus~~ Benches placed on the right of way shall not exceed 74 inches in length, 28 inches in depth, and 44 inches in height.

(2) Any bench placed on any part of a sidewalk shall leave at least three feet clearance for pedestrian traffic between the bench and the nearest edge of the road.

(3) ~~Transit bus~~ Benches shall not be placed in the median of any divided highway or on limited access facilities.

(4) Unless otherwise herein provided, ~~transit bus~~ benches shall be placed only at recognized transit stops. However, only the minimum number of benches necessary to accommodate the comfort and convenience of the general public shall be erected or maintained.

~~(5) Benches may be placed at points of pedestrian convenience other than recognized transit bus stops, where, in the judgment of the appropriate city or county government, there exists a necessity for such seating or where such seating would otherwise serve the public interest and shall comply with all other requirements placed upon transit bus benches in Rule 14-20.0032, F.S. However, only the minimum number of benches necessary to accommodate the comfort and convenience of the general public shall be erected or maintained.~~

~~(5)(6) If the Department finds any bench in violation of any portion of this rule, except those determined to be a safety hazard endanger life or property, the Department shall provide written notice of the violation to the owner of the bench, or the appropriate city or county government, who shall correct the violation or remove the bench shelter within 30 days after receipt of the notice. If the Department finds any bench to be a safety hazard danger to life or property, the Department will shall provide notice to the owner of the bench, or the appropriate city or county government, who shall take immediate steps to make the bench safe or remove the bench. If the condition or location of a bench is not corrected in accordance with the Department's notice, the Department will cause the bench to be moved or removed and seek the cost of removal from the owner of the bench.~~

~~(6)(7) Commercial advertising shall be displayed upon a transit bus bench only on either the front or rear surface of the backrest area.~~

~~(7)(8) Advertising displayed on a transit bus bench shall not be greater than 72 inches in length nor greater than 24 inches in height, and no advertising displayed upon a bench shall be of a reflectorized material.~~

~~(8)(9) The transit bus bench location must meet the set back and minimum clear recovery zone requirements established as detailed in the Florida Department's Design Standards of Transportation's Roadway and Traffic Design Standards, Index Number 700, entitled "Design Criteria Related to Highway Safety" (incorporated herein by reference in Rule 14-85.004, F.A.C.). Copies of the Index Number 700 are available at: www.dot.state.fl.us/rddesign/designstandards/standards.htm.~~

~~(10) Any transit bus bench that was in service prior to April 1, 1992 may be replaced with a bus bench of the same size or smaller, if the bench is damaged or destroyed or otherwise becomes unusable.~~

~~(11) Any transit bus bench placed at points of public convenience which violates any portion of this rule shall be subject to removal upon 30 days notice if the violation is not corrected.~~

~~(9)(12) Whenever necessary for the construction, repair, improvement, maintenance, safe and efficient operation, alteration, or relocation of all, or any portion of a sState rRoad, as determined by the Department, any bus bench and appurtenances thereto, authorized by this Rule, shall be immediately removed from said sState rRoad rRight of wWay or shall be reset or relocated thereon as required by the Department, at the expense of the bench owner unless reimbursement is authorized by separate agreement. In the event the relocation of said benches is scheduled to be done simultaneously with the Department's construction work, the bench owner shall coordinate with the Department before proceeding. The bench owner shall cooperate with the Department's contractor to arrange the sequence of work so as not to delay the work of the Department's contractor and shall defend any legal claims of the Department's contractor due to delays caused by the bench owner's failure to comply with the approved schedule. The bench owner shall not be responsible for delays for reasons beyond the bench owner's reasonable control.~~

Specific Authority 334.044(2), 337.408(4) FS. Law Implemented 334.044(13), 335.024(1), 337.408 FS. History--New 12-26-90, Amended 8-11-92, 5-15-97, 7-16-98, _____.

14-20.0033 Competitive Public Bidding of Advertising.

Specific Authority 334.044(2) FS. Law Implemented 337.407, 337.408, 479.04 FS. History--New 12-26-90, Repealed _____.

14-20.004 Public Transit Bus Stops.

(1) The operator of a public transit bus system may designate a "Bus Stop" within the boundaries of the right of way of a sState road highway.

(2) The location of a transit bus stop site on a sState road highway right of way is dictated by the needs of the riding public and the route availability of the public transit system.

~~(3) The following restraints and controls are established to aid in identifying, mitigating and minimizing hazardous conditions at existing and proposed transit bus stop sites: The site selection and establishment of a transit bus stop shall provide the maximum safety to the users of the public transit system and vehicular and pedestrian traffic. If a transit bus stop is located at a site deemed to be unsafe by the Department, modification or removal shall be required by the Department and shall be at the expense of the transit bus system.~~

~~(4) With the exception of Sections 14-20.004(8) and (9)(a) the operator of a public transit bus system shall indicate or mark the bus stop in accordance with the Manual on Uniform Traffic Control Devices, incorporated by reference under Rule 14-15.010, F.A.C.~~

~~(5) The identification of existing unsafe conditions at transit bus stop sites shall be brought to the attention of the Department by the respective operator of a transit system so that the Department can take corrective action. Verbal notification shall be followed up in writing within 24 hours.~~

~~(5)(6) Transit bus stops are prohibited in medians.~~

~~(6) Signs shall not be installed where such signing interferes with the functions or visibility of existing traffic control devices.~~

~~(7) The support for attaching transit bus stop signs shall be placed in accordance with the Department's Roadway and Traffic Design Standard Index Number 17302 (incorporated herein by reference in Rule 14-85.004, F.A.C.).~~

~~(7)(8) Transit bus stop signs may be attached to an existing sign support provided that there is no more than one other supplementary sign already in place.:~~

~~(a) It can be located in accordance with height and lateral placement requirements of the Department's Roadway and Traffic Design Standard Index Number 17302, entitled "Typical Sections for One Column Sign Placement" (incorporated by reference in Rule 14-85.004, F.A.C.).~~

~~(b) There is no more than one other supplementary sign already in place.~~

~~(8) Transit bus stop signs shall be attached to supports meeting the location, height, and lateral placement requirements established in the Department's Design Standards, Index Number 17302, incorporated herein by reference. Copies of Index Number 17302 are available at:~~

~~(9) Inspections will be conducted by the Department to assist in the implementation and administration of this rule chapter www.dot.state.fl.us/rddesign/designstandards/standard_s.htm.~~

Specific Authority 334.044(2), ~~341.041(3)~~ FS. Law Implemented 334.044(13), 335.02(1), 337.408 FS. History--New 10-6-82, Formerly 14-20.04, Amended 12-26-90, 5-15-97, _____.

PART II GENERAL USE PERMITS

14-20.010 General Use Permit.

(1) Purpose. This rule is adopted to authorize use of and to control the right of way on the State Highway System, for purposes not addressed by other rules of the Department, a lease agreement of State owned property entered into pursuant to Section 337.25(5), F.S., or other agreements.

(2) Definitions. All terms in this rule shall have the same meaning as defined in Section 334.03, F.S. Additionally, the following terms are defined as:

(a) "Applicant" means the person or entity requesting a General Use Permit.

(b) "Department" means the Florida Department of Transportation.

(c) "General Use Permit" means a temporary use of the right of way of the State Highway System authorized by the Department and not prohibited by, nor authorized and regulated by other local, state, or federal laws, rules, or regulations. General use permits do not authorize possessory, exclusive, or permanent use of the right of way. General use permits shall not create contractual rights on behalf of an applicant or permittee. General use permits are revocable at any time by the Department.

(d) "Governmental Entity" means as defined in Section 11.45, F.S.

(e) "Modification" means relocation or alteration or cessation of a permitted general use.

(3) Prior to filing an application, all applicants can request a pre-application meeting to review the proposed general use with Department permits personnel. This review will be performed by the Department without a fee. The pre-application meeting is advisory only.

(4) General Criteria.

(a) A complete application shall consist of a General Use Permit Application, Form 850-040-05, Rev. 05/07, completed by the applicant, with original signatures, and any site plans, drawings, or other information required by this rule. Form 850-040-05, Rev. 05/07, is hereby incorporated by reference and made a part of this rule. The form is available from any local Area Operations Center/Maintenance Office, District Maintenance Office, Turnpike Office or Department website: www.dot.state.fl.us/proceduraldocuments. No use will be permitted which interferes with safety, operation, aesthetics, and maintenance of the State Highway System, utilities, or right of way.

(b) If the applicant desires to have a representative sign and submit the application, a notarized letter of authorization from the applicant designating the authorized representative shall be submitted with the application.

(c) If the applicant is an entity, the applicant shall furnish the name, title, address, telephone number, and other contact information if any, of the responsible officer or authorized agent.

(d) The application shall identify the location of the proposed activity, including the county, state road, section, and mile post numbers, and the location and type of existing utilities.

(e) The applicant shall provide a complete and detailed description of the proposed use and duration to be permitted.

(f) The applicant shall include all approvals and permits which are required by other governmental entities for the proposed use.

(g) An incomplete application will not be processed or considered for issuance of a general use permit. An application is incomplete until all completed forms and required information have been provided to the Department.

(5) Examples of situations where general use permits shall not be issued are the following:

- (a) Permanent construction in the right of way.
- (b) Traffic control devices or features.
- (c) Permanent signs.
- (d) Landscaping.
- (e) Utilities.
- (f) Parades or other events requiring temporary road closure.
- (g) Bus benches or shelters, modular news racks, or waste receptacles.
- (h) Connections to the State Highway System.
- (i) Overhanging encroachments.
- (j) Drainage connections.

(6) The issuance of a general use permit shall not restrict the Department's right to take immediate action authorized under Section 120.60(6), F.S.

Specific Authority 334.044(2), 337.405, 337.406 FS. Law Implemented 334.03, 334.044(13), (28), 334.187, 335.02(1), 337.405, 337.406 FS. History--New _____.

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-100.003	Variable Rate Tolls for Express Lanes
14-100.004	95 Express Toll Exemption Registration

PURPOSE AND EFFECT: The title of the rule chapter is being changed from "Toll Enforcement" to "Tolls" with the existing toll enforcement rules in "Part I Toll Enforcement" and new rules added under Part II "Variable Rate Tolls." The new rules establish standards for use of variable rate tolls for express lanes and a process for exemptions from tolls on the 95 Express Lanes Project.

SUBJECT AREA TO BE ADDRESSED: Two new rules on variable rate tolls are added and the rule chapter is restructured into two parts.

SPECIFIC AUTHORITY: 334.044(2), 316.0741 FS.

LAW IMPLEMENTED: 316.0741, 316.1001, 316.640(1), 334.044(16), 338.155(1), 338.165, 335.02(3), 338.231 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:

TOLLS ENFORCEMENT

PART I Toll Enforcement

14-100.003 Variable Rate Tolls for Express Lanes.

(1) Purpose. Express lanes are used to relieve congestion and provide reliable, predictable travel alternatives. By controlling points of access and collecting tolls, express lanes manage demand, thereby optimizing facility capacity, improving operating speeds, and encouraging carpooling and other ride-sharing alternatives to single occupant vehicles. Toll collection is performed electronically and is intended primarily to keep the express lanes moving freely. Because operating conditions on the express lanes and the adjacent general use lanes change continuously throughout the day, effective traffic management within the express lanes cannot be accomplished through a fixed toll schedule.

(2) Definition. Express lanes are a set of lanes physically separated from the general use lanes within a roadway corridor in which operational strategies, including congestion-priced tolls are implemented in response to changing conditions. These lanes may be operated as reversible flow or bi-directional facilities. Specified classes of vehicles may be restricted from using these lanes, and toll exceptions may be granted as a way of encouraging specific transportation choices.

(3) Toll Rate Criteria. Variable toll rates will be used on express lanes. Under this program, toll charges will be set based on one or more of the following:

- (a) Traffic levels (volumes) in the express lanes;
- (b) Operating speeds and level of service in the express lanes; and
- (c) Operating speeds and level of service in the adjacent general use lanes.

(4) Toll Rates. Toll rates in express lanes will be varied based on a time-of-day variable rate schedule, or dynamically, based on continual monitoring of traffic and the criteria set forth in subsection (3) above. In addition to the variable toll rate criteria, the following specific conditions apply:

(a) The toll rate will be set to allow free flow conditions in the express lanes under typical anticipated traffic demand conditions while maximizing overall throughput for the entire facility.

(b) If time-of-day variable rates are used, such rates shall be established for each period of the day, hourly or less, by day of the week, and by travel direction.

(c) The time-of-day variable rates will be periodically reviewed and adjusted as needed. During the operation of the express lanes, traffic volumes will be collected and historic trend data will be used to review the settings for the current toll rate table. If trend data indicate that the express lanes are underutilized, the time-of-day toll rates will be reduced; if the toll rates do not allow for free flow conditions, toll rates will be increased.

(d) When traffic demand in the express lanes does not allow free flow conditions, the initial toll rates will be increased to improve traffic flow conditions. Once the traffic demand in the express toll lanes returns to a free flow condition, the toll rate will be reduced.

(e) The minimum toll rate charged will be:

1. Based on a minimum per-mile rate of \$0.03; and
2. Calculated for each trip between any entry and exit point of the express lanes as the base per-mile fee times the distance traveled on the express lanes, rounded to the nearest \$0.05; and
3. Be at least \$0.25 per segment (between points of entry and exit) at any given time.

(f) Toll rates at any time may be higher than the minimum rates based on traffic and operating conditions.

(5) Toll Rate Display.

(a) To the extent feasible, toll rates will be displayed on variable electronic message signs in advance of each point of entry. Users of the express lanes will have a reasonable opportunity to view the current toll rate before deciding to enter the express lanes. Variable toll rate signs in advance of each point of entry will provide information for up to two possible points of exit from the express lanes. If there are more than two possible points of exit, the toll rates for the most distant exit point plus one additional exit point shall be displayed.

(b) To the extent feasible, the users of the express lanes will pay the toll rate displayed on the variable electronic message sign made available for their view prior to entering the express lane. However, due to the inherent nature of variable pricing, some variation in the actual toll rate to be paid can be expected from time to time because the actual toll rate will be the variable rate in effect at the precise time the vehicle passes under the toll collection gantry.

Specific Authority 334.044(2), 316.0741 FS. Law Implemented 316.0741, 316.1001, 316.640(1), 334.044(16), 335.02(3), 338.155(1), 338.165, 338.231 FS. History—New _____.

14-100.004 95 Express Toll Exemption Registration.

The provisions of this section apply to the express lanes on I-95 in Miami-Dade and Broward Counties.

(1) Purpose. To address congestion and to offer travel-choice options to motorists in South Florida, the 95 Express project implements a combination of tolling, technology, travel demand management and transit elements into a single project along the Interstate 95 corridor from just south SR 112/I-195 in Miami-Dade County to just north of I-595 in Broward County. Tolls will be collected electronically. Toll exemptions are allowed for certain vehicle types as specified in this section. Both the tolls and toll exemptions are intended to provide incentives for increased vehicle occupancy, shift in travel demand, and overall congestion relief.

(2) Exemptions. Tolls shall be collected from all vehicles using the express lanes, unless a valid exemption applies. The following qualify for an exemption from payment of tolls on 95 Express:

(a) Carpools with three or more occupants, registered in the manner described in subsection (5) below;

(b) South Florida Vanpools, registered in the manner described in subsection (5) below;

(c) Inherently Low Emission Vehicles (ILEV) or Hybrid vehicles with valid Department of Motor Vehicles decals, registered in the manner described in subsection (5) below;

(d) School buses used by the Miami-Dade County Public School and the Broward County Public School systems, registered in the manner described in subsection (6) below;

(e) Buses used by the Miami-Dade Transit Agency and Broward County Transit Agency, registered in the manner described in subsection (6) below;

(f) Over-the-Road Buses, defined as vehicles operated by a for-hire company registered on the US Federal Motor Carrier Safety Administration (USFMCSA) registration system, characterized by an elevated passenger deck located over a baggage compartment and at least 35 feet in length with a capacity of 30 or more passengers, registered in the manner described in subsection (6) below; and

(g) Motorcycles.

(3) Registered South Florida Vanpools and registered carpools shall only be granted free passage if the vehicle has the minimum number of occupants specified in subsection (5) below; otherwise such user shall be required to pay the applicable tolls.

(4) South Florida Commuter Services (SFCS) along with SunPass are partnering to administer the fulfillment and registration process pertaining to the 95 Express Project. SFCS is the regional commuter assistance program funded by the Florida Department of Transportation. SunPass is the Florida Department of Transportation's Prepaid Toll Program. This rule sets forth the process to register for exemption from payment of tolls on the 95 Express project.

(5) Decals will be provided for the following vehicles eligible for an exemption from payment of tolls for use of the express lanes: registered 3+ passenger carpools, registered ILEV and hybrid vehicles and registered South Florida Vanpools. 3+ passenger carpools means at least three commuters traveling to and from work in one vehicle and properly registered by SFCS as a 3+ passenger carpool. An ILEV or a hybrid vehicle means a vehicle as defined in Section 316.0741, F.S. A South Florida Vanpool means a van meeting the registration requirements of the South Florida Vanpool Program. The South Florida Vanpool program is managed by the Miami-Dade County Metropolitan Organization with coordination from Broward County Metropolitan Planning Organization, and the Palm Beach Metropolitan County Planning Organization.

(a) 3+ Passenger Carpools:

1. All eligible 3+ passenger carpools must register with SFCS.
2. Registration will allow users to receive a "95 Express" decal that will allow them to use the express lanes without incurring tolls.
3. SFCS will provide the "95 Express" registration form. The registration form requests: name, home address, work address, employer, home/work phone numbers, work schedule, driver license number, and state of vehicle registration.
4. 3+ Passenger Carpool eligibility will be based on matching all of the following criteria:

<u>Criteria</u>	<u>Configuration</u>	<u>Comments</u>
<u>Home Distance</u>	<u>3 mile radius</u>	<u>System will seek similar participants that live within a three-mile radius. If participant's commute distance is less than three miles, search radius will be 2 of distance</u>
<u>Work Distance</u>	<u>1 mile radius</u>	<u>Matched participants must work within a one-mile radius to have a positive match</u>
<u>Start Time/End Time</u>	<u>30 minutes</u>	<u>Participants must have a start/end work time within this timeframe to have a positive match</u>

The only exception that will be allowed to the above criteria will be for carpools whose participants meet at a specified location, parking lot, park-n-ride lot, or transit/multi-modal facility that is located between the origin and destination of all participants within the carpool.

5. If a driver of a vehicle with a registered 3+ passenger carpool decal receives two or more citations for failure to pay a required 95 Express toll under Section 316.1001, F.S., which

results in a withhold of adjudication or an adjudication of guilt, when operating a vehicle with less than three passengers, the 3+ passenger decal will be revoked. Further, the driver, and the owner of the 3+ passenger carpool decal (if different), will not be eligible to apply for a 3+ passenger carpool decal for a period of one year from the revocation of the decal.

(b) ILEV and Hybrid Vehicles:

1. ILEV and hybrid vehicle owners in Miami-Dade and Broward counties with valid Florida DHSMV decals are eligible to register for toll exemption on 95 Express. Eligible ILEV and hybrid vehicle owners who complete registration with SFCS will receive a decal for toll-free use of the 95 Express lanes.

2. ILEV and hybrid vehicle owners will be required to renew 95 Express registration annually based upon the anniversary date of the initial request.

(c) Registered South Florida Vanpools:

1. One decal will be sent to the primary driver of the vanpool.
2. One decal will be provided per van.
3. The 95 Express lanes are only to be used by South Florida Vanpools for commuting purposes only.
4. The "95 Express" decal will remain active as long as the South Florida Vanpool continues to be part of the South Florida Vanpool program.

(6) Miami-Dade County Public School, Broward County Public School, Miami-Dade Transit Agency, and Broward County Transit Agency buses are eligible to use the 95 Express and are exempt from paying tolls on 95 Express if their license plates have been registered with SFCS. The respective agencies shall provide and maintain current a license plate list of buses and school buses that may utilize the 95 Express and SFCS. Over-the Road-Buses (OTRB) registered with USFMCSA are eligible to be exempt from paying tolls on 95 Express. OTRB owners or operators shall provide a copy of valid USFMCSA registration to SFCS in order to register to utilize the 95 Express. ORTB owner information, name, address, and license plate information shall be provided to SFCS and shall be updated annually by OTRB vehicle owners or operator.

Specific Authority 334.044(2), 316.0741 F.S. Law Implemented 316.0741, 316.1001, 316.640(1), 334.044(16), 335.02(3), 338.155(1), 338.165(7), 338.231 F.S. History—New _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE NOS.:	RULE TITLES:
27M-3.001	Definition and Forms
27M-3.002	Competitive Application Process
27M-3.003	Certification Decision and Allocation Policy

PURPOSE AND EFFECT: This rule implements the Black Business Loan Program established in the Office of Tourism, Trade, and Economic Development by Section 288.7102, F.S.

SUBJECT AREA TO BE ADDRESSED: This rule establishes

(1) an open and competitive application and annual certification process for eligible recipients who seek funds to provide loans, loan guarantees, or investments in black business enterprises and (2) the process governing the management and requirements of the contracts under which the funds appropriated are disbursed.

SPECIFIC AUTHORITY: 288.7102(6)(1) FS.

LAW IMPLEMENTED: 288.7094(2), 288.7102 FS.

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

DATE AND TIME: February 11, 2008, 10:00 a.m. – 12:00 p.m. (noon)

PLACE: Room 2103, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399-0001

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michelle Ramsey, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399-0001, (850)487-2568

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27M-3.001 Definitions and Forms.

As used in this Rule Chapter 27M-3, the following capitalized terms have the meanings indicated. All referenced forms are available on the internet at http://www.flgov.com/ottd_home or may be obtained from the Office.

(1) “Act” means the Florida Black Business Investment Act, Sections 288.7065 to 288.714, F.S.

(2) “Agreement” means the standard “Black Business Loan Program Recipient Agreement” form OTTED 7102-5 (3/08), which is hereby incorporated by reference.

(3) “Applicant” means a corporation that seeks certification under Section 288.7102, F.S., as a Recipient of funds to provide loans, loan guarantees, or investments in black business enterprises pursuant to the Act.

(4) “Application” means the standard “Application for Certification as Eligible Recipient of Funds under the Black Business Loan Program” form OTTED 7102-1 (3/08), which is hereby incorporated by reference.

(5) “Application Period” means the annual period during which Applicants may submit Applications, which shall be July 1 through July 31 (or the next business day) of each year in which there is a legislative appropriation to fund the Program; provided, however, that during calendar year 2008 there shall be an additional application period pertaining to certification for fiscal year 2007-2008, which shall begin the day after the effective date of this rule and run for ten (10) days thereafter, and with respect to which the Board shall review all submitted Applications and deliver its recommendations to the Office within ten (10) days after the close of the Application Period.

(6) “Board” means the Florida Black Business Investment Board, Inc., created by Section 288.707, F.S., whose address is 2019 Centre Pointe Boulevard, Suite 101, Tallahassee, Florida 32308.

(7) “Certification Decision Form” means the standard “Black Business Loan Program Certification Decision” form OTTED 7102-4 (3/08), which is hereby incorporated by reference.

(8) “Eligible” means that an Applicant has demonstrated satisfaction of each of the requirements specified in Section 288.7102(3), F.S.

(9) “Evaluation and Recommendation Form” means the standard “Black Business Loan Program Evaluation and Recommendation” form OTTED 7102-2 (3/08), which is hereby incorporated by reference.

(10) “Office” means the Office of Tourism, Trade and Economic Development, whose address is Suite 1902, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399.

(11) “Program” means the Black Business Loan Program established by Section 288.7102, F.S.

(12) “Recipient” means an Applicant that, after a competitive certification process, the Office certifies to receive Program funds and that enters into an Agreement with the Office.

(13) “Summary Ranking and Recommendation Form” means standard “Black Business Loan Program Summary Ranking” form OTTED 7102-3 (3/08), which is hereby incorporated by reference.

Specific Authority 288.7102(6)(a) FS. Law Implemented 288.7094(2), 288.7102 FS. History—New _____.

27M-3.002 Competitive Application Process.

(1) An Applicant shall submit the original and three copies of its completed Application to the Board during the Application Period.

(2) The Board shall date and time stamp all Applications upon receipt, and thereafter take reasonable steps to preserve the integrity of the Application and any revisions.

(3) Upon the close of the Application Period, the Board shall have five (5) business days to review each Application for completeness and to notify any Applicant in writing if the

Board determines that its Application is incomplete. The Board's notice shall specify the reasons for its determination, and the Applicant shall have ten (10) business days after receipt of such notice to submit a revised Application to the Board. If the Applicant fails to submit a revised Application within the required time, the Board shall notify the Applicant in writing that it is removed from further consideration and send a copy of the notice to the Office.

(4) The Board shall evaluate each complete Application and document its evaluation using the Evaluation and Recommendation Form. To conduct the evaluation, the Board shall assign a person or persons who individually or collectively have experience in the following areas: financing small or minority business; economic development; community development; and business management. No officer, director, employee, or agent of any Applicant shall participate in the evaluation process.

(5) Within thirty (30) days after the close of the Application Period, the Board shall deliver to the Office the completed Summary Ranking and Recommendation Form along with (a) the original and one copy of each Application and its related Evaluation and Recommendation Form and (b) the names and organizational affiliations of all persons who participated in the evaluation process.

Specific Authority 288.7102(6)(a) FS. Law Implemented 288.7094(2), 288.7102 FS. History--New _____.

27M-3.003 Certification Decision and Allocation Policy.

(1) Within ten (10) business days after receiving the Summary Ranking and Recommendation Form and supporting materials, the Office shall decide which Applicants to certify as Recipients. The Office shall consider the following factors: the Board's competitive rankings and recommendations, which shall not be binding; the amount of funds requested in each Application; the amount of documented match raised; an Applicant's past performance; and the equitable disbursement of services provided under the Act in accordance with the allocation policy outlined in subsection 27M-3.003(3), F.A.C. The Office shall document its certification decision(s) using the Certification Decision Form.

(2) The Office shall transmit its completed Certification Decision Form to the Board, and explain any differences with the Board's recommendations. The Office shall also issue a letter to each Applicant certified as a Recipient of program funds. Receipt of Program funds shall be conditioned upon their appropriation and availability, and upon the Recipient's execution of the Agreement. The Office shall notify in writing each Applicant whose Application is denied. The Office's certification decisions shall be subject to review under Chapter 120 of the Florida Statutes.

(3) To ensure that services provided under the Act are disbursed equitably throughout the state, in deciding which Applicants to certify as Recipients the Office shall consider the

distribution of Florida's black population among Applicants' proposed service areas, as reported at www.fedstats.gov. The Office shall document application of this allocation policy on the Certification Decision Form, along with its application of the competitive factors the Office considers.

Specific Authority 288.7102(6)(a) FS. Law Implemented 288.7094(2), 288.7102 FS. History--New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.: RULE TITLE:

60S-9.001 Approved Forms

PURPOSE AND EFFECT: The purpose of this rule development is to propose the adoption of three (3) new Division forms, four (4) revised Division forms, update the revision dates of five (5) State Board of Administration forms incorporated by reference, and to incorporate by reference six (6) State Board of Administration Forms.

SUBJECT AREA TO BE ADDRESSED: Forms.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.051(1)(a), 121.35 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: February 15, 2008, 9:00 a.m. (Eastern)

PLACE: Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Room 208, Tallahassee, FL 32399-1560

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Clifford at (850)488-5706, or Toll Free (877)377-1737. If you are hearing or speech impaired, please contact the agency by calling (800)877-1113. If you are 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: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee FL 32399-1560, (850)488-5706

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60S-9.001 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the public, which are hereby incorporated by reference into these rules. A copy of these

forms may be obtained from the Division's website (<http://frs.myflorida.com>) or by writing to the Division of Retirement, P. O. Box 9000, Tallahassee, Florida 32315-9000. You may also call the Division to request a copy of these forms

by calling (850)488-5706. If calling from outside the Tallahassee calling area, you may call the Division toll-free at (877)377-1737.

(1)(a) Bureau of Enrollment and Contributions.

FORM NO./ REVISION DATE	TITLE/DESCRIPTION
1. – 10	No change.
<u>11. FR-SUSORP (08/07)</u>	<u>Florida Retirement System Verification of State University Optional Retirement System Service (SUSORP) Service Dates – a one-page form</u>

(b) State Board of Administration – Enrollment and Election forms.

FORM NO./ REVISION DATE	TITLE/DESCRIPTION
1. OCC-1 (Rev. 7/07 07/06)	Community College Optional Retirement Program (CCORP) <u>Enrollment Form Retirement Plan Choice Form for Eligible Employees.</u>
2. OCC-2 (Rev. 7/07 07/06)	Retirement Plan Conversion Form for Community College Optional Retirement Program (CCORP) <u>Retirement Plan Conversion Form. Members.</u>
3. SMS-1 (Rev. 7/07 07/06)	State Senior Management Service Employees Retirement Plan Enrollment Form.
4. SMS-3 (Rev. 7/07 07/06)	Local Senior Management Service Employees Retirement Plan Enrollment Form.
5. EOC-1 (Rev. 7/07 07/06)	Elected Officers' Class Employees Retirement Plan Enrollment Form.
<u>6. ELE-1 (Rev. 7/07)</u>	<u>GENERAL Retirement Plan Enrollment Form for Regular, Special Risk, and Special Risk Administrative Support Class Employees.</u>
<u>7. ELE-1-EZ (Rev. 7/07)</u>	<u>EZ Retirement Plan Enrollment Form for Regular, Special Risk, and Special Risk Administrative Support Class Employees.</u>
<u>8. ELE-2 (Rev. 7/07)</u>	<u>2nd Election Retirement Plan Enrollment Form.</u>
<u>9. ELE-2-EZ (Rev. 7/07)</u>	<u>2nd Election EZ Retirement Plan Enrollment Form.</u>
<u>10. ORP-16 (Rev. 7/07)</u>	<u>State University System Optional Retirement Program (SUSORP) Retirement Plan Enrollment Form.</u>
<u>11. SMS-4 (11/05)</u>	<u>Retirement Plan CONVERSION Form for Local Employer Senior Management Service Class (SMSC) Members.</u>

(2) Bureau of Retirement Calculations.

FORM NO./ REVISION DATE	TITLE/DESCRIPTION
(a) – (b) No change.	
(c) SR-11 (<u>Rev. 9/07</u>) (Rev. 5/87)	State and County Officers' and Employees' Retirement System Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form.
(d) TR-11 (<u>Rev. 9/07</u>) (Rev. 7/99)	Teachers' Retirement System Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form.
(e) – (u) No change.	
(v) DP-EXT (<u>Rev. 7/07</u>) (5/05)	Florida Retirement System Pension Plan Extension of Deferred Retirement Option Program (DROP) for Specified K-12 Instructional Personnel – a one-page form.
(w) PRO-1 (<u>Rev. 10/07</u>) (Rev. 7/06)	Florida Retirement System Pension Plan (401(a) Plan) Pretax Direct Rollover/ Transfer Form – a one-page form.

(x) – (z) No change.

(3) Bureau of Benefit Payments.

FORM NO./ REVISION DATE	TITLE/DESCRIPTION
(a) – (ss) No change.	
<u>(tt) DP-TEOC-2</u>	<u>Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officer DROP Termination Notification – a one page form.</u>

(uu) DP-TEOC-3

Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officer Employment Termination Notification – a one page form.

(4) Administration.

FORM NO./ REVISION DATE TITLE
(a) No change.

Specific Authority 121.031 FS. Law Implemented 1.01, 112.215, 112.361, 112.363, 120.55, 121.011, 121.015, 122.021, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.115, 121.1122, 121.121, 121.125, 121.4501, 121.591, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07, 689.21, 1012.01 FS. History–New 9-9-82, Amended 2-6-84, 11-6-84, 4-17-85, Formerly 22B-9.01, Amended 6-4-86, 12-5-90, Formerly 22B-9.001, Amended 1-4-93, 1-18-94, 4-26-94, 1-10-95, 11-2-95, 12-28-95, 3-12-96, 12-16-97, 10-14-98, 4-26-99, 1-24-00, 12-19-00, 2-6-01, 3-18-02, 10-23-05, 9-18-07,_____.

contact the agency by calling (800)877-1113. If you are 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: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60U-1.006 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the public in administering the State University System Optional Retirement Program, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained through the Board of Governors and State University System Personnel Offices or by writing to the Division of Retirement, P. O. Box 9000, Tallahassee, FL 32315-9000. These forms may also be printed or downloaded from the Division’s website (<http://frs.myflorida.com>) or from the cooperative website of the Division and the State Board of Administration (www.myfrs.com). A copy of these forms may also be obtained by calling the Division at (850)488-5706. If calling from outside the Tallahassee calling area you may call the Division toll-free at (877)377-1737.

(1)(a) Division Forms.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement – Optional Retirement Program

RULE NO.: 60U-1.006 RULE TITLE: Approved Forms

PURPOSE AND EFFECT: The purpose of this rule development is to propose the adoption of 1 revised Division form and the incorporation by reference of one (1) revised State Board of Administration form.

SUBJECT AREA TO BE ADDRESSED: Forms.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.051(1)(a), 121.35 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: February 15, 2008, 9:00 a.m. (Eastern)

PLACE: Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Room 208, Tallahassee, FL 32399-1560

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Richard Clifford at (850)488-5706, or Toll Free (877)377-1737. If you are hearing or speech impaired, please

FORM NO./REVISION DATE
1. ORP-16A (Rev 12/02)

2. ORP-ETF ~~EFF~~ (Rev. 07/07) (~~11/05~~)

TITLE
Florida Retirement System State University Optional Retirement Program (SUSORP) Change Form- a one-page form
Florida Retirement System State University System Optional Retirement Program (SUSORP) Employee Termination Form Supplemental Statement for Distributions – a one page form

(b) State Board of Administration Forms.

1. ORP-16 (Rev. 07/07) (~~Rev. 07/06~~)

State University System Optional Retirement Program (SUSORP) ReORP Eligible Employees Retirement Plan Enrollment Form – a four-page form.

Specific Authority 121.031 FS. Law Implemented 121.051(1)(a), 121.35 FS. History—New 2-28-84, Amended 9-5-84, Formerly 22U-1.06, Amended 12-5-90, Formerly 22U-1.006, Amended 1-4-93, 10-20-93, 1-10-95, 5-14-95, 9-18-96, 10-14-98, 1-24-00, 12-19-00, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Senior Management Service Optional Annuity Program

RULE NO.: 60V-1.007
 RULE TITLE: Approved Forms
 PURPOSE AND EFFECT: The purpose of this rule development is to propose the adoption of one (1) revised Division form and the incorporation by reference of one (1) revised State Board of Administration form.

SUBJECT AREA TO BE ADDRESSED: Forms.
 SPECIFIC AUTHORITY: 121.031 FS.
 LAW IMPLEMENTED: 121.051(1)(a), 121.35 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: February 15, 2008, 9:00 a.m., (Eastern)
 PLACE: Division of Retirement, 1317 Winewood Blvd., Bldg 8, Room 208, Tallahassee, FL 32399-1560

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Richard Clifford at (850)488-5706, or Toll Free (877)377-1737. If you are hearing or speech impaired, please contact the agency by calling (800)877-1113. If you are

FORM NO./ REVISION DATE
 1. OAP-ETF ~~ET~~ (Rev. 07/07)(11/05)

(b) State Board of Administration Forms

FORM NO./REVISION DATE
 1. SMS-1 (Rev. 07/07) (~~Rev. 07/06~~)
 2. Form SMS-4 (11/05)

Specific Authority 121.031 FS. Law Implemented 121.055 FS. History—New 1-4-93, Amended 1-10-95, 5-14-95, 9-18-96, 10-14-98, 1-24-00, 12-19-00, 9-18-07, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NOS.: 61C-1.001, 61C-1.004
 RULE TITLES: Definitions, General Sanitation and Safety Requirements

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: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60V-1.007 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the participants in the Senior Management Service Optional Annuity Program, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained by calling the Division at (850)488-5706. If calling from outside the Tallahassee calling area, you may call the Division toll-free at (877)377-1737 or by writing to the Division of Retirement at, P. O. Box 9000, Tallahassee, FL 32315-9000. These forms may also be printed or downloaded from the Division's website (<http://frs.myflorida.com>) or from the cooperative website of the Division and the State Board of Administration (www.myfrs.com).

(1)(a) Division Forms.

TITLE/DESCRIPTION
 Florida Retirement System State Senior Management Service Optional Annuity Program (SMOAP) Employee Termination Form – Class (SMSC) Supplemental Statement for Distributions – a one-page form

TITLE
 State Senior Management Service Employees Retirement Plan Enrollment Form
 Retirement Plan Conversion Form for Local Employer Senior Management Service Class (SMSC) Members

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to simplify adoption of the Food Code by adopting all applicable parts of the 2001 Food Code under the definition. The proposed rule development also removes adoption of specific chapters throughout the rule and references the Food Code as adopted in the definition.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses adoption of the 2001 Food Code.

SPECIFIC AUTHORITY: 509.032 FS.
 LAW IMPLEMENTED: 509.032, 509.215, 509.221 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, FL 32303-1012, telephone: (850)488-1133

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-3.001 RULE TITLE: Sanitation and Safety Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to remove adoption of specific chapters throughout the rule and reference the Food Code as adopted in the definition found in Rule 61C-1.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses adoption of the 2001 Food Code.

SPECIFIC AUTHORITY: 509.032 FS.

LAW IMPLEMENTED: 509.032, 509.211, 509.2112, 509.221 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, FL 32303-1012, telephone: (850)488-1133

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NOS.:	RULE TITLES:
61C-4.010	Sanitation and Safety Requirements
61C-4.0161	Mobile Food Dispensing Vehicles and Theme Park Food Carts
61C-4.023	Food Protection Manager Certification and Public Food Service Employee Training

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to remove adoption of specific chapters throughout the rule and reference the Food Code as adopted in the definition found in Rule 61C-1.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses adoption of the 2001 Food Code.

SPECIFIC AUTHORITY: 509.032, 509.039, 509.049 FS.

LAW IMPLEMENTED: 509.032, 509.035, 509.039, 509.049, 509.221 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, FL 32303-1012, telephone: (850)488-1133

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.415 RULE TITLE: Lower St. Johns River Basin TMDLs

PURPOSE AND EFFECT: The Department is initiating rulemaking to revise the nutrient Total Maximum Daily Loads (TMDLs) for the Lower St. Johns River.

SUBJECT AREA TO BE ADDRESSED: The nutrient TMDLs for the marine and fresh water portions of the LSJR are being revised to implement the Site-Specific Alternative Criteria for Dissolved Oxygen that was adopted for the marine portion of

the river and to address changes to the allocation that were made during development of the Basin Management Action Plan (BMAP) for the TMDL.

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.062, 403.067 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 3:00 p.m.

PLACE: Florida Department of Environmental Protection, Northeast District Office, Conference Rooms A & B, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Daryll Joyner, who may be contacted at (850)245-8431, or via e-mail at daryll.joyner@dep.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-1.705	Family-Related Medicaid General Eligibility Criteria
65A-1.711	SSI-Related Medicaid Non-Financial Eligibility Criteria

PURPOSE AND EFFECT: The proposed amendments to the rules clarify residency policy to provide Medicaid for citizen children born to noncitizen parents. Technical and non-substantive changes in the rule are included.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments clarify residency requirements for Medicaid.

SPECIFIC AUTHORITY: 409.918, 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.818, 409.906, 409.919 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: February 18, 2008, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-4.208	Need

PURPOSE AND EFFECT: The proposed amendments to the rule clarify residency policy to provide Temporary Cash Assistance (TCA) for citizen children born to noncitizen parents. Technical and non-substantive changes in the rule are included.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments clarify residency requirements for TCA.

SPECIFIC AUTHORITY: 414.095(18), 414.45 FS.

LAW IMPLEMENTED: 414.095(2)(a), (b), (5), (15) 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: February 18, 2008, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, telephone (850)410-3479

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.:	RULE TITLE:
5C-20.002	Declaration; Requirement to Report

PURPOSE AND EFFECT: The purpose and effect of the rule change is to include Equine Herpes Virus (Neurological Disease) to the list of diseases reportable to the State Veterinarian in order to prevent, control and eradicate certain infectious or communicable diseases of livestock and other

domestic animals, ensuring the health, safety and welfare of the public, livestock and food production animals from illness and subsequent economic disaster.

SUMMARY: This rule modifies the list of diseases reportable to the State Veterinarian.

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: 585.002(3), 585.15 FS.

LAW IMPLEMENTED: 585.15 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: Dr. Thomas J. Holt, State Veterinarian, Director, Division Of Animal Industry, Room 330, 407 South Calhoun Street, Tallahassee, FL 32399-0800, (850)410-0900, Fax: (850)410-0915

THE FULL TEXT OF THE PROPOSED RULE IS:

5C-20.002 Declaration; Requirement to Report.

Each of the following pests or diseases is declared to be a dangerous, transmissible pest or disease of animals and to constitute an animal and/or public health risk. Any person who has knowledge of, or suspects, the existence of any of the following diseases or pests in the state shall immediately report suspicions or findings to the State Veterinarian (during office hours: (850)410-0900; fax: (850)410-0915; after hours: (800)342-5869; email: rad@doacs.state.fl.us).

- (1) African Horse Sickness.
- (2) African Swine Fever.
- (3) Anthrax.
- (4) Avian Influenza.
- (5) Bont Tick infestation (Amblyomma).
- (6) Bovine Piroplasmiasis (Cattle Tick Fever).
- (7) Bovine Spongiform Encephalopathy.
- (8) Brucellosis (B. abortus, B. suis).
- (9) Southern Cattle Tick Infestation (Boophilus).
- (10) Chlamydiosis (Psittacosis, Ornithosis).
- (11) Classical Swine Fever.
- (12) Chronic Wasting Disease.
- (13) Contagious Bovine or Caprine Pleuropneumonia.
- (14) Contagious Equine Metritis.
- (15) Dourine.
- (16) Equine Encephalitis (Eastern, Western, Venezuelan, or West Nile Virus).

- (17) Equine Herpes Virus (Neurological Disease) ~~Equine Infectious Anemia.~~
- (18) Equine Infectious Anemia. ~~Equine Piroplasmiasis (Horse Tick Fever).~~
- (19) Equine Piroplasmiasis (Horse Tick Fever) ~~Equine Viral Arteritis.~~
- (20) Equine Viral Arteritis ~~Exotic Newcastle Disease.~~
- (21) Exotic Newcastle Disease ~~Foot and Mouth Disease.~~
- (22) Foot and Mouth Disease ~~Glanders.~~
- (23) Glanders ~~Heartwater.~~
- (24) Heartwater ~~Infectious Bronchitis.~~
- (25) Infectious Bronchitis ~~Infectious Laryngotracheitis.~~
- (26) Infectious Laryngotracheitis ~~Lumpy Skin Disease.~~
- (27) Lumpy Skin Disease ~~Mycoplasmosis (poultry).~~
- (28) Mycoplasmosis (poultry) ~~Peste des Petits Ruminants.~~
- (29) Peste des Petits Ruminants ~~Pseudorabies (Aujeszky's Disease).~~
- (30) Pseudorabies (Aujeszky's Disease) ~~Pullorum Disease.~~
- (31) Pullorum Disease ~~Rabies.~~
- (32) Rabies ~~Rift Valley Fever.~~
- (33) Rift Valley Fever ~~Rinderpest.~~
- (34) Rinderpest ~~Salmonella Enteritidis.~~
- (35) Salmonella Enteritidis ~~Scabies (sheep or cattle).~~
- (36) Scabies (sheep or cattle) ~~Scrapie (sheep or goats).~~
- (37) Scrapie (sheep or goats) ~~Screwworm Infestation.~~
- (38) Screwworm Infestation ~~Sheep and Goat Pox.~~
- (39) Sheep and Goat Pox ~~Strangles (Equine).~~
- (40) Strangles (Equine) ~~Spring Viremia of Carp.~~
- (41) Spring Viremia of Carp ~~Swine Vesicular Disease.~~
- (42) Swine Vesicular Disease ~~Tropical Horse Tick Infestation (Demacantor nitens).~~
- (43) Tropical Horse Tick Infestation (Demacantor nitens) ~~Tuberculosis.~~
- (44) Tuberculosis ~~Vesicular Exanthema.~~
- (45) Vesicular Exanthema ~~Vesicular Stomatitis.~~
- (46) Vesicular Stomatitis.

Specific Authority 585.002(4), 585.15 FS. Law Implemented 585.14, 585.145(1), 585.15 FS. History—New 10-15-84, Formerly 5C-20.02, Amended 6-1-92, 5-15-95, 9-19-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Thomas J. Holt, State Veterinarian, Director, Division of Animal Industry, Room 330, 407 South Calhoun Street, Tallahassee, FL 32399-0800, (850)410-0900; Fax: (850)410-0915

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Thomas J. Holt, State Veterinarian, Director, Division of Animal Industry, Room 330, 407 South Calhoun Street, Tallahassee, FL 32399-0800, (850)410-0900; Fax: (850)410-0915

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-14.149 RULE TITLE: Enforcement and Penalties
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to repeal a section of the subsection 5E-14.149(10), F.A.C., that provides for a mechanism of payment of investigative costs for certain violations.

SUMMARY: The section is being repealed because it is duplicative. Investigative costs are already a factor in the calculation of a monetary fine as provided in subsection 5E-14.149(15), F.A.C.

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

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

SPECIFIC AUTHORITY: 482.051, 482.161 FS.

LAW IMPLEMENTED: 482.051, 482.161 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: Mr. Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Tallahassee, Florida 32399, (850)488-3731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.149 Enforcement and Penalties.

(1) through (9) No change.

~~(10) Investigative Costs. The Department will charge for investigative costs when investigations that document major violations require more than one inspection, more than one inspector, or the use of Department staff outside of the Division of Agricultural Environmental Services. Investigative costs are comprised of the following: Inspectors time, Bureau personnel time, travel expenses, and other incidental expenditures related to the case.~~

(11) through (15) renumbered (10) through (14) No change.

Specific Authority 482.051, 570.07(23) FS. Law Implemented 482.161, 482.163 FS. History—New 7-13-06, Amended 7-11-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Steve Dwinell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Terry Rhodes

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2007

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE NOS.: 5H-26.001 RULE TITLES: Purpose
 5H-26.002 Definitions
 5H-26.003 General Requirements Relating to the Sale or Purchase of Horses
 5H-26.004 Bill of Sale

PURPOSE AND EFFECT: The purpose and effect of these proposed rules is to prevent unfair or deceptive trade practices relating to the sale and purchase of horses in Florida.

SUMMARY: Section 1 of Section 535.16, Florida Statutes, requires rule adoption to prevent unfair or deceptive trade practices relating to the sale of horses. The proposed Rule was developed with the input of a variety of groups, and although there was an expressed interest in including those issues such as drug testing for use of steroids or other drugs; licensing of agents; enforcement of Rule, and penalties for violations. We did not include them in the Rule proposal as we believe they are beyond the scope of the legislation. The Legislature would need to appropriate funding for drug testing, chain of command of tests, costs of tests, staff and a laboratory to provide results of tests. Challenges to tests would also be expensive and time consuming and would require additional legal staff. We did provide a definition of horse, eliminate dual agents unless both the owner and buyer are made aware of the arrangement; require a bill of sale and provide a means to obtain medical information. We determined that ownership would not be required since it would not create a deceptive or unfair trade practices.

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: 535.16 FS.

LAW IMPLEMENTED: 535.16 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Flack. If you are 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: Kerry Flack, Assistant Division Director of Marketing and Development, 407 South Calhoun Street, M9, Tallahassee, FL 32399-0800

THE FULL TEXT OF THE PROPOSED RULES IS:

5H-26.001 Purpose.

The purpose of this rule chapter is to address unfair and deceptive trade practices surrounding the sale and purchase of horses in Florida. This rule enhances consumer protection by implementation of minimum requirements relating to the sale and purchase of horses in Florida.

Specific Authority 535.16 FS. Law Implemented 535.16 FS. History—New _____.

5H-26.002 Definitions.

As used in this rule, the following definitions shall apply:

(1) “Dual Agent” means a person who knowingly agrees with the Owner and the Purchaser of a horse, either individually or jointly, to act in a fiduciary capacity on behalf of both the Owner and the Purchaser in exchange for the promise of compensation. Auction companies or persons licensed to conduct public sales of thoroughbred horses under Chapter 535, F.S., shall not be deemed to be dual agents under this rule.

(2) “Horse” means an equine as defined in Section 773.01(2), F.S.

Specific Authority 535.16 FS. Law Implemented 535.16 FS. History—New _____.

5H-26.003 General Requirements Relating to the Sale or Purchase of Horses.

(1) Any sale or purchase of a horse or any interest therein in Florida shall be accompanied by a written bill of sale described in Rule 5H-26.004, F.A.C., except as provided in subsection (8).

(2) A person shall not act as a dual agent in a transaction involving the sale or purchase of an interest in a horse without:

(a) The prior knowledge of both the Purchaser and the Owner; and

(b) Written consent of both the Purchaser and the Owner.

(3) No person acting as an agent for a Purchaser or an Owner, or acting as a dual agent, in a transaction involving the sale or purchase of a horse or any interest therein, may receive consideration, compensation, fees, a gratuity, or any other item

of value in excess of five hundred dollars (\$500), related directly or indirectly to such transaction, from an individual or entity, including any consignor involved in the transaction, other than the agent’s principal, unless:

(a) The agent receiving, and the person or entity making, the payment disclose in writing the payment to both the Purchaser and Owner; and

(b) Each principal for whom the agent is acting consents in writing to the pay.

(4) Any person acting as an agent for a Purchaser or an Owner or acting as a dual agent in a transaction involving the sale or purchase of a horse or any interest therein shall, upon request by his or her principal or principals, furnish copies of all financial records and financial documents in the possession or control of the agent pertaining to the transaction to the principal or principals. For purposes of this section, financial records shall not include the agent’s or Owner’s work product used to internally evaluate the horse.

(5) A violation of any provision of Chapter 5H-26, F.A.C., resulting in actual damages to a person, shall be considered an unfair and deceptive trade practice pursuant to Chapter 501, Part II, F.S.

(6) Except as provided in subsection (4), nothing in this rule chapter shall require disclosure of compensation arrangements between a principal and an agent where no dual agency exists, where the agent is acting solely for the benefit of his or her principal, and where the agent is being compensated solely by his or her principal. Further, for any sale or purchase of a horse or any interest therein in Florida through a public auction or a public sale of thoroughbred horses licensed under Chapter 535, F.S., nothing in this rule chapter shall require disclosure of the reserves, the identity of the Owner or Purchaser, or the auctioneer’s commissions.

(7) No contract or agreement for payment of a commission, fee, gratuity, or any other form of compensation to a dual agent in connection with any sale or purchase of a horse or any interest therein shall be enforceable by way of an action or defense unless the contract or agreement is in writing and is signed by the party against whom enforcement is sought.

(8) For any sale or purchase of a horse or any interest therein in Florida through either a public auction or a public sale of thoroughbred horses licensed under Chapter 535, F.S., any bill of sale requirement contained in Chapter 5H-26, F.A.C., may be satisfied by the issuance of an auction receipt or acknowledgement of purchase, generated by the auction house or licensee, stating the date of purchase and the purchase price of the horse, signed by the Purchaser or the Purchaser’s agent. The auction receipt or acknowledgement of purchase shall expressly state or incorporate by reference all conditions of the sale, including the terms of any warranties.

Specific Authority 535.16 FS. Law Implemented 535.16 FS. History—New _____.

5H-26.004 Bill of Sale.

Except as provided in subsection 5H-26.003(8), F.A.C., the sale or purchase of a horse or any interest therein in Florida must be accompanied by a written bill of sale that must include at a minimum the following:

(1) The name, address, and signature of the Purchaser, the Owner, or their duly authorized agents. In a transaction solely relating to a stallion season, breeding right, or fractional interest in a horse, the syndicate manager or horse manager may serve as an acceptable agent in response to this requirement.

(2) The date of the sale.

(3) The purchase price of the horse.

(4) The following statement: "As the person signing below on behalf of the Owner, I hereby confirm that I am the lawful Owner of this horse or the Owner's duly authorized agent, and I am authorized to convey legal title to the horse pursuant to this bill of sale."

(5) The following statement: "As the person signing below on behalf of the Purchaser, I understand that any warranties or representations from the Owner or the Owner's agent that I am relying upon in acquiring this horse, including warranties or representations with respect to the horse's age, medical condition, prior medical treatments, and the existence of any liens or encumbrances, should be stated in writing as part of this bill of sale."

Specific Authority 535.16 FS. Law Implemented 535.16 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kerry Flack

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kerry Flack

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.039
RULE TITLE: Supplemental Educational Services in Title I Schools

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt a new rule to implement Section 1008.331, Florida Statutes, and provide provisions for implementing supplemental educational services in Title I schools identified as in need of improvement as authorized in the No Child Left Behind (NCLB) Act. The effect is a rule to provide consistency for both school districts and providers.

SUMMARY: This rule provides a process for applying to be a SES provider and includes provisions for monitoring, evaluating, and reporting as we as a complaint 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: 1008.331 FS.

LAW IMPLEMENTED: 1008.331 FS.

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

DATE AND TIME: February 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jo Butler, Bureau Chief, Bureau of Public School Options, K-12 Public Schools, 325 West Gaines Street, Suite 316, Tallahassee, FL 32399, (850)245-0479

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.039 Supplemental Educational Services in Title I Schools.

(1) Purpose. This rule implements supplemental educational services in Title I schools as authorized by Section 1008.331, Florida Statutes.

(2) Definitions. For the purpose of this rule, the following definitions shall be used:

(a) "District/provider contract" means the agreement each school district is required to enter into with state-approved supplemental educational services providers in the district for the provision of supplemental educational services.

(b) "Eligible school" is a Title I school that is in year two or beyond of school improvement, corrective action, or restructuring.

(c) "Eligible student" means students from low-income families, as determined by the school district consistent with 20 U.S.C. Section 6316, who are attending a Title I funded school that is in year two or beyond of school improvement, corrective action, or restructuring.

(d) "School district" for the purposes of this rule, refers to all local education agencies in the state of Florida.

(e) "State-approved supplemental educational services provider" means a provider that has been approved by the Florida Department of Education to provide supplemental educational services in one or more school districts.

(f) "Student learning plan" means the plan developed in consultation with the parent, school district, and state-approved provider, which is designed to improve academic achievement of a child receiving supplemental educational services.

(g) “Supplemental educational services” means academic instruction, such as tutoring, remediation, or other educational interventions, that is provided by state-approved supplemental educational services providers outside of the regular school day, on weekends, or in the summer, and that are designed to increase the academic achievement of students from low-income families who are attending Title I schools in their second year of school improvement, corrective action, or restructuring.

(h) “Increasing academic proficiency” means the provider has demonstrated increased academic proficiency as measured by sixty percent of students earning a minimum of one normal curve equivalency point learning gain in reading/language arts and seventy percent of students earning a minimum of one normal curve equivalency point learning gain in mathematics on assessments identified by the Department.

(3) Roles and Responsibilities.

(a) The Department shall:

1. Provide annual notice of the process for obtaining approval to provide supplemental educational services.

2. Approve supplemental educational services providers based upon the application requirements set forth in Form SES 100, Supplemental Educational Services Provider Application, which is hereby incorporated by reference to become effective upon the effective date of this rule. Form SES 100 may be obtained from the Florida Department of Education, Bureau of Public School Options, 325 West Gaines Street, Suite 316, Tallahassee, Florida 32399-0400 or on the Department’s website at www.fldoe.org/flbpo.

3. Maintain a list of state-approved providers.

(b) School districts providing supplemental educational services shall:

1. Identify eligible students and develop equitable procedures for prioritizing services if demand exceeds available funding.

2. Notify eligible families prior to and after the start of the school year regarding the availability of services and the process for obtaining supplemental educational services in an understandable and uniform format. This notice shall include:

a. Contact information for state-approved providers serving the school district, including providers accessible through technology, such as distance learning;

b. A description of services, tutor qualifications, and evidence of effectiveness as determined by the Department’s evaluation of academic proficiency of each provider;

c. A description of the procedures and timelines for selecting a provider and the commencement of services;

d. The enrollment form with clear instructions; and

e. An offer to assist parents in choosing a provider.

3. Unless a waiver is granted by the State Board of Education, pursuant to Section 1008.331(3)(a), Florida Statutes, hold open student enrollment for supplemental

educational services until the school district has obtained a written election to receive or reject services from the parents of at least a majority of eligible students or until the school district has expended all available funds.

4. Make available the supplemental educational services enrollment forms to the parents of eligible students and providers prior to and after the start of the school year.

5. Provide enrollment lists, parent contact information, and available student diagnostic data to supplemental educational services providers sufficiently in advance of October 15 so that eligible students may begin receiving supplemental educational services no later than October 15.

6. Enter into a district/provider contract with each approved supplemental educational services provider approved to serve the school district; the school district is responsible for ensuring services are consistent with the district/provider contract.

7. Enter into a student learning plan. The plan shall be consistent with the student’s individual education plan, English language learner plan, or the plan developed under Section 504 of the Rehabilitation Act. The plan shall include the following:

a. A statement of specific achievement goals for the student; these goals shall be aligned with the Sunshine State Standards as approved by the State Board of Education;

b. An explanation of how the student’s progress will be measured;

c. A timetable for improving achievement; and

d. An explanation describing how the student’s parents and teacher(s) will be regularly informed of the student’s progress.

8. Reassign students to another provider for the remainder of the student’s funding allocation if the provider’s services do not begin by the timelines established in this rule, or if the provider’s district/provider contract is terminated, or if the provider is removed from the state-approved list.

(c) State-approved supplemental educational services providers shall:

1. Be capable of delivering supplemental educational services in the school districts where approved by the Department.

2. Provide services that are secular, neutral, and nonideological.

3. Provide services outside of the regular school day, such as before or after school, on weekends, or in the summer.

4. Unless provided by the school district, conduct diagnostic assessments to determine student’s gaps in knowledge and skills prior to beginning services.

5. Use the results of the diagnostic assessments, student academic performance information provided by the district, and input from the parents to develop the student learning plan.

6. Provide educational services designed to enable the student to attain achievement goals specified on the student learning plan.

7. Measure the student's progress and regularly report progress to the student's parents and teachers.

8. Adhere to the timetable in the student learning plan for improving the student's achievement.

9. Provide services consistent with health, safety, and civil rights laws.

10. Abide by school district policies and procedures on criminal background checks and the provisions of Section 1012.465, Florida Statutes.

11. Refrain from altering, completing, or submitting enrollment forms on behalf of a parent.

12. Provide services to eligible students no later than October 15 of each school year contingent upon receipt of the district-approved student enrollment lists at least 20 days prior to the start date. In the event that a contract with a state-approved provider is signed fewer than 20 days prior to October 15, the provider shall have no fewer than 20 days from the date the contract is executed to begin delivering services.

(4) Supplemental Educational Provider Approval.

(a) Application for approval by the Department for the provision of supplemental educational services shall be made on Form SES 100, Supplemental Educational Services Provider Application.

(b) Except for that portion of the application documenting financial soundness and assurances, applications shall be submitted on-line at www.fldoe.org/flbpso. The financial soundness documentation and assurances of the application shall be delivered to the following address: Florida Department of Education, Bureau of Public School Options, 325 West Gaines Street, Suite 316, Tallahassee, Florida 32399-0400.

(c) Applications submitted by means other than those set forth above and applications received after the deadline for submission, set forth in Form SES 100, regardless of the cause or nature of the delay, will not be accepted or considered for approval by the Department.

(d) Approval requires the timely submission of all documents and meeting the requirements set forth in Form SES 100.

(e) Approval shall be for one year. Approval is non-transferable and valid only for the person or entity named by the Department in its notice of approval.

(5) Monitoring of Supplemental Educational Services. The Department is authorized to conduct announced and unannounced site visits of school districts and of approved providers to monitor compliance with the approved application, district/provider contract, student learning plan, and requirements of this rule.

(a) Monitoring shall be in compliance with Education Department General Administrative Regulation 34CFR 80.40(a) and consistent with the authority for oversight in Section 1008.32, Florida Statutes.

(b) Each district and provider shall maintain documentation to verify compliance with the requirements of law and rules applicable to supplemental educational services and comply with the Department's monitoring procedures, including on-site and desktop monitoring and self-evaluations.

(c) The Department shall annually develop a report of the results of the monitoring reviews.

(6) Evaluation of Supplemental Educational Services: The Department shall evaluate and report the quality and effectiveness of supplemental educational services provided by each state-approved provider. The evaluation will measure academic proficiency in reading/language arts and mathematics for all students participating in supplemental educational services.

(7) Complaint Process: The following process is established to allow for notification to the Department of a violation of the laws or rules related to supplemental educational services by providers or school districts.

(a) To initiate a complaint, a person must submit a written complaint to the Florida Department of Education using Form SES 200, Complaint Regarding Supplemental Educational Services, which is hereby incorporated by reference to become effective upon the effective date of this rule. This complaint form may be obtained by contacting the Florida Department of Education, Bureau of Public School Options at (850)245-0479, or 325 West Gaines Street, Suite 316, Tallahassee, Florida 32399-0400 or by downloading the form on the Department's web site at www.fldoe.org/flbpso.

(b) Upon receipt of a complaint, the Department shall review for sufficiency and shall close the complaint where it does not allege a violation of the laws regarding supplemental educational providers. Where the complaint alleges a violation of the laws regarding supplemental education providers, the Department shall cause the complaint to be investigated. The provider and school district shall cooperate fully in the investigation.

(c) The Department shall review the investigation and provide notice of its intended action, specifying the nature of the action, such as dismissal of the complaint, request for corrective action, referral to the district, removal from the approved provider list or enforcement under Section 1008.331, Florida Statutes. The notice shall state the grounds for the intended action. Nothing in this rule shall restrict the Department's authority to summarily suspend or remove a provider from the approved provider list where the Department finds that an immediate serious danger to the public health, safety, or welfare exists. Upon determination that there is a need for immediate action, the Commissioner or designee shall provide written notice of the immediate action.

(d) Unless the complaint is closed under the provisions of paragraph (6)(b) of this rule, or summary action is taken under the provisions of paragraph (6)(c) of this rule, the entity against

whom a complaint has been made shall be provided notice of the complaint and the opportunity to respond prior to the Department's intended action.

(8) Removal from the State-Approved Supplemental Educational Services Provider List. A provider shall be removed from the approved list, and the provider and any related organizations shall be ineligible to re-apply during the following two-year period, following the process established in subsection (6) of this rule, for the following reasons:

(a) The failure to deliver services as provided Section 1008.331(3)(b), Florida Statutes;

(b) The failure to contribute to increasing the academic proficiency of students for two consecutive years; or

(c) When the Department determines that the matter is of such magnitude that it cannot be addressed by the school district through its enforcement mechanisms, the failure to comply with provider responsibilities and assurances, the failure to meet and maintain the eligibility application requirements found in Form SES 100, the Supplemental Educational Services Providers Request for Applications, and the failure to comply with the requirements established for providers in this rule.

(9) Reporting Requirements.

(a) School districts are required to report, through the Department's automated student information data base system, students who are served by supplemental educational services.

(b) Supplemental educational services providers must provide auditable documentation of services and contact hours provided to each student to the school district.

(c) School districts and state-approved providers shall cooperate with Department requests for information pertaining to supplemental educational services.

(10) Confidentiality. The identity of any student who is eligible for or receiving supplemental educational services shall not be disclosed to the public without prior written consent of the parents of the student. Providers shall abide by the procedures of the school district and the Department for the security, privacy and retention of student records in accordance with the requirements of Section 1002.22, Florida Statutes and 20 U.S.C. § 1232g.

Specific Authority 1008.331 FS. Law Implemented 1008.331 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jo Butler, Bureau Chief, Bureau of Public School Options, K-12 Public Schools

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chancellor Frances Haithcock, K-12 Public Schools

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2008

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.001
RULE TITLE: Specific Exemptions

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.001, Florida Administrative Code (F.A.C.) (Specific Exemptions), is provide current procedures and requirements used by the Department to administer the exemption for resource recovery machinery or equipment provided in Section 212.08(7)(q), Florida Statutes (F.S.), and to remove obsolete provisions. When in effect, Rule 12A-1.001, F.A.C., will provide the requirements currently used by the Department in the administration of this exemption.

SUMMARY: The proposed amendments to Rule 12A-1.001, F.A.C. (Specific Exemptions): (1) provide that resource recovery equipment is certified by the Department of Environmental Protection pursuant to Section 403.715, F.S., and Rule 62-704.420, F.A.C.; (2) clarify that an applicant may obtain a preliminary examination report, but must obtain a final examination and certification of resource recovery equipment from the Department of Environmental Protection to be qualified for the exemption; (3) remove the requirement that a taxpayer who receives a preliminary examination report of resource recovery equipment from the Department of Environmental Protection be registered with the Department; (4) provide how to purchase qualified resource recovery equipment tax-exempt using the suggested exemption certificate; (5) remove requirements to provide a cash bond, deposit, or other security to the Department for purposes of obtaining the exemption; (6) clarify that tax is due on equipment or machinery that fails to qualify for final certification by the Department of Environmental Protection; (7) provide how and when tax, plus any applicable penalty or interest, is due to the Department; and (8) provide how to obtain a refund of tax previously paid on certified resource recovery equipment or machinery.

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: 212.08(7)(h)2., (cc)5., 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(10), (12), (16), (20), (21), 212.05, 212.08(6), (7)(f), (h), (q), (v), (x), (cc) FS.

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

DATE AND TIME: February 20, 2008, 9:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Chris Whittier, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4802

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.001 Specific Exemptions.

(1) through (4) No change.

(5) RESOURCE RECOVERY EQUIPMENT OR AND MACHINERY.

(a) Resource recovery equipment or and machinery used in a facility owned and operated exclusively by or on behalf of any county or municipality is exempt. To qualify for exemption, the resource recovery such equipment or and machinery must:

1. Be certified as resource recovery equipment or machinery by the Department of Environmental Protection under Section 403.715, F.S., and Rule Chapter 62-704, F.A.C., Certification of Resource Recovery Equipment; and

2. Be owned or operated exclusively by or on behalf of a county or municipality.

(b) To obtain certification of the resource recovery equipment or machinery, application must be made to the Department of Environmental Protection. The Department of Environmental Protection will issue a final examination and certification for qualifying resource recovery equipment or machinery after the equipment or machinery is installed and operational. Prior to the purchase and installation of qualifying resource recovery equipment or machinery, a preliminary examination report may be obtained from the Department of Environmental Protection. Persons who obtain a preliminary examination report must also obtain a final examination and certification after the equipment or machinery is installed and operational. Copies of preliminary examination reports and final examination and certifications issued by the Department of Environmental Protection are provided to the Department of Revenue.

(c) 1.(b) Preliminary examination reports. A temporary exemption applies shall apply only to the resource recovery equipment or machinery specified in the written preliminary examination report issued delivered to the Executive Director or the Executive Director's designee in the responsible program by the Department of Environmental Protection. The temporary This exemption is shall be final, contingent upon

final examination and certification of the resource recovery equipment or machinery by the Department of Environmental Protection. ~~In the event the Department of Environmental Protection does not issue a written decision granting or denying certification within 30 months from the date the preliminary examination report is received, the Executive Director or the Executive Director's designee in the responsible program shall determine an amount sufficient to secure payment of any tax, penalty, and interest which may be due or which may become due in the event the Department of Environmental Protection denies certification and shall require a cash deposit, bond, or other security be issued to the Executive Director in such amount, unless the county or municipality for which the facility is being constructed executes a guarantee in favor of the Executive Director, the effect of which is to secure payment of any tax, penalty, and interest which may become due by the party directly liable to the Department for the tax.~~

2. Applicants who have received a preliminary examination report may purchase the resource recovery equipment or machinery identified in the preliminary report tax-exempt. A county or municipality that has received a preliminary examination report may issue a copy of its Florida Consumer's Certificate of Exemption to make tax-exempt purchases of the identified resource recovery equipment or machinery. Prime contractors and subcontractors who have entered into a contractual agreement with a county or municipality to purchase the identified resource recovery equipment or machinery may purchase the equipment or machinery tax-exempt by issuing a written certification to the selling dealer. The prime contractor or subcontractor must certify that the equipment or machinery qualifies as resource recovery equipment or machinery that will be used exclusively by or on behalf of a county or municipality, as provided in Section 212.08(7)(q), F.S. The following is a suggested format of a written certification:

CERTIFICATION FOR RESOURCE RECOVERY EQUIPMENT OR MACHINERY

This is to certify that the resource recovery equipment or machinery, as described below, purchased on or after (DATE) from (VENDOR) is purchased for use as qualifying resource recovery equipment or machinery, pursuant to Section 212.08(7)(q), Florida Statutes, and will be used exclusively by or on behalf of a county or municipality.

Resource Recovery Equipment or Machinery:

I understand that if I use the equipment or machinery for any other purpose, I must pay tax on the purchase price of the taxable property directly to the Department of Revenue.

I understand that it is a criminal offense to fraudulently issue this certificate to evade the payment of sales tax and that I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Authorized Representative _____

By _____

(Signature of Purchaser)

(Date) _____

~~3.(e) Persons claiming exemption from payment of tax on resource recovery equipment shall submit a copy of the preliminary examination report issued by the Department of Environmental Protection with an Application for Sales and Use Tax Registration (Form DR-1, incorporated by reference in Rule 12A 1.097, F.A.C.), as provided in Rule 12A 1.060, F.A.C. to the Executive Director or the Executive Director's designee in the responsible program. Upon approval of the application the Executive Director or the Executive Director's designee in the responsible program shall issue a certificate of registration authorizing the tax exempt purchase of those items identified by the Department of Environmental Protection as possible resource recovery equipment. The purchaser is required to applicant shall file a monthly report with the Department of Revenue and pay tax at the time of purchase on any item items purchased tax exempt which have not been identified in the preliminary examination report by the Department of Environmental Protection that does not qualify as possible resource recovery equipment or machinery in the preliminary examination report, or have been determined not to be resource recovery equipment following final examination and certification by the Department of Environmental Protection. Upon completion of the project and final certification by the Department of Environmental Protection, the applicant shall forward to the Department of Revenue his Sales and Use Tax Certificate of Registration with any outstanding sales and use taxes due.~~

(d) Final examination and certification. Resource recovery equipment or machinery identified in a final examination and certification issued by the Department of Environmental Protection is exempt. Applicants, prime contractors, and subcontractors who obtained a preliminary examination report are entitled to an exemption for the resource recovery equipment or machinery identified in the final examination and certification. If it is determined by the Department of Environmental Protection that an item identified in the final examination and certification does not qualify as resource

recovery equipment or machinery, tax, plus the applicable penalty and interest computed from the date of purchase, is due to the Department immediately.

(e) Refunds.

1. If an applicant, prime contractor, or subcontractor did not obtain a temporary exemption from the Department to purchase resource recovery equipment or machinery identified in the final examination and certification tax-exempt, the exemption may be obtained through a refund of previously paid taxes. Refunds will not be allowed until information has been provided to the satisfaction of the Executive Director or the Executive Director's designee that the resource recovery equipment or machinery meets the requirements of Section 212.08(7)(q), F.S., and this rule. The purchaser of the qualified resource recovery equipment or machinery is entitled to a refund of Florida tax paid on the qualifying resource recovery equipment or machinery. The purchaser must obtain a certified statement from its supplier(s) certifying that the supplier(s) has remitted the tax to the Department. If the purchaser paid tax directly to the Department, the purchaser is required to provide documentation that the tax was remitted directly to the Department.

2. The following is a suggested format for a certified statement to be issued by the supplier that tax has been remitted to the Department: _____ (COMPANY), its undersigned officer who is duly authorized, hereby certifies to _____ (CONTRACTOR OR SUBCONTRACTOR) it has paid sales tax to the Florida Department of Revenue totaling the sum of \$ _____. The taxes were collected by COMPANY upon the sales of equipment or machinery as evidenced by the attached invoice(s).

The company further certifies the sales tax for the attached invoice(s) was paid to the Department of Revenue in the month following the date of sale under sales tax certificate number _____

SIGNATURE OF AUTHORIZED OFFICER OF COMPANY BY: _____

TITLE: _____

DATE: _____

3. An Application for Refund-Sales and Use Tax (Form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.) must be filed within 3 years after the date the tax was paid in accordance with the timing provisions of Section 215.26(2), F.S. A copy of the final examination and certification issued by the Department of Environmental Protection, the documentation to evidence the payment of Florida tax, and the certified statement(s) from the supplier(s) that tax has been remitted to the Department must accompany the application for refund. An application for refund will not be considered complete pursuant to Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C., and a refund will not be approved, until the applicant can demonstrate that the resource recovery

equipment or machinery has been certified by the Department of Environmental Protection and that tax on the purchase of the equipment or machinery has been remitted to the Department.

(6) No change.

Specific Authority 212.08(7)(h)2., (cc)5., 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10), (12), (16), (20), (21), 212.05, 212.08(6), (7)(f), (h), (q), (v), (x), (cc) FS. History—Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96, 4-2-00, 6-28-00, 6-19-01, 10-2-01(1), (2), 10-2-01(2)-(7), 10-2-01(3)-(7), 8-1-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Chris Whittier, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4802

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-1.001, F.A.C. (Specific Exemptions), were noticed in the Florida Administrative Weekly on October 12, 2007 (Vol. 33, No. 41, pp. 4726-4729). A rule development workshop was held on October 30, 2007. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-1.0142	Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies

PURPOSE AND EFFECT: The purpose for creating Rule 12A-1.0142, Florida Administrative Code (F.A.C.) (Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies), is to: (1) provide for the administration of the sales tax incentive program provided in Section 212.08(7)(ccc), Florida Statutes, created by s. 9, Chapter 2006-230, Laws of Florida, and (2) adopt, by reference, the application used by the Department of Environmental Protection to administer the program. When in effect, this rule will provide how to obtain a refund of sales tax paid on equipment, machinery, and other materials used for renewable energy technologies.

SUMMARY: The creation of Rule 12A-1.0142, F.A.C. (Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies), provides: (1) a list of items for which the refund of sales tax paid is available; (2) the statutory limitation of the amount of refund available; (3) information on how to obtain and to file the application for certification of the items available for a refund of sales tax paid with the Department of Environmental Protection; (4) the procedures for claiming a refund of sales tax paid on eligible equipment, machinery, and materials used in renewable energy technologies from the Department of Revenue, including the necessary application form and documentation to support the claim for refund; and (5) for the adoption, by reference, of the application used by the Department of Environmental Protection in its administration of this exemption by refund.

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: 212.08(7)(ccc), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.08(7)(ccc), 377.801-377.806 FS. A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 20, 2008, 9:00 a.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.0142 Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies.

(1) Who May Claim the Refund. Any applicant who has received approval from the Department of Environmental Protection for purchases of equipment, machinery, and other

materials for renewable energy technologies will be allowed a refund of Florida sales and use taxes previously paid, not to exceed the statutory limitations provided in Section 212.08(7)(ccc), F.S.

(a) The refund of Florida sales and use tax previously paid is applicable to the following items:

1. Hydrogen-powered vehicles.
2. Materials incorporated into hydrogen-powered vehicles.
3. Hydrogen fueling stations.
4. Commercial stationary hydrogen fuel cells.
5. Materials used in the distribution of biodiesel (B10-B100) and ethanol (E10-E100), including fueling infrastructure, transportation, and storage for these fuels. Gasoline fueling station pump retrofits for ethanol (E10-E100) distribution also qualify.

(b) Section 212.08(7)(ccc), F.S., limits the total amount available for a refund of Florida sales and use tax paid to the following:

1. For tax paid on hydrogen-powered vehicles, materials incorporated into hydrogen-powered vehicles, and hydrogen-fueling stations, the total amount available for refund is limited to \$2 million in tax each state fiscal year.

2. For tax paid on commercial stationary hydrogen fuel cells, the total amount available for refund is limited to \$1 million in tax each state fiscal year.

3. For tax paid on materials used in the distribution of biodiesel and ethanol, including fueling infrastructure, transportation, and storage for these fuels, and for the retrofitting of gasoline station pumps for ethanol (E10-E100) distribution, the total amount available for refund is limited to \$1 million in tax each state fiscal year.

(2) Obtaining the Refund.

(a) Taxpayers claiming the refund must first file Form FEO-06-01, Florida Renewable Energy Technologies Sales Tax Program Application (Effective 11/07, hereby incorporated by reference). The application may be obtained, without cost, at www.dep.state.fl.us/energy or by telephone at (850)245-8002 or by writing to:

Florida Department of Environmental Protection
ATTN: Renewable Energy Technologies Sales Tax Program

Florida Energy Office
2600 Blair Stone Road, MS-19
Tallahassee, Florida 32399-2400.

(b) When the Department of Environmental Protection sends written certification to the applicant, approving the refund of Florida sales and use tax, the agency will send a copy of the written certification and all supporting documentation to the Department of Revenue. To obtain a refund of Florida sales and use tax previously paid on purchases of equipment, machinery, and other materials for renewable energy technologies, the applicant must file a completed Application

for Refund-Sales and Use Tax (Form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.), with a copy of the certification letter from the Department of Environmental Protection. Form DR-26S must be filed with the Department of Revenue within 6 months from the date of the written certification issued by the Department of Environmental Protection approving the refund. The refund claim is limited to the amount certified by the Florida Department of Environmental Protection. Form DR-26S, with a copy of the certification letter, should be mailed to:

Florida Department of Revenue
Refund Subprocess
P. O. Box 6490
Tallahassee, Florida 32314-6490.

Specific Authority 212.08(7)(ccc), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(7)(ccc), 377.801-377.806 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed creation of Rule 12A-1.0142, Florida Administrative Code (Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies), was noticed in the Florida Administrative Weekly on September 21, 2007 (Vol. 33, No. 38, pp. 4319-4320). A rule development workshop was held on October 8, 2007. Comments received at the workshop were limited to comments regarding the numbering of the Department of Environmental Protection application form. No written comments have been received by the Department. After this workshop the Department added a provision including the retrofit of gasoline pumps within this exemption provision, to ensure it complies with the statute.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
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, Florida Administrative Code (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 explain the requirements and procedures used by the Department when requiring security in the form of a cash deposit, surety bond, or irrevocable letter of credit as a condition for a person to obtain or retain 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, forms used by the Department when requiring security to obtain or retain a dealer's certificate of registration.

SUMMARY: The proposed amendment to Rule 12A-1.057, F.A.C. (Alcoholic and Malt Beverages), removes provisions that reference the Department's authority to require a surety bond or cash deposit. These requirements are addressed in the amendments to Rule 12A-1.060, F.A.C. (Registration), which is part of this proposed rule package.

The proposed amendments to Rule 12A-1.060, F.A.C. (Registration): (1) define the terms "person," "security," and "tax or fee liability", to help the public understand the requirements in the rule; (2) specify the qualifying events on which the Department will base its determination that security is required for a person to obtain or retain a dealer's certificate of registration; (3) explain how the Department will determine the amount of security required; (4) require the Department to provide written notice of its intent to deny registration or to provide written notice of its intent to revoke registration, as applicable, unless security is posted by the person; (5) provide procedures for a person to request a conference regarding the Department's requirement to provide security, including procedures about informing persons of the right to request an administrative hearing; (6) explain that if the Department determines that the amount of an existing security is insufficient or that 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) specify 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) explain 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 will initiate an action to seek a release of moneys from the security held by the Department if a person is more than 30 days delinquent in the payment of its tax or fee liability.

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

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: 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, 201.01, 201.08(1)(a), 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, 212.0596, 212.06, 212.0606, 212.07(1), (2), (4), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (5), (6), (9), (13), 212.13, 212.14(4), (5), 212.16(1), 212.17, 212.18(2), (3), 212.19, 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), 561.01 FS.

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

DATE AND TIME: February 20, 2008, 9:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 FULL TEXT OF THE PROPOSED RULES 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 arm’s 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 arm’s 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 and there is evidence that the person will fail to remit taxes to the state;

2. The 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;

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

4. 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;

5. A warrant is currently unsatisfied in whole or in part; or

6. 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:

(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 a 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 right 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.

3. 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.

4. 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.

5. 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.

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

7. 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.

8. 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.

9. 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 will 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), 8-1-02, 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
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(2) through (7) No change.

(8) DR-17A	Certificate of Cash Deposit/ Cash Bond (R. 06/07)	_____
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(8) through (10) renumbered (9) through (11) No change.

(12) DR- 29	Application for Release or Refund of Security (R. 06/07)	_____
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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) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 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, 1-1-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas Butscher, Senior Counsel, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-1, Florida Administrative Code (Sales and Use Tax), were noticed in the Florida Administrative Weekly on October 26, 2007 (Vol. 33, No. 43, pp. 4982-4985). A rule development workshop was held on November 13, 2007. After the workshop several technical revisions were made to these proposed rule changes to clarify provisions.

DEPARTMENT OF REVENUE**Sales and Use Tax**

RULE NO.:

RULE TITLE:

12A-19.060

Sales for the Purpose of Resale

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.060, Florida Administrative Code (F.A.C.) (Sales for the Purpose of Resale), is to establish by administrative rule the requirements to document tax-exempt sales of communications services for resale by using the Department's electronic system to verify communications services tax dealers' registration numbers and resale certificate numbers, as required in Sections 8-10, Chapter 2007-106, Laws of Florida. This law requires the Department to establish a toll-free telephone number for the verification of valid communications services tax dealer registration numbers and resale certificates no later than January 1, 2008. In addition, the Department will provide an on-line certificate verification system to be used by selling dealers to verify communications services tax dealers' registration numbers and resale certificate/business partner numbers. When in effect, these new and amended rule provisions will establish the methods and requirements for dealers to document their tax-exempt sales of communications services for resale.

SUMMARY: The proposed amendments to Rule 12A-19.060, F.A.C. (Sales for the Purpose of Resale), explain the procedures on how to document tax-exempt sales of communications services for resale, using the Department's electronic system to verify communications services tax dealers' registration numbers and resale certificate numbers, effective January 1, 2008. These amendments provide the three methods by which dealers must document the exempt nature of sales for the purpose of resale – to obtain a copy of the purchaser's Communications Services Tax Annual Resale Certificate that is signed by the purchaser or the purchaser's representative; to obtain a Transaction Resale Authorization Number issued by the Department; or, to obtain a Vendor Resale Authorization Number issued by the Department.

The proposed amendments provide that selling dealers may make tax-exempt sales for resale to a purchaser whose current Communications Services Tax Annual Resale Certificate is on file without seeking a new certificate for each subsequent sale during that calendar year. For sales made to purchasers who purchase on account from a dealer on a continual basis, the selling dealer is not required to obtain a new certificate for each calendar year.

These amendments provide that selling dealers may document tax-exempt sales for resale by obtaining a Transaction Resale Authorization Number or a Vendor Resale Authorization Number from the Department, by using the Department's on-line Certificate Verification System or calling the Department's nationwide toll-free telephone verification system. The proposed amendments also explain the requirements for the selling dealer to obtain a transaction resale

authorization number for each and every resale transaction and to document each resale transaction. Selling dealers who document sales for resale by obtaining a Vendor Resale Authorization Number from the Department must also obtain a signed copy of the purchaser's Communications Services Tax Annual Resale Certificate.

These amendments specify how to obtain the Vendor Resale Authorization Number from the Department and the time periods during which the authorization number is valid.

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: 202.16(2), 202.26(3)(c), (d) FS.

LAW IMPLEMENTED: 202.11(3), (10), (11), 202.13(2), 202.16(2), (4), 202.17(6), 202.34(3), (4)(c) FS.

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

DATE AND TIME: February 20, 2008, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 South 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 IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.060 Sales for the Purpose of Resale.

(1) A sale for the purpose of resale is excluded from the tax imposed by and administered under Chapter 202, F.S., only when the sale is made in strict compliance with the provisions of this rule.

(2) For purposes of this rule, the following terms are defined as:

(a) A "dealer" means a person registered with the Department as a provider of communications services in Florida.

(b) An “active registered dealer” means a person who is registered with the Department as a communications services tax dealer and who is required to file a communications services tax return at least once during each applicable reporting period, as provided in Section 202.17(6), F.S.

(c) A “purchaser” means the person paying for or obligated to pay for communications services.

(3) A “sale for the purpose of resale” occurs when a person purchases communications services from a dealer and then resells the communications services, uses the communications services as a component part of communications services that are offered for retail sale, or integrates the purchased communications services into communications services offered for retail sale.

(4) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

(a) Each newly registered dealer will receive a Communications Services Tax Certificate of Registration (Form DR-700014) and a Communications Services Tax Annual Resale Certificate (Form DR-700015). For each calendar year, the Department will issue to each active registered dealer a Communications Services Tax Annual Resale Certificate that specifically identifies the valid period of the certificate.

(b) The business name and mailing address of the certificate holder, the certificate/business partner number, the registration effective date, and the expiration date of the certificate, ~~and the purposes for which the certificate may be provided~~ will be indicated on each Communications Services Tax Annual Resale Certificate.

(c) The effective date of a dealer’s initial Communications Services Tax Annual Resale Certificate will be the postmark date of the application or, when delivered by means other than the United States Postal Service, the date the application is received by the Department.

(d) In the event that a dealer’s original Communications Services Tax Annual Resale Certificate is lost or destroyed, a replacement may be requested by visiting any local Department of Revenue Service Center to personally obtain a copy or by contacting the Department at (800)352-3671 (~~in Florida only~~) or (850)488-6800. Persons with hearing or speech impairments may call the Department’s TDD, at (800)367-8331 or (850)922-1115. Written requests should be addressed to Account Management Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(5) A Communications Services Tax Annual Resale Certificate is considered valid when a signed copy of the certificate is provided to the selling dealer in lieu of payment of the tax on any sale made on or after the registration effective date and on or prior to the certificate expiration date, as indicated on the certificate; and when a selling dealer receives a signed copy of the certificate in good faith.

(6) A dealer making a sale for resale is required to document the exempt sale by CHOOSING ONE of the following three methods: PROVISIONS APPLICABLE TO SELLING DEALERS:

(a) COPIES OF ANNUAL RESALE CERTIFICATES OBTAINED BY THE SELLING DEALER. A selling dealer who makes a sale for the purpose of resale must obtain and receives a signed copy of the purchaser’s current a valid Communications Services Tax Annual Resale Certificate or a Transaction Resale Authorization Number or Vendor Resale Authorization Number issued by the Department in lieu of tax will be in compliance with the requirements of this rule and is relieved from any liability for any tax due on that sale.

1. The copy of the Communications Services Tax Annual Resale Certificate must be signed by the purchaser or the purchaser’s authorized representative.

2. A selling dealer may make sales for resale to a purchaser whose current Communications Services Tax Annual Resale Certificate is on file without seeking a new certificate for each subsequent transaction during that calendar year. A new Communications Services Tax Annual Resale Certificate must be obtained each calendar year. Except for sales made to purchasers who purchase on account from the dealer on a continual basis, a selling dealer may only make exempt sales for resale to purchasers during the calendar year for which the purchaser’s Communications Services Tax Annual Resale Certificate appears valid on its face.

3. For sales made to purchasers who purchase on account from a dealer on a continual basis, the selling dealer may rely upon the Communications Services Tax Annual Resale Certificate beyond the expiration date of the certificate and is not required to obtain a new certificate each calendar year.

a. For purposes of this paragraph, the phrase “purchase on account from a dealer on a continual basis” means that the selling dealer has a continuing business relationship with a purchaser and makes recurring sales on account to that purchaser in the normal course of business.

b. For purposes of this paragraph, a sale “on account” refers to a sale where the dealer extends credit to the purchaser and records the debt as an account receivable, or where the dealer sells to a purchaser who has an established cash or cash on delivery (C.O.D.) account, similar to an “open credit account.”

c. For purposes of this paragraph, purchases are made from a selling dealer on a “continual basis” if the selling dealer makes sales to the purchaser no less frequently than once in every twelve-month period in the normal course of business.

(b) TRANSACTION RESALE AUTHORIZATION NUMBER ISSUED PRIOR TO OR AT THE POINT-OF-SALE – VALID FOR SINGLE TRANSACTION ONLY. In lieu of obtaining a signed copy of the purchaser’s Communications Services Tax Annual Resale Certificate for each tax-exempt sale made for the purposes of resale, the

selling dealer may obtain a Transaction Resale Authorization Number or a Vendor Resale Authorization Number from the Department.

1. A “transaction resale authorization number” must be obtained by the selling dealer prior to or at the point-of-sale by using the Department’s on-line Certificate Verification System at www.myflorida.com/dor/eservices or by calling the Department’s nationwide toll-free telephone verification system at (877)357-3725.

2. When using the Department’s on-line Certificate Verification System, the dealer may key up to five (5) purchaser’s communications services tax certificate/business partner numbers into the system. When using the Department’s automated nationwide toll-free verification system, the selling dealer is prompted to key in a single purchaser’s communications services tax certificate/business partner number. The system will either issue a 13-digit transaction resale authorization number or alert the selling dealer that the purchaser does not have a valid resale certificate. Selling dealers using the automated telephone verification system who do not have a touch-tone phone will be connected to a live operator during the hours of 8:00 a.m. to 7:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331 or (850)922-1115.

3. A transaction resale authorization number is not valid to exempt subsequent resale purchases made by the same purchaser. A selling dealer must obtain a new transaction resale authorization number for each and every resale transaction.

4. The selling dealer must document the transaction resale authorization number on the sales invoice, purchase order, or a separate form that is prepared by either the purchaser or the selling dealer. The sales invoice, purchase order, or separate form must contain the following statement: “The purchaser hereby certifies that the communications services being purchased are for resale.” This statement must be followed by the signature of the purchaser. The signature may be obtained by the selling dealer through use of an electronic signature pad or other electronic method.

(c) VENDOR RESELL AUTHORIZATION NUMBER FOR REGULAR CUSTOMERS WHO HAVE PREVIOUSLY SUBMITTED DOCUMENTATION TO THE SELLING DEALER – VALID FOR CALENDAR YEAR ISSUED. In lieu of obtaining a Transaction Authorization Number or a signed copy of the purchaser’s valid Communications Services Tax Annual Resale Certificate for each tax-exempt sale made for the purposes of resale, the selling dealer may obtain a Vendor Resale Authorization Number from the Department. This option is available to selling dealers throughout the calendar year without limitation.

1. The “Vendor Resale Authorization Number” is a customer-specific authorization number that will be valid for all sales for resale made to a particular customer during the calendar year. When obtaining a Vendor Resale Authorization Number, the selling dealer must obtain a signed copy of the purchaser’s Communications Services Tax Annual Resale Certificate to document that the purchaser is authorized to make tax-exempt purchases for the purposes of resale. Once a Vendor Resale Authorization Number is obtained for that customer, the selling dealer is not required to obtain a Communications Services Tax Annual Resale Certificate from that customer each year.

2. To obtain vendor resale authorization numbers, the selling dealer must use the Department’s on-line Certificate Verification System at www.myflorida.com/dor/eservices. The system also allows the user to upload a batch file of up to 50,000 accounts for verification of a Communications Services Tax Annual Resale Certificate number and to, 24 hours later, retrieve the file containing the Vendor Authorization Numbers for sales made for the purposes of resale to each purchaser during the calendar year.

3. The selling dealer may make exempt sales for resale to a customer during the period in which the vendor resale authorization number for that customer is valid. Vendor resale authorization numbers are valid for the remainder of the calendar year during which they are issued. However, vendor resale authorization numbers issued by the Department in November or December shall be valid for the remainder of the current calendar year and for the next calendar year.

(7) BURDEN OF ESTABLISHING EXEMPT NATURE OF SALES FOR RESELL.

(a)(b) Copies of Communications Services Tax Annual Resale Certificates that are obtained after the sale from purchasers who were active registered dealers at the time of the sale and are submitted to the Department during an audit or subsequent informal protest period of the audit will be considered sufficient compliance with this rule.

(b)(e) A sale made to a person who was not an active registered dealer at the time of the sale is a retail sale, and the sale can never be considered a sale for resale. However, a selling dealer who accepts a signed copy of a Communications Services Tax Annual Resale Certificate that appears valid on its face will not be held liable for the tax on such transaction, if it is later determined that the purchaser was not an active registered dealer.

(d) A selling dealer may make sales for the purpose of resale to a purchaser who has previously provided a copy the purchaser’s current Communications Services Tax Annual Resale Certificate that is on file without seeking a new copy of the purchaser’s Communications Services Tax Annual Resale Certificate for each subsequent transaction during that calendar year. A selling dealer must obtain a new copy of the

~~purchaser's Communications Services Tax Annual Resale Certificate from its purchasers for sales made for the purpose of resale in subsequent calendar years.~~

~~(8)(7) PROVISIONS APPLICABLE TO PURCHASING DEALERS.~~

(a) A signed copy of a Communications Services Tax Annual Resale Certificate may only be provided by an active registered dealer who holds a valid Communications Services Tax Certificate of Registration issued by the Department.

(b) A dealer whose Communications Services Tax Certificate of Registration has been revoked by the Department or whose registration has been inactivated or canceled is prohibited from providing copies of its Communications Services Tax Annual Resale Certificate in lieu of paying the tax due on its purchases of communications services. A dealer who provides a copy of its Communications Services Tax Annual Resale Certificate for any purchase after its Communications Services Tax Certificate of Registration has been revoked, inactivated, or canceled will be held liable for the tax, penalty, and interest on all such purchases.

(c) In the event that a purchasing dealer provides a copy of its Communications Services Tax Annual Resale Certificate to a selling dealer and subsequently consumes the communications services by not reselling the communications services, the purchasing dealer must pay all applicable communications services taxes directly to the Department with its first return due subsequent to the consumption of the communications services.

~~(9)(8) REQUIRED RECORDS.~~ A dealer is required to document the nature of sales made for the purpose of resale and is required to maintain copies of Communications Services Tax Annual Resale Certificates, Vendor Resale Authorization Numbers, Transaction Authorization Numbers, and receipts, invoices, billing statements, or other tangible evidence of such sales until the tax imposed by and administered under Chapter 202, F.S., may no longer be determined and assessed under Section 95.091(3), F.S. Electronic storage by a selling dealer of a signed copy of a purchaser's Communications Services Tax Annual Resale Certificate and other required documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.16(2), 202.26(3)(c), (d) FS. Law Implemented 202.11(3), (10), (11), 202.13(2), 202.16(2), (4), 202.17(6), 202.34(3), (4)(c) FS. History--New 1-31-02, Amended 7-16-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-19.060, F.A.C. (Sales for the Purpose of Resale), were noticed in the Florida Administrative Weekly on October 12, 2007 (Vol. 33, No. 41, pp. 4729-4732). A rule development workshop was held on October 30, 2007. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-4.014

RULE TITLE: Conveyances Not Subject to Tax

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-4.014, Florida Administrative Code (F.A.C.) (Conveyances Not Subject to Tax), is to remove the provision stating that a corrective deed is subject to minimum documentary stamp tax only if tax was paid on the original deed. This provision was determined by the circuit court in 46th Avenue Properties, Inc. v. Department of Revenue (6th Judicial Circuit, Case No. 01-9177 C1-19, Feb. 2, 2003) to be without authority. The effect of repealing this subsection is that when a corrective deed is filed, and tax was not correctly paid on the original deed, no additional tax is due on the corrective deed. Instead, tax remains due on the original deed.

SUMMARY: The amendments to Rule 12B-4.014, F.A.C. (Conveyances Not Subject to Tax), remove the provision stating that a deed filed to correct an error in a prior deed is subject to minimum documentary stamp tax only if the tax was paid on the original deed.

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: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.022, 201.02 FS.

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

DATE AND TIME: February 20, 2008, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 South 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 IS: Tim Phillips, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-4.014 Conveyances Not Subject to Tax.

(1) through (2) No change.

~~(3) To Correct Error: Where a conveyance is made to correct a deficiency in a previous deed on which the tax has been paid, only minimum tax is required. (1933 Op. Att'y. Gen. Fla. 1933-34 Biennial Report, Page 50 (April 7, 1933); Letter from the Att'y. Gen. Fla. to State Comptroller (Dec. 10, 1962)).~~

(4) through (15) renumbered (3) through (14) No change.

Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.01, 201.02 FS. History—Revised 8-18-73, Formerly 12A-4.14, Amended 2-21-77, 12-26-77, 12-23-80, Formerly 12B-4.14, Amended 12-5-89, 6-4-90, 2-13-91, 2-16-93, 10-18-94, 12-30-97, 1-4-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Phillips, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-4.014, Florida Administrative Code (Conveyances Not Subject to Tax), were noticed in the Florida Administrative Weekly on September 21, 2007 (Vol. 33, No. 38, p. 4320). A rule development workshop was held on October 8, 2007. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.104
 RULE TITLE: Correctional Probation Officers Carrying Firearms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify deadlines for firearms training and qualification.

SUMMARY: The proposed rule provides for expiration of the weapon card on the last day of the month, one year from the date of issue, and requires that the officer successfully qualify annually thereafter in order to remain qualified to carry a firearm.

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

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

SPECIFIC AUTHORITY: 20.315, 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) through (2) No change.

(3) Authorization Procedures.

(a) through (d) No change.

(e) The weapon card shall expire on the last day of the month, one year from the date of issue ~~twelve months after the date of the initial qualification unless written documentation of annual qualification is submitted to the authorizing entity prior to the expiration of the weapon card.~~ The officer shall be required to successfully qualify annually ~~within twelve months after the date of the initial qualification and every twelve months~~ thereafter in order to remain qualified to carry a firearm.

(f) ~~Annual qualification must occur prior to the employee's weapon card expiration month. The new weapon card will be issued effective the date of the annual qualification.~~ If the weapon card has expired and the officer has not attended annual training, the officer will need to reapply to carry a firearm and demonstrate proficiency by successfully qualifying with the specified firearm.

(g) through (11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History—New 5-28-86, Amended 7-7-92, 12-20-92, 3-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-4-01, 8-13-03, 6-24-04, 7-13-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bruce Grant, Assistant Secretary of Community Corrections
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 26, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.105
RULE TITLE: Restoration of Forfeited Gain Time
PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to reflect disciplinary charges recently added to Rule 33-601.314, F.A.C.

SUMMARY: The rules are amended to include the disciplinary charges added to Rule 33-601.314, F.A.C.

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

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

SPECIFIC AUTHORITY: 944.09, 944.23, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.275, 944.28 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: Jamie Leigh Jordan, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.105 Restoration of Forfeited Gain Time.

Restoration of gain time as a positive management tool. Gain time that has been forfeited under the current commitment as a result of disciplinary action or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release shall be subject to restoration when the restoration would produce the same or greater benefits as those derived from the forfeiture in the first place. Only those inmates whose adjustment and performance since their last disciplinary report or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release has exceeded that which is required to comply with all the behavioral objectives are eligible for consideration. The restoration shall only be considered when the inmate has clearly performed positively over a period of time and it appears the inmate will continue this positive adjustment without further violating the rules of the department or the laws of the state and the inmate is serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

(1) Eligibility.

(a) Restoration of gain time due to loss by disciplinary action:

1. through 3. No change.

4. The following groups of inmates shall not be eligible for restoration of forfeited gain time:

a. No change.

b. Inmates who have been found guilty of one of the following disciplinary offenses during their current commitment:

1-1 Assault or battery or attempted assault or battery with a deadly weapon;

1-2 Unarmed Assault, where a physical attack was made against department staff;

1-5 Sexual Battery;

1-7 Aggravated battery or attempted aggravated battery on a correctional officer;

1-8 Aggravated battery or attempted aggravated battery on staff other than correctional officer;

1-9 Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.);

1-10 Aggravated battery or attempted aggravated battery on an inmate;

1-11 Aggravated assault or attempted aggravated assault on a correctional officer;

1-12 Aggravated assault or attempted aggravated assault on staff other than correctional officer;

1-13 Aggravated assault or attempted aggravated assault on someone other than staff or inmates (vendor, etc.);

1-14 Aggravated assault or attempted aggravated assault on an inmate;

- 1-15 Battery or attempted battery on a correctional officer;
- 1-16 Battery or attempted battery on staff other than correctional officer;
- 1-17 Battery or attempted battery on someone other than staff or inmates(vendor, etc.);
- 1-18 Battery or attempted battery on an inmate;
- 1-19 Assault or attempted assault on a correctional officer;
- 1-20 Assault or attempted assault on staff other than correctional officer;
- 1-21 Assault or attempted assault on someone other than staff or inmates(vendor, etc.);
- 1-22 Assault or attempted assault on an inmate;
- 2-1 Participating in riots, strikes, mutinous acts or disturbances;
- 3-1 Possession of weapons, ammunition, or explosives;
- 3-4 Trafficking in Drugs;
- 4-1 Escape or attempted escape.
- 5. through 6. No change.
- (b) No change.
- (2) No change.

Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275, 944.28 FS. History—New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01, 4-30-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Hancock, Chief, Classification and Central Records
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.720
RULE TITLE: Sex Offender Visiting Restrictions
PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to reflect disciplinary charges recently added to Rule 33-601.314, F.A.C.
SUMMARY: The rules are amended to include the disciplinary charges added to Rule 33-601.314, F.A.C.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 944.09, 944.23, 944.275 FS.
LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.275, 944.28 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: Jamie Leigh Jordan, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-601.720 Sex Offender Visiting Restrictions.
- (1) through (2) No change.
- (3) The warden shall also consider the disciplinary history of the inmate when making the determination of whether to allow visitation. In order to be eligible to visit, an inmate must not have been found guilty of any of the following disciplinary charges in Rule 33-601.314, F.A.C., during the three months prior to the request for visitation:
 - (a) through (e) No change.
 - (f) 1-7 Aggravated battery or attempted aggravated battery on a correctional officer;
 - (g) 1-8 Aggravated battery or attempted aggravated battery on staff other than correctional officer;
 - (h) 1-9 Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.);
 - (i) 1-10 Aggravated battery or attempted aggravated battery on an inmate;
 - (j) 1-11 Aggravated assault or attempted aggravated assault on a correctional officer;
 - (k) 1-12 Aggravated assault or attempted aggravated assault on staff other than correctional officer;
 - (l) 1-13 Aggravated assault or attempted aggravated assault on someone other than staff or inmates (vendor, etc.);
 - (m) 1-14 Aggravated assault or attempted aggravated assault on an inmate;
 - (n) 1-15 Battery or attempted battery on a correctional officer;
 - (o) 1-16 Battery or attempted battery on staff other than correctional officer;
 - (p) 1-17 Battery or attempted battery on someone other than staff or inmates (vendor, etc.);
 - (q) 1-18 Battery or attempted battery on an inmate;
 - (r) 1-19 Assault or attempted assault on a correctional officer;
 - (s) 1-20 Assault or attempted assault on staff other than correctional officer;
 - (t) 1-21 Assault or attempted assault on someone other than staff or inmates (vendor, etc.);

- (u) 1-22 Assault or attempted assault on an inmate;
- (f) through (q) renumbered (v) through (gg) No change.
- (4) through (6) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 5-29-03, 9-29-03, 4-17-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Hancock, Chief, Classification and Central Records
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.220 RULE TITLE: Administrative Confinement
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend form DC4-650, Observation Checklist, to include Self Harm Observation Status and amend the descriptive names of the items allowed or issued to inmates in an observation status.
 SUMMARY: Form DC4-650, Observation Checklist, is revised to include Self Harm Observation Status and amend the descriptive names of the items allowed or issued to inmates in an observation status.

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: 944.09 FS.
 LAW IMPLEMENTED: 944.09, 945.04 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-602.220 Administrative Confinement.
- (1) through (10) No change.
- (11) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator,

Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (a) Form DC4-650, Observation Checklist, effective date _____ ~~3-5-06~~.

- (b) through (i) No change.

Specific Authority 944.09 FS. Law Implemented ~~20.315~~, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dean Aufderheide, Ph.D., Mental Health Services Director
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-603.201 RULE TITLE: Transfer of Inmates
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rule concerning transport of inmates from one department facility to another.

SUMMARY: Unnecessary language concerning file transfer, search of transport vehicles, separate transport, restraints utilized during transport, use of trailing vehicles, vehicle supervision during stops, utilization of armed officers and security of firearms during transport is being removed from the rule as this information constitutes internal management memoranda and is more appropriately placed in non-rule internal staff instructions.

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: 944.09 FS.
 LAW IMPLEMENTED: 944.09 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-603.201 Transfer of Inmates.

(1) For the purposes of this rule "transfer" shall mean the reassignment and movement of inmates from one institutional facility to another. "Transfer" does not include such movement as may be required for the normal operations of the Department such as outside trips sponsored by religious, Jaycee and Alcoholics Anonymous groups and trips by work and maintenance crews. ~~The institutional inmate record and all sub files must accompany any inmate being routinely transferred between department facilities, except in emergency situations.~~ In emergency situations medical records will be transferred with the inmate except that in emergencies such as the evacuation of a facility, the medical records will be boxed together with all records going to one location and forwarded to the receiving institution(s) with the inmates or as soon as possible. In such emergencies, individual packaging of medical records is waived. ~~The institutional inmate record shall also accompany the inmate unless the inmate's health and welfare would be jeopardized if the transfer were delayed for the amount of time required to obtain the record.~~ Local procedures shall be established to ensure that appropriate facility staff have access to the institutional inmate record during weekends, holidays, and after normal business hours. Such procedures shall ensure that the security of the record is not compromised and that accountability for the record is maintained in the event that access is required other than during normal working hours. Following an emergency transfer, all other sub-files, such as the visiting record, educational record, property record, etc., shall be forwarded by the sending facility within 72 hours following the transfer.

(2) through (5) No change.

~~(6) The vehicle shall be thoroughly searched and all security features inspected prior to boarding any inmates. Continuing checks shall be made periodically by transfer officer while en route. Vehicle inspection shall be conducted during the time the transfer vehicle is stopped prior to departing on or continuing a trip.~~

(7) through (8) renumbered (6) through (7) No change.

~~(8)(9) The Chief Health Officer may specify that an inmate who is mentally or physically ill be transferred separately from the general population inmates.~~ In addition, if there is any indication that an inmate who is to be transferred is not in good physical or mental condition, the transfer officer shall secure the advice of the institution physician before beginning the trip. Transfer of an inmate who is ill or injured shall be undertaken based on the advice of the Chief Health Officer on duty. The Chief Health Officer shall determine if medical staff are to accompany the inmate while being transferred. If he does decide that medical staff need to accompany the inmate, he must assign this staff.

~~(9)(10) In transferring any death row, close management, or disciplinary confinement inmate, or any inmate determined by the Chief of Security to be a high-risk inmate, the following shall be required:~~

~~(a) The inmate shall be restrained with handcuffs, waist chains with a C and S handcuff cover (black box), and leg irons and transferred in a secure caged vehicle. The driver shall be unarmed in order to handle inmates en route if necessary.~~

~~(b) The transfer vehicle shall be accompanied by a trailing escort vehicle driven by a well-armed officer. "Well-armed" shall mean possession of a semiautomatic rifle or shotgun.~~

~~(c) If several inmates are being transferred, the transfer vehicle shall have a second armed officer in attendance.~~

~~(a)(d) Communication between the two vehicles is essential and is required between both vehicles and the home station.~~

~~(e) The Chief of Security or shift supervisor is authorized to make individual exceptions to the assignment of a trailing escort vehicle for close management III and disciplinary confinement inmates.~~

~~(f) The reception centers shall be authorized to transport close management I, II, and III inmates in the secure caged area within a specially designed secure transfer bus without the necessity of a trailing escort vehicle.~~

~~(b)(g) Protective management inmates shall not be routinely transported on reception center transfer buses. Specific written instructions will be provided from the transportation section of the Bureau of Sentence Structure and Transportation.~~

~~(10)(11) No change.~~

~~(11)(12) If more than one officer is assigned to the transfer trip, at least one officer shall remain with the vehicle to provide supervision during stops. When there is only one officer, the vehicle must be parked in such a way that supervision can be provided for the vehicle and all inmates departing the vehicle. If stops occur within the secure confines of an institution and inmates remain on board the vehicle, the vehicle shall be parked so that the institution can provide proper supervision before the transfer officer leaves the vehicle.~~

~~(12)(13) Manpower requirements shall vary depending upon the mode of transfer, the distance to be traveled and the type and number of inmates. Each situation must be thoroughly evaluated by the Chief of Security or shift supervisor prior to departure and appropriate personnel assigned. A minimum of one armed correctional officer shall be assigned when there are close custody inmates to transfer except when special approval is received from the Director of Institutions. At all times there must be at least one officer of the same sex as that of the inmate present during the transferring of medium, close, or maximum custody inmates. There shall be no gender restrictions regarding the transfer of community or minimum custody inmates. Community or minimum custody inmates do not require restraints unless they are being transferred with~~

close custody inmates or pose a security risk; however, there shall be an adequate number of officer escorts to provide appropriate supervision.

~~(14)~~ Standard restraint equipment for the normal situation will be handcuffs and a restraint chain. Except as specifically outlined below, additional restraints, such as waist chains with a C and S handcuff cover (black box) and leg irons, shall be necessary when transferring death row and close custody inmates, inmates who are extreme escape risks, inmates with serious assaultive tendencies, or any inmate determined by the Chief of Security to be a high security risk. Being legally responsible for the custody of inmates, the transfer officer in charge has the authority to apply restraints to community custody inmates and additional restraints to medium or minimum custody inmates when he or she determines that such is necessary to ensure security.

~~(a)~~ When inmates are transferred within the state from one secure perimeter to another secure perimeter and a specially designed secure transfer bus is used, inmates may be restrained with leg irons only. Death row, closed management, and high-risk inmates will require restraints as noted in subsection ~~(10)~~ above during any transport.

~~(b)~~ Each medium custody inmate who is not being transferred from one secure perimeter to another secure perimeter in a specially designed secure transfer bus shall be restrained with a minimum of handcuffs. Close custody inmates will require a waist chain with a C and S handcuff cover (black box) and leg irons under these circumstances. The restraints shall be applied prior to leaving the secure perimeter. The restraints shall not be removed until the inmate is returned to a secure perimeter unless circumstances require their removal, that is, federal appearances or medical visits.

~~(c)~~ Use of restraint equipment, except for death row inmates, will not be required at Reception Centers for any transport on state property provided that a specially designed secure transfer bus is used; i.e., from a Reception Center Main Unit to a Reception Center annex that is not separated by property not belonging to the Department of Corrections.

~~(d)~~ During any transport, the level of restraints applied will be commensurate with the highest custody grade being transported.

~~(e)~~ During prenatal and postpartum periods, female inmates will not be restrained with their hands behind the back nor will leg irons be utilized due to the possibility of a fall. Waist chains with the C and S handcuff cover (black box) will not be worn when there is any danger of causing harm to the inmate or fetus.

~~(13)(f)~~ Female inmates, when being transferred on the same vehicle as male inmates, shall be physically separated from the male inmates by security screens and other security measures.

~~(g)~~ All restraint equipment shall be double locked.

~~(h)~~ An inmate shall not be handcuffed behind his or her back or handcuffed to a stationary object in a moving vehicle.

~~(14)(i)~~ A reasonable number of stops shall be made in order for inmates to utilize toilet facilities. Proper security shall be provided inmates when utilizing toilet facilities on or off the transfer vehicle.

~~(15)~~ An Electronic Restraint Belt may be used in cases involving high profile transports outside the secure perimeter of an institution where in the judgment of the security staff the use of the belt is warranted. Prior to usage of the Electronic Restraint Belt, written, signed approval must be obtained from the Office of Institutions, Bureau Chief of Security Operations.

~~(15)(16)~~ Because the carrying of firearms in the transferring of inmates is extremely hazardous, in those instances where it is advisable for firearms to be carried, such equipment must be kept in a secure place or on the person of an officer who will not come in direct contact with an inmate during the entire trip. Firearms shall not be carried by any of the escorting officers while in a car, plane or train unless the inmate is securely restrained and positive precautionary measures have been taken that will preclude contact between inmates and the armed officer. Use of firearms shall be in accordance with Rule 33-602.210, F.A.C.

~~(17)~~ through ~~(19)~~ renumbered ~~(16)~~ through ~~(18)~~ No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 7-12-86, Amended 5-21-92, 1-6-94, 2-12-97, 11-8-98, Formerly 33-7.009, Amended 8-28-01, _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 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 this rule amendment is to clarify that in order to be considered as timely, an application to renew a permit must be received by the District not later than the expiration date of the permit to be renewed. The effect will be to clarify when permit renewal applications must be received in order to avoid having a permit expire.

SUMMARY: Rule 40D-1.603, F.A.C., is amended to establish a uniform procedure for addressing late filings of applications to renew water use permits. Similar amendments are also being

made to Rule 40D-2.361, F.A.C., and Section 1.11 of the District's Water Use Permit Information Manual Part B, "Basis of Review" (BOR). The amendment clarifies that, in order to be considered as timely filed, an application to renew a water use permit must be received by the District not later than the expiration date of the existing permit. Minor additional amendments are also proposed to correct typographical errors.

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, 120.60(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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) No change.

(2) No later than 30 days after receipt of an initial application or ~~modification~~ of an application for modification of an individual surface water management permit, an individual Environmental Resource Permit or an initial application or application for renewal or modification of an individual water use permit ~~application~~ for withdrawals of 500,000 gpd annual average daily or greater pursuant to Chapter 40D-2, F.A.C., the District shall publish notice thereof in a newspaper having general circulation as defined in Chapter 50, F.S. Upon receipt of an application for an initial or modification of a general Environmental Resource Permit pursuant to Chapter 40D-40, F.A.C., a general surface water management permit pursuant to Chapter 40D-40, F.A.C., (January 11, 1993) or a noticed general surface water management permit pursuant to Chapter 40D-400, F.A.C., or for an initial application or application for renewal or modification of a general water use permit for less than 500,000 gpd annual average daily pursuant to Chapter 40D-2, F.A.C., the District shall post notice thereof in the District's headquarters and in each of the District's service offices. In the event that after posting of notice an application for a general permit is modified such that it is an application for an individual permit, notice of the application shall be published in a newspaper as provided above. In addition, the District shall provide a letter giving notice of receipt of the application

to any person who has filed a written request within the immediately preceding six months for notification of any pending applications affecting the particular designated area. Each notice and letter shall state that interested persons shall have the opportunity to inspect a copy of the application and submit written comments concerning the application. The District may request persons submitting objections or comments to furnish additional information. In addition, each notice and letter will advise that if notice of agency action or opportunity to request an administrative hearing pursuant to Chapter 120, F.S., regarding a permit application is desired, a written request referencing the permit application number must be filed with and received by the Processing and Records Section by the date specified in the letter, newspaper notice or the posted notice as applicable pursuant to this subsection. The date specified in such notice or letter to obtain notice of agency action or to request a hearing shall be no less ~~than that~~ 14 days from the date of mailing, publication or posting as applicable. Upon request, the District will provide the applicant with a copy of all objections and comments received.

(3) through (7) No change.

(8) Applicants who seek to renew a permit must submit a timely and sufficient application for renewal in order to avoid expiration of the permit. Application for renewal of a permit is timely only if actually received by the District not later than the expiration date of the existing permit. Mailing the application does not constitute receipt by the District. When timely and sufficient application for renewal is made, the existing permit shall not expire until the application for renewal has been finally acted upon by the District, or if the permit is denied or the terms of the permit are limited, until the last day for seeking review of the District action or a later date fixed by order of the reviewing court.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.116, 373.118, 373.229, 373.413, 120.60(4) 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, 12-24-07, _____.

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: November 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: RULE TITLES:
 40D-1.607 Permit Processing Fee
 40D-1.659 Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate by reference a new Environmental Resource Permit (ERP) Modification Short Form application form to be used instead of a letter for applicants seeking certain minor modifications to ERPs. The effect will be to standardize the application process for certain minor ERP modifications. Additional amendments are made to Rule 40D-1.607, F.A.C., to replace the term “renewal” with the term “extension.”

SUMMARY: The District is adopting a new Modification Short Form application form to be used in requesting certain minor modifications to Environmental Resource Permits, which modifications were previously made by submittal of a letter explaining the desired modification. The new form will standardize the minor modification process. Minor amendments are also made to Rule 40D-1.607, F.A.C., to reference the Modification Short Form and to replace the term “renewal” with the term “extension” when reference is made to applications seeking a permit “extension.”

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, 373.337 FS.

LAW IMPLEMENTED: 373.109, 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, 373.413, 373.414, 373.416, 373.419, 373.421, 373.421(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED 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-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are

non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District’s permit application processing fees are as follows:

- (1) through (2) No change.
- (3) The following types of applications are exempt from the fees identified in subsection (1):

- (a) No change.
- (b) ~~LETTER PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM:~~ Applications for ~~letter~~ permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-4.331(2)(b) or subsection 40D-40.331(2), F.A.C.

- (c) through (f) No change.
- (4) through (7) No change.
- (8) The following types of applications are exempt from the fees identified in subsection (7):

- (a) ~~LETTER PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM:~~ Applications for ~~letter~~ permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-2.331(2)(b), F.A.C.

- (9) through (10) No change.
- (11) Chapter 40D-40, F.A.C., general site conditions assessment permit:

- (a) through (b) No change.
- (c) Application for formal modification of an existing site conditions assessment permit by adjustment, expansion, transfer, ~~extension~~ ~~renewal~~, or conversion to a Chapter 40D-4 or 40D-40, F.A.C., construction and operation permit:
 1. For adjustment, expansion, transfer or ~~extension~~ ~~renewal~~ of contiguous project area and permitting of the same or additional site condition boundaries, one-half the basic fee applicable to a new application;
 2. No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07_____.

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 (25) No change.

SURFACE WATER

~~Application for Permit Used for Docks or Piers and Bulkheads~~

(1) through (14) No change.

(15) ENVIRONMENTAL RESOURCE PERMIT MODIFICATION SHORT FORM, FORM NO. LEG-R.013.00 ()

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 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, 373.413, 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, 2-26-07, 9-27-07, 1-11-07, 11-25-07, 1-8-08,_____.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 26, 2007

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate by reference a revised Supplemental Form that is submitted as part of a Water Use Permit application for withdrawals located within the Southern Water Use Caution Area of the District. The effect will be to eliminate the requirement to attach an Alternative Water Supply Feasibility Report as part of the documentation submittal requirements for completing applications to renew or modify small general water use permits (withdrawals of less than 100,000 gallons per day on an annual average basis), provided the applicant certifies that use of alternative water supplies is not feasible.

SUMMARY: Rule 40D-1.659, F.A.C., incorporates by reference a revised Supplemental Form to be used for all Water Use Permit applications for water withdrawals located or to be located within the Southern Water Use Caution Area of the District. The revised form eliminates the requirement to attach an Alternative Water Supply Feasibility Report for those applicants seeking to modify or renew existing small general water use permits (withdrawals of less than 100,000 gallons

per day on an annual average basis). Instead, such applicants will be required to certify that consideration has been given to using alternative water supplies, and that specific types of alternative water supplies are not technically, economically or environmentally feasible as a source of water for the intended use.

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, 373.337 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, 373.413, 373.414, 373.416, 373.419, 373.421 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-1.659 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 (20) No change.

(21) SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.007.010 (11/07) ~~(09/07)~~

(22) through (25) 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, 373.337 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, 373.413, 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, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08,_____.

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: November 26, 2007

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference an Electronic Transaction Agreement form approved by the District Governing Board. The effect will be to establish the standard procedures to be used by persons who wish to communicate electronically with the District.

SUMMARY: As the District expands its electronic permitting capability, it becomes necessary to establish standard procedures for persons who wish to submit permit applications electronically and to communicate electronically concerning their applications and permits once issued. The Electronic Transaction Agreement adopted by the District sets forth the basic procedures for conducting electronic communications with the District. These procedures address what constitutes an electronic signature, how payments are made electronically, when a transmittal is considered "received" by the District, responsibilities for transmission errors and e-mail addresses, and when notices will be sent by e-mail. Rule 40D-1.659, F.A.C., is amended to incorporate by reference the Electronic Transaction 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, 373.113, 373.149, 373.171, 373.337 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, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 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-1.659 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.

GROUNDWATER

(1) through (25) No change.

SURFACE WATER

(1) through (14) No change.

OTHER

(1) ELECTRONIC TRANSACTION AGREEMENT FORM LEG-R.014.00 (_____)

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 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, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 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, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08,_____.

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: November 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference a revised Water Use Permit Information Manual, Part B, "Basis of Review" (BOR). The effect will be to delete former BOR subsection 1.14 Permit Compliance, which describes an outdated permit compliance process.

SUMMARY: The District’s Water Use Permit Information Manual Part B, Basis of Review (BOR), sets forth the guidelines by which the District issues and administers water use permits. Section 1.14 of the BOR describes an outdated compliance process as it existed when the BOR was first developed. Current compliance procedures are more adaptable to specific circumstances and allow District staff to respond to the specialized needs of permittees and changing climatic conditions. The District is proposing to delete Section 1.14 from the BOR. Rule 40D-2.091, F.A.C. is amended to incorporate by reference the revised BOR.

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 (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, _____.

Water Use Permit Information Manual
Part B, Basis of Review

1.14 PERMIT COMPLIANCE

~~Pumpage in excess of the amount permitted is a violation of the permit. The District generally addresses this violation according to the following procedures.~~

~~If over pumpage is reported, District staff will request that the Permittee provide written explanation of the over pumpage, which will be placed in the permit file. If the Permittee demonstrates that the recurrence of over pumpage is unlikely and no adverse impacts have occurred, no action will be taken. If the District determines that the Permittee is likely to need an increase in the quantity permitted, the Permittee must submit an application for modification of the permit. If the Permittee continues to exceed the quantities permitted without obtaining a modification, the District may then take appropriate enforcement action. If the permit is due for renewal within 1 year of the violation, and no adverse impacts are expected as a result of the over pumpage, the modification may be addressed at renewal. Agricultural water use quantities are determined using the District’s agricultural water use model. The permitted quantities derived from this model are based on a 2 in 10 year drought occurrence. It is therefore anticipated that, because of varying climatic conditions and other factors, an agricultural permittee’s water use may vary both below, and occasionally above, the permitted quantity. These factors will be taken into consideration when comparing actual use with permitted quantities.~~

~~Repealed _____.~~

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: November 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose of these rule amendments is to incorporate by reference a revised Water Use Permit Information Manual Part B, “Basis of Review” (BOR). The effect of the amendments made to the BOR will be to reduce the documentation required to be submitted in support of water use permit renewal and modification applications

involving small general permits (withdrawals of less than 100,000 gallons per day on an annual average basis), where the documentation has previously been submitted or is documented in District records and all conditions for issuance as established for the previously issued permit or permit revision continue to be met.

SUMMARY: As part of the District’s effort to expand electronic permitting capabilities for Water Use Permits, application forms are being streamlined to facilitate electronic application processing. Based upon a review of existing permitting requirements and procedures, much of the information necessary to process applications to modify or renew small general (withdrawals of less than 100,000 gallons per day on an annual average basis) water use permits is already contained in District files and is accessible through the new electronic recordkeeping systems. Therefore, amendments are proposed to Sections 2.1, 3.0 and 4.0 of the District’s Water Use Permit Information Manual Part B, “Basis of Review” (BOR), to provide that permittees seeking to modify or renew a small general water use permit need not submit with their application certain documentation, provided that the documentation has previously been submitted or is documented in District records and the applicant’s water use needs have not changed or the information has not changed since the previously issued permit. Rule 40D-2.091, F.A.C., is amended to incorporate by reference the revised BOR. The adoption of these amendments will help streamline the permitting process for the renewal or modification of small general water use permits, which have minimal adverse impact on the water resources of the District, and will facilitate electronic processing for such permit applications.

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” (_____) (~~10/07~~) 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 (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, _____.

WATER USE PERMIT INFORMATION MANUAL
PART B, BASIS OF REVIEW

1.4.1 SWUCA APPLICATION FORMS

All Permit Applicants in the SWUCA shall submit the “Supplemental Form – Southern Water Use Caution Area,” Form No. LEG-R.007.01 (11/07) ~~LEG-R.007.00(06/07)~~ in addition to the appropriate application and supplemental form(s) described in section 1.4, above. Applicants for public supply quantities of 100,000 gallons per day or more, including water imported wholesale, shall submit the “Public Supply Supplemental Form – Southern Water Use Caution Area,” Form No. LEG-R.012.00 (06/07). Permit Applicants in the SWUCA shall also submit the following application and supplemental forms appropriate for their situation and intended water use type as described in Chapters 3 and 4 of Part B of this “Basis of Review for Water User Permit Applications” (_____), of the Water Use Permitting Manual:

- 1. through 3. No change.

New 6-26-07, Amended (_____)

2.1 APPLICANT CONTROL OF PROPERTY AND ACTIVITIES

1. Applicants must demonstrate ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are or will be located. Applicants seeking renewal or modification of a water use permit authorizing withdrawals of less than 100,000 gpd on an annual average basis will not be required to demonstrate continued ownership or legal control, provided current property appraiser records confirm that there is no change in property ownership or control from what is documented in District records for the permit to be renewed or modified. Except for Self-Relocations as described below, applications for leased property, except property leased from the District, must be either a joint application in the name of the lessee and the property owner(s) or be only in the name of the property owner(s). If there are multiple property owners, all owners must sign the permit

application form or sign an attachment to the permit application form indicating their joinder in the permit application, and all property owners will be permittees on the water use permit, when issued. In the case of an application for Self-Relocation, a permit may be issued solely to the lessee if the lessee and the permittee on the permit to be Self-Relocated are identical. For related rules on this issue, see Rules 40D-1.6105, 40D-2.351, and 40D-2.381(3)(p) and (q), F.A.C., and Section 1.10 and 6.1, Basis of Review for Water Use Permit Applications.

2. through 5. No change.

Amended 1-1-07, (_____).

3.0 REASONABLE WATER NEEDS

This section describes the factors involved in determining appropriate permit quantities for a particular water use. The quantity of water needed is a function of demand for water, efficiency of the water treatment and distribution systems, water acquired from other sources, water sold or transferred to other entities, and conservation practices employed. Section 3.1 describes the factors to consider in determining the appropriate quantities. Section 3.2 describes the units in which the quantities are identified on the permit. The remaining sections (3.3 through 3.7) describe the procedures for estimating water needs using the components of demand for each water use type. The information to be provided by permit applicants as described in this Chapter is required for all new water use permits and for renewal or modification of all existing water use permits, with the exception that applicants seeking to renew or modify water use permits authorizing withdrawal quantities of less than 100,000 gallons per day on an annual average basis will not be required to submit documentation with their application if the documentation requested has previously been submitted or the information is documented in District records and the applicant’s water use needs have not changed since the previously issued permit or permit revision.

4.0 CONDITIONS FOR ISSUANCE – TECHNICAL CRITERIA

Section 373.223, Florida Statutes (F.S.), provides a three-prong test for evaluating each proposed water use: the use must be reasonable and beneficial, must not interfere with any existing legal use of water, and must be consistent with the public interest. Reasonable assurances that water use on both an individual and cumulative basis meets this three-prong test is provided by the Applicant’s compliance with the Conditions for Issuance, set forth in Rule 40D-2.301, Florida Administrative Code (F.A.C.).

This Chapter provides guidelines for determining whether a water use meets the Conditions for Issuance set forth in Rule 40D-2.301, F.A.C. If the criteria described in this Chapter are not met, Applicants may consider reduction of withdrawal quantities, a pumpage rotation schedule, mitigation, or other means to bring a proposed use into compliance with the

Conditions For Issuance. For some criteria, presumptions have been developed to facilitate evaluation. If site-specific information is provided which demonstrates that the presumption is incorrect, this information will be used to evaluate compliance with the performance standards. For projects within the SWUCA with the purpose of restoration or enhancement of impaired or impacted water bodies, the existing condition referred to in the performance standards is considered to be the natural condition unaffected by withdrawals, structural alterations or changes rather than the impaired or impacted condition that exists currently. The information to be provided by permit applicants as described in this chapter is required for all new water use permits and for renewal or modification of all existing water use permits, with the exception that applicants seeking to renew or modify water use permits authorizing withdrawal quantities of less than 100,000 gallons per day on an annual average basis will not be required to submit documentation with their application if the documentation requested has previously been submitted or the information is documented in District records and all conditions for issuance as established for the previously issued permit or permit revision continue to be met.
Amended (_____)

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: November 26, 2007

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.361	Renewal of Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to clarify that, in order to be considered as timely filed, an application for renewal of a water use permit must be received by the District no later than the expiration date of the permit to be renewed. The effect is to establish a uniform procedure for addressing when a renewal application must be received in order to avoid having an existing permit expire.

SUMMARY: subsection 40D-2.361(1), F.A.C., and Section 1.11 of the District’s Water Use Permitting Manual Part B, “Basis of Review” (BOR) are amended to provide that applications to renew a water use permit must be received by the District not later than the expiration date of the existing

permit. A similar amendment is being made to Rule 40D-1.603, F.A.C., which addresses permit applications. Additional minor amendments are proposed for Rule 40D-2.361, F.A.C., to correct typographical errors and to BOR Section 1.11, to correct typographical errors and conform the language to subsection 120.60(4), F.S., Rule 40D-2.091, F.A.C., is amended to incorporate by reference the revised BOR.

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, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.103, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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-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 (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07,_____.

40D-2.361 Renewal of Permits.

(1) Applications for renewal of permits shall be made no earlier than 1 year and should be made no later ~~than that~~ 90 days prior to the expiration date of the permit. Application for a permit renewal is timely only if actually received by the

District not later than the expiration date of the existing permit. Mailing the application does not constitute receipt by the District.

(2)(a) Subsection (1) above shall be applicable to those permits which are not extended pursuant to subsection 40D-2.321(~~6~~)(~~5~~), F.A.C., based on the expiration date on the face of the permit.

(b) Subsection (1) above shall be applicable to those permits which are extended pursuant to subsection 40D-2.321(~~6~~)(~~5~~), F.A.C., based on the revised expiration date assigned to the permit.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.103, 373.239 FS. History—Readopted 10-5-74, Formerly 16J-2.14(2), Amended 9-1-84, 10-1-89, 7-2-98, 7-28-98,_____.

WATER USE PERMIT INFORMATION MANUAL PART B, BASIS OF REVIEW

1.0 PERMITTING PROCEDURES

1.11 RENEWAL OF PERMITS

1. Applications for permit renewal may be made at any time within 1 year prior to permit expiration, except as provided in Basis of Review Section 1.12. Permittees are encouraged to apply for renewal at least 90 days prior to the expiration date. Permits for which renewal applications have been timely submitted consistent with the provisions of subsection 40D-1.603(8), F.A.C., and that are under evaluation by the District shall remain in force past the expiration date until final action is taken by the District, or if the permit is denied or the terms of the permit limited, until the last day for seeking review of the District action or a later date fixed by order of the reviewing court.

2. Subsection 1. above shall be applicable to those permits which are not extended pursuant to subsection 40D-2.321(~~6~~)(~~5~~), F.A.C., and Section 1.9 above, based on the expiration date on the face of the permit.

3. Subsection 1. above shall be applicable to those permits which are extended pursuant to subsection 40D-2.321(~~6~~)(~~5~~), F.A.C., and Section 1.9 above, based on the revised expiration date assigned to the permit.

Amended 1-1-07, Revised 8-23-07,_____.

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: November 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: RULE TITLES:
40D-2.091 Publications Incorporated by Reference

40D-2.801 Water-Use Caution Areas

PURPOSE AND EFFECT: The purpose of these rule amendments is to correct the legal description of the Northern Tampa Bay Water Use Caution Area (NTBWUCA) appearing in subsection 40D-2.801(3), F.A.C., and incorporate by reference a revised Water Use Permit Information Manual Part B, Basis of Review (BOR). Section 7.3 of the BOR is revised to delete an unnecessary sentence in the lead paragraph describing the NTBWUCA. The effect will be to correctly include that portion of Section 24, Township 29, Range 19 north of State Road 60 within the legal description of the NTBWUCA, and eliminate a potentially unclear sentence.

SUMMARY: The legal description of the Northern Tampa Bay Water Use Caution Area (NTBWUCA) set forth in Rule 40D-2.801(3), F.A.C. is corrected. That portion of Section 24 North of State Road 60 which lies within Township 29 and Range 19 was inadvertently omitted from the legal description. Those Sections of Township 29, Range 19 that are not included within the NTBWUCA are also specifically stated. An unnecessary and potentially unclear sentence contained in BOR Section 7.3, which discusses the NTBWUCA, is deleted. Rule 40D-2.091, F.A.C., is amended to incorporate by reference the revised BOR.

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

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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-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” (~~(1/07)~~) 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 (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, _____.

40D-2.801 Water-Use Caution Areas.

(1) through (2) No change.

(3) The regions described in this Rule have been declared Water Use Caution Areas by the District Governing Board. The Rule reaffirms the declaration of Water Use Caution Areas and creates conditions applied to water users in those areas.

(a) Northern Tampa Bay Water Use Caution Area. To address ground water withdrawals that have resulted in lowering of lake levels, destruction or deterioration of wetlands, reduction in streamflow, and salt water intrusion, the Governing Board declared portions of northern Hillsborough County, southwestern Pasco County, and all of Pinellas County a Water Use Caution Area on June 28, 1989, pursuant to Resolution Number 934. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007.

1. The boundary for the Northern Tampa Bay Water Use Caution Area is as follows:

All of Pinellas County;

All of Pasco County;

That portion of Hillsborough County within the following sections (all Townships are South; all Ranges are East):

Township 27, Range 17: All Sections;

Township 27, Range 18: All Sections;

Township 27, Range 19: All Sections;

Township 27, Range 20: All Sections;

Township 27, Range 21: All Sections;

Township 27, Range 22: All Sections;

Township 28, Range 17: All Sections;

Township 28, Range 18: All Sections;

Township 28, Range 19: All Sections;

Township 28, Range 20: All Sections;

Township 28, Range 21: All Sections;

Township 28, Range 22: All Sections;

Township 29, Range 17: All Sections;

Township 29, Range 18: All Sections;
 Township 30, Range 17: All Sections;
 Township 30, Range 18: All Sections;
 Township 29, Range 22: All Sections North of State Road 60;
 Township 29, Range 21: All Sections North of State Road 60;
 Township 29, Range 20: All Sections North of State Road 60;
 Township 29, Range 19: Section 24 North of State Road 60 and all remaining Sections except 22, 23, 25, 26, 27 and 34 through -36.

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

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented ~~373.0395~~, 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History—Readopted 10-5-74. Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07, 10-1-07, _____.

**WATER USE PERMIT INFORMATION MANUAL, PART B
 BASIS OF REVIEW**

7.0 WATER USE CAUTION AREAS

7.3 NORTHERN TAMPA BAY WATER USE CAUTION AREA

The Governing Board originally declared portions of Hillsborough and Pasco Counties, and all of Pinellas County a Water Use Caution Area (WUCA) on June 28, 1989. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007. The area designated is shown in Figure 7.3-1; the legal description is provided in paragraph 40D-2.801(3)(a), F.A.C. As of the effective date of this rule, all existing water use permits within the Water Use Caution Area are modified to incorporate the applicable measures and conditions described below. Valid permits, legally in effect as of the effective date of this rule, are hereafter referred to as existing permits. Existing permits within those portions of the Water use Caution Area added in 2007 shall have until July 1, 2008 to comply with the provisions of this rule. Applicable permit conditions, as specified below, are incorporated into all existing water use permits in the Water Use Caution Area and shall be placed on new permits issued for withdrawals located within the Area. ~~However, both the language and the application of any permit conditions listed may be modified when appropriate.~~

These portions of the Basis of Review for the Northern Tampa Bay Water Use Caution Area are intended to supplement the other provisions of the Basis of Review and are not intended to supersede or replace them. If there is a conflict between requirements, the more stringent provision shall prevail.

- 1. through 8. No change.

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: November 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.091
 RULE TITLE: Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow a mitigation banker to request the District to require additional signatures, such as the representative of a financial institution providing funding for the mitigation bank, to authorize the withdrawal of mitigation credits.

SUMMARY: Appendix 4 of the ERP Basis of Review established criteria for the establishment and use of mitigation banks. Section 6 of Appendix 4 provides criteria regarding the withdrawal of mitigation credits from a mitigation bank. These criteria require the mitigation banker to demonstrate that mitigation credits have been reserved, sold, or transferred to a permit applicant and to request that the District withdraw these credits from the bank’s credit ledger. In many cases, the banker is not a single individual but a partnership comprised of multiple parties. In such cases, it is sometimes desirable from the banker’s perspective to require the approval of all partners prior to withdrawal of mitigation credits. Additionally, there may be a financial lending institution requesting the opportunity to approve credit withdrawals in support of a loan to the mitigation banker. In these cases, a process requiring approval by multiple entities prior to credit withdrawal may be in the best interest of the mitigation bank. The specific rule revision proposed to accomplish this purpose is the insertion of a single sentence in Section 6 of Appendix 4 stating “At the request of the banker, the District shall require additional signatures to authorize the withdrawal of mitigation credits.” Rule 40D-4.091, F.A.C., incorporates by reference those documents and agreements cited within ERP rules. Coincident with the proposed revision to Section 6 of Appendix 4, this section must also be revised to indicate the effective date of the proposed revisions to the Basis of Review.

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

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

SPECIFIC AUTHORITY: 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, "Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ ~~September 25, 2007~~". This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07, 11-26-07, _____.

Environmental Resource Permitting Information Manual
Part B, Basis of Review

APPENDIX 4 – Basis of Review For The Establishment And Use of Mitigation Banks

(1) through (5) No change.

(6) Establishment of Mitigation Credits.

(a) through (f) No change.

(g) The District shall maintain a ledger of the mitigation credits available in each mitigation bank. Mitigation credits shall be withdrawn as a minor modification of the mitigation bank permit.

(1) through (2) No change.

(3) At the request of the banker, the District shall require additional signatures to authorize the withdrawal of mitigation credits.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2007

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-4.091	Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to adopt by reference an operating agreement between the U.S. Army Corps of Engineers (ACOE) and the District. The operating agreement outlines the procedures to be followed by the ACOE and the District to implement the ACOE's Programmatic General Permit – PGP-SAJ-95. PGP-SAJ-95 addresses multi-phase projects that are being developed pursuant to a conceptual environmental resource permit. Currently such projects require construction permits from both the ACOE and the District prior to each phase of construction. The effect of implementing PGP-SAJ-95 will streamline permitting of such projects by eliminating the need for a separate approval from the ACOE once it has approved the conceptual design.

SUMMARY: The rule revision incorporates our operating agreement between the ACOE and the District to implement the ACOE's Programmatic General Permit PGP-SAJ-95. The operating agreement describes the processes for the application by the ACOE of its general permit to projects being implemented through a conceptual environmental resource permit issued by the District. The operating agreement also specifies modification, notification, and compliance responsibilities of both the ACOE and the District regarding projects that quality for PGP-SAJ-95.

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, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (4) No change.

(5) Operating Agreement Between the U.S. Army Corps of Engineers and the Southwest Florida Water Management District (SWFWMD) Located within the Geographical Limits of the SWFWMD in Florida, Pursuant to Programmatic General Permit (PGP) PGP-SAJ-95.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07, 11-26-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352) 796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 26, 2007

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.331
RULE TITLE: Modification of Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to require use of a new Environmental Resource Permit (ERP) Modification Short Form application form instead of a letter when permittees apply for certain minor modifications of ERPs, and to allow applications to extend the duration of an ERP to be made using this new form. Rule amendments also eliminate the requirement to determine that completed construction complies with a currently valid permit when a permittee applies to extend the duration of a permit.

Amendments also replace the term “renewal” with the term “extension.” The effect of these amendments will be to standardize the process for seeking minor modifications of ERPs.

SUMMARY: The District allows certain minor modifications of Environmental Resource Permits (ERPs) to be made without completing a full ERP application form and without payment of an application fee. Rule 40D-4.331, F.A.C., is amended to require use of a new Modification Short Form instead of a letter to request these minor modifications, to allow applications to extend the duration of an ERP to be made using the Modification Short Form, and to clarify that permits may be extended in duration, as opposed to being “renewed.” Applications to extend the duration of an ERP will be granted if the construction proposed to take place during the extended permit duration will comply with the District’s rules in effect at the time the application is filed.

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: 373.413, 373.416(1), 373.429, 373.805 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 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-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 or expired.

(1) No change.

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

(a) Formal modifications

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

2. through 3. No change.

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

1. through 4. No change.

5. Decrease the required flood control elevations for roads or buildings, or

6. Decrease pollution removal efficiency, ~~or~~

~~7. Renew or extend the existing permit duration.~~

(3) Applications for modification of a site conditions assessment permit shall be made by formal application and reviewed using the same criteria as new applications:

(a) through (b) No change.

(c) For any ~~renewal or~~ extension of a current permit, or

(d) No change.

(4) Application for permit modification to extend the existing permit duration ~~of a construction permit or conceptual permit should be made using the "Environmental Resource Permit Modification Short Form," adopted by reference in Rule 40D-1.659, F.A.C., shall occur by formal application and review, and~~ such requests shall be submitted no sooner than 180 days prior to the permit expiration date.

(a) A modification seeking extension of a construction permit will be granted if it is reasonably assured by the applicant and determined that ~~any completed construction is in compliance with a currently valid permit, and~~ the proposed construction will be in compliance with the District's rules in effect at the time the application for modification to extend is filed.

(b) No change.

(c) Each modification to extend will ~~can~~ be granted for a duration as needed, up to five years.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 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, 12-24-07, 1-8-08, _____.

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: November 26, 2007

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-40.331
 RULE TITLE: Modification of Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend Rule 40D-40-331, F.A.C., to require use of a new Environmental Resource Permit (ERP) Modification Short Form application form instead of a letter when permittees apply for certain minor modifications of a General ERP. The effect is to standardize permit modification applications for minor modifications.

SUMMARY: This rule amendment is one of several rule amendments proposed by the District to implement a new Modification Short Form for requesting certain types of minor modifications of an Environmental Resource Permit (ERP). Rule 40D-40.331, F.A.C., is amended to require use of the newly adopted Modification Short Form in lieu of a letter when requesting certain minor modifications of Standard and Minor General ERPs.

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: 373.413, 373.416(1), 373.429 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-40.331 Modification of Permits.

A request for modification to ~~renew or~~ extend a permit issued under this chapter shall be made in accordance with this rule. Requests to modify permits shall be made:

(1) No change.

(2) By submittal of a Modification Short Form application letter for general construction and operation permits provided the requested modification does not exceed the conditions of paragraph 40D-4.331(2)(b), F.A.C.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416(1), 373.429 FS. History—New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 4-17-97, 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: November 26, 2007

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

**Please Note: The following notice was inadvertently omitted
 from the January 18, 2008, Vol. 34, No. 3 issue of the FAW.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.0102 RULE TITLE: Point of Sale Advertising Items

PURPOSE AND EFFECT: The purpose and effect of the
 proposed rule is to clarify how and what point of sale
 advertising items manufacturers and distributors may provide
 to vendors.

SUMMARY: This rule is part of a large set being promulgated
 to implement statutory provisions relating to approved
 advertising and promotional gifts, including coupons, as they
 pertain to the sales of alcoholic beverages.

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: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m.
 – 5:00 p.m. or until completion of business, whichever is
 earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N.
 Monroe Street, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities
 Act, any person requiring special accommodations to
 participate in this workshop/meeting is asked to advise the
 agency at least 5 days before the workshop/meeting by
 contacting: DeeAnna Owens, Administrative Assistant,
 (850)414-8125. If you are 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: Lisa Livezey Comingore, Assistant
 General Counsel, Department of Business and Professional
 Regulation, Office of the General Counsel, 1940 North
 Monroe Street, Suite 42, Tallahassee, Florida 32399,
 (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.0102 Point of Sale Advertising Items.

(1) Manufacturers and distributors of wine and spirits may give or sell, and manufacturers and distributors of malt beverages may sell, at a cost not less than the actual cost of the industry member who purchased them, expendable advertising items including coasters, cups, mats, menu cards, meal checks, paper napkins, trays, thermometers, and alcoholic beverage lists or menus. Alcoholic beverage lists or menus shall not contain any information other than alcoholic beverages and prices. Any manufacturer or distributor may sell glasses at a cost not less than the actual cost of the industry member who purchased them.

(2) Manufacturers and distributors of wine and spirits may give or sell, and manufacturers and distributors of malt beverages may rent, loan without charge for an indefinite duration, or sell durable retailer advertising specialties including pool table lights, foam scrapers, back bar mats, clocks, calendars, and umbrellas.

(3) The vendor's name, business name, and address may be printed on these items, which shall be intended for use by the vendor.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Cynthia Hill, Director, Division of Alcoholic Beverages and
 Tobacco.

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Ralf Michels, Chief Attorney,
 Department of Business and Professional Regulation, Division
 of Alcoholic Beverages and Tobacco, Office of the General
 Counsel, 1940 North Monroe Street, Suite 42, Tallahassee,
 Florida 32399, (850)488-0062

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH**Division of Medical Quality Assurance**

RULE NO.: 64B-1.003
 RULE TITLE: Examination Administration

PURPOSE AND EFFECT: It is the purpose of this rule to implement the changes made to Chapter 456, F.S., and to adopt "General Administration Manual for Examinations", 2008.

SUMMARY: The proposed amendments will affect and clarify procedures for candidates who arrive late for an examination administration. The proposed amendments will affect the time frame that a candidate can re-examine after failure of an examination. The proposed amendments will also adopt the 2008 version of the "General Administration Manual for Examinations".

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

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

SPECIFIC AUTHORITY: 456.004(5), 456.017(1)(a),(d),(f) FS.

LAW IMPLEMENTED: 456.017(1)(a),(d) 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: Jennifer Wenhold, Manager of Testing Services, Division of Medical Quality Assurance, Bureau of Operations, 4052 Bald Cypress Way, Mail Bin C-90, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.003 Examination Administration.

Unless the national examination requires a different set of administration procedures, the following procedures shall be followed for any examination administered by the department or its contract provider.

(1) All examinations will be administered in accordance with the department's "General Administration Manual for Examinations," ~~2008~~ ~~2007~~, incorporated herein by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290.

(2) During the examination, the candidates will follow the instructions given by the examination administrator. The instructions shall be provided to the candidates in either written or oral form by the examination administrator.

(3) The department's valid admission slip for the specified examination and a government-issued photo identification such as a valid driver's license or passport, shall be presented

in order to gain admission to the examination. A government-issued photo identification shall be acceptable in the absence of the admission slip provided the candidate's name appears on the examination admission roster that has been prepared for the specific examination. Department contracted vendors may require additional forms of identification for security purposes.

(4) If the candidate arrives at the designated testing location after the designated starting time, the candidate shall not be permitted to take the examination. However, if the examination has not begun, the examination administrator may attempt reasonable accommodations.

~~(a) Candidates sitting for paper and pencil examinations will be permitted to take the examination only after signing a statement indicating the candidate's late arrival time and the candidate's agreement that he/she will have only the remaining designated time in the examination to complete the examination. No late arriving candidate for paper and pencil examinations will be permitted to take that examination if:~~

~~1. The candidate refuses to sign such a statement, or~~

~~2. At the time the late candidate arrives, any other candidate has already finished the examination and left the examination room.~~

~~In either case, if the late candidate wants to take the examination, he or she shall apply to the department for scheduling for the next available examination.~~

~~(b) For candidates sitting for computer-based testing examinations, reasonable accommodation will be the re-scheduling of the examination by the examination administrator.~~

~~(c) Candidates sitting for practical or clinical examinations will not be allowed to take the examination at their scheduled time. If reasonable accommodation is not available at a later time during the scheduled examination and the late candidate wants to take the examination, he or she shall apply to the department for scheduling for the next available examination.~~

(5) If through some mechanical or clerical error of the department or the contract provider, the candidate does not receive the allotted time to complete the examination, additional time shall be allowed upon approval of the examination administrator.

(6) All examination questions, booklets, answer sheets, electronic files and other examination papers and materials, in any form, are the sole property of the department or the national provider. No candidate shall take any part of the examination questions, booklets, ~~portions thereof~~, answers sheets, electronic files and/or other examination papers and materials, in any form, from the examination room, or retain, reproduce or compromise the examination in whole or in part by any means or method whatsoever.

(7) Candidates must wait at least 30 days after an examination before they can re-examine.

Specific Authority 456.004(5), 456.017(1)(a),(d),(f) FS. Law Implemented 456.017(1)(a),(d) FS. History—New 9-7-98, Amended 7-20-03, 3-26-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Wenhold

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Wenhold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2007

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-1.005 RULE TITLE: Special Testing Accommodations

PURPOSE AND EFFECT: It is the purpose of this rule to clarify changes made to Chapter 456, F.S. regarding special testing accommodations.

SUMMARY: The proposed amendments will clarify the department’s procedures for special testing accommodations related to national examinations. The proposed amendments will affect and clarify the time frame that a candidate may request special testing accommodations based on religious beliefs.

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

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

SPECIFIC AUTHORITY: 456.004(5), 456.017(1) FS.

LAW IMPLEMENTED: 456.017(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Wenhold, Manager of Testing Services, Division of Medical Quality Assurance, Bureau of Operations, 4052 Bald Cypress Way, Mail Bin C-90, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.005 Special Testing Accommodations Licensure Examination Format; Examination Procedures for Candidates with Disabilities

(1) Definitions.

(a) The term “disability” means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

2. A record of such an impairment; or

3. Being regarded as having such an impairment.

(b) A physical or mental impairment means:

1. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hematic and lymphatic, skin, and endocrine; or

2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, mental retardation, emotional disturbance, english as a ~~second foreign~~ language, or of environmental, cultural or economical disadvantage.

(c) Major life activities are activities that an average person can perform with little or no difficulty which include: walking, talking, hearing, seeing, speaking, breathing, learning, working, caring for one’s self and performing manual tasks.

(2)(a) The department will provide reasonable and appropriate accommodations to candidates with physical, mental, or specific learning disabilities to the extent permitted by cost, administration restraints, security considerations and availability of resources. Accommodations made will vary depending upon the nature and the severity of the impairment.

(b) For national examinations the national vendor will determine the what accommodations are available to candidates who demonstrate to the department the necessity of such accommodations due to disability.

(3)(a) Candidates requesting special testing accommodation due to a disability shall file a request for special testing accommodation no later than sixty (60) days prior to the first day of the examination on form DH 1307, Application For Candidates Requesting Special Testing Accommodation in Accordance with the Americans with Disabilities Act, for which special testing accommodation is requested. Form DH 1307 is hereby incorporated by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. If a candidate becomes disabled after the sixty-day deadline has passed and that candidate has not requested special accommodation, the department will provide any such requested accommodation that can be made available without posing undue burden or jeopardizing the security and integrity of the examination. However, in no event will accommodation be provided to exam candidates requesting special accommodation ten (10) days or less; before the examination.

(b) In addition to form DH 1307, the candidate shall provide the department with documentation of their disability completed by a practitioner licensed pursuant to Chapter 490, (Psychology), Chapter 458 (Medical Practice), Chapter 459 (Osteopathy), Chapter 461 (Podiatry), Chapter 463 (Optometry), Chapter 468, Part I (Speech-Language Pathology & Audiology), or Chapter 460 (Chiropractic Medicine), Florida Statutes, or by a comparable practitioner licensed in another jurisdiction in the United States. Such documentation shall be sufficient to allow an independent reviewer to evaluate the diagnosed condition(s) and shall include:

1. The diagnosis and duration of the candidate’s condition;
2. The name of the test(s) used for diagnosis; and
3. Recommendations regarding appropriate accommodations and testing environment.

4. Reasonable accommodations shall be made for candidates who qualify. All accommodations must be directly linked to the amelioration of the identified functional limitations caused by the asserted disability. Permissible accommodations include:

a. Additional Time: Provided for candidates requiring extra time to take an examination. However, in no event shall a candidate be provided an untimed examination.

b. Alternate Setting: Individual and small group examination administrations shall be available to qualified candidates.

c. Alternate Recording of Responses: The candidate’s responses can be recorded by a proctor or by another method approved by the department. In the event answer sheets are machine-scored, the proctor shall transcribe the candidate’s responses onto a machine-scannable answer sheet. In these instances, the candidate will verify that the answer marked was the candidate’s intended option.

d. Alternate Format: The test booklet can be produced in an appropriate manner as approved by the department on a case-by-case basis, based on the practitioner’s recommendation.

e. Assistive Devices: The candidate will be allowed to use appropriate assistive devices approved by the department based on the practitioner’s recommendation.

(4) The department reserves the right to request further evidence on the necessity of the accommodation when the information submitted to substantiate a candidate’s need for the requested accommodation is insufficient, incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation.

(5) In no case shall any modifications authorized herein be interpreted or construed as an authorization to provide a candidate with assistance in determining the answer to any test question. No accommodation or modification shall be made that adversely affects the security or integrity of the examination.

(6) If a candidate approved for special testing accommodations receives a failing grade on his or her examination and requests an examination review, the candidate will receive the same approved accommodation at the review.

(7) Candidates requesting special testing accommodation due to religious beliefs shall submit their request to the department no later than 60 days from the date of the first day of the examination.

(8) National examinations used by the department may require that special testing accommodations be reviewed and approved by the National vendor.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended 7-20-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Wenhold

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Wenhold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2007

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-1.009 RULE TITLE: Pre-hearing Review Request

PURPOSE AND EFFECT: It is the purpose of this rule to further clarify the procedures for a pre-hearing review request.

SUMMARY: The proposed amendments will clarify the procedures by which a candidate may request a pre-hearing 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: 456.004(5), 456.014, 456.017(2) FS.

LAW IMPLEMENTED: 456.014, 456.017 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: Jennifer Wenhold, Manager of Testing Services, Division of Medical Quality Assurance, Bureau of Operations, 4052 Bald Cypress Way, Mail Bin C-90, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.009 ~~Requesting a~~ Pre-hearing Review ~~Request~~.

After the candidate's petition for a hearing, pursuant to Section 120.57, Florida Statutes, and Rule 28-106.201, Florida Administrative Code, has been filed, ~~either the candidate, and the candidate's attorney or both~~ shall be permitted ~~a one (1)~~ pre-hearing review pursuant to Rule 28-106.209, Florida Administrative Code of the disputed examination questions and answers at the department's headquarters in Tallahassee to ~~prepare for the purpose of preparing~~ for the administrative hearing under the following conditions:

(1) Pre-hearing reviews will not be conducted during the ~~thirty (30) days period~~ immediately prior to the next examination.

(2) ~~The candidate shall submit a~~ written request for such review ~~shall be submitted~~ to the department's attorney at least ~~fourteen (14) days~~ prior to the hearing date or other time as directed by the presiding officer.

(3) The candidate ~~must will be required to~~ pay a pre-hearing review fee as established by the department in order to receive a pre-hearing review.

(4) The department will not respond to any oral or written comments made about the examination during the pre-hearing review.

(5) All procedures outlined in Rules 64B-1.004 and 64B-1.013, Florida Administrative Code, shall apply to pre-hearing reviews. Rule 64B-1.013, Florida Administrative Code, shall apply to the candidate and the candidate's attorney, if present, for the pre-hearing review.

Specific Authority 456.004(5), 456.014, 456.017(2) FS. Law Implemented 456.014, 456.017 FS. History—New 9-7-98, Amended 2-21-00, 7-20-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Wenhold
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Wenhold
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-1.011 RULE TITLE: Requirements and Standards of a National Examination

PURPOSE AND EFFECT: It is the purpose of this rule to implement a recertification requirement for National examinations.

SUMMARY: The proposed amendments will reflect the department's current business processes as it relates to recertification of National examinations.

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

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

SPECIFIC AUTHORITY: 456.004(5), 456.017(1)(c) FS.

LAW IMPLEMENTED: 456.017(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: Jennifer Wenhold, Manager of Testing Services, Division of Medical Quality Assurance, Bureau of Operations, 4052 Bald Cypress Way, Mail Bin C-90, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.011 Requirements and Standards of a National Examination.

(1) National examinations will be certified by the department according to the criteria established in this rule. National examinations shall be recertified during contract renewal periods as established by the department.

(a) The national examination shall be developed either by or for a national or multi-state professional association, board, council or society (hereinafter referred to as national organization). The national organization providing the examination shall either:

- 1. Be recognized by state regulatory boards as a national organization, or
- 2. Be recognized by a substantial number of that profession's licensed practitioners as a national organization, or
- 3. Have a substantial number of the nation's practitioners licensed or certified through an examination provided by or for the national organization.

(b) Examinations prepared by or for a national organization shall meet the following requirements:

- 1. The examinations shall be administered for the purpose of assessing entry-level skills necessary to protect the health, safety and welfare of the public from incompetent practice,
- 2. The national organization or its test provider shall be the responsible body for overseeing the development and scoring of the national examination, and
- 3. The national organization or its test provider shall provide security guidelines for the development, administration and scoring of the national examination and shall oversee the enforcement of these guidelines.

(c) A national examination shall meet the following generally accepted testing standards:

1. The examination tests the scope of practice and entry-level knowledge, skills and abilities defined by a national or multi-state job/task analysis or similar study with a representative sample of licensed practitioners and professional practices.

2. The examination is justified in terms of the protection of the health, safety and welfare of the patient or client.

3. The scores, sub-scores or combinations of scores are statistically reliable.

4. The examination uses psychometrically sound methods to determine the passing score.

5. There are standardized procedures for administering and scoring the examination.

6. There are standardized procedures to ensure the security of the examination.

(2) If an organization makes a request to the department to certify a national examination, the organization shall submit to the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290, documentation establishing that it meets the requirements established in subsection (1) of this rule, and a non-refundable fee of:

- (a) \$1,700 for a written examination,
- (b) \$3,000 for a clinical examination, or
- (c) \$4,200 for an examination consisting of both a written and clinical component.

(3) No fee shall be charged for certifying an examination if the request for certification is initiated by the department or the respective board.

Specific Authority 456.004(5), 456.017(1)(c) FS. Law Implemented 456.017(1)(c) FS. History—New 9-7-98, Amended 7-20-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Wenhold

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Wenhold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2007

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-1.013 RULE TITLE: Post-Examination Review

PURPOSE AND EFFECT: This rule revision will implement changes necessary to clarify the post examination review process.

SUMMARY: The proposed amendments will clarify the department's current business processes as it relates to post-examination 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: 456.004(5), 456.017(2) FS.

LAW IMPLEMENTED: 456.017(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Wenhold, Manager of Testing Services, Division of Medical Quality Assurance, Bureau of Operations, 4052 Bald Cypress Way, Mail Bin C-90, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.013 Post-Examination Review.

(1) When review of a national examination administered by the department is permitted, the review shall be conducted in accordance with national examination security procedures.

(2) A candidate who has taken and failed a department-developed practical or clinical examination or a department-developed electronically administered examination shall have the right to one (1) post-examination review of those examination questions answered incorrectly, the answers to those examination questions answered incorrectly, and to materials, grades and grading keys related thereto.

(a) A The candidate who has taken and failed a department-developed practical or clinical examination or a (written) paper and pencil examination shall request a post-examination review in writing to the department. The request shall be received by the department within twenty-one (21) days from the date of notification of the failing grade. If the official grade report is sent by regular U.S. mail, the department will allow an additional five (5) days for mailing. If the official grade is posted on the department's website, the candidate's request for post-examination review shall be post-marked within twenty-one (21) days from the date the official grades are posted as indicated on the department's website.

(b) Post-examination reviews shall be completed no later than sixty (60) days following the date on which the grades for the examination are released.

(c) Post-examination reviews will not be conducted during the thirty (30) day period immediately prior to the next administration of the examination.

(d) The provisions outlined in Rule 64B-1.004, Florida Administrative Code, shall apply to all review sessions. Violation of such provisions by a candidate shall result in

termination of the review session and the candidate shall be subject to other sanctions as determined by the appropriate board pursuant to the board's disciplinary guidelines.

(e) Post-examination reviews shall be conducted in the presence of a representative of the department at its Tallahassee headquarters during regular working hours which are defined as 8:00 a.m. through 4:30 p.m., Monday through Friday, excluding official state holidays. For opticianry neutralization and computer-based testing examinations, post-examination reviews may be conducted at another location.

(f) A representative from the department shall remain with all candidates throughout all post-examination reviews. The representative shall inform candidates that he or she cannot defend the examination or attempt to answer any examination questions during the review.

(g) For electronically administered or written examinations, the candidate will be provided one-half the time given for the examination administration for completion of a post-examination review. For clinical examinations, the time provided will be determined for each specific profession.

(h) Prior to a post-examination review, candidates shall be provided written instructions and shall acknowledge in writing at that time, receipt of such instructions and affirm that they will abide by the following instructions:

1. Only the candidate will be allowed to enter the review area;
2. No extraneous materials of any type may be brought into the review room;
3. The candidate will be provided with a duplicate of the answer sheets, a copy of the questions missed, and if applicable, other examination materials;
4. No additional time beyond the scheduled time will be provided for examination review;
5. No talking is allowed between the candidates when in the review room;
6. All examination materials are to be given to the Review Coordinator prior to departing the review room; and
7. Any observation or evidence of a candidate attempting to copy, remove or modify any testing materials shall result in the termination of the review session and shall be reported to the board, or the department where there is no board.

(i) Upon completion of a post-examination review, candidates shall acknowledge in writing: the start and end time of the review, all materials that have been reviewed and any other relevant review information.

(j) In addition to the other provisions of this rule, candidates shall be prohibited from leaving a post-examination review with written notes, grade sheets, or any other examination materials.

(3) A candidate who has taken and failed a department-developed practical or clinical examination or a department-developed electronically administered

examination, completed a post-examination review and wishes to challenge the examination shall file a request/petition for administrative hearing with the department within 21 days after the date on which he/she completes his/her post-examination review.

Specific Authority 456.004(5), 456.017(2)(+) FS. Law Implemented 456.017(2)(+) FS. History--New 9-7-98, Amended 7-20-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Wenhold

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Wenhold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2007

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.:	RULE TITLE:
64B-1.016	Fees: Examination and Post-Examination Review

PURPOSE AND EFFECT: It is the purpose of this rule to implement the changes made to specific examination fees.

SUMMARY: The proposed amendments will affect the examination fees based on the requirement that the department adjust examination fees periodically to cover the actual cost of the examination.

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

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

SPECIFIC AUTHORITY: 456.004(10), 456.017(1)(b) FS.

LAW IMPLEMENTED: 456.004(10), 456.017(1), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Wenhold, Manager of Testing Services, Division of Medical Quality Assurance, Bureau of Operations, 4052 Bald Cypress Way, Mail Bin C-90, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.016 Fees: Examination and Post-Examination Review.

(1)(a) The following fees shall be assessed by the department to cover administrative costs, actual per-applicant

costs, and costs incurred to develop, purchase, validate, administer, and defend the following department developed, administered, or managed examinations:

Exam Fees		
Profession	Exam	Exam Fee
Chiropractic Medicine	Physical Diagnosis	\$450.00
	Technique	\$450.00
	X-Ray	\$170.00
Dental	Laws & Rules	\$300.00 675.00
	Clinical	\$55.00
Dental Hygiene	Laws & Rules	\$120.00 470.00
	Clinical	\$30.00
Electrolysis	National	\$150.00
Hearing Aid Specialist	National	\$300.00
Massage	Colonics	\$150.00
Nursing Home Administrator	Laws & Rules	\$150.00
	National	\$20.00
Opticianry	Practical	\$580.00
	Neutralization	\$170.00
Optometry	Clinical	\$900.00
	Pharmacology	\$550.00
Osteopathic Medicine	Laws & Rules	\$25.00
	National	\$995.00 2,750.00
Physical Therapy	Laws & Rules	\$20.00
	National	\$5.00
Physical Therapist Assistant	Laws & Rules	\$20.00
	National	\$5.00
Psychology	Laws & Rules	\$20.00
	National	\$75.00

(b) For those examinations administered by the computer based testing vendor, the candidate will be assessed a fee by the vendor.

(c) For those National examinations managed by the department, the candidate shall be assessed an additional fee to be determined by the National organization administering the examination.

(2) The department shall assess the following non-refundable post examination review fees to cover the actual cost to the department to provide the examination review:

Review Fees		
Profession	Exam	Review Fee
Chiropractic Medicine	Physical Diagnosis	\$100.00
	Technique	\$100.00
Dental	Clinical	\$125.00
Dental Hygiene	Clinical	\$100.00
Hearing Aid Specialist	National Clinical	\$150.00
Opticianry	Practical	\$75.00
	Neutralization	\$100.00
Optometry	Clinical	\$100.00
Physical Therapy	Laws & Rules	\$100.00
Physical Therapy Assistant	Laws & Rules	\$100.00

For those examinations administered through the department's computer based testing vendor, the candidate will be assessed a fee by the vendor to conduct the post-examination review.

Specific Authority 456.004(10), 456.017(1)(b) FS. Law Implemented 456.004(10), 456.017(1)(2) FS. History--New 3-14-02, Amended 7-20-03, 7-12-05, 1-23-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Wenhold
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Wenhold
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.003
RULE TITLE: Citations

PURPOSE AND EFFECT: The purpose and effect is to add a citation for failure to update practitioner profiles.

SUMMARY: A citation for failure to update practitioner profiles is added.

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

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

SPECIFIC AUTHORITY: 456.077, 464.006 FS.

LAW IMPLEMENTED: 456.077 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-8.003 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations, which shall result in a penalty of (\$100.00):

(a) through (h) No change.

(i) Failure to submit updates of required information in practitioner profile within 15 days after the final activity that renders such information a fact, as required by Section 456.042, F.S.

(4) through (5) No change.

Specific Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History--New 1-1-92, Amended 7-6-92, Formerly 210-10.015, Amended 12-5-93, 5-24-94, Formerly 61F7-8.003, 59S-8.003, Amended 2-18-98, 3-23-00, 2-22-04, 7-5-06, 12-11-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 6, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 9, 2007

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:
69A-58.004 Firesafety Inspections
69A-58.0081 Means of Egress
69A-58.0082 Relocatable Buildings

PURPOSE AND EFFECT: These rules were either amended or new on November 26, 2006. The Department received comments to the Proposed Rules after the expiration of the comment period. The attached proposed amendments adopt some of those comments.

SUMMARY: The proposed amendments are based on untimely comments received when a major amendment to the rule was adopted on November 26, 2006. The Department received comments to the proposed rules after the expiration of the comment period. The attached proposed amendments adopt some of those comments which clarify the original intent. The amendments also add Section 633.022, Florida Statutes, as legislative authority and law implemented.

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

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

SPECIFIC AUTHORITY: 1013.12, 633.022 FS.

LAW IMPLEMENTED: 1013.12, 633.022 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: February 15, 2008, 10:00 a.m.

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 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 5 days before the workshop/meeting by contacting: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, Florida 32399-0342, Telephone: (850)413-3620; Fax: (850)414-6119. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, Florida 32399-0342, telephone: (850)413-3620; fax: (850)414-6119

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-58.004 Firesafety Inspections.

(1) through (4) No change.

(5) Each inspection report and plan of correction shall contain, at a minimum, the following information:

(a) The name of the school district or community college;

(b) The name of the board and the local fire official (i.e., municipality, county, or special district);

(c) The name of the facility inspected;

(d) The type of facility inspected (i.e., K-5, 6-9, 10-12, CC, other);

(e) The facility address;

(f) The number of the facility as listed in the Florida Inventory of School Houses ~~florida inventory of school houses~~ (FISH #);

(g) through (i) No change.

(6) through (7) No change.

Specific Authority 1013.12, 633.022 FS. Law Implemented 1013.12, 633.022 FS. History—New 2-18-03, Formerly 4A-58.004, Amended 11-26-06, _____.

69A-58.0081 Means of Egress.

(1) No change.

(2) Existing smoke stop doors shall meet the requirements of subdivision 8.3.4 of NFPA 101, the edition as adopted in Rule 69A-3.012, F.A.C.

(a) Smoke stop doors may be used to create a secondary means of egress from interior instructional spaces.

~~1. Create a secondary means of egress from interior instructional spaces; or~~

~~2. Divide corridors into segments not to exceed 300 feet in aggregate length.~~

(b) through (e) No change.

(3) through (13) No change.

(14) Corridors and hallways.

(a) Corridors shall be arranged so that each end leads to an exit and shall be without pockets or deadends more than 20 feet in length.

(b) Hallway widths in office and service areas shall be a minimum of 44 inches in width.

~~(c) Interior corridors, including contiguous dead-end cross corridors, shall be divided by smoke stop doors in sections not to exceed 300 feet in length.~~

~~(c)(4)~~ Child Care. Areas designated for children’s sleeping mats, cots, or cribs shall include a clearly marked exit passageway.

- (15) through (16) No change.
- (17) Boiler Rooms.
- (a) through (b) No change.

(c) Each boiler room door shall:

1. ~~Open Each boiler room door shall open~~ directly to the outside and, if opening toward a building or path of egress, shall have opening protection in accordance with section 8.3.4 of NFPA 101 ~~or~~

2. ~~When a door If an additional door serving a boiler room~~ opens into the interior of the building, the door shall swing into the boiler room and have opening protection in accordance with section 8.3.4 of NFPA 101.

- (18) through (20) No change.

Specific Authority 1013.12, 633.022 FS. Law Implemented 1013.12, 633.022 FS. History—New 11-26-06, Amended _____.

69A-58.0082 Relocatable Buildings.

(1) Relocatable buildings: Relocatable buildings sited after March 1, 2002, shall be separated as required by the Florida Building Code.

- (a) No change.

(b) Relocatable buildings sited within a cluster in accordance with this section are permitted to achieve emergency vehicle access by providing vehicular access to within 200 feet of the entrance of the most remote relocatable unit and shall be provided with an independent fire alarm system with a manual pull station within 100 feet of each egress door.

Exception: When required by the board, a cluster shall be protected by a fire zone extended from the main educational facility’s fire alarm control panel.

In addition, all of the following requirements shall be met:

- 1. through 4. No change.

~~5. The minimum setback for non-combustible relocatable buildings shall be as permitted by local zoning requirements.~~

(2) Each multi-classroom relocatable building of non-combustible construction shall ~~Egress doors in relocatable buildings shall be provided as follows:~~

~~(a) Classroom units of combustible construction shall have 2 remotely located doors opening directly to the outside.~~

~~(b) Multi-classroom units of non-combustible construction shall~~ have a primary exit door opening directly to the exterior or, if served by interior corridors, shall have a primary exit door and an emergency rescue opening in each space designed to be occupied by 6 or more students.

~~(a)1-~~ This requirement applies to spaces occupied by 10 or more persons for buildings designed prior to October 18, 1994.

~~(b)2-~~ An emergency rescue opening is not required when a door opens directly to the outside.

- (3) No change.

Specific Authority 1013.12, 633.022 FS. Law Implemented 1013.12, 633.022 FS. History—New 11-26-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, Florida 32399-0342, Telephone: (850)413-3620, Fax: (850)414-6119

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Goodloe

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.:	RULE TITLE:
69L-24.0231	Benefits and Administration Trust Fund Penalties Improper Filing Practices

PURPOSE AND EFFECT: The purpose of the proposed rule amendment, and its effect, is to provide a thirty day time period within which a Claims Administrator will not receive a late filing penalty for any First Reports of Injury or Illness accepted by the Division of Workers’ Compensation after the Claims Administrator is first approved by the Division to electronically submit such reports to the Division.

SUMMARY: Amendment provides a thirty day time period within which a Claims Administrator will not receive a late filing penalty for any First Report of Injury or Illness accepted by the Division of Workers’ Compensation after the Claims Administrator is first approved by the Division to electronically submit such reports to the Division.

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

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

SPECIFIC AUTHORITY: 440.13(11)(b), 440.185, 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.13(11)(b), 440.185(9), 440.20(8)(a) FS.

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

DATE AND TIME: Wednesday, February 20, 2008, 10:00 a.m.
PLACE: 104 J Hartman Bldg., 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Robin Ippolito. If you are 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: Robin Ippolito, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, phone (850)413-1775

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-24.0231 Benefits and Administration Trust Fund Penalties Improper Filing Practices.

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

(d) If the electronic First Report of Injury or Illness is assigned an Application Acknowledgement Code of Transaction Accepted (TA) within 30 days after the Claim Administrator, as defined in Rule 69L-56.002, F.A.C., is first approved and required by the Division to send electronic First Reports of Injury or Illness to the Division pursuant to paragraph 69L-56.300(1)(d), F.A.C., the Insurer, as defined in Rule 69L-56.002, F.A.C., shall not be assessed a filing penalty pursuant to paragraph 69L-24.0231(1)(c), F.A.C., based on the filing requirements established in subsections 69L-56.301(1) and (2), F.A.C. After the completion of the 30 day period referenced above, all electronic First Reports of Injury or Illness must be assigned an Application Acknowledgement Code of Transaction Accepted (TA) by the Division within the required filing timeframes established in subsections 69L-56.301(1) and (2), F.A.C., to be considered timely filed.

(2) through (6) No change.

Specific Authority 440.13(11)(b), 440.185, 440.591, 440.593(5) FS. Law Implemented 440.13(11)(b), 440.185(9), 440.20(8)(a) FS. History--New 8-29-94, Amended 5-14-95, 6-4-97, 11-28-01, Formerly 38F-24.0231, 4L-24.0231, Amended 1-8-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Ippolito, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

RULE NO.: 12-26.008
RULE TITLE: Public Use Forms
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 52, pp. 6117-6118, December 29, 2006, issue of the Florida Administrative Weekly has been withdrawn. In response to public comments, Notices of Change were published in Vol. 33, No. 15, pp. 1716-1717, April 13, 2007, and in Vol. 33, No. 12, pp. 1411-1412, March 23, 2007, editions of the Florida Administrative Weekly. The Department will notice a rule development workshop to receive public comment regarding the development of changes to forms used by the Department in the administration of applications for a refund of tax.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.: 12A-1.096
RULE TITLES: Industrial Machinery and Equipment for Use in a New or Expanding Business
12A-1.097
Public Use Forms
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 33, No. 32, pp. 3595-3606, August 10, 2007, issue of the Florida Administrative Weekly has been withdrawn. Due to a clerical error, these rules were not included in the Notice of Public Hearing at the November 14, 2007, Cabinet meeting, as noticed in Vol. 33, No. 44, p. 5173, November 2, 2007, issue of the Florida Administrative Weekly. A second Notice of Proposed Rulemaking for the above rules, identical to the first notice, was noticed in Vol. 33, No. 49, pp. 5715-5726, December 7, 2007, issue of the Florida Administrative Weekly to restart the rule adoption process.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.205
 RULE TITLE: Inmate Telephone Use
 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. 49, December 7, 2007 issue of the Florida Administrative Weekly.

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) through (k) No change.

(l) The department’s contract manager ~~for operations~~ and wardens shall ensure that the system is checked periodically to assess the integrity of all components of the system. If the notification system is not functioning properly, monitoring of the telephone calls shall immediately cease until the problem is corrected.

(3) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, 11-25-04, 1-7-07, 9-24-07, _____.

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

RULE NO.: 58M-2.001
 RULE TITLE: Professional Guardian Registration
 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. 40, October 5, 2007 issue of the Florida Administrative Weekly.

THIS IS THE SECOND NOTICE OF CHANGE REGARDING THIS RULE. The changes are being made in response to comments received from Joint Administrative Procedures Committee dated January 4, 2008. The changes are as follows:

58M-2.001 Professional Guardian Registration.

(1) through (7) No change.

(8) Annual Renewals: A completed DOEA/SPGO Form 001 for annual renewal of a registration shall be submitted to SPGO at least 30 days prior to the expiration date of the current registration to ensure that a lapse in registration does not occur. ~~Annual registration for attorneys registered as professional guardians are due January 1st of each year.~~ Registrants may request expedited processing for an additional fee. A schedule of those expedited fees is provided on DOEA/SPGO Form 001. All fees must be received with the completed registration form prior to the registration being processed by SPGO.

(9) No change.

Specific Authority 744.1083(6) FS. Law Implemented 744.102(17), 744.1083, 744.1085, 744.3135 FS. History–New 5-4-03, Amended 12-12-05, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.001
 RULE TITLE: Definitions
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above Proposed Rule Development, as noticed in Vol. 33, No. 45, November 9, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.: 61D-14.091, 61D-14.092, 61D-14.094
 RULE TITLES: Jobs Compendium Requirement, Content of Jobs Compendium Department Agreement to the Minimum Critical Staff Level (MCSL) List Requirement for Security and Surveillance
 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. 32, No. 48, December 1, 2006 issue of the Florida Administrative Weekly.

61D-14.091 Jobs Compendium Requirement.

(1) No change.

(a) ~~Unless otherwise directed by the division, a jobs compendium shall be submitted to the division for agreement approval~~ prior to the projected date of issuance of a license to operate.

(b) The division shall review each jobs compendium and shall determine whether the job descriptions and tables of organization contained therein conform to the licensing requirements of the Florida Statutes and Rules 61D-14.015, 14.016, 14.022, 14.051, 14.058, 14.059, 14.063, 14.072, 14.074, F.A.C. associated administrative regulations.

(c) No change.

(2) When the division determines a submission to be adequate with respect to licensing, it shall notify the slot license applicant in writing accordingly.

(3) No slot machine licensee shall commence operations unless and until its jobs compendium is agreed to approved by the division.

Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History–New _____.

61D-14.092 Content of Jobs Compendium.

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

~~2. Salary range;~~

~~2.3. Job duties and responsibilities;~~

~~3.4. Detailed descriptions of skills, abilities and educational requirements;~~

~~4.5. Projected number of employees in the position;~~

~~6. Equal employment opportunity class or subclass;~~

~~5.7. Proposed licensed level – professional or general;~~

~~6.8. The date of submission of each employee position job description and the date of any prior job description it supersedes; and~~

~~7.9. The date of submission and page number of each table of organization on which the employee position title is included.~~

~~(d) The jobs compendium shall also include a separate section as part of the compendium that identifies Minimum Critical Staff Levels (MCSL) for security and surveillance necessary to commence daily operations and the facility location where that position is required. The MCSL List for security and surveillance shall include:~~

~~1. An alphabetical table listing each position title and job code for each MCSL for security and surveillance position; and~~

~~2. Column headings reflecting:~~

~~a. The total number of positions required for that facility;~~

~~b. The minimum number of staff personnel required on site for facility operation who possess the appropriate level of experience, responsibility, authority, and training required by the MCSL List at that time approved by the division for operation of the facility. This list of personnel shall be designated by day of week and by shift to include full- and part-time coverage; and~~

~~c. The minimum number of positions that must be present to permit normal closed hours of operation.~~

~~(2) A slots licensee shall not be required to comply with the filing requirements of paragraph (1)(c) above for amendments to job descriptions for the following positions:~~

~~(a) Positions which do not require a slots individual occupational license, provided that the slots licensee files with the division a notice of any addition, deletion or amendment to any position that requires slots individual occupational license.~~

~~(b) Such notice shall include the title, department, job code, salary grade and table of organization on which that position is identified.~~

~~(3) Notwithstanding any other requirement, each slots licensee shall submit a complete and up-to-date jobs compendium every two years, unless otherwise directed by the division.~~

~~(2)(4) Each slots licensee shall maintain in its Human Resources and Surveillance Department a complete, updated copy of its jobs compendium which shall be made available for review upon the division's request of the division.~~

~~(3)(5) Whenever required by this section, a slots licensee shall file three copies of a jobs compendium and three copies of an amendment to a jobs compendium with the division. Each copy shall include a cover indicating the name of the slots licensee or applicant, the date of the submission and the label "Jobs Compendium Submission" or "Jobs Compendium Amendment" as appropriate.~~

~~(4)(6) No provision of this section or any other division rule shall be construed so as to limit a slot machine licensee's discretion in utilizing a particular job title for any position in its jobs compendium.~~

Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History--New _____.

61D-14.094 Department Agreement to the Minimum Approval of Critical Staff Level (MCSL) List Requirement for Security and Surveillance.

(1) Each facility shall submit its MCSL Critical Staff Level List to the division for agreement approval prior to commencing operations at its facility.

(a) The division shall review the MCSL Critical Staff Level List and provide approval or disapproval of the following:

1. Stated positions in MCSL Critical Staff Level List;

2. Stated number of individuals assigned to each identified position;

(b) Additionally, ~~where appropriate~~, the division shall provide additional concerns of position requirements, number of individuals required for each position and physical location of positions ~~as necessary~~. The division and facility representatives ~~shall may meet as necessary~~ to reconcile and agree to the MCSL Critical Staff Level List on an as-needed basis.

~~(2) Each facility shall have an approved Critical Staff Level List prior to commencing operation. No facility may conduct slot operations unless and until it has obtained approval from the division and an approved Critical Staff Level List.~~

~~(a) Operating a facility without a current Critical Staff Level List approved by the division is a violation of this rule and subjects the licensee to discipline pursuant to Chapter 551, Florida Statutes.~~

~~(b) Failure to obtain approval of the Critical Staff Level List and approval for any updates to that list is a violation of this rule and subjects the licensee to discipline pursuant to Chapter 551, Florida Statutes.~~

~~(c) Failure to have the current approved Critical Staff Level List available within the facility is a violation of this rule and subjects the licensee to discipline pursuant to Chapter 551, Florida Statutes.~~

~~(2)(3) Each facility shall submit requests for changes updates to its agreed MCSL approved Critical Staff Level List for agreement approval at least fourteen (14) days prior to~~

proposed implementation of the requested changes. Submissions shall employ an underline and strikethrough format to identify additions (underline) and deletions (strikethrough) to the list for the submission. The underline and strikethrough format shall reflect proposed changes for the current submission with all previously approved changes listed without underline or strikethrough identification.

(a) The division shall review the updated MCSL Critical Staff Level List and provide agreement approval or disagreement to disapproval of the following:

1. Changes to the stated positions in MCSL Critical Staff Level List;
2. Changes to the stated number of individuals assigned to each identified position;

(b) Additionally, as part of its review of the proposed changes, where appropriate, the division shall provide additional concerns for changes in position requirements, changes in the number of individuals required for each position and physical location of positions based upon the division's assessment of current operations ~~as necessary~~. The division and facility representatives shall ~~may~~ meet ~~as necessary~~ to reconcile the MCSL Critical Staff Level List ~~on an as needed basis~~.

(c) The updated MCSL Critical Staff Level List shall not be implemented until the division's review and final agreement approval is completed.

~~(3)~~(4) The agreed MCSL approved Critical Staff Level List in current use within the facility will be immediately available to facility supervision and division personnel for purposes of reviewing ~~appropriate~~ levels of staffing at any point during facility operations.

(4) Each slot licensee is required to report to the division immediately any days or shifts where MCSL requirements are not met. Additionally, within 24 hours or by the end of the next business day, submit a written statement to the division explaining the reason for the deficiency and the appropriate action taken or that will be taken in the future to assure critical staffing levels are met.

Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.: RULE TITLES:
 61D-14.093 Critical Staff Level List
 61D-14.095 Critical Staff Level Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 48, December 1, 2006 issue of the Florida Administrative Weekly has been withdrawn.

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.: RULE TITLE:
 64B8-42.002 Licensure by Examination
 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. 41, October 12, 2007 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (3) shall now read as follows:
 - (3) A documented and planned supervised practice experience component in dietetic and nutrition practice of not less than 900 hours shall provide the applicant with a broad spectrum of experiences in dietetics and nutrition. Such practice shall include:
2. Paragraph (3)(a) shall now read as follows:
 - (a) A minimum of 200 hours in Clinical Nutrition (generally acquired in a hospital or other acute care setting.) Examples of clinical nutrition practice experience are as follows:
 1. Assessment of nutritional status for both complex and uncomplicated medical conditions,
 2. Design and implementation of nutrition care plans,
 3. Application of medical nutrition therapy for treatment of disease and trauma,
 4. Selection, implementation and evaluation of enteral and parenteral nutrition regimens,
 5. Counseling and nutrition education of patients on dietary modifications, including techniques that demonstrate integration of theoretical training, psychological and behavioral aspects of interpersonal relationships, documentation of appropriate interventions, and proper decision-making,
 6. Performance of basic physical assessments, and
 7. Quality assurance.

3. Paragraph (3)(b) shall now read as follows:

- (b) A minimum of 200 hours in Community Nutrition (generally acquired within a community or public health program or HMO.) Examples of Community Nutrition practical experience are as follows:

1. Screening/assessment of nutritional status of the population or community group, including counseling techniques that demonstrate integration of theoretical training,

psychological and behavioral aspects of interpersonal relationships, documentation of appropriate interventions, and proper decision-making,

2. Provision of nutritional care for people of diverse cultures and religions across the lifespan,
3. Development, evaluation or implementation of community-based health promotion program(s),
4. Nutrition surveillance and monitoring of the population or community group,
5. General health assessment, e.g. blood pressure and vital signs,
6. Development and review of educational materials for the target population, and
7. Development of food and nutrition policy for the population or community group.

4. Paragraph (3)(c) shall now read as follows:

(c) A minimum of 200 hours in Food Service Systems Management (generally acquired in an institutional or commercial setting.) Examples of Food Service Systems Management practical experience are as follows:

1. Menu planning for target populations to meet nutritional guidelines and special dietary needs,
2. Development or modification of recipes or formulas,
3. Purchasing, production and delivery of food in the institutional or commercial setting,
4. Food safety and sanitation,
5. Budgeting,
6. Performance improvement and quality control; customer satisfaction,
7. Marketing,
8. Selection, operation and care of equipment; design and re-design of work units, and
9. Employee training and supervision; human resource functions.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Acting Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-3.002	Definitions
64E-3.003	Qualifications for Examination
64E-3.0033	Positron Emission Tomography-Computed Tomography (PET-CT) by Nuclear Medicine Technologists
64E-3.006	Certification by Endorsement
64E-3.007	Bone Densitometry
64E-3.008	Continuing Education Requirements
64E-3.009	Standards for Continuing Education Courses

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 46, November 16, 2007 issue of the Florida Administrative Weekly.

The following information was inadvertently omitted from the Proposed Rule Notice:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly has been withdrawn.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions

67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-143.041	Definitions
69O-143.042	Custody Agreement; Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 41, October 12, 2007 issue of the Florida Administrative Weekly.

With the changes, the new rule will read as follows:

69O-143.041 Definitions.

For the purpose of this chapter, the following definitions shall apply (for any terms defined in Section 628.511(2), F.S., these definitions are supplementary):

(1) “Agent” shall mean a national bank, state bank, ~~or~~ trust company or broker/dealer which maintains an account in its name in a clearing corporation or which is a member of the Federal Reserve System and through which a custodian participates in a clearing corporation, including the Treasury/Reserve Automated Debt Entry Securities System (TRADES) or Treasury Direct System ~~the Federal Reserve book-entry system~~, except that with respect to securities issued by institutions organized or existing under the laws of any foreign country or securities used to meet the deposit requirements pursuant to the laws of a foreign country as a condition of doing business therein, “agent” may include a corporation which is organized or existing under the laws of any foreign country and which is legally qualified under such laws to accept custody of securities.

(2) “Custodian” shall mean:

(a) ~~A~~ national bank, state bank, or trust company which shall ~~has~~ at all times during which it acts as a custodian pursuant to this chapter be no less than adequately capitalized as determined by the standards adopted by United States banking regulators and that aggregate capital, surplus and undivided profits of not less than \$500,000 and which is regulated by either state banking laws or is a member of the Federal Reserve System and which is legally qualified to accept custody of securities in accordance with the standards set forth below,

(b) ~~except that~~ Wwith respect to securities issued by institutions organized or existing under the laws of any foreign country, or securities used to meet the deposit requirements pursuant to the laws of a foreign country as a condition of doing business therein, “custodian” may include a bank, ~~or~~ trust company incorporated or organized under the laws of a country other than the United States that is regulated as such by that country’s government or an agency thereof that at all times during which it acts as a custodian pursuant to this chapter be no less than adequately capitalized as determined by the standards adopted by international banking authorities and that is legally qualified to accept custody of securities; or similar institution which has at all times aggregate capital, surplus and undivided profits of not less than the equivalent of \$500,000 and which is legally qualified to accept custody of securities.

(c) A broker/dealer that is registered with and subject to jurisdiction of the Securities and Exchange Commission, maintains membership in the Securities Investor Protection Corporation, and has a tangible net worth equal to or greater than two hundred fifty million dollars (\$250,000,000).

(3) “Custodied securities” means securities held by the custodian or its agent or in a clearing corporation, including the Treasury/Reserve Automated Debt Entry Securities System (TRADES) or Treasury Direct systems.

(4) “Tangible net worth” means shareholders equity, less intangible assets, as reported in the broker/dealer’s most recent Annual or Transition Report (S.E.C. Form 10-K) filed with the Securities and Exchange Commission.

(5) “Treasury/Reserve Automated Debt Entry Securities Systems (TRADES)” and “Treasury Direct” mean the book entry securities systems established pursuant to 31 U.S.C. chapter 31, 12 U.S.C. s. 391 and 5 U.S.C. s. 301.

Specific Authority 624.308(1), 628.511(1), 628.511(4), 628.535 FS. Law Implemented 624.307(1), 628.511 FS. History—New 2-7-85, Formerly 4-66.01, 4-66.001, 4-143.041, Amended.

690-143.042 Custody Agreement; Requirements.

(1) A domestic insurance company may, by written agreement with a custodian, provide for the custody of its securities with that a custodian. ~~The securities that are the subject of the agreement which securities~~ may be held by the custodian or its agent or in a clearing corporation, ~~or in the Federal Reserve book entry system. Securities so held, whether held by the custodian or its agent or in a clearing corporation or in the Federal Reserve book entry system, are referred to herein as “custodied securities.” However, securities which are used to meet the deposit requirements of Section 624.411, F.S., shall only be placed in the custody of a Florida institution which has been approved by the Office of Insurance Regulation for the purpose and under custodial arrangements likewise approved by it.~~

(2) Any such agreement shall be in writing and shall be authorized by a resolution of the Board of Directors of the insurance company or of an authorized committee thereof. The terms of the agreement shall comply with the following:

(a) ~~Certificated Securities’ certificates~~ held by the custodian shall be held ~~either~~ separate from the securities ~~certificates~~ of the custodian and of all of its other customers ~~or in a fungible bulk of securities as part of a Filing of Securities by Issue (FOSBI) arrangement.~~

(b) Securities held ~~indirectly in a fungible bulk~~ by the custodian and securities in a clearing corporation ~~or in the Federal Reserve book entry system~~ shall be separately identified on the custodian’s official records as being owned by the insurance company. Said records shall identify which ~~custodied~~ securities are held by the custodian or by its agent and which securities are in a clearing corporation ~~or in the Federal Reserve book entry system.~~ If the securities are in a clearing corporation ~~or in the Federal Reserve book entry system,~~ said records shall also identify where the securities are and if in a clearing corporation, the name of the clearing corporation and if through an agent, the name of the agent.

(c) All custodied securities that are registered shall be registered in the name of the company or in the name of a nominee of the company or in the name of the custodian or its nominee or, if in a clearing corporation, in the name of the clearing corporation or its nominee.

(d) Custodied securities shall be held subject to the instructions of the insurance company and shall be withdrawable upon the demand of the insurance company, except that custodied securities used to meet the deposit requirements set forth in Section 624.411, F.S., shall, to the extent required by that section, be under the control of the ~~Office Director~~ and shall not be withdrawn by the insurance company without the approval of the Office Director.

~~(e) The custodian shall arrange for execution of transactions in custodied securities in accordance with the insurance company’s instructions and shall not exercise discretionary authority to effect transactions in custodied securities except in such limited or special circumstances as the insurance company may authorize.~~

~~(e)(f)~~ The custodian shall be required to send or cause to be sent to the insurance company a confirmation of all transfers of custodied securities to or from the account of the insurance company. In addition, the custodian shall be required to furnish no less than monthly the insurance company with reports of holdings of custodied securities at such times and containing such information as may be reasonably requested by the insurance company. The custodian’s trust committee’s annual report of its review of the insurer’s trust accounts shall also be provided to the insurance company. Reports and verifications may be transmitted in electronic or paper form.

~~(f)(g)~~ During the course of the custodian’s regular business hours, any officer or employee of the insurance company, any independent accountant selected by the insurance company and any representative of an appropriate regulatory body shall be entitled to examine, on the premises of the custodian, the custodian’s records relating to custodied securities, but only upon furnishing the custodian with written instructions to that effect from an appropriate officer of the insurance company.

~~(g)(h)~~ The custodian and its agents shall be required to send to the insurance company all reports which they receive from a clearing corporation ~~or the Federal Reserve book entry system~~ on their respective systems of internal accounting control and reports prepared by outside auditors on the custodians or its agent’s internal accounting control of custodied securities that the insurance company may reasonably request.

~~(h)(i)~~ The custodian shall maintain records sufficient to determine and verify information relating to custodied securities that may be reported in the insurance company’s Annual Statement and supporting Schedules and information required in any audit of the financial statements of the insurance company.

~~(i)(j)~~ The custodian shall provide, upon written request from the ~~Office Insurance Director~~ or from an appropriate officer of the insurance company, the appropriate affidavits, on Forms OIR-~~A1D0~~-341 (A), (B), or (C) rev. 12-07, or substantially similar forms with respect to custodied securities. Forms OIR-~~A1D0~~-341 (A), (B) and (C) (rev. 12-07), entitled

“Custodian Affidavit,” are hereby incorporated by reference. These forms may be obtained from the Office of Insurance Regulation, Larson Building, Tallahassee, Florida.

(j) A national bank, state bank or trust company shall secure and maintain insurance protection in an adequate amount covering the bank’s or trust company’s duties and activities as custodian for the insurer’s assets, and shall state in the custody agreement that protection is in compliance with the requirements of the custodian’s banking regulator. A broker/dealer shall secure and maintain insurance protection for each insurance company’s custodied securities in excess of that provided by the Securities Investor Protection Corporation in an amount equal to or greater than the market value of each respective insurance company’s custodied securities.

(k) The custodian shall be obligated to indemnify the insurance company for any loss of custodied securities occasioned by the negligence or dishonesty of the custodian’s officers or employees, or burglary, robbery, holdup, theft or mysterious disappearance, including loss by damage or destruction.

(l) In the event that there is a loss of custodied securities for which the custodian shall be obligated to indemnify the insurance company as provided in paragraph (k) above, the custodian shall promptly replace the securities or the value thereof and the value of any loss of rights or privileges resulting from said loss of securities.

(m) The agreement may provide that the custodian will not be liable for any failure to take any action required to be taken under the agreement in the event and to the extent that the taking of such action is prevented or delayed by war (whether declared or not and including existing wars), revolution, insurrection, riot, civil commotion, act of God, accident, fire, explosion, stoppage of labor, strikes or other differences with employees, laws, regulations, orders or other acts of any governmental authority, or any other cause whatever beyond its reasonable control.

(n) In the event that the custodian gains entry in a clearing corporation ~~or in the Federal Reserve book entry system~~ through an agent, there shall be an agreement between the custodian and the agent under which the agent shall be subject to the same liability for loss of custodied securities as the custodian, provided, however, that, if the agent shall be subject to regulation under the laws of a jurisdiction which is different from the jurisdiction the laws of which regulate the custodian, the Director may accept a standard of liability applicable to the agent which is different from the standard of liability applicable to the custodian.

(o) The custodian shall provide written notification to the Office if the custodial agreement with the insurer has been terminated or if 100% of the account assets in any one custody account have been withdrawn. This notification shall be remitted to the Office within three (3) business days of the receipt by the custodian of the insurer’s written notice of

termination or within three (3) business days of the withdrawal of 100% of the account assets ~~agreement must be terminable by the insurance company on not more than thirty (30) days’ notice.~~

(3)(a) Nothing in this rule shall prevent an insurance company from depositing securities with another insurance company with which the depositing insurance company is affiliated, provided that the securities are deposited pursuant to a written agreement authorized by the board of directors of the depositing insurance company or an authorized committee thereof and that the receiving insurance company is organized under the laws of one of the states of the United States of America or of the District of Columbia. If the respective states of domicile of the depositing and receiving insurance companies are not the same, the depositing insurance company shall have given notice of the deposit to the insurance commissioner in the state of its domicile and the insurance commissioner shall not have objected to it within thirty (3) days of the receipt of the notice.

(b) The terms of any such agreement shall comply with the following:

1. The insurance company receiving the deposit shall maintain records adequate to identify and verify the securities belonging to the depositing insurance company.

2. The receiving insurance company shall allow representatives of an appropriate regulatory body to examine records relating to securities held subject to the agreement.

3. The depositing insurance company may authorize the receiving insurance company:

a. To hold the securities of the depositing insurance company in bulk, in certificates issued in the name of the receiving insurance company or its nominee, and to commingle them with securities owned by other affiliates of the receiving insurance company, and

b. To provide for the securities to be held by a custodian, including the custodian of securities of the receiving insurance company or in a clearing corporation.

Specific Authority 624.308(1), 628.511(1), (4), 628.535 FS. Law Implemented 624.307(1), 625.55, 628.511 FS. History—New

Section IV Emergency Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.:

1SER08-1

RULE TITLE:

Constitutional Amendment Initiative
Petition; Submission Deadline:
Signature Verification

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Section 120.54(4)(b), Florida Statutes, this emergency rule pertains to the public health, safety, and welfare as it involves the interpretation and implementation of the requirements of Chapters 97-102 and 105 of the Florida Election Code.

Prior to 2007, supervisors of elections submitted to the Secretary of State paper certificates indicating the number of signatures verified as valid for each petition initiative. Effective January 1, 2007, Section 100.371, Florida Statutes, was amended to require supervisors of elections to record each valid signature in the statewide voter registration system. Chapter 2005-278, § 28, Laws of Florida (2005). Under the amended law, the Secretary of State is required to determine the total number of verified valid signatures “from the signatures verified by the supervisors of elections and recorded in the statewide voter registration system.” Section 100.371(4), Fla. Stat. (2007). The Division of Elections anticipated that the number of verified valid signatures would be able to be determined solely from the statewide voter registration system, and therefore amended Rule 1S-2.0091, F.A.C., to provide that “[t]he Division shall determine from the verified petition signatures recorded in the statewide voter registration system whether the constitutionally requisite number of verified signatures has been obtained”

Recently, the Secretary of State’s staff noticed discrepancies in the numbers of signatures being verified in the statewide voter registration system. These discrepancies can be explained, in part, by human error. For example, some county supervisor of elections’ staff established the initiative petitions as local, not statewide, petitions; the staff linked local petition numbers to the state petition numbers incorrectly; and vendors and elections staff used computer programs to batch petition input into the statewide voter registration system that did not distinguish between signatures recorded prior to and after January 2007. These discrepancies have seriously undermined the integrity, accuracy, and reliability of the signatures recorded in the statewide voter registration system. The Secretary of State now lacks confidence in the accuracy of signature verification numbers reported in the statewide voter registration system. The Secretary of State believes paper certifications from the county supervisors of elections reflect the most accurate accounting of verified signatures and he therefore desires to base his determination of the constitutionally required numbers on paper certifications. The Secretary’s verification process would be very similar to the process that existed in rule prior to January 2007.

The Emergency Rule is necessary to ensure an accurate counting of signatures verified by the supervisors of elections as it will not require the Secretary of State to base his determination solely upon the signatures recorded in the statewide voter registration system. The Secretary must

determine by February 1, 2008, which proposed amendments have been signed by the constitutionally required number and distribution of electors. Section 100.371(1), Fla. Stat. (2007). There is insufficient time to amend Rule 1S-2.0091 through the normal rulemaking process prior to the February 1st deadline. Procedures must be in place on February 1st that will provide the Secretary of State the ability to base his certification on the most accurate count available of signatures verified by the supervisors of elections. Absent this emergency rule, there will be an adverse effect on the conduct of elections and the initiative process in the State of Florida. Therefore, this emergency rule is necessary to provide the Secretary of State with the ability to make the most accurate certification on initiative petitions proposing constitutional amendments and to ensure and maintain the efficiency, integrity, and public confidence in the initiative process. Based on the foregoing, the Department of State finds that the adoption of this rule is necessary to prevent an immediate danger to the public health, safety and welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Division of Elections is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes. That process requires advance notice to the general public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency’s adoption of the rule. The time period for general rulemaking takes at least 60 days and will prevent the timely amendment and adoption of a rule needed to amend the method used by the Secretary of State to verify the signatures on constitutional amendment initiative petitions before February 1, 2008. This emergency rule will permit the Secretary of State to make the most accurate determination whether the requisite number of signatures has been obtained. This emergency rule represents a return to the way the Secretary of State made that determination by rule prior to January 2007. On January 9, 2008, the Secretary of State held teleconferences with representatives of the sponsors of initiative petitions, and with members of the press, regarding the Secretary’s lack of confidence in the signature numbers in the statewide voter registration system and informed them that he would be obtaining, and relying upon, paper certifications from each county supervisor of elections.

SUMMARY: This emergency rule removes the requirement that the determination of the constitutionally requisite number of signatures verified by the supervisors of elections with respect to constitutional initiative petitions be based solely upon the number of verified signatures recorded in the statewide voter registration system.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: This emergency rule removes the requirement that the determination of the constitutionally requisite number of signatures verified by the supervisors of

elections with respect to constitutional initiative petitions be based solely upon the number of verified signatures recorded in the statewide voter registration system.

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER08-1 (1S-2.0091) Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification.

(1) Submission. Signed initiative petition forms proposing amendments to the Florida Constitution shall be submitted solely by the sponsoring political committee to the Supervisor of Elections in the county in which the petition forms were circulated. It is the responsibility of the sponsoring political committee to ensure that the signed petition form is properly filed with, or if misfiled forwarded to, the Supervisor of Elections of the county in which the signee is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(2) Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., the Supervisor of Elections shall verify the signatures on each initiative petition form within 30 days of receipt of the form to ensure that each person signing the petition form:

1. Was, at the time of signing and verification of the petitions, a registered voter in the county in which the petition is submitted,
2. Had not previously revoked his or her signature on the petition,
3. Had not signed the petition form more than four years prior to the date the Supervisor verified the petition, and
4. Had not ever previously signed a petition form containing the identical initiative.

(b) The Supervisor shall not verify a signature on an initiative petition form unless all of the following information is contained on the petition form:

1. The voter's name,
2. The voter's residential street address (including city and county),
3. The voter's date of birth or voter registration number,
4. The voter's original signature, and
5. The date the voter signed the petition, as recorded by the voter.

(3) Random Sampling Not Permitted. Supervisors of Elections may not use random sampling as a method for verifying signatures on constitutional amendment initiative petitions.

(4) Recordation of Verification. No later than 24 hours after verification of signatures on submitted initiative petition forms, the Supervisor of Elections shall directly record into the statewide voter registration system each valid and verified signature. The appropriate supervisor of elections for each

respective voter whose signature is verified as valid shall record the date the form was received, the date of the signature, the date the signature was verified, and the assigned serial number for the applicable initiative petition.

~~(a) Determination of Constitutionally Requisite Number of Signatures. The Division shall determine from the verified petition signatures recorded in the statewide voter registration system whether the constitutionally requisite number of verified signatures has been obtained with respect to each constitutional amendment for each congressional district and the State as a whole. In order for the initiative petition to be timely filed for appearance on the ballot for the next general election, the constitutionally requisite number of verified signatures must be verified and reported to the Division recorded in the statewide voter registration system no later than 5:00 p.m. on February 1 of the year in which the general election is held.~~

(b) Prior to any determination that the constitutionally requisite number of signatures has been obtained for purposes of placing an amendment by initiative on the ballot, the Division shall determine in accordance with Rule 1S-2.0095, F.A.C., the number of verified petition revocations recorded no later than 5:00 p.m. on February 1 of the same year. The Division shall then deduct that number from the number of verified signatures recorded for the underlying applicable constitutional initiative amendment. Upon a determination that the constitutionally requisite number of signatures has been obtained, the Secretary of State shall issue a certificate of ballot position in accordance with Section 100.371, F.S., to the appropriate sponsoring political committee and assign a designating ballot number.

(c) For any constitutional amendment by initiative that obtained a certification of ballot position prior to the effective date of this rule, a determination shall be made whether the number of verified signatures for petition revocations recorded as of 5:00 p.m. on February 1 of the year in which the next general election is held is sufficient to reduce the number of verified signatures for the underlying initiative amendment below the constitutionally required number of signatures obtained for ballot placement. If the number of recorded verified petition revocations is sufficient, then the initiative amendment is removed or stricken from the ballot in accordance with subsection 1S-2.0011(3), F.A.C.

(5) Limitation on Use of Verified Signatures. Verified signatures used successfully to place a proposed amendment by initiative on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in support of any future initiative petition.

Specific Authority 20.10(3), 97.012(1), 100.371(7) FS. Law Implemented 100.371 FS. History—New 1-6-80, Amended 12-20-83, Formerly 1C-7.091, 1C-7.0091, Amended 2-13-90, 3-5-96, 1-5-04, 3-16-06, 10-15-07, ~~1-14-08.~~

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: January 14, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on December 17, 2007, the St. Johns River Water Management District, received a petition for variance from Malabar Cove, LLLP, pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application 4-009-113800-1. The permit applicant is proposing to construct a surface water management system, including wet detention ponds that discharge into the Melbourne-Tillman Water Control District canal system, to serve a residential development known as Malabar Cove, in Brevard County. subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3, A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These rules are intended to protect the water resources of the state by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments

on this petition should be filed with Robert Nawrocki, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2007-85.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, at the Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or by telephone at (386)312-2347.

NOTICE IS HEREBY GIVEN THAT on January 7, 2008, the South Florida Water Management District (District), received a petition for waiver from South Florida Stadium Corporation, Application No. 08-0107-1M, Permit Modification Number 13089 for utilization of Works or Lands of the District known as the C-9 Canal, Section 34, Township 51 South, Range 41 East, Miami-Dade County to allow temporary fencing and intermittent parking along the south right of way of the C-9 canal between N. W. 27th Avenue and the Florida Turnpike in conjunction with the Miami Dolphin Football Season 2008 through 2011 and other stadium related activities. The petition seeks relief from subsections 40E-6.011(4), (6) and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and generally prohibits parking within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the South Florida Water Management District (SFWMD) has issued an order.

The SFWMD Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2008-008-DAO-ROW), on January 8, 2008, to Florida Department of Transportation. The petition for waiver was received by the SFWMD on July 24, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 35, on August 31, 2007. No public comment was received. This Order provides a waiver for the placement of a continuous concrete barrier wall with bicycle railing, portions of a sidewalk and the installation of slope protection with the northerly right of way of the Old Pompano Canal beginning immediately west of Dixie Highway continuing westerly, a distance of approx. 1,450 feet; Sections 34 & 35, Township 48

South, Range 42 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of above-ground permanent and/or semi-permanent facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) The facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) The Order granting a waiver from the subject rule would prevent Petitioner from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by e-mail jtriola@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the South Florida Water Management District (SFWMD) has issued an order.

The SFWMD Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2008-009-DAO-ROW), on January 8, 2008, to William Michael Lowe, Jr. The petition for waiver was received by the SFWMD on November 26, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 51, on December 21, 2007. No public comment was received. This Order provides a waiver for the proposed temporary vehicular use of L-28 right of way from U.S. 41 to the northerly terminus of L-28 to gain access to the petitioner's camp/cabin which is located approximately 3 miles from L-28 in Collier County under Right of Way Occupancy Permit Number 13117; Multiple Sections, Township 52, 53, 54 South, Range 35 East, Miami-Dade and Broward County. Specifically, the Order grants a waiver of subsection 40E-6.221(9), Florida Administrative Code, which governs the requirement that, except for both private and public utilities, an applicant must own or lease the land lying adjacent to the District Work within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) The granting of this waiver will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities property interests and ability to construct, operate and maintain Works and Lands of the District activities; and 2) The Order granting a waiver from the subject rule would prevent the Petitioner from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by e-mail jtriola@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the South Florida Water Management District (SFWMD) has issued an order.

The SFWMD Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2008-007-DAO-ROW), on January 8, 2008, to O.K. Ventures, LLC. The petition for waiver was received by the SFWMD on November 5, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 46, on November 16, 2007. No public comment was received. This Order provides a waiver for the proposed installation of a 18" RCP culvert and a proposed fourteen slip marina within the east right of way of L-47; Section 9, Township 38 South, Range 36 East, Okeechobee County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the density of mooring slips of four per linear feet of way frontage with Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) The facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) The Order granting a waiver from the subject rule is based upon principles of fairness.

A copy of the Order may be obtained by contacting: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by e-mail jtriola@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on January 10, 2008, the South Florida Water Management District (District), received a petition for wavier from Collier County Board of County Commissioners, Application Number 07-1015-3, for utilization of Works or Lands of the District known as the Cocohatchee Canal, Collier County, Section 23, Township 48 South, Range 26 East for the proposed placement of bollards and vertical signage within 40 feet of top of canal bank and within the District's 100 foot long designated equipment staging area. The petition seeks relief from subsections 40E-6.011(4), (6) and Rule 40E-6.221, Florida Administrative Code, which governs placement of permanent and/or semi-permanent above ground encroachments within 40 feet of

the top of the canal bank and within the District's 100 foot long designated equipment staging areas within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Triola at (561)682-6268 or email at jtriola@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by end of business on 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1411, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT on December 17, 2007, the Department of the Lottery has issued an order.

In which it GRANTED a petition for a waiver filed on November 9, 2007, by Timothy Hayward. The Petition was published in Vol. 33, No. 47, of the F.A.W., on November 21, 2007.

Petitioner sought a waiver of paragraph 53ER06-4(11)(a), Florida Administrative Code, with respect to payment of prizes on tickets with incomplete validation numbers or bar codes. The Department determined that Petitioner has demonstrated that the purpose of the underlying statute as well as the rule can be achieved by other means and that strict application of the rule would violate principles of fairness.

A copy of the Order may be obtained by contacting: Office of the General Counsel, Florida Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011, or by calling (850)487-7777.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on December 20, 2007 for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Cold Stone Creamery located in Winter Park. 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 eighteen (18).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (18) which includes inside and outside seating. Any violation of the variance is the equivalent of a

violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, 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 JuiceBlendz located in Tampa. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to use centrally located bathroom facilities inside the food court.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on December 24, 2007 for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Shelby's Coffee Shoppe located in Neptune Beach. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment.

This variance request was approved and is contingent upon the Petitioner ensuring the bathrooms located centrally are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no more than 44 seats which includes inside and outside seating and all provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on November 26, 2007, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Westshore Pizza XXXIV located in Belleair Bluffs. 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-two (22).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (22) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 10, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on December 19, 2007, for a Routine Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code, from Bob's Train located in Sarasota. The above referenced Florida Administrative Code specifically addresses the proper disposal of sewage. The Petitioner is requesting to have the waste tanks pumped-out opposed to having permanent sewage connections.

This variance request was approved and is contingent upon the Petitioner using a sufficiently sized potable water tank and utilizing a wastewater holding tank that is at least 15% larger than the potable water holding tank. Water and wastewater holding tanks are to be emptied as often as needed to prevent a sanitary nuisance. Petitioner must have an approved supply of potable water with written documentation provided. All waste disposals shall be adhered to as specified in applicable state and federal laws. The variance request from the Petitioner indicated that permanent connections for potable and wastewater service were to come in the future. The Petitioner is to notify the Division in writing within 30 days of the permanent connections being installed and the variance will become null and void. This variance is not transferable under any conditions. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 10, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-4.0161(2)(c) Florida Administrative Code (F.A.C.), from The Plantation at Ponte Vedra located in Ponte Vedra Beach. The above referenced F.A.C. states mobile food dispensing vehicles (MFDV's) shall

operate from an approved commissary that meets all applicable requirements of this rule....The Petitioner is requesting a temporary variance to operate a MFDV (trailer) as a permanent structure until their original building is remodeled.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 3, 2008, the Board of Accountancy, received a petition for W.H. Davis McGregor, seeking a variance or waiver of subsections 61H1-29.003(2), (5), Florida Administrative Code, that requires an applicant seeking licensure by endorsement to have completed continuing education required by that state, so long as the requirements are equivalent to those required by Rule 61H1-33.003, F.A.C., and that college courses used to meet education requirements of Rules 61H1-27.001 and 61H1-27.002, F.A.C., not also be used to meet the initial continuing professional requirements of subsection 61H1-29.003(1) or (2), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 9, 2008, the Board of Accountancy, received a petition for Waifon Ana Lam, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, that begins on the date that the first test section passed is taken.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on November 29, 2007, the Department of Environmental Protection, received a petition for FMC Corporation seeking a variance from the prohibition from a zone of discharge under subsection 62-522.300(3), F.A.C., for the use of Dissolvine® E-FE-13 to clean up sites that are contaminated with chlorinated ethenes,

phenolics, polyaromatic hydrocarbons, petroleum hydrocarbons, and other chemicals. The petition has been assigned OGC File No. 07-2163.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8654. Written comments must be received by Cathy McCarty at the above address no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 14, 2008, the Department of Environmental Protection has issued an order.

The Department of Environmental Protection gives notice of its intent to issue an environmental resource permit (File No. 0183480-003-EI) to Manatee County Port Authority, 300 Tampa Bay Way, Palmetto, Florida 34221. The project is to perform periodic maintenance dredging of the main entrance (federal navigation) channel, turning basins and berth areas of Port Manatee on an as-needed basis with disposal into the existing, upland Confined Disposal Facility (CDF) as expanded under the pending authorization of environmental resource permit (File No. 0264085-001-EI), or into the lined reservoir compartments of the Piney Point Phosphogypsum Stack System as described by the amended Administrative Agreement, OGC No. 06 1685A.

Additionally, the Department of Environmental Protection gives notice of its intent to grant a variance (File No. 0183480-004-EV) under Sections 403.201 and 373.414(17) of the Florida Statutes (F.S.), from the provisions of paragraph 62-4.244(5)(c), Florida Administrative Code, to Manatee County Port Authority to establish a temporary mixing zone for turbidity greater than 150 meters within an area of Class III Waters located within a tidally influenced stormwater conveyance that discharges into Tampa Bay.

The project site is located in southeast Tampa Bay, Class III and Class II Waters, prohibited for shellfish harvesting, at the junction of the Tampa Bay Channel and Port Manatee Channel in Hillsborough County, and immediately south of the Hillsborough County line in Manatee County, Sections 1 and 12, Township 33 South, Range 17 East. The project is not within Outstanding Florida Waters, but is adjacent to the Terra Ceia Aquatic Preserve, Cockroach Bay Aquatic Preserve and the Cockroach Bay State Buffer Preserve, each of which are Outstanding Florida Waters.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. Under subsection 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subparagraph 62-110.106(3)(a)1., F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement

of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the DEP, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201. The "NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE PERMIT" and the "DRAFT ENVIRONMENTAL RESOURCE PERMIT" can be viewed at the Department's Internet Web site at: www.dep.state.fl.us/beaches/permitting/permits.htm.

A copy of the Order may be obtained by contacting: Matthew Mask at (850)414-7731, Matthew.Mask@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on September 11, 2007, the Board of Nursing has issued an order.

The Board of Nursing has issued an Order on the Petition for Variance or Waiver, which was filed on September 11, 2007 on behalf of Barbara McDermid, PhD, ARNP, LCSW. The Notice of Petition for Variance or Waiver was published in Vol. 33, No. 41, of the October 12, 2007, F.A.W. On the basis of

preventing a violation of principles of fairness for reasons explained in the Petition, the Petitioner requested a variance or waiver of paragraph 64B9-3.002(1)(f), F.A.C., entitled, "Certification in More Than One Category," that she be granted a permanent waiver from the national certification in a second category requirement. The Board of Nursing considered the Petition at its meeting held on December 6, 2007, in Miami, Florida. The Petitioner having withdrawn her petition upon discussion, the Board's Order, filed on January 3, 2008, therefore dismissed the petition.

A copy of the Order may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT on December 7, 2007, the Board of Nursing, received a petition for Variance or Waiver filed on December 7, 2007 on behalf of Christiane Kom. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., Petitioner seeks a Variance and waiver of the provisions of Rule 64B9-2.008, F.A.C., and Section 464.019, F.S. Specifically, the Petitioner requests that on the basis of fairness and hardship reasons described in the Petition, the Board waive the clinical component of the educational requirements for Registered Nurse licensure.

This Petition will be considered by the Board at its meeting on February 14, 2008 at 1:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT on January 3, 2008, the Board of Nursing, received a petition for Variance or Waiver filed on January 3, 2008 on behalf of Sharon Churchill. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., Petitioner seeks a permanent variance or waiver. Specifically, the Petitioner requests that on the basis of fairness and hardship reasons described in the Petition, the Board grant a permanent variance or waiver of the pertinent rules and/or statutes so as to allow her to sit for the Florida NCLEX examination and to practice as a Registered Nurse in the State of Florida.

This Petition will be considered by the Board at its meeting on February 14, 2008, 1:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT on November 29, 2007, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Gabriel Sanchez, M.D., which was received by the Department on August 20, 2007 and published on September 21, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Gabriel G. Sanchez, M.D., to continue serving as the Medical Director for Americare Ambulance Service Inc. without being board certified.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Daniel B. Cox, M.D., which was received by the Department on September 27, 2007 and published on October 19, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Daniel B. Cox, M.D., to continue serving as the Medical Director for Gilchrist County Emergency Medical Services without being board certified.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Robert F. Kiely, M.D., which was received by the Department on October 29, 2007 and published on November 16, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Robert F. Kiely, M.D., to continue serving as the Medical Director for Jacksonville Fire and Rescue without being board certified.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of James G. Leker, M.D., which was received by the Department on October 18, 2007 and published on November 9, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow James G. Leker, M.D., to continue serving as the Medical Director for Baptist LifeFlight and Midway Fire District without being board certified.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Chichiou Liu, M.D., which was received by the Department on October 11, 2007 and published on October 26, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Chichiou Liu, M.D., to continue serving as the Medical Director for St. Lucie County Fire District without being board certified.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Miles V. Nelson, M.D., which was received by the Department on October 1, 2007 and published on October 19, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Miles V. Nelson, M.D., to continue serving as the Medical Director for Doctors' Memorial Hospital Emergency Medical Service and AirMedic One Flight Services, LLC, without being board certified.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Carol Sutton, M.D., which was received by the Department on October 10, 2007 and published on October 26, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Carol Sutton, M.D., to continue serving as the Medical Director for Gadsden County Emergency Medical Services and Liberty County Emergency Medical Services without being board certified.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Maureen Zelinka, M.D., which was received by the Department on October 22, 2007 and published on November 9, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Maureen Zelinka, M.D., to continue serving as the Medical Director for American Jets, Inc., without being board certified.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on January 4, 2008, the The Department of Children and Family Services has issued an order.

Petitioners, PSI Family Services, Embra James and Melvin Briley seeks a waiver of subsection 65C-15.017(3), F.A.C., assigned Case No. 07-013W. The Department issued an Order Granting petition for waiver. Petitioner has demonstrated knowledge, skills and abilities of a fully qualified caseworker.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**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: February 12, 2008, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set

forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services**, announces the Florida Library Network Council Meeting.

DATES AND TIMES: Tuesday, January 29, 2008, 9:00 a.m. through Wednesday, January 30, 2008, 1:00 p.m.

PLACE: The University of Central Florida Library, Library Conference Room (Rm 511), Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Florida Virtual Library Plan and to review the Plan's implementation and timeline.

For additional information contact: Judith Ring, State Librarian, at (850)245-6603 or Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **State Fair Authority Board** announces a public meeting to which all persons are invited.

DATE AND TIME: February 11, 2008, 2:00 p.m.
PLACE: The Florida State Fairgrounds
GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.
A copy of the agenda may be obtained by contacting Kathleen Fisher at (813)627-4221.
Pursuant to the provisions of 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 Kathleen Fisher at (813)627-4221. If you are 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 Kathleen Fisher at (813)627-4221.

The **Division of Plant Industry** announces a public meeting to which all persons are invited.
DATE AND TIME: February 6, 2008, 12:00 Noon – 3:00 p.m.
PLACE: University of Florida, Everglades Research and Education Center, 3200 East Palm Beach Road, Belle Glade, Florida 33430
GENERAL SUBJECT MATTER TO BE CONSIDERED: Old Business, New Business, Everglades Research and Education Center staff project updates.
A copy of the agenda may be obtained by contacting David Basore at (561)996-6469.
For more information, you may contact Denise Hamm at (352)372-3505, ext. 107.

The **Florida Coordinating Council on Mosquito Control** announces a public meeting to which all persons are invited.
DATES AND TIME: February 11-12, 2008, 9:00 a.m.
PLACE: Florida Medical Entomology Laboratory, University of Florida/IFAS, 200 9th Street, Southeast, Vero Beach, Florida 32962, (772)778-7200
GENERAL SUBJECT MATTER TO BE CONSIDERED: Mosquito related issues.
A copy of the agenda may be obtained by contacting: <http://consensus.fsu.edu/MC/index.html>.
For more information, you may contact: Mr. James Clauson; (850)922-7011 or clausoj@doacs.state.fl.us.

The **Subcommittee on Imperiled Species** (subcommittee from the Florida Coordinating Council on Mosquito Control) announces a public meeting to which all persons are invited.
DATE AND TIME: February 13, 2008, 9:00 a.m.
PLACE: Florida Medical Entomology Laboratory, University of Florida/IFAS, 200 9th Street, Southeast, Vero Beach, Florida 32962, (772)778-7200

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Subcommittee is charged with developing recommendations to the Coordinating Council for Mosquito Control regarding conduct of mosquito control that will: 1) Allow for management and recovery of imperiled species by state and federal agencies; and 2) Allow the Mosquito Control Districts to continue to provide mosquito control as required by State Law under Chapter 388 of the Florida Statutes.
A copy of the agenda may be obtained by contacting: Mr. Max Feken, 3125 Conner Boulevard, Lab #6, Tallahassee, Florida 32399, (850)487-0532.
For more information, you may contact: Mr. Max Feken, 3125 Conner Boulevard, Lab #6, Tallahassee, Florida 32399, (850)487-0532.

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.
DATE AND TIME: February 6, 2008, 10:00 a.m.
PLACE: Equestrian Center Pavilion, Florida State Fairgrounds, 4800 U.S. Highway 301, Tampa, Florida (Enter off of Orient Road)
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Florida Amusement Device and Attraction Advisory Committee.
A copy of the agenda may be obtained by contacting: Robert H. Jacobs, 3125 Conner Blvd. Suite N, Tallahassee, FL 32399-1650, or by calling Robert Jacobs at (850)488-9790.
Pursuant to the provisions of 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 Robert Jacobs at (850)488-9790. If you are 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 EDUCATION

The **State Board of Education** announces a public meeting to which all persons are invited.
DATE AND TIME: February 4, 2008, 3:00 p.m.
PLACE: The State Board of Education will meet via conference call. The call in number will be made available 7 days prior to the meeting on the Department's website at <http://www.fldoe.org>
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss and take action on the class size transfer calculation as well as receive updates from the Commissioner on recent activities and initiatives.

A copy of the agenda may be obtained by contacting the Department's website at: <http://www.fldoe.org>. For more information, you may contact: Lynn Abbott, Office of the Commissioner, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida, (850)245-9661.

The **Florida Schools of Excellence Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 8, 2008, 10:00 a.m. – until completion

PLACE: 1(888)808-6959, Conference Code: 2450861

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conference Call – Legislative and Budget and Legal Sub-Committees.

A copy of the agenda may be obtained by contacting Rudy Rodriguez at Rudy.Rodriguez@fldoe.org.

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

For more information, you may contact Rudy Rodriguez at Rudy.Rodriguez@fldoe.org.

The **University of West Florida, Florida Public Archaeology Network** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, February 5, 2008, 9:00 a.m. (CST)

PLACE: The public may join the conference call by dialing from any telephone. The phone number and access code needed to join the conference call may be obtained by contacting: Cheryl Phelps, Office Administrator, FPAN, (850)595-0050, Fax (850)595-0052, email cphelps@uwf.edu

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review proposals and select a host for the FPAN Southwest Region Center.

An agenda will be posted January 30 on the web site at <http://www.flpublicarchaeology.org/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. Pursuant to the provisions of the Americans with Disabilities Act, any persons requiring special accommodations to attend these meetings is requested to advise UWF by contacting the UWF ADA Office at (850)857-6114 (TTY) or (850)473-7469, at least 48 hours before each 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 **Duval County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2008, 4:00 p.m. – 5:00 p.m.

PLACE: University of North Florida, University Center, 12000 Alumni Drive, Jacksonville, Florida 32224

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.

A copy of the agenda may be obtained by contacting: Dr. Earle C. Traynham, Executive Director, Duval County Research and Development Authority, 1 UNF Drive, Jacksonville, Florida 32224-2645.

The **Florida School for the Deaf and the Blind, President Search Committee** commissioned by the Board of Trustees of the Florida School for the Deaf and the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 11, 2008, 9:00 a.m.

PLACE: Wartman Hall, FSDB campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the search for President of the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2000.

Pursuant to the provisions of 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 **Florida Community College at Jacksonville** District, Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION

DATE AND TIME: February 5, 2008, 12:00 Noon – 2:00 p.m.

PLACE: Cecil Center North, Room A-107, 5640 New World Ave., Jacksonville, Florida 32221

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2008 Legislative Agenda.

REGULAR MONTHLY BOARD MEETING

DATE AND TIME: February 5, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Cecil Center North, Room A-109, 5640 New World Ave., Jacksonville, Florida 32221

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING:

DATE AND TIME: February 5, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Cecil Center North, Room A-101E, 5640 New World Ave., Jacksonville, Florida 32221

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, January 29, 2008, 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 February 5, 2008. 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 February and March, 2008, the Board will hold informal meetings each Thursday from 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.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs (DCA)** announces a workgroup meeting and a public hearing to which all interested parties are invited.

DATE AND TIME: February 7, 2008, 3:00 p.m. – 4:00 p.m.

PLACE: Department of Community Affairs, Room 250-L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Public Hearing on the Draft of the Action Plan

DATE AND TIME: March 28, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Department of Community Affairs, Room 250-L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the preparation of the Annual Action Plan for Federal Fiscal Year 2008 and to review the draft of the Action Plan once it is completed.

SUMMARY: The State of Florida is required to submit an Annual Action Plan to the U. S. Department of Housing and Urban Development (HUD) in order to receive federal funding from that agency. The plan must cover the grant programs funded by HUD. Grant programs included in the Plan are the Florida Small Cities Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Home Investment Partnership (HOME) and Housing Opportunities for Persons with Aids (HOPWA). The Plan must specify the manner in which the funds will be distributed to eligible applicants.

ACTION TO BE TAKEN: At the workgroup meeting to be held on February 7, 2008, staff from the CDBG, ESG, HOME and HOPWA programs will provide an overview of the programs and answer questions. Interested parties are encouraged to attend. A draft of the Action Plan will be available for review and comment on March 28, 2008, the date of the public hearing. It will also be posted to the Department's website: <http://www.floridacommunitydevelopment.org/cdbg/ConsolidatedPlan.cfm>. Comments on the draft will be accepted from March 28, 2008 through April 30, 2008.

Workgroup Meeting

A copy of the agenda(s) may be obtained by appearing in person at the agency headquarters or by email or calling: Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644, e-mail: tammy.anderson@dca.state.fl.us.

Written comments on the draft of the Annual Action Plan are encouraged. They may be made at the public hearing or mailed to the address listed.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System at 1(800)922-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement**, Missing Children Information Clearinghouse Advisory Board announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 8, 2008, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Department of Law Enforcement, Headquarters Building, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTICE OF PUBLIC MEETING. A meeting, for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

A copy of the agenda may be obtained by contacting: The Florida Department of Law Enforcement, Missing Children Information Clearinghouse, Attention Ms. Dinah Johnson or Ms. Gwen Johnson, Post Office Box 1489, Tallahassee, Florida 32302, 1(888)356-4774.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Ms. Dinah Johnson at 1(888)356-4774. If you are 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. Dinah Johnson at 1(888)356-4774.

The **Medical Examiners Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 8, 2008, 10:30 a.m.

PLACE: Doubletree Hotel Tampa Westshore Airport, 4500 West Cypress Street, Tampa, Florida 33607, (813)879-4800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

A copy of the agenda may be obtained by contacting: Mrs. Victoria G. Marsey, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

Pursuant to the provisions of 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: Mrs. Victoria G. Marsey, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600. If you are 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: Mrs. Victoria G. Marsey, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a hearing on Rules 12A-1.096, Industrial Machinery and Equipment for Use in a New or Expanding Business; 12A-1.097, Public Use Forms, F.A.W., to which all persons are invited.

DATE AND TIME: February 13, 2008, during a regular meeting of the Governor and Cabinet which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the proposed amendments to Rules 12A-1.096 (Sales and Use Tax; Industrial Machinery and Equipment for Use in a New or Expanding Business) and 12A-1.097 (Sales and Use Tax; Public Use Forms), Florida Administrative Code. Notice of this proposed adoption was published in the F.A.W., on December 7, 2007 (Vol. 33, No. 49, pp. 5715-5726).

A copy of the agenda may be obtained by contacting Larry Green at (850)922-4830.

Pursuant to the provisions of 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 **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 5, 2008, 9:00 a.m.

PLACE: Betty Easley Conference Center, Room 180, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is for the Proposal Evaluation Team members for the CAMS Independent Verification and Validation (IV&V) Services to meet to discuss specific sections of the proposals submitted pursuant to Department of Revenue Request for Proposal 06/07-12 prior to rendering a final evaluation.

A copy of the agenda may be obtained by contacting: Barbara Phillips at (850)488-2625, PhillipB@dor.state.fl.us or Steve Updike at (850)410-3247, UpdikeS@dor.state.fl.us on or after January 29, 2008.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by

contacting: Barbara Phillips at (850)488-2625, PhillipB@dor.state.fl.us or Steve Updike at (850)410-3247, UpdikeS@dor.state.fl.us If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Barbara Phillips at (850)488-2625, PhillipB@dor.state.fl.us or Steve Updike at (850)410-3247, UpdikeS@dor.state.fl.us.

DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: February 14, 2008, 9:00 a.m.

PLACE: Hawthorn Suites, 7601 Canada Ave., Orlando, 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 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).

For more information, you may contact: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **State Board of Administration**, Audit Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 25, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Emerald Coast Room, 6th Floor

DATE AND TIME: Monday, January 28, 2008, 10:30 a.m. – 5:00 p.m.

PLACE: Emerald Coast Room, 6th Floor

DATE AND TIME: Thursday, January 31, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Emerald Coast Room, 6th Floor

DATE AND TIME: Monday, February 4, 2008, 2:00 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor

DATE AND TIME: Thursday, February 7, 2008, 9:00 a.m. – 12:00 Noon

PLACE: Hermitage Room, 1st Floor

DATE AND TIME: Monday, February 11, 2008, 10:30 a.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor

DATE AND TIME: Friday, February 15, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor

DATE AND TIME: Monday, February 18, 2008, 10:30 a.m. – 5:00 p.m.

PLACE: Emerald Coast Room, 6th Floor

DATE AND TIME: Thursday, February 21, 2008, 2:00 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor

DATE AND TIME: Monday, February 25, 2008, 10:30 a.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor

DATE AND TIME: Friday, February 29, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor

PLACE: Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Selection of a firm, review of deliverables, as well as address other general business of the Audit Committee.

In compliance with the Americans with Disabilities Act, the SBA will make appropriate arrangements for anyone who needs special accommodations to attend the meeting. Please call James Linn at (850)488-4406.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m.
 PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450, (850)488-3417.

Pursuant to the provisions of 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, (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *February 11, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: February 12, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk, Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. The agenda and recommendations are also accessible on the PSC Website, at <http://www.floridapsc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Film and Entertainment** and the **Florida Film and Entertainment Advisory Council**, Logo Creation Task Force will convene in meeting via conference call. This is a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 31, 2008, 3:30 a.m.

PLACE: Governor's Office of Film and Entertainment, The Capitol, Suite 2001, Tallahassee, FL 32399-0001

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Logo Creation Task Force issues of the Advisory Council that have arisen since the 2007 4th quarter FFEAC meeting.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

The Education and Evaluation Committee of the **Florida Faith-based and Community-based Advisory Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 5, 2008, 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Passcode: 4130909

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will be to discuss various faith-based and community-based initiatives in Florida, and the Compassion Florida program.

A copy of the agenda may be obtained by contacting: Suzanne Yack, Director of Compassion Florida, Volunteer Florida Foundation at suzanne.yack@vfffund.org or (904)755-7740.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Suzanne Yack at suzanne.yack@vfffund.org or (904)755-7740. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Suzanne Yack, Director of Compassion Florida, Volunteer Florida Foundation at suzanne.yack@vfffund.org or (904)755-7740.

The **Child Abuse Prevention and Permanency Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 6, 2008, 8:30 a.m. – 4:30 p.m.

PLACE: Florida Supreme Court, Judicial Meeting Room #2134, 500 S. Duval St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The prevention of child abuse.

A copy of the agenda may be obtained by contacting Emily McAllister at (850)921-2015.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting Emily McAllister at (850)921-2015. If you are 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: Emily McAllister. DUE TO SUPREME COURT SECURITY, ALL MEMBERS OF THE PUBLIC ATTENDING THE MEETING MUST REGISTER AT LEAST 3 DAYS PRIOR TO THE MEETING by contacting Emily McAllister at (850)921.2015 or at emily.mcallister@myflorida.com.

The **Commission on Open Government Reform** announces a public meeting to which all persons are invited.

DATE AND TIMES: February 12, 2008, Public Hearing, 2:00 p.m. – 4:00 p.m.; Public Hearing, 6:00 p.m. – 8:00 p.m.

DATE AND TIMES: February 13, 2008, Commission Meeting: 9:00 a.m. – 12:00 Noon; Commission Meeting, 1:00 p.m. – 4:00 p.m.

PLACE: New College of Florida, Sudakoff Center, 5800 Bay Shore Road, Sarasota, FL 34243

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing:

- Florida law as it relates to the public's right of access to government meetings and records.

Commission meeting:

- Law Enforcement Open Government Issues
- Senate Report and Legislation on Open Government
- Legislative Open Government
- Freedom of Information Summit Attorney General's Gap Project
- Transparency in Government Spending

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. For more information, visit our website at: http://www.flgov.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: 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: Office of Open Government, Executive Office of the Governor, The Capitol, Tallahassee, FL 32399-0001, (850)921-6099, Fax (850)488-0219.

For more information, you may contact: Office of Open Government, Executive Office of the Governor, The Capitol, Tallahassee, FL 32399-0001, (850)921-6099, Fax (850)488-0219.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 25, 2008, 1:00 p.m.

PLACE: St. Johns County Convention Center, 500 S. Legacy Trail, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to become further educated on the proposal to withdraw up to 261 million gallons per day from the St. Johns and Ocklawaha Rivers to help satisfy the potable water needs of central Florida in the year 2013 and beyond and to determine if there is a common position that can be developed for our region and to plan for next steps.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Angela Giles at (904)279-0880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brian Teeple or Angela Giles, at (904)279-0885, ext. 145.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 13, 2008, 9:00 a.m.

PLACE: Hardee County Commission Chambers, 412 West Orange Street, Wauchula, FL 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Central Florida Regional Planning Council and/or it's Executive Committee.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 130.

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: Patricia M. Steed, CFRPC Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 130.

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch Inc.**, a Florida non-profit corporation, announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2008, 6:30 p.m.

PLACE: Chateau, Mayo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual meeting as required by the corporation by-laws will be held in conjunction with the monthly Board of Directors meeting. One of the purposes of this meeting will be the election of officers.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Brian Kauffman, Facilities Manager at (386)362-1001 or bck@srwmd.org.

The **R. O. Ranch Inc.**, a Florida non-profit corporation, announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2008, 6:30 p.m.

PLACE: Chateau, Mayo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of equestrian facilities on Suwannee River Water Management District properties.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Brian Kauffman, Facilities Manager at (386)362-1001 or bck@srwmd.org.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 6, 2008, 9:00 a.m.

PLACE: West Pasco Government Center, 7530 Little Road, New Port Richey, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING: Consider Basin business. Ad Order 23733.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 7, 2008, 9:00 a.m.

PLACE: Tampa Service Office, 7601 U.S. 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: ALAFIA RIVER BASIN BOARD MEETING: Consider Basin business. Ad Order 23733.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 7, 2008, 1:00 p.m.

PLACE: Tampa Service Office, 7601 U.S. 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: NORTHWEST HILLSBOROUGH BASIN BOARD MEETING: Consider Basin business. Ad Order 23733.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 8, 2008, 9:30 a.m.
 PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: PEACE RIVER BASIN BOARD MEETING: Consider Basin business. Ad Order 23733.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the SWFWMD Executive Department at the address above.

The following notice was incorrectly printed in the January 18, 2008, Vol. 34, No. 3 issue of the F.A.W.

The **South Florida Water Management District** (SFWMD), Water Conservation Stakeholder Group announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2008, 8:30 a.m.
 PLACE: SFWMD Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Hosted by the Water Resources Advisory Commission, the purpose of the Summit meeting is to bring together local, state and national experts along with a broad range of stakeholders to develop an enduring, comprehensive water conservation program for South Florida. 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: Reagan Walker at (561)682-6262 or online at 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'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).
 For more information, you may contact Reagan Walker at (561)682-6262.

The **Water Resources Advisory Commission** (WRAC) Regular Monthly Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2008, 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).

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water**, Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 18, 2008, 9:00 a.m.
 PLACE: 2575 Enterprise Road, Clearwater, Florida 33761
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors.

A copy of the agenda may be obtained by contacting Tampa Bay Water at (727)796-2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Holly Wells at (727)796-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Records Department at (727)796-2355.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF CANCELLATION – The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: February 6, 2008, 9:00 a.m. – 11:30 a.m.

PLACE: Crowne Plaza, 1201 Riverplace Boulevard, Jacksonville, Florida 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: THIS MEETING HAS BEEN CANCELLED.

Information on the make-up session will be posted in a future version of the F.A.W.

The Agency for Health Care Administration will be hosting a discussion of the current Medicaid Reform program for Medicaid Reform behavioral health providers in Duval County. The panel will consist of members of the behavioral health care provider community and those of the health plan community. The specific topic will be Authorization and Claims Processing.

NOTICE OF CANCELLATION – The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: February 6, 2008, 1:00 p.m. – 3:30 p.m.

PLACE: Crowne Plaza, 1201 Riverplace Boulevard, Jacksonville, Florida 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: THIS MEETING HAS BEEN CANCELLED.

Information on the make-up session will be submitted in the F.A.W.

The Agency for Health Care Administration will be hosting a discussion of the current Medicaid Reform program for Medicaid Reform providers in Duval County. The panel will consist of members of the health care provider community and those of the health plan community. The specific topic will be Authorization and Claims Processing.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2008, 9:00 a.m. – 11:30 a.m.

PLACE: Hilton – Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, FL 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration will be hosting a discussion of the current Medicaid Reform program for Medicaid Reform behavioral health providers in Broward

County. The panel will consist of members of the behavioral health care provider community and those of the health plan community. The specific topic will be Authorization and Claims Processing.

NOTICE OF CANCELLATION – The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2008, 1:00 p.m. – 3:30 p.m.

PLACE: Hilton – Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, FL 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: THIS MEETING HAS BEEN CANCELLED.

Information on the make-up sessions will be posted in future versions of the F.A.W.

The Agency for Health Care Administration will be hosting a discussion of the current Medicaid Reform program for Medicaid Reform providers in Broward County. The panel will consist of members of the health care provider community and those of the health plan community. The specific topic will be Authorization and Claims Processing.

The **Agency for Health Care Administration, Division of Medicaid**, Organ Transplant Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 18, 2008, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Medicaid Area 7 Office, 400 W. Robinson St., South Tower, Conference Room Suite S-309, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council including but not limited to review of Medicaid organ transplant policies and recommendations for Medicaid State Plan changes.

A copy of the agenda may be obtained by contacting: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7322, or kumart@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Florida Black Business Investment Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 8, 2008, 10:00 a.m.

PLACE: Via Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Board's operations, identify areas for future board priorities, receive reports from its committees/task force, review/approve related issues and other business as needed, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The FBBIB, 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308, (850)878-0275.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: The FBBIB, 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308, (850)878.0275. If you are 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 FBBIB, 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308, (850)878-0275.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Regulatory Council for Community Association Managers** announces a public meeting to which all persons are invited.

DATE AND TIME: February 8, 2008, 10:30 a.m.

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32919-8114

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Renese Jones at (850)922-5012 or Fax (850)922-2918.

Pursuant to the provisions of 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: Renese Jones at (850)922-5012 or Fax (850)922-2918. If you are 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: Renese Jones at (850)922-5012 or Fax (850)922-2918.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, February 13, 2008, 2:00 p.m.; Thursday, February 14, 2008, 8:00 a.m.; Friday, February 15, 2008, 8:00 a.m.

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Blvd., Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, disciplinary actions and general session meetings of the Board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, MS N-14, Tallahassee, FL 32399-1039, or by phone at (850)922-2887.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, MS N-14, Tallahassee, FL 32399-1039, or by phone at (850)922-2887. If you are 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 **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, March 19, 2008, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To connect, dial 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling (850)487-1395.

Pursuant to the provisions of 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)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 11, 2008, 9:00 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 St., 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. If you are 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 **Florida Real Estate Appraisal Board (FREAB)** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, February 4, 2008, 9:00 a.m. or soon thereafter; Tuesday, February 5, 2008, 8:30 a.m. or soon thereafter

PLACE: Division of Real Estate Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions, 2008 AQB Criteria Changes and general subject matter.

A copy of the agenda may be obtained by contacting: Beverly Ridenauer, Government Analyst II, Florida Real Estate Appraisal Board, 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 five days before the workshop/meeting by contacting the Department of Business and Professional

Regulation at (407)481-5632. If you are 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 **Florida Real Estate Appraisal Board (FREAB)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 6, 2008, 9:00 a.m., or soon thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Division of Real Estate, Conference Room N901, North Tower, 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. Portions of the probable cause proceedings are not open to the public.

All or part of this meeting may be conducted by 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 five days before the workshop/meeting by contacting the Division of Real Estate at (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).

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 Hearing Aid Specialists** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 13, 2008, 3:00 p.m. (Reconsiderations); March 14, 2008, 9:00 a.m. (General Business)

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: PCP with Reconsiderations and General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to meeting date.

The **Board of Medicine**, Credentials Committee Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: January 31, 2008, 11:00 a.m.

PLACE: Hyatt Regency, 225 East Coastline Dr., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by contacting: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, FL 32399-3253.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Florida Board of Medicine at (850)245-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Chandra Prine at (850)245-4135, chandra_prine@doh.state.fl.us.

The **Council on Physician Assistants** announces a public meeting to which all persons are invited.

DATE AND TIME: January 31, 2008, 3:00 p.m.

PLACE: Hyatt Regency 225 East Coastline Dr., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Conduct Council Business.

A copy of the agenda may be obtained by contacting: Chandra Prine, Program Operator Administrative, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin # C03, Tallahassee, FL 32399-3253.

Pursuant to the provisions of 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.

For more information, you may contact: Chandra Prine at (850)245-4135, chandra_prine@doh.state.fl.us.

The Florida **Board of Nursing** and **Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2008, 9:00 a.m. – 3:00 p.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, FL 32399-3252

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Board of Nursing New Board Member Orientation.

The Florida **Board of Nursing** and **Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday – Friday, February 13-15, 2008

DATE AND TIMES: Wednesday, February 13, 2008, 8:30 a.m.

Council on Certified Nursing Assistants (CNA) meets Wednesday, Practice Committee Meeting immediately following

CNA Council Meeting adjournment

Advanced Practice Committee Meeting immediately following Practice Committee Meeting adjournment.

Legislative Committee Meeting immediately following

Advanced Practice Committee Meeting adjournment

Special Education Committee Meeting immediately following Legislative Committee Meeting adjournment

DATES AND TIMES: Credentials Committee – Thursday, February 14, 2008, 8:30 a.m.; Education Committee – 8:30 a.m.; Full Board meeting – 1:00 p.m.

DATE AND TIME: Full Board meeting – Friday, February 15, 2008, 8:30 a.m.

PLACE: Tallahassee-Leon County Civic Center, 505 W. Pensacola St., Tallahassee, FL 32301, (850)487-1691

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

A copy of the agenda may be obtained by contacting: Executive Director, Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C-02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are 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 Florida **Board of Nursing and Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday – Friday, April 9-11, 2008

DATE AND TIMES: Wednesday, April 9, 2008, 8:30 a.m.

Council on Certified Nursing Assistants (CNA) meets Wednesday, Practice Committee Meeting immediately following

CNA Council Meeting adjournment

Advanced Practice Committee Meeting immediately following Practice Committee Meeting adjournment.

Legislative Committee Meeting immediately following

Advanced Practice Committee Meeting adjournment

Special Education Committee Meeting immediately following Legislative Committee Meeting adjournment

DATE AND TIMES: Credentials Committee – Thursday, April 10, 2008, 8:30 a.m.; Education Committee – 8:30 a.m.; Full Board meeting – 1:00 p.m.

DATE AND TIME: Full Board meeting – Friday, April 11, 2008, 8:30 a.m.

PLACE: Hilton Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, FL 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

A copy of the agenda may be obtained by contacting: Executive Director, Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you

are 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 Florida **Board of Nursing and Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday – Friday, June 4-6, 2008

DATE AND TIMES: Wednesday, June 4, 2008, 8:30 a.m.

Council on Certified Nursing Assistants (CNA) meets Wednesday, Practice Committee Meeting immediately following

CNA Council Meeting adjournment

Advanced Practice Committee Meeting immediately following Practice Committee Meeting adjournment

Legislative Committee Meeting immediately following

Advanced Practice Committee Meeting adjournment

Special Education Committee Meeting immediately following Legislative Committee Meeting adjournment.

DATE AND TIMES: Credentials Committee – Thursday, June 5, 2008, 8:30 a.m.; Education Committee – 8:30 a.m.; Full Board meeting – 1:00 p.m.

DATE AND TIME: Full Board meeting – Friday, June 6, 2008, 8:30 a.m.

PLACE: Tallahassee-Leon County Civic Center, 505 W. Pensacola St., Tallahassee, FL 32301, (850)487-1691

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

A copy of the agenda may be obtained by contacting: Executive Director, Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Board at (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Nursing and Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday – Friday, August 13-15, 2008

DATE AND TIMES: Wednesday, August 13, 2008, 8:30 a.m.

Council on Certified Nursing Assistants (CNA) meets Wednesday, Practice Committee Meeting immediately following

CNA Council Meeting adjournment

Advanced Practice Committee Meeting immediately following Practice Committee Meeting adjournment

Legislative Committee Meeting immediately following

Advanced Practice Committee Meeting adjournment

Special Education Committee Meeting immediately following Legislative Committee Meeting adjournment

DATE AND TIMES: Credentials Committee – Thursday, August 14, 2008, 8:30 a.m.; Education Committee – 8:30 a.m.; Full Board meeting – 1:00 p.m.

DATE AND TIME: Full Board meeting – Friday, August 15, 2008, 8:30 a.m.

PLACE: Wyndham Jacksonville Riverwalk, 1515 Prudential Drive, Jacksonville, FL 32207, (904)396-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

A copy of the agenda may be obtained by contacting: Executive Director, Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Board at (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Nursing and Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday – Friday, October 8-10, 2008

DATE AND TIMES: Wednesday, October 8, 2008, 8:30 a.m.

Council on Certified Nursing Assistants (CNA) meets Wednesday, Practice Committee Meeting immediately following

CNA Council Meeting adjournment

Advanced Practice Committee Meeting immediately following Practice Committee Meeting adjournment

Legislative Committee Meeting immediately following

Advanced Practice Committee Meeting adjournment

Special Education Committee Meeting immediately following Legislative Committee Meeting adjournment

DATE AND TIMES: Credentials Committee – Thursday, October 9, 2008, 8:30 a.m.; Education Committee – 8:30 a.m.; Full Board meeting – 1:00 p.m.

DATE AND TIME: Full Board meeting – Friday, October 10, 2008; 8:30 a.m.

PLACE: Hyatt Regency, 400 S. E. Second Avenue, Miami, FL 33131, (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

A copy of the agenda may be obtained by contacting: Executive Director, Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Board at (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Nursing and Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday – Friday, December 3-5, 2008

DATE AND TIMES: Wednesday, December 3, 2008, 8:30 a.m.

Council on Certified Nursing Assistants (CNA) meets
Wednesday, Practice Committee Meeting immediately following

CNA Council Meeting adjournment

Advanced Practice Committee Meeting immediately following Practice Committee Meeting adjournment

Legislative Committee Meeting immediately following

Advanced Practice Committee Meeting adjournment

Special Education Committee Meeting immediately following Legislative Committee Meeting adjournment

DATE AND TIMES: Credentials Committee – Thursday, December 4, 2008, 8:30 a.m.; Education Committee – 8:30 a.m.; Full Board meeting – 1:00 p.m.

DATE AND TIME: Full Board meeting – Friday, December 4, 2008, 8:30 a.m.

PLACE: Radisson WorldGate Resort, 3011 Maingate Lane, Kissimmee, FL 34747, (407)396-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

A copy of the agenda may be obtained by contacting: Executive Director, Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Board at (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Nursing**, South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 21, 2008, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code (2458182)

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Optometry** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 22, 2008, 9:00 a.m. or shortly thereafter

PLACE: Crowne Plaza, 1201 Riverplace Boulevard, Jacksonville, Florida 32207 (904) 398-8800. Will 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 Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/optometry/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 **Department of Health, Drug Wholesaler Advisory Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 14, 2008, 9:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 2454292

GENERAL SUBJECT MATTER TO BE CONSIDERED: Welcome/Introductions, Approval of Minutes from the November 8, 2007, Meeting; Old Business; New Business; Council Member Update, Program Office Update, Select Next Meeting Date, and Open Discussion.

The agenda will send out electronically to the interested party distribution list and placed on the website two weeks prior to the meeting.

For more information, you may contact: the Board of Pharmacy at (850)245-4292.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 29, 2008, 2:00 p.m.
PLACE: 210 N. Palmetto Ave., Conference Room 148, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Local Planning Team is conducting a public meeting to update the five-year plan for the prevention of child abuse, abandonment, neglect and the promotion of adoptions.

A copy of the agenda may be obtained by contacting Denise Kelly at (386)238-4648.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting Denise Kelly at (386)238-4648. If you are 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 **Florida Civil Commitment Center Financing Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 30, 2008, 10:00 a.m.
PLACE: One Park Place, Suite 700, 621 N. W. 53rd Street, Boca Raton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTICE OF A PUBLIC MEETING OF THE BOARD OF DIRECTORS OF THE FLORIDA CIVIL COMMITMENT CENTER FINANCING CORPORATION FOR THE PURPOSE OF ELECTING THE OFFICERS OF THE CORPORATION.

A meeting of the board of directors of the FLORIDA CIVIL COMMITMENT CENTER FINANCING CORPORATION, a Florida not-for-profit corporation (the "Corporation") whose sole member is the State of Florida Department of Children and Family Services (the "Department"), will be held at 10:00 a.m., on Wednesday, January 30, 2008 at One Park Place, Suite 700, 621 N. W. 53rd Street, Boca Raton, Florida, for the purpose of electing the officers of the corporation. The Corporation leases, from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the ground in (Florida City) (Desoto County), Florida on which the facility commonly known as the FLORIDA CIVIL COMMITMENT CENTER is being constructed and leases the improvements being constructed and the ground on which they are located (the "Project") to the Department. The rental payments paid by

the Department to the Corporation are applied to the payments due on the certificates of participation sold to finance the construction of the Project.

The meeting will be open to the public. The following have been proposed for election to serve as officers of the Corporation for the offices set forth opposite their names until the next annual meeting of the directors of the Corporation or until the election and qualification of their successors or until their earlier death, resignation, or removal:

Dale L. Frick, Chairman and President

Jorge Dominicus, Secretary and Treasurer

John Bulfin, Vice President, Assistant Secretary, and Assistant Treasurer

A copy of the agenda may be obtained by contacting Casey Jones at (850)921-2641.

The **South Florida Evaluation Treatment Center Financing Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 30, 2008, 10:00 a.m.
PLACE: One Park Place, Suite 700, 621 N. W. 53rd Street, Boca Raton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTICE OF A PUBLIC MEETING OF THE BOARD OF DIRECTORS OF THE SOUTH FLORIDA EVALUATION TREATMENT CENTER FINANCING CORPORATION FOR THE PURPOSE OF ELECTING THE OFFICERS OF THE CORPORATION.

A meeting of the board of directors of the SOUTH FLORIDA EVALUATION TREATMENT CENTER FINANCING CORPORATION, a Florida not-for-profit corporation (the "Corporation") whose sole member is the State of Florida Department of Children and Family Services (the "Department"), will be held at 10:00 a.m., on Wednesday, January 30, 2008, at One Park Place, Suite 700, 621 N. W. 53rd Street, Boca Raton, Florida, for the purpose of electing the officers of the corporation. The Corporation leases, from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the ground in (Florida City) (Desoto County), Florida on which the facility commonly known as the SOUTH FLORIDA EVALUATION TREATMENT CENTER is being constructed and leases the improvements being constructed and the ground on which they are located (the "Project") to the Department. The rental payments paid by the Department to the Corporation are applied to the payments due on the certificates of participation sold to finance the construction of the Project.

The meeting will be open to the public. The following have been proposed for election to serve as officers of the Corporation for the offices set forth opposite their names until

the next annual meeting of the directors of the Corporation or until the election and qualification of their successors or until their earlier death, resignation, or removal:

Dale L. Frick, Chairman and President

Jorge Dominicus, Secretary and Treasurer

John Bulfin, Vice President, Assistant Secretary, and Assistant Treasurer

A copy of the agenda may be obtained by contacting Casey Jones at (850)921-8421.

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2008, 2:00 p.m.

PLACE: 3525 West Midway Road, Room #2, Fort Pierce, Florida 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting to plan and provide direction on the Circuit 19 Prevention and Permanency Planning Team under the direction of the statewide advisory council and the Office of the Governor.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, 337 N. U.S. Highway # 1, Ft. Pierce, FL 34950 (Attn: Melissa McInturff).

Pursuant to the provisions of 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 Melissa McInturff at (772)429-2109. If you are 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 Melissa McInturff at (772)429-2109.

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, Circuit 19 announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2008, 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: Alliance Executive Committee meeting.

A copy of the agenda may be obtained by contacting: Linda Poston, Administrative Assistant II, 337 North U.S. Hwy. 1, Room 327C, Fort Pierce, Florida 34950, (772)467-4177.

Pursuant to the provisions of 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: Linda Poston, Administrative Assistant II, 337 North U.S. Hwy. 1, Room 327C, Fort Pierce, Florida 34950, (772)467-4177. If you are 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 **Circuit 7 Community Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 14, 2008, 2:00 p.m.

PLACE: 210 N. Palmetto Ave., Conf. Room 430, Daytona Beach, Florida. Via Conference Call at Meet Me 1(888)808-6959

GENERAL SUBJECT MATTER TO BE CONSIDERED: This committee will discuss the ByLaws, Officer Elections (specifically the Secretary position) and new membership.

A copy of the agenda may be obtained by contacting Denise Kelly at (386)238-4648.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting Denise Kelly at (386)238-4648. If you are 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 **Community Alliance of Volusia, Flagler, Putnam and St. Johns Counties** announces a public meeting to which all persons are invited.

DATES AND TIME: April 9, 2008; June 11, 2008; October 8, 2008, 2:30 p.m.

PLACE: Government Services Building, 1769 E. Moody Blvd., Building 2, Bunnell, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting.

A copy of the agenda may be obtained by contacting Denise Kelly at (386)238-4648.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting Denise Kelly at (386)238-4648. If you are 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 **Circuit 9 Local Planning Team** announces a public meeting to which all persons are invited.

DATE AND TIME: February 11, 2008, 12:00 Noon

PLACE: Juvenile Justice Court House, 2000 East Michigan Street, Orlando, FL 32806

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update to the 5 year Child Abuse Prevention Plan.

A copy of the agenda may be obtained by e-mailing: Tllewell@devereux.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting Tia Llewellyn at (407)367-4337. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Orange County Community Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: February 13, 2008, 12:15 p.m.

PLACE: Facilities Management Training Room, 2010 East Michigan Street, Orlando, Florida 32806

GENERAL SUBJECT MATTER TO BE CONSIDERED: Department of Children and Families and Family Services Metro Orlando updates.

A copy of the agenda may be obtained by contacting Krisitn_Gray@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Kristin Gray (407)245-0400, ext. 118. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesdays, January 2, 2008 through December 31, 2008, 2:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 1st Floor, Conference Room, Tallahassee, Florida 32301-1329.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Corporation's State Housing Initiatives Partnership (SHIP) Program Review Committee. The purpose of these Review Committee Meetings is to consider SHIP related matters and approve New and Amended Local Housing Assistance Plans submitted by any of the 67 counties or 50 entitlement municipalities participating in the SHIP Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Darlene Raker at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: February 6-7, 2008, 8:30 a.m. each day

PLACE: Bay Point Marriott Resort, 4200 Marriott Drive, Panama City Beach, Florida 32408

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the agenda may be obtained by contacting: Kathleen Hampton, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Jim Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or (850)487-1764.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: February 11, 2008, 6:00 p.m. – 7:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission - FWRI, First Floor, Conference Room, 100 Eight Avenue, S. E., St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide the public with the opportunity to comment on new rule changes being considered for the Marine Special Activity License Program (Chapter 68B-8, F.A.C.). The rule changes being considered will address the following issues:

Rule glitches and clarifications regarding definitions, application time periods, application review criteria and processes, and reporting requirements.

Update application forms.

Incorporate or update agency policies regarding application review standards for the collection of prohibited species, release of marine organisms into the wild, and genetic standards for the release of marine organisms into the wild, and delete rule language that the policies will render obsolete.

Incorporate new standards for conducting health certifications for the release of marine organisms into the wild.

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).

For more information, you may contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** (FWC), **Division of Law Enforcement** announces the following public workshops regarding possible amendments to the Boating Safety Rule in Martin County (Rule 68D-24.143, F.A.C.).

FWC is holding a consensus building workshop on February 13, 2008, with invited participants. While the public is welcome and encouraged to attend, there will not be an opportunity for public comment.

Our second workshop will be held on February 27, 2008, we encourage all interested parties to attend and provide input.

DATE AND TIME: Wednesday, February 13, 2008, 5:00 p.m. – 8:00 p.m.

PLACE: Blake Library, 2351 S. E. Monterey Road, Stuart, Florida (Martin Co., Rule 68D-24.143, F.A.C.)

DATE AND TIME: Wednesday, February 27, 2008, 5:00 p.m. – 8:00 p.m.

PLACE: Blake Library, 2351 S. E. Monterey Road, Stuart, Florida (Martin Co., Rule 68D-24.143, F.A.C.)

Directions to Blake Library: Take SR 707 south to A-1-A, head east on A-1-A to Monterey Road, turn right onto Monterey Road (SR 704) library is on left. Telephone: (772)288-5702.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed changes to rules within this chapter are to: (1) Correct and update locations of boating safety zones along the Florida Intracoastal Waterway (ICW) in Martin County, based upon our findings of the Martin County Vessel Traffic Study; (2) Improve clarity and consistency of language and definitions; (3) Remove or revise obsolete locations of zones; and (4) Respond to requests for revisions received from stakeholders and governmental entities.

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 respective location at least five (5) calendar days before the meeting by contacting the ADA Coordinator, see numbers listed above. If you are hearing or speech impaired, please contact the agency by calling the numbers listed above.

FINANCIAL SERVICES COMMISSION

The **Office of Financial Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: February 6, 2008, 2:00 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 Orange Interim Bank with and into Orange Bank of Florida, Orlando, 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.

A copy of the agenda may be obtained by contacting: 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.

ENTERPRISE FLORIDA, INC.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2008, 10:00 a.m. – 3:00 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rural Working Group. This meeting will discuss on-going issues, developing issues and other matters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2008, 11:00 a.m. – 1:00 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workforce Working Group. This meeting will discuss on-going issues, developing issues and other matters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ellen Stalnaker at (407)956-5615.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2008, 3:00 p.m. – 4:30 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Marketing Working Group. This meeting will discuss on-going issues, developing issues and other matters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ellen Stalnaker at (407)956-5615.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2008, 8:30 a.m. – 11:30 a.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Stakeholders Council. This meeting will discuss on-going issues, developing issues and other matters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ellen Stalnaker at (407)956-5615.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2008, 11:00 a.m. – 12:30 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Defense & Space Committee. This meeting will discuss on-going issues, developing issues and other matters.

For more information, you may contact Ellen Stalnaker at (407)956-5615.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2008, 11:30 a.m. – 1:00 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Urban Working Group. This meeting will discuss on-going issues, developing issues and other matters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ellen Stalnaker at (407)956-5615.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2008, 12:30 p.m. – 2:00 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Technology, Entrepreneurship & Capital Committee. This meeting will discuss on-going issues, developing issues and other matters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ellen Stalnaker at (407)956-5615.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2008, 2:00 p.m. – 3:30 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Global Commerce & Investment Committee. This meeting will discuss on-going issues, developing issues and other matters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ellen Stalnaker at (407)956-5615.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2008, 2:30 p.m. – 4:30 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Life Sciences Council. This meeting will discuss on-going issues, developing issues and other matters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ellen Stalnaker at (407)956-5615.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2008, 4:00 p.m. – 5:30 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Policy Committee. This meeting will discuss on-going issues, developing issues and other matters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ellen Stalnaker at (407)956-5615.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 31, 2008, 8:30 a.m. – 12:30 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Meeting. This meeting will discuss on-going issues, developing issues and other matters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ellen Stalnaker at (407)956-5615.

ENTERPRISE FLORIDA, INC.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 31, 2008, 12:30 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategy Council. Will discuss on-going issues, developing issues and other matters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ellen Stalnaker at (407)956-5615.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The **Center for Independent Living in Central Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 29, 2008, 5:30 p.m.

PLACE: Center for Independent Living in Central Florida, Inc., 720 North Denning Drive, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by contacting: phone: (407)623-1070, e-mail: lkutz@cilorlando.org.

FLORIDA ALLIANCE FOR ASSISTIVE SERVICES AND TECHNOLOGY, INC.

The **Florida Alliance for Assistive Services and Technology, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 31, 2008, 9:00 a.m. – 3:00 p.m.

PLACE: The Doubletree Hotel, 5780 Major Blvd., Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to conduct such business as specified on the agenda.

If you have any questions, please contact: FFAST, Inc., 325 John Knox Road, Bldg. 400, Ste 402, Tallahassee, FL 32303, or by calling (850)487-3278.

If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact FFAST, Inc. at the above address at least 14 working days in advance of the meeting.

A copy of the agenda may be obtained by contacting Tim McCann at (850)487-3278, ext. 100.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by contacting Tim McCann at (850)487-3278, ext. 100. If you are 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: Tim McCann at (850)487-3278, ext. 100.

GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities' Employment Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: February 4, 2008, 10:00 a.m. – 2:00 p.m.

PLACE: V.A. Medical Center, 619 South Marion Avenue, Lake City, FL 32025, (386)755-3016, ext. 2070

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is meeting to fulfill the mandate of Executive Order 07-148.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (voice/TTY) or commission@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners.

The **Governor's Commission on Disabilities' Transportation Committee** announces a telephone conference call to which all persons are invited.

DATES AND TIME: February 5, 2008; February 12, 2008, 1:30 p.m. – 3:30 p.m.

PLACE: The call in number is: 1(888)808-6959, Conference Code: 9214170#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is meeting to fulfill the mandate of Executive Order 07-148.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners.

SOIL AND WATER CONSERVATION DISTRICTS

The **Clay Soil and Water Conservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 4, 2008, 1:00 p.m.

PLACE: Clay County Extension Office, 2463 State Road 16 West, Green Cove Springs, FL 32043

GENERAL SUBJECT MATTER TO BE CONSIDERED: General.

A copy of the agenda may be obtained by contacting: S. Pipkins, Soil and Water, P. O. Box 278, Green Cove Springs, FL 32043, (904)284-6355.

FLORIDA CLERK OF COURT OPERATIONS CORPORATION

The **Florida Clerks of Court Operations Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2008, 2:00 p.m. (EST), 1:00 p.m. (CST)

PLACE: Emerald Ballroom A-B, San Destin Hilton, San Destin, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget matters and related issues.

A copy of the agenda may be obtained by contacting CCOC website, www.flccoc.org.

FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 7, 2008, 2:00 p.m.

PLACE: Westin Hotel, Key West, FL 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: The RFA Selection Committee will receive and consider issues involving the Prospective Deficiency Fund, The Alvin E. Smith Grant program, and such other business properly brought before the Committee.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 7, 2008, 4:00 p.m.

PLACE: Westin Hotel, Key West, FL 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Claims and Underwriting Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 8, 2008, 9:00 a.m.

PLACE: Westin Hotel, Key West, FL 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Governors will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, RFA Selection Committee, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 8, 2008, immediately following the Board of Governors meeting which begins at 9:00 a.m.

PLACE: Westin Hotel, Key West, FL 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Annual Meeting of its membership. The Board will receive and consider yearly reports from the Association's Chairman, Servicing Carrier, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 7, 2008, 9:00 a.m.

PLACE: Humana, 3501 S. W. 160th Avenue, 4th Floor Conference Room, Miramar, FL 33027

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation. Financial Strategy Committee.

A copy of the agenda may be obtained by contacting: Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312. Agendas can also be requested via e-mail at susan.a.moore@comcast.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Susan Moore at susan.a.moore@comcast.net or (850)893-8936. If you are 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 Patient Safety Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 7, 2008, 10:00 a.m.

PLACE: Humana, 3501 S. W. 160th Avenue, 4th Floor Conference Room, Miramar, FL 33027

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation. Board of Directors Meeting.

A copy of the agenda may be obtained by contacting: Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312. Agendas can also be requested via e-mail at susan.a.moore@comcast.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Susan A. Moore at susan.a.moore@comcast.net or (850)893-8936. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Susan A. Moore at susan.a.moore@comcast.net or (850)893-8936.

NORTHWEST FLORIDA AREA AGENCY ON AGING, INC.

The **Northwest Florida Area Agency on Aging, Inc.**, Board of Directors announces a public meeting to which all persons are invited.

DATES AND TIME: February 13, 2008; April 9, 2008; June 11, 2008; August 13, 2008; October 8, 2008; December 10, 2008, 6:00 p.m.

PLACE: Area Agency Office, 5090 Commerce Park Circle, Pensacola, FL 32505

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings. To discuss policy/activities/service provision/funding and/or other information pertinent to the activities of the agency.

A copy of the agenda may be obtained by contacting: Dottie Peoples, Northwest Florida Area Agency, Inc., 5090 Commerce Park Circle, Pensacola, FL 32505.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: February 14, 2008, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Division of Community Planning, has received the petition for declaratory statement from Pasco County. It has been assigned number DCA08-DEC-006.

The petition seeks the agency’s opinion as to the applicability of the following statutory provisions and rules over which the Department has authority: (1) Section 380.06(19)(c), Florida Statutes; (2) Section 380.06(19)(f)6., Florida Statutes; (3) Section 163.3167(8), Florida Statutes; (4) Section 163.3180(12), Florida Statutes; (5) Section 163.3194(1)(a), Florida Statutes; (6) Subsection 9J-2.045(7), Florida Administrative Code; (7) Subsection 9J-2.045(8), Florida Administrative Code and (8) Rule 9J-2.0255, Florida Administrative Code, as it applies to the petitioner.

Petitioner, Pasco County requests clarification regarding the extent to which it can, under the foregoing statutes and rules, impose more stringent buildout date requirements for Developments of Regional Impact (DRIs) than those set forth in Section 380.06(19)(c), F.S., and clarification as to the phrase “under active construction.”

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula Ford, Agency 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 received the petition for declaratory statement from Marilyn Boyer, Unit Owner, In RE: Prentiss Pointe Condominium Association, Inc., Docket No. 2008001248. The petition seeks the agency's opinion as to the applicability of Section 718, Florida Statutes, as it applies to the petitioner.

Whether the vote to fund or waive reserves was valid with the inclusion of the developer's vote under Section 718.112(2)(f)2., Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Senen E. Jimenez, Petitioner, In Re: Aventura Beach Club Petition for Declaratory Statement, Docket Number 2007060677 on November 30, 2007. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because of a factual dispute between the parties, and because a decision would affect the substantial interests of persons who are not parties to the proceeding.

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.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Dorothy McNamara, RN on November 1, 2007. The following is a summary of the agency's disposition of the petition:

Specifically, the Petitioner requests that the Board issue a Declaratory Statement determining under the provisions of Section 464.022(10), F.S., entitled "Exceptions," whether it is within the scope of practice of a Florida Registered Nurse, to engage in certain basic nursing practices, specifically basic foot care practices. The Board of Nursing considered the Petition at its meeting held on December 6, 2007, in Miami, Florida. The Board's Order, filed on January 9, 2008, clarified which practices in basic foot care specifically mentioned by the petitioner were within the scope of practice of a Florida Registered Nurse and which practices in basic foot care specifically mentioned by the petitioner were not within the scope of practice of a Florida Registered Nurse.

The Board of Psychology hereby gives notice that on January 9, 2008, it received a Petition for Declaratory Statement filed by Jeffrey Lane, Psy.D. The petition seeks the Board's interpretation of Rule 64B19-18.002, Florida Administrative Code, and Section 490.0143, Florida Statutes, and whether based on the petitioner's credentials, may he hold himself out to the public as a sex therapist.

Copies of the petition may be obtained from: Allen Hall, Acting Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN THAT the Department of Health, Bureau of Emergency Medical Services has issued an order disposing of the petition for declaratory statement filed by Miami-Dade Fire Rescue on July 27, 2007. The following is a summary of the agency's disposition of the petition:

The petition was granted and Order states that the Medical Director has the authority to condition, limit, modify or suspend the Certificate holder's medical performance while operating for the licensee consistent with the Medical

Director's direct responsibility for the medical performance of all Certificate holders operating for the licensee. Such conditioning, limitation, modification or suspension of a Certificate holder's medical performance while operating for the licensee can include requirement of completion of Medical Director identified training as a precondition for some or all parts of the Certificate holder's medical performance while operating for the licensee.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Frederick Johnson on November 28, 2007. The following is a summary of the agency's disposition of the petition:

The Notice of Petition was published on December 21, 2007 in Vol. 33, No. 51, of the F.A.W. The Petition was withdrawn by the Petitioner on January 11, 2008.

Please refer all comments to: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Fairdistrictsflorida.org vs. Department of State, Division of Elections; Case No.: 07-5665RX; Rule No.: 1S-2.009(8)

National Foundation to Prevent Child Sexual Abuse, Inc. vs. Department of Law Enforcement; Case No.: 07-5398RX; Rule No.: 11C-6.004

American Heart Association vs. Agency for Health Care Administration; Case No.: 07-5495RP; Rule No.: 59A-3.2085

Juan Cuellar, Luis Garcia and Gerado Quintero vs. Department of Business and Professional Regulation, Construction Industry Licensing Board; Case No.: 07-5767RX; Rule No.: 61G4-15.008

United Automobile Insurance Company vs. Board of Chiropractic Medicine; Case No.: 07-5765RP; Rule No.: 64B2-18.008

Ana Victoria Garcia-Motta vs. Board of Dentistry; Case No.: 07-5416RX; Rule No.: 64B5-2.0146(2)

Florida Association of Rehabilitation Facilities, Inc. vs. Agency for Health Care Administration; Case No.: 07-5514RU

First Commercial Claims Service vs. Agency for Health Care Administration and Department of Financial Services; Case No.: 07-5676RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

National Foundation to Prevent Child Sexual Abuse, Inc. vs. Department of Law Enforcement; Case No.: 07-5398RX; Rule No.: 11C-6.004; Dismissed

Lifepath Hospice and Palliative Care, Inc. vs. Department of Elder Affairs; Case Nos.: 07-3835RP, 07-3836RP; Rule Nos.: 58A-2.012(1)(b), 58A-2.002, 58A-2.003, 58A-2.005, 58A-2.010, 58A-2.012, 58A-2.014, 58A-2.0232; Voluntarily Dismissed

City of St. Petersburg, Pinellas County, and City of Largo, Florida vs. Department of Environmental Protection; Case Nos.: 05-2280RP, 05-2287RP, 05-2306RP; Rule No.: 62-304.600; Withdrawn

The Humane Society of the United States, Sharon and Richard Chambers, Miriam Barkley, Sheree Thomas, and Connie Crews vs. Department of Agriculture and Consumer Services; Case No.: 07-1503RU; Dismissed

Bradley Wayne Kline vs. Department of Financial Services; Case No.: 07-5243RU; Dismissed

Florida Association of Rehabilitation Facilities, Inc. vs. Agency for Health Care Administration; Case No.: 07-5514RU; Voluntarily Dismissed

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

INVITATION TO BID

As a Contractor, you are invited to submit a bid to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, hereinafter referred to as Owner, for the construction of an administrative office building at the Florida Center for Wildlife and Forest Resources Management Training Center, located at 24059 Childs Road, Brooksville, Florida (which is on US 41, 8 Miles North of Brooksville). The Project Budget is estimated to be: \$230,000.00.

The Department is seeking a Contractor for the construction of an administrative office building at the Florida Center for Wildlife and Forest Resources Management Training Center. The contractor shall provide all materials, labor, equipment and inspection fees necessary for the construction of the administrative office building in accordance with the terms and conditions of the Invitation to Bid.

PROJECT NAME & LOCATION: Construction of an Administrative Office Building at the Florida Center for Wildlife and Forest Resources Management Training Center, located at 24059 Childs Road, Brooksville, Florida (which is on U.S. 41, 8 Miles North of Brooksville).

SOLICITATION DOCUMENT: The entire solicitation document may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/DF-07/08-48, or by calling the Purchasing Office at (850)487-3727.

MANDATORY PRE-BID CONFERENCE/SITE VISIT: Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on February 12, 2008, 11:00 a.m., at the Withlacoochee Forestry Center, 15019 Broad Street, Brooksville, Florida. The Center is located 1 mile South of the

Florida Center for Wildlife and Forest Resources Management Training Center (where the new building is to be constructed), or 7 miles North of Brooksville, FL on U.S. Hwy. 41. During the pre-bid conference a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: A performance bond in the amount of one-hundred percent (100%) of the base bid price shall be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: March 4, 2008, 2:00 p.m.

PLACE: Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB 8, Mayo Building, Tallahassee, Florida 32399, (850)487-3727.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

ANNOUNCEMENT 2009-2010

FLORIDA AQUACULTURE REVIEW COUNCIL
REQUEST FOR STATEMENTS OF INTEREST

The Florida Aquaculture Review Council (ARC) hereby announces a request for statements of interest to perform aquaculture projects. Statements of interest will be reviewed by the ARC and selected investigators invited to submit full proposals. The source of funding for projects will be a State of Florida Legislative appropriation. No dollar amount is currently set aside for aquaculture projects. Funding for projects selected by the ARC is not guaranteed.

Statements of interest must fulfill a need that is identified in the Florida Aquaculture Plan with a strong interest in the area of aquaculture education.

Appropriate forms for the Statement of Interest are available by contacting: Kim Norgren, Division of Aquaculture, 1203 Governors Square Boulevard, Tallahassee, Florida 32301, (850)488-4033, or e-mail norgrek@doacs.state.fl.us. The deadline for submitting completed Statement of Interest forms is 5:00 p.m., February 29, 2008.

DEPARTMENT OF EDUCATION

REQUEST FOR QUALIFICATIONS (Construction)

The University of Florida Board of Trustees announces that General Contractor services will be required for the project listed below:

PROJECT: UF-155, Martin H. Levin Advocacy Center (Gainesville, Florida)

SCOPE OF WORK: This project entails the construction of a new 20,000 gross square foot courtroom facility at the Levin College of Law. The scope of work includes sitework, site utilities work, and all elements of vertical construction and fixed furnishings. Building envelope and mechanical + electrical systems will be independently commissioned, and Silver LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory. The estimated cost of construction is between \$4,000,000 and \$5,000,000.

Generally, the work is expected to commence in April 2008 and be completed by February 2009. Once pre-qualified, bidders will be given instructions for obtaining copies of the Conformed Bid Documents and allowed approximately 30 days to develop firm fixed prices for the base bid and additive alternate scopes of work. A pre-bid meeting with the architect/engineer will likely be held during this bidding period to clarify technical questions and allow bidders a chance to familiarize themselves with the site.

Work on an active campus, coupled with a limited area for parking and materials staging, will present logistical challenges to the contractor. Applicants unfamiliar with work at the University of Florida (UF) are strongly urged to familiarize themselves with the UF Design and Construction Standards,

the UF General Terms and Conditions, template UF contracts, and other materials available on the Facilities Planning & Construction (FP&C) website at www.facilities.ufl.edu. At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

PROPOSAL: The method of delivery is design-bid-build (also known as "hard bid"), with an enhanced pre-qualification process due to the nature of the work. The following criteria shall be used to pre-qualify potential bidders:

1. Past Performance
2. Qualifications and Experience
3. Financial Standing (including bonding capacity)
4. Workload
5. Safety Record

Interested applicants shall retrieve the detailed Pre-Qualification Instructions and all relevant proposal forms from the FP&C website listed above. The pre-qualification proposal shall consist of a completed Statement of Qualifications form, a copy of the applicant's contracting license, proof of the applicant's corporate status in Florida (if applicable), proof of applicant's bonding capacity, resumes, and other information as outlined in the Pre-Qualification Instructions. Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned, and the University may reject all proposals and stop the selection process at any time.

PRE-PROPOSAL MEETING: A mandatory Pre-Proposal Meeting will be held at 10:00 a.m., on Tuesday, February 12, 2008, in Room 101 of Elmore Hall (Building 465, Division of Purchasing), Radio Road, on the UF campus. The purpose will be to generally explain the pre-qualification process, the technical scope of work, and other project parameters such as site constraints and schedule. A site visit/tour will not be included at this time, but applicants will be provided an opportunity to review the not-for-construction 100% Construction Documents (plans and specifications) in order to familiarize themselves with the scope of work.

PRE-SUBMISSION INQUIRIES: Submit inquiries, questions, or comments via e-mail to the University's Project Manager identified in the Statement of Qualifications instructions. All requests for information or clarification must be submitted by 5:00 p.m. (Local Time), on Wednesday, February 20, 2008. Responses to questions or comments will be posted to the UF FP&C web site. No hard copy reply will be issued.

SUBMISSION OF QUALIFICATIONS: Proposals – one original plus five copies, plus one electronic copy on CD-ROM – shall be submitted no later than 2:00 p.m. (Local Time), on Monday, February 25, 2008, to the UF Division of Purchasing, Elmore Hall – Building 465, Radio Road, Gainesville, FL, (352)392-1331. Late, electronic, or facsimile (FAX) submittals are not acceptable and will not be considered.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. Each applicant shall warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The University of Florida is an equal opportunity institution and, as such, encourages the use of Minority Business Enterprises (MBEs) in the provision of construction related services. MBEs should have a fair and equal opportunity to compete for dollars spent by the University of Florida to procure construction-related services. Competition ensures that prices are competitive and a broad vendor base is available. MBE-related information should be sent to the Division of Small Business and Vendor Diversity Relations, P. O. Box 115250, Elmore Hall, Room 106, Gainesville, Florida 32611.

Notice of Bid/Request for Proposal

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida, announces that professional services in the discipline of architecture will be required for the project listed below.

Project No. FS-206

Project and Location: Florida State University School Additions
Florida State University School
Tallahassee, Florida

The project consists of the design and construction of three new classroom buildings, containing four classrooms in each building and totaling approximately 20,058 gsf. The buildings will be strategically located on the existing FSU School campus, which is located at 3000 School House Road, Tallahassee, FL 32311. The construction management project delivery system will be utilized for this project. The selected firm will provide design, construction documents, and administration for the referenced project, which has a total project budget of approximately \$5,000,000, of which approximately \$3,989,000 will be used for construction. Funding for this project will be phased, with an initial project amount for Phase I of \$5,000,000. The design team will be selected to perform professional services on Phase I of the project, and upon the satisfactory performance of services for Phase I, and at the discretion of the owner, their agreement may be amended to include the performance of services for subsequent phases of the project. Blanket professional liability insurance will be required for this project in the amount of \$500,000, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Florida State University "Professional Qualifications Supplement," August 8, 2003. Applications on any other form, on versions dated prior to 8/08/03 will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit six copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for Florida State University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained through our website, www.fpc.fsu.edu, or by contacting: Lynetta Mills, Facilities Design and Construction, 109 Mendenhall Maintenance, Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on the project, contact Marvin Beard, Senior Project Manager, at the address and phone listed above. Submittals must be received at the above location, by 2:00 p.m. (Local Time), on Tuesday, February 26, 2008. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGEMENT FIRMS
DUVAL COUNTY PUBLIC SCHOOLS

Request for Qualifications (RFQ) – AMENDED NOTICE AND PRE-QUALIFICATION OF BIDDERS FOR Annual Contract for Construction Management Services January 18, 2008. The Office of Facilities Design and Construction announces that Construction Management services are required for Annual Contracts for Construction Management Services for Duval County Public Schools. This will be a multiple year contract to one or more firms for an initial period of one year with an option to renew for two additional one-year periods. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated costs not

exceeding the threshold amount of \$1,000,000 (Construction) provided for in Section 287.055, Florida Statutes. Duval County Public Schools reserves the right to negotiate and award multiple projects to the firm(s) selected for annual contract services. Some of the assigned projects may exceed the construction threshold amount provided in Section 287.017, F.S., for Category Five (\$250,000). The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids and proposals for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. All firms submitting proposals shall be required to submit both a Pre-Qualification Application and a separate proposal package. Duval County Public Schools will evaluate both pre-qualification applications and proposals. Firms who are not approved as a pre-qualified bidder will not be considered for award of an annual contract. Prequalification forms and information may be obtained at www.dreamsbeginhere.org under About DCPS, DCPS Departments, Facilities Design and Construction Services, Forms and Standards, General Documents. Proposal information for Award Selection may be obtained at www.dreamsbeginhere.org under About DCPS, DCPS Departments, Facilities Design and Construction Services, Selection Booklets, Selection of the Construction Manager. Applications are to be sent to: James L. Womack, Facilities Design and Construction, 1701 Prudential Drive, 5th Floor, Jacksonville, FL 32207-8182

PROJECT MANAGER: James L. Womack, (904)390-2279
 RESPONSE DUE DATE: RFQ'S ARE DUE ON OR BEFORE JANUARY 29, 2008 AND WILL BE ACCEPTED UNTIL 4:30 p.m.

MBE GOALS: If multiple contracts are awarded, one out of every four of them should be sheltered. The remaining should have an overall participation goals of 10%; based on the availability of MBEs for this project.

Notice of Bid/Request for Proposal

ADVERTISEMENT FOR BIDS The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 1:00 p.m. (Local Time), on January 24, 2008, for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the scope listed below.

School Name	School Address	Quantities	Equipment Purchase
Sutherland Elementary School	3150 Belcher Road Palm Harbor, FL 34683	2	nominal 170 ton chiller
Oldsmar Elementary School	302 W Dartmouth Avenue Oldsmar, FL 34677	2	nominal 153 ton chiller
Garrison-Jones Elementary School	3133 Garrison Road Palm Harbor, FL 34683	2	nominal 193 ton chiller
Dunedin High School	1651 Pinehurst Road Dunedin, FL 34698	1	nominal 227 ton chiller

SCOPE OF PROJECT: The purpose and intent of this invitation to bid is to select pre-approved suppliers to provide and deliver air cooled rotary chillers for the four schools listed in the below table, and to secure firm, net pricing for the contract period as specified herein.

The pre-approved manufacturers are as follows:

- Carrier
- Trane
- York

BID AND PERFORMANCE SECURITY: N/A.

LICENSING REQUIREMENTS: Manufacturers Representative
 PRE-BID CONFERENCE: N/A.

Public opening of the Bids will occur in the Purchasing Conference Room at the address below and all interested parties are invited to be present. Plans and/or specifications are available at no-charge at the office of: Purchasing Department, Walter Pownall Service Center, 11111 South Belcher Road, Largo, FL 33773, (727)547-7230.

The Owner reserves the right to reject all bids.

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

Dr. Clayton Wilson	Nancy N. Bostock
Superintendent of Schools	Chairman and Ex-Officio
Secretary to the School Board	Mark C. Lindemann
	Director, Purchasing

Notice of Bid/Request for Proposal

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 project:

Project Title: Conversion of Existing Darnell Cookman Middle School No. 145 into a School of Medical Arts for Grades 6-12
 DCSB Project No. C-91160

Project Location: 1701 Davis Street N., Jacksonville, FL 32209.

RFQ's ARE DUE ON OR BEFORE February 19, 2008 AND WILL BE ACCEPTED UNTIL 4:30 p.m.

The selected Construction Manager 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 a new 500 student station high school wing, renovations of cafeteria, existing science labs, locker rooms and other various spaces including but not limited to Administration, bus and parent

pick-up and athletic area with a construction budget not to exceed \$16,840,000. The Total Project budget is \$20,000,000; however, DCPS has received appropriations totaling only \$12,265,000 in 2007/2008. Additional appropriations in the amount of \$7,735,000 is expected in 2008/2009.

Selection of finalists for interviews will be made on the basis of construction manager 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.

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids and proposals for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. All firms submitting proposals shall be required to submit both a Pre-Qualification Application and a separate proposal package. Duval County Public Schools will evaluate both pre-qualification applications and proposals. Firms who are not approved as a pre-qualified bidder will not be considered for award. Prequalification forms and information may be obtained at www.dreamsbeginhere.org under About DCPS, DCPS Departments, Facilities Design and Construction Services, Forms and Standards, General Documents. Proposal information for Award Selection may be obtained at www.dreamsbeginhere.org under About DCPS, DCPS Departments, Facilities Design and Construction Services, Selection Booklets, Selection of the Construction Manager. Applications are to be sent to:

Facilities Design and Construction
 1701 Prudential Drive, 5th Floor
 Jacksonville, FL 32207-8182

PROJECT MANAGER: Tony Gimenez, (904)390-2279
 MBE GOALS: 20% Overall.

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

NOTICE TO PROFESSIONAL CONSULTANTS FOR ARCHITECTURE-ENGINEERING SERVICES

The Department of Management Services (DMS), Division of Real Estate Development and Management, announces that professional services are required for the project(s) listed below.

PROJECT NUMBER: JB-27014000 (and future related appropriations)

PROJECT NAME: Air Conditioning Replacement Project, Fourth District Court of Appeal

PROJECT LOCATION: West Palm Beach, Florida

ESTIMATED CONSTRUCTION BUDGET: \$840,000.00 (and future related appropriations)

For details please visit the Department’s website listed below and click on “Search Advertisement – Division of Real Estate Development and Management.” http://fcn.state.fl.us.owa_vbs/owa/vbs_www.main_menu.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

CITY OF FORT LAUDERDALE

Notice of Bid/Request for Proposal
 NOTICE TO CONTRACTORS

Sealed bids will be received until 2:00 p.m. on Wednesday, February 13, 2008, in the Office of the City Engineer, Public Works Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for Project 11119-A

“CITY-WIDE FORCE MAINS, SYSTEM INTERCONNECT AND TRANSMISSION SYSTEM IMPROVEMENTS”.

This project consists of Drawing File No.WS-06-09 consisting of 20 sheets.

The work includes: installation of approximately 10 LF of 14” D.I.P. 400 LF of 18” D.I.P. and 550 LF of 24” D.I.P. force main on N. W. 6th Street, and approximately 850 LF of 24” D.I.P. force main on Birch Road south to Banyan Street then east to Seabreeze Boulevard, including connection to existing force main, abandonment of existing force mains and all restoration. Bidding blanks may be obtained at the Office of the City Engineer. Plans and specifications are on file in the Office of the City Engineer.

A pre-bid meeting will be held at 3:00 p.m. on Wednesday, January 23, 2008, at the Program Management Team office, 200 North Andrews Avenue, Suite 300, Fort Lauderdale, Florida. The pre-bid meeting is recommended, but not mandatory.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier's check, bank officer's check or bid bond for five percent (5%), made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

This project is funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplementary Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids.

Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line at (954)828-5688. For general inquiries please call (954)828-5772.

DANIS BUILDING CONSTRUCTION COMPANY

Danis Building Construction Company, Jacksonville, Florida, as Construction Manager, is pre-qualifying suppliers and trade contractors for construction of the Hodges Stadium Athletic Track and Field Project for the University of North Florida, UNF RFQ 08-06. Pre-qualification of trade contractors for the following Bid Packages is required:

- BP-1 Site Excavation & Utilities
- BP-2 Field Events & In-Ground Equipment
- BP-3 Concrete Paving (Athletic Track)
- BP-4 Landscaping & Irrigation
- BP-5 Electrical

Pre-qualification forms are due no later than close of business on January 21, 2008 and must be completed in their entirety. Interested parties should request a pre-qualification form by mail, e-mail, or by faxing a letter of interest to:

Christine Brown
 Danis Building Construction Company
 10748 Deerwood Park Boulevard
 Jacksonville, FL 32256
 Phone: (904)724-6045
 Fax: (904)721-2496
 email: cbrown@danis.com

Only bidders meeting pre-qualification criteria may bid. Bid Packages will be provided by Danis Building Construction Company to those bidders on January 22, 2008.

Sealed bids are due in Danis' Deerwood Park Boulevard Office no later than Tuesday, January 29, 2008, 2:00 p.m. Each bid must be accompanied by a bid bond on the form enclosed in the prequalification package, certified check or cashier's check in an amount no less than 5% (five percent) of the total amount of the base bid as guarantee that the bidder will, if awarded the

contract, enter into a written contract in the form provided in the prequalification package. Bidders shall provide Payment and Performance Bonds for all contracts in excess of \$75,000 on the forms enclosed in the prequalification package to Danis Building Construction Company in the full amount of the contract price within seven (7) days after acceptance.

There will be a pre-bid meeting on: Thursday, January 24, 2008, 2:00 p.m., at UNF Track & Field Project Site.

All dates subject to change.

Participation by M/WBE subcontractors, suppliers, vendors, and manufacturers is encouraged.

**Section XII
 Miscellaneous**

DEPARTMENT OF STATE

**GUIDELINES AND APPLICATIONS AVAILABLE FOR
 LIBRARY COOPERATIVE GRANTS**

Grant applications and guidelines are available for the following program administered by the Florida Department of State, State Library and Archives of Florida:

Library Cooperative Grant

Applications must be postmarked by April 15, 2008.

Grant guidelines and application packets for Library Cooperative Grants are available on the State Library and Archives' Web page at <http://dlis.dos.state.fl.us/bld/grants/forms/Cooperativeforms.html>. The guidelines and application packet may also be requested by mail from the Grants Office, State Library and Archives of Florida, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250, by phone at (850)245-6620 or Suncom 205-6620, or by Fax at (850)245-6643.

The completed application must be mailed to the address indicated above, postmarked on or before the April 15, 2008 application date.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Building Officials Association of Florida has issued a binding interpretation pursuant to Section 553.775, Florida Statutes, filed by David Clisset on December 11, 2007. Because the petition was not submitted to the local board of rules and appeals, a binding interpretation was not rendered per Section 553.775, Florida Statutes. A copy of the Interpretation may be obtained at http://www.floridabuilding.org/bi/bi_default.aspx.

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 Zongshen, Inc., intends to allow the establishment of AA Moped/Motorsports of Miami, Inc., as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group, Inc. (ZONG) at 8427 Bird Road, Miami (Dade County), Florida 33155, on or after March 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of AA Moped/Motorsports of Miami, Inc. are dealer operator(s): Scott Cook, 8427 Bird Road, Miami, Florida 33155 and Sheldon Cook, 8427 Bird Road, Miami, Florida 33155; principal investor(s): Scott Cook, 8427 Bird Road, Miami, Florida 33155 and Sheldon Cook, 8427 Bird Road, Miami, Florida 33155.

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: Rose Perez, Zongshen, Inc., 3511 Northwest 113th Court, Miami, Florida 33178.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of 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 Apex Development, LLC d/b/a Brett's Motorsports, as a dealership for the sale of motorcycles manufactured by United Motors of America, Inc. (UNMO) at 708 West Burleigh Boulevard, Tavares (Lake County), Florida 32778, on or after January 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Apex Development, LLC d/b/a Brett's Motorsports are dealer operator(s): Brett A. Singer, 10240 Primrose, Leesburg, Florida 34788; principal investor(s): Brett A. Singer, 10240 Primrose, Leesburg, Florida 34788.

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 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 Apex Development, LLC d/b/a Brett's Motorsports, as a dealership for the sale of motorcycles manufactured by Jiangsu Sacin Motor Co. Ltd. (SKTM) at 708 West Burleigh Boulevard, Tavares (Lake County), Florida 32778, on or after January 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Apex Development, LLC d/b/a Brett's Motorsports are dealer operator(s): Brett A. Singer, 10240 Primrose, Leesburg, Florida 34788; principal investor(s): Brett A. Singer, 10240 Primrose, Leesburg, Florida 34788.

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 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 Apex Development, LLC d/b/a Brett's Motorsports, as a dealership for the sale of motorcycles manufactured by Zhejiang Wangye Power Co. Ltd. (ZHEJ) at 708 West Burleigh Boulevard, Tavares (Lake County), Florida 32778, on or after January 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Apex Development, LLC d/b/a Brett's Motorsports are dealer operator(s): Brett A. Singer, 10240 Primrose, Leesburg, Florida 34788; principal investor(s): Brett A. Singer, 10240 Primrose, Leesburg, Florida 34788.

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 WITHDRAWAL

Notice is hereby given that the publication of Brumos Motor Cars, Inc., as a new point for Smart Cars (SMRT) franchise dealership in Duval County by Smart USA Distributor, LLC, published in Vol. 33, No. 52, pp. 6290 of the F.A.W., on December 28, 2007, has been withdrawn.

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 Zenn Motor Co. Ltd., intends to allow the establishment of D Street Motors, LLC d/b/a Transportation Station, as a dealership for the sale of Zenn neighborhood electric vehicles (ZENN) at 509 D Street, Clearwater (Pinellas County), Florida 33756, on or after January 18, 2008.

The name and address of the dealer operator(s) and principal investor(s) of D Street Motors, LLC d/b/a Transportation Station are dealer operator(s): Jack Boone, 509 D Street, Clearwater, Florida 33756; principal investor(s): Jack Boone, 509 D Street, Clearwater, Florida 33756.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mike Richard, Zenn Motor Co. Ltd., 85 Scarsdale Road, Suite 100, Toronto, Ontario, Canada M3B2R2.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hyosung Motors America, Inc., intends to allow the establishment of Great American Motorsports, LLC, as a dealership for the sale of Hyosung (HYOS) motorcycles at 2821 Peters Road, Fort Pierce (St. Lucie County), Florida 34945, on or after January 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Great American Motorsports, LLC are dealer operator(s): James A. Wynne III, 2560 Southeast 12 Street, Pompano Beach, Florida 33062 and Daniel M. Wynne, 10891 Larch Court, Palm Beach Gardens, Florida 33418; principal investor(s): James A. Wynne III, 2560 Southeast 12 Street, Pompano Beach, Florida 33062 and Daniel M. Wynne, 10891 Larch Court, Palm Beach Gardens, Florida 33418.

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: Simon Kim, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

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 WITHDRAWAL

Notice is hereby given that the publication of Jacasa, Inc., as a new point for Smart Cars (SMRT) franchise dealership in Sarasota County by Smart USA Distributor, LLC, published in Vol. 33, No. 52, pp. 6290 of the F.A.W., on December 28, 2007, has been withdrawn.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Zongshen, Inc., intends to allow the establishment of Long's Motorcycle Sales, Inc., as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group, Inc. (ZONG) at 800 Northwest 12 Avenue, Miami (Dade County), Florida 33136, on or after March 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Long's Motorcycle Sales, Inc. are dealer operator(s): John Long, 800 Northwest 12 Avenue, Miami, Florida 33136; principal investor(s): John Long, 800 Northwest 12 Avenue, Miami, Florida 33136.

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: Rose Perez, Zongshen, Inc., 3511 Northwest 113th Court, Miami, Florida 33178.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of New Country Motor Cars of Palm Beach, LLC, as a new point for Smart Cars (SMRT) franchise dealership in Palm Beach County by Smart USA Distributor, LLC, published in Vol. 33, No. 52, pp. 6293 of the F.A.W., on December 28, 2007, has been withdrawn.

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 QLink, L.P., intends to allow the establishment of Power and Play Warehouse, Inc., as a dealership for the sale of

motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 120 South Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after January 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power and Play Warehouse, Inc. are dealer operator(s): Thomas McMahan, 120 South Federal Highway, Pompano Beach, Florida 33062; principal investor(s): Thomas McMahan, 120 South Federal Highway, Pompano Beach, Florida 33062.

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: Johnny Tai, Vice President, QLink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Chuanl Motorcycle USA Co. Ltd., intends to allow the establishment of Power and Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 120 South Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after January 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power and Play Warehouse, Inc. are dealer operator(s): Thomas R. McMahan, 31 Northeast 1st Street, Pompano Beach, Florida 33060; principal investor(s): Thomas R. McMahan, 31 Northeast 1st Street, Pompano Beach, Florida 33060.

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: Cynthia Booker, Chuanl Motorcycle USA Co. Ltd., 9886 Chartwell Drive, Dallas, Texas 75243.

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 QLink, L.P., intends to allow the establishment of Power and Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors (GUNG) at 120 South Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after January 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power and Play Warehouse, Inc. are dealer operator(s): Thomas McMahan, 120 South Federal Highway, Pompano Beach, Florida 33062; principal investor(s): Thomas McMahan, 120 South Federal Highway, Pompano Beach, Florida 33062.

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: Johnny Tai, Vice President, QLink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 QLink, L.P., intends to allow the establishment of Power and Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 120 South Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after January 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power and Play Warehouse, Inc. are dealer operator(s): Thomas McMahon, 120 South Federal Highway, Pompano Beach, Florida 33062; principal investor(s): Thomas McMahon, 120 South Federal Highway, Pompano Beach, Florida 33062.

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: Johnny Tai, Vice President, QLink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Vento Motorcycles, Inc., intends to allow the establishment of RML Automotive, Inc., as a dealership for the sale of Vento motorcycles (VENO) at 4109 Oriole Avenue, Daytona Beach (Volusia County), Florida 32114, on or after February 4, 2008.

The name and address of the dealer operator(s) and principal investor(s) of RML Automotive, Inc. are dealer operator(s): Richard M. Lovecchio, 510 Ballough Road, Daytona, Florida 32114; principal investor(s): Richard M. Lovecchio, 510 Ballough Road, Daytona, Florida 32114.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Alma Gonzalez, Vento Motorcycles, Inc., 6190 Cornerstone Court E, Suite #200, San Diego, California 92121.

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 RT Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Decelste, S.A. (DECE) at 3300 Dixie Highway Northeast, Palm Bay (Brevard County), Florida 32905, on or after November 2, 2007.

The name and address of the dealer operator(s) and principal investor(s) of RT Motorsports, LLC are dealer operator(s): Randy Bonnette, 3300 Dixie Highway Northeast, Palm Bay, Florida 32905; principal investor(s): Randy Bonnette, 3300 Dixie Highway Northeast, Palm Bay, Florida 32905.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of RT Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 3300 Dixie Highway Northeast, Palm Bay (Brevard County), Florida 32905, on or after November 2, 2007.

The name and address of the dealer operator(s) and principal investor(s) of RT Motorsports, LLC are dealer operator(s): Randy Bonnette, 3300 Dixie Highway Northeast, Palm Bay, Florida 32905; principal investor(s): Randy Bonnette, 3300 Dixie Highway Northeast, Palm Bay, Florida 32905.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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 WITHDRAWAL

Notice is hereby given that the publication of Silver Arrow Citicars, LLC, as a new point for Smart Cars (SMRT) franchise dealership in Palm Beach County by Smart USA Distributor, LLC, published in Vol. 33, No. 52, pp. 6291 of the F.A.W., on December 28, 2007, has been withdrawn.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of TT of 14, Inc., as a new point for Smart Cars (SMRT) franchise dealership in Orange County by Smart USA Distributor, LLC, published in Vol. 33, No. 52, pp. 6292 of the F.A.W., on December 28, 2007, has been withdrawn.

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, Inc. d/b/a American eCars, as a dealership for the sale of Star neighborhood electric vehicles (STAR) at 954 Martin Avenue, Green Cove Springs, (Clay County), Florida 32043, on or after January 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Taylor Auto Group, Inc. d/b/a American eCars are dealer operator(s): Joe Taylor, 954 Martin Avenue, Green Cove Springs, Florida 32043; principal investor(s): Joe Taylor, 954 Martin Avenue, Green Cove Springs, Florida 32043.

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 Cruise Car, Inc., intends to allow the establishment of Tokam, Inc. d/b/a Honda of Key West, as a dealership for the sale of low speed vehicles manufactured by Suzhou Eagle Electric Vehicle Manufacturing Company (EEVM) at 417 Southard Street, Key West (Monroe County), Florida 33040, on or after January 23, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Tokam, Inc. d/b/a Honda of Key West are dealer operator(s): Victor Mills, 417 Southard Street, Key West, Florida 33040; principal investor(s): Victor Mills, 417 Southard Street, Key West, Florida 33040.

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: William A. Kics, Cruise Car, Inc., 1932 Whitfield Park Loop, Sarasota, Florida 34243.

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 Genuine Scooters, LLC, intends to allow the establishment of Varsity Cycle, Inc. d/b/a Vespa Miami, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 1708 Alton Road, Miami Beach (Dade County), Florida 33139, on or after January 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Varsity Cycle, Inc. d/b/a Vespa Miami are dealer operator(s): Tony Cappadona, 2601 North Federal Highway, Fort Lauderdale, Florida 33306; principal investor(s): Tony Cappadona, 2601 North Federal Highway, Fort Lauderdale, Florida 33306.

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: Jim Kolbe, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF HOSPITAL FIXED NEED POOLS FOR COMPREHENSIVE MEDICAL REHABILITATION BEDS

The Agency for Health Care Administration has projected a fixed bed need pool for comprehensive medical rehabilitation hospital beds for July 2013 pursuant to the provisions of Rules 59C-1.008 and 59C-1.039, F.A.C. Net bed need projections for comprehensive medical rehabilitation hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., February 11, 2008.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the F.A.W. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Comprehensive Medical Rehabilitation Bed Need

	Net Adjusted Bed Need
District 1	0
District 2	0
District 3	0
District 4	0
District 5	0
District 6	0
District 7	0
District 8	0
District 9	0
District 10	0
District 11	0
Total Statewide	0

NOTICE OF FIXED NEED POOLS FOR NEONATAL INTENSIVE CARE SERVICES FOR LEVEL II AND LEVEL III BEDS

The Agency for Health Care Administration has projected a fixed need pool for Level II and Level III neonatal intensive care unit services for July 2010, pursuant to the provisions of Rules 59C-1.008 and 59C-1.042, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., February 11, 2008.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the F.A.W. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431,

Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Fixed Need Pool Projections

Neonatal Intensive Care Level II & Level III Services

	Level II Net Need	Level III Net Need
District 1	0	1
District 2	0	1
District 3	2	4
District 4	0	5
District 5	0	0
District 6	3	7
District 7	0	0
District 8	1	0
District 9	0	0
District 10	0	0
District 11	0	0
Statewide Total	6	18

NOTICE OF HOSPITAL FIXED NEED POOLS FOR PSYCHIATRIC AND SUBSTANCE ABUSE BEDS

The Agency for Health Care Administration has projected fixed bed need pools for adult and children and adolescent psychiatric and adult substance abuse beds for July 2013 pursuant to the provisions of Rules 59C-1.008, 59C-1.040, and 59C-1.041, F.A.C. Net bed need projections for adult and children and adolescent psychiatric and adult substance abuse hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. A fixed need pool projection for children and adolescent substance abuse beds is not made because the administrative rule governing this service does not include a mathematical formula for the calculation of need. An applicant seeking approval for these types of beds must establish need in its application. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., February 11, 2008.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the F.A.W. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Psychiatric and Substance Abuse Net Bed Need

	Adult Psychiatric Beds Net Adjusted Bed Need	Children & Adolescent Psychiatric Beds Net Adjusted Bed Need	Adult Substance Abuse Beds Net Adjusted Bed Need
District 1	0	0	0
District 2	0	0	0
District 3	0	0	4
District 4	0	0	0
District 5	0	0	3
District 6	0	0	0
District 7	6	0	0
District 8	0	0	0
District 9	0	0	0
District 10	0	0	0
District 11	0	0	0
Total Statewide	6	0	7

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

City of Davenport

The Florida Department of Environmental Protection has determined that the City of Davenport project for the construction of a new drinking water facility and new transmission main to connect the facility to the distribution system will not adversely affect the environment. The new facility will include a new well, aerator, chlorination system, storage tank, high service pumps, emergency generator, and automated controls. The total cost of the project is estimated to

be \$2,450,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Paul Brandl, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8373.

**NOTICE OF AVAILABILITY
OAKLAND PARK, FLORIDA**

The Department of Environmental Protection has determined that the City of Oakland Park proposed project for construction of city-wide drainage improvements will not have a significant adverse impact on the environment. The project cost is estimated at \$3,600,000. 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 Finding of No Significant Impact 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 by calling (850)245-8358.

NOTICE OF RECEIPT OF LAND USE DETERMINATION

On January 8, 2008 the Department of Environmental Protection received a determination from Palm Beach County that the Florida Power & Light Company, West County Unit 3 Project, Power Plant Siting Application No. 05-47SA1, OGC Case No. 07-2198, DOAH Case No. 07-005574, is consistent with existing local land use plans and zoning ordinances in Palm Beach County pursuant to the Florida Electrical Power Plant Siting Act, Section 403.50665, F.S.

A copy of the determination of compliance is available for review in the office of: Michael P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. Pursuant to Section 403.50665(4), F.S., if any substantially affected person wishes to dispute Palm Beach County's determination that the proposed West County Unit 3 Project is consistent with Palm Beach County's existing land use plans and zoning ordinances, he or she must file a petition with the Department within 21 days after the publication of notice of the local government's determination. If a hearing is requested, the provisions of Section 403.508(1), F.S., shall apply. Should a land use hearing be held, the notice of land use hearing will be published as per the provisions of Section 403.5115, F.S. Pursuant to Section 403.508(1), F.S., the sole issue for determination at a land use hearing shall be whether or not the proposed site is consistent and in compliance with existing land use plans and zoning ordinances. If the administrative law judge concludes that the proposed site is not consistent or in compliance with existing

land use plans and zoning ordinances, the administrative law judge shall receive at the hearing evidence on, and address in the recommended order, any changes to or approvals or variances under the applicable land use plans or zoning ordinances which will render the proposed site consistent and in compliance with the local land use plans and zoning ordinances. A person whose substantial interests are affected by the proposed determination of consistency may petition for an administrative hearing in accordance with Section 403.5066(4), F.S. The petition must be filed with the Department's Agency Clerk in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, (850)245-2241, Fax (850)245-2303. The petition should contain: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact; If there are none, the petitioner shall so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the proposed action; and (g) A statement of the relief sought by the petitioner. A petition that does not dispute the material facts shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Florida Administrative Code.

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://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On January 9, 2008, 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 Angela Powers, C.N.A., license number CNA 122708. 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 January 14, 2008, 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 permit of Medline Industries, Inc., permit number 22:01022. 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 Chapter 499, Florida Statutes, (“F.S.”). Section 499.066(5), F.S., empowers the State Surgeon General to issue and summarily suspend a permit if it determines that any condition in the establishment presents a danger to the public health, safety, and welfare, in accordance with Section 120.60(6), F.S.

DEPARTMENT OF FINANCIAL SERVICES

DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF TREASURY
BUREAU OF COLLATERAL MANAGEMENT
PUBLIC DEPOSITS SECTION

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.

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
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

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

CHIEFLAND

DRUMMOND COMMUNITY BANK

CLEWISTON

FIRST BANK
OLDE CYPRESS COMMUNITY BANK

COCOA BEACH

SUNRISE BANK

CORAL GABLES

BANKUNITED, F.S.B.
GIBRALTAR PRIVATE BANK & TRUST COMPANY
INTERNATIONAL BANK OF MIAMI, N.A.
MERCANTIL COMMERCEBANK, 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

FLORIDIAN COMMUNITY BANK, INC.
REGENT BANK

DESTIN

DESTIN FIRST BANK
GULFSOUTH PRIVATE 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

LONGWOOD

*ORLANDO NATIONAL BANK

MADISON

MADISON COUNTY COMMUNITY BANK

MARATHON

MARINE BANK

MARIANNA

FIRST CAPITAL BANK

MAYO

LAFAYETTE STATE BANK

MELBOURNE

PRIME 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
SHAMROCK BANK OF FLORIDA

NEW SMYRNA BEACH

FRIENDS BANK

NICEVILLE

PEOPLES NATIONAL BANK

NORTH LAUDERDALE

SECURITY BANK, N.A. 02/08/2008

NORTH PALM BEACH

ENTERPRISE NATIONAL BANK OF PALM BEACH

OAKLAND PARK

AMERICAN NATIONAL BANK

OCALA

ALARION BANK
COMMUNITY BANK & TRUST OF FLORIDA
GATEWAY BANK OF CENTRAL 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

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, N.A.

GEORGIA

ALBANY

HERITAGEBANK OF THE SOUTH

ATLANTA

SUNTRUST BANK

COLQUITT

PEOPLESSOUTH 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

MISSOURI

CREVE COEUR

FIRST 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

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT
HAD A CHANGE SINCE THE LAST PUBLICATION OF
THIS REPORT.

CENTERSTATE BANK MID FLORIDA
LEESBURG
CENTERSTATE BANK MID FLORIDA (LEESBURG) WAS
MERGED WITH AND INTO CENTERSTATE BANK WEST
FLORIDA, N.A. (ZEPHYRHILLS) AS OF THE CLOSE OF
BUSINESS NOVEMBER 29, 2007. CENTERSTATE BANK
WEST FLORIDA, N.A. THEN CHANGED ITS NAME TO
CENTERSTATE BANK, N.A.

CENTERSTATE BANK WEST FLORIDA, N.A.
ZEPHYRHILLS
CENTERSTATE BANK WEST FLORIDA, N.A.
(ZEPHYRHILLS) CHANGED ITS NAME TO
CENTERSTATE BANK, N.A. AFTER COMPLETING THE
MERGER OF CENTERSTATE BANK MID FLORIDA
(LEESBURG).

CITRUS & CHEMICAL BANK

BARTOW

CITRUS & CHEMICAL BANK (BARTOW) WAS MERGED INTO COLONIAL BANK, N.A. (MONTGOMERY, ALABAMA) EFFECTIVE AS OF THE CLOSE OF BUSINESS DECEMBER 13, 2007.

CITRUS BANK, N.A.

VERO BEACH

CITRUS BANK, N.A. (VERO BEACH) HAS WITHDRAWN FROM THE PROGRAM EFFECTIVE NOVEMBER 9, 2007.

COAST BANK OF FLORIDA

BRADENTON

COAST BANK OF FLORIDA (BRADENTON) WAS MERGED WITH AND INTO FIRST BANK (CREVE COEUR, MISSOURI). FIRST BANK WAS A NON-QPD BUT AUTOMATICALLY BECAME A QPD WITH THIS MERGER AND HAS COMPLETED THE NECESSARY PAPERWORK TO REMAIN IN THE PROGRAM.

COMMERCEBANK, N.A.

CORAL GABLES

COMMERCEBANK, N.A. (CORAL GABLES) HAS CHANGED ITS NAME TO MERCANTIL COMMERCEBANK, N.A.

R-G CROWN BANK

CASSELBERRY

R-G CROWN BANK (CASSELBERRY) WAS MERGED INTO FIFTH THIRD BANK (GRAND RAPIDS, MICHIGAN) EFFECTIVE AS OF THE CLOSE OF BUSINESS NOVEMBER 2, 2007.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2007-CA-1761

In Re: The Receivership of SUNCOAST PHYSICIANS HEALTH PLAN, INC., a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH SUNCOAST PHYSICIANS HEALTH PLAN, INC.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 10th day of August, 2007, the Department of Financial Services of the State of Florida was appointed as Receiver of SUNCOAST PHYSICIANS HEALTH PLAN, INC. and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of SUNCOAST PHYSICIANS HEALTH PLAN, INC., shall present such claims to the Receiver on or before 11:59 p.m. on Monday, August 11, 2008, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to:

The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for SUNCOAST PHYSICIANS HEALTHPLAN, INC., Post Office Box 110, Tallahassee, Florida 32302-0110. Additional information may be found at the following Internet site: www.floridainsurancereceiver.org.

Section XIII
Index to Rules Filed During Preceding Week

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
25-4.059	1/8/08	1/28/08	33/49	
25-4.060	1/8/08	1/28/08	33/49	
25-4.061	1/8/08	1/28/08	33/49	
25-4.063	1/8/08	1/28/08	33/49	
25-4.064	1/8/08	1/28/08	33/49	

RULES FILED BETWEEN January 7, 2008 and January 11, 2008

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION
Commission for Independent Education

6E-2.002	1/10/08	1/30/08	33/45	
6E-4.001	1/10/08	1/30/08	33/45	

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Corporate, Estate and Intangible Tax

12C-1.0221	1/8/08	1/28/08	33/41	33/49
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12C-2.002	1/8/08	1/28/08	33/42	
12C-2.003	1/8/08	1/28/08	33/42	
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12C-2.005	1/8/08	1/28/08	33/42	33/50
12C-2.006	1/8/08	1/28/08	33/42	
12C-2.0061	1/8/08	1/28/08	33/42	
12C-2.0062	1/8/08	1/28/08	33/42	
12C-2.0063	1/8/08	1/28/08	33/42	
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12C-2.008	1/8/08	1/28/08	33/42	
12C-2.010	1/8/08	1/28/08	33/42	
12C-2.0105	1/8/08	1/28/08	33/42	
12C-2.011	1/8/08	1/28/08	33/42	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

61G10-13.003	1/7/08	1/27/08	33/48	
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Board of Professional Engineers

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DEPARTMENT OF JUVENILE JUSTICE

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63D-3.003	1/8/08	1/28/08	33/42	33/50
63D-3.004	1/8/08	1/28/08	33/42	33/50
63D-3.005	1/8/08	1/28/08	33/42	33/50
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DEPARTMENT OF HEALTH

Board of Nursing

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Board of Optometry

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Board of Psychology

64B19-18.001	1/9/08	1/29/08	33/49	
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Council of Licensed Midwifery

64B24-8.001	1/11/08	1/31/08	33/47	
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