

## Section I

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

#### 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.:                   RULE TITLE:  
33-601.101                 Incentive Gain Time

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to decrease the time period during which an inmate is ineligible to earn gain time following the month in which a disciplinary infraction occurred, and to allow inmates to earn incentive gain time while out to court.

SUBJECT AREA TO BE ADDRESSED: Incentive gain time.

SPECIFIC AUTHORITY: 944.09, 944.275, 944.281 FS.

LAW IMPLEMENTED: 944.09, 944.275, 944.281, 944.801(3)(i)5. 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.101 Incentive Gain Time.

(1) through (5) No change.

(6) Inmates in disciplinary confinement status are not eligible for a work/program rating even if assigned to work or programs while in disciplinary confinement. Inmates in disciplinary confinement are eligible for a security rating award which can be modified by the correctional probation officer in accordance with paragraph 33-601.101(3)(b), F.A.C.

(a) Disciplinary or court action. An inmate is not eligible to receive incentive gain time for the month in which there is an infraction of the rules of the Department or the laws of the State for which he is found guilty. Additionally, those inmates on escape status and detained by other agencies may not be awarded incentive gain time for the period of time out of custody even though lodged in another confinement facility. Any inmate who is found guilty of a disciplinary report on or

after April 21, 1996 and who is serving a sentence imposed for an offense committed on or after October 1, 1995 shall be eligible to earn incentive gain time as follows:

1. For disciplinary reports in which the final approved action is not confinement or loss of gain time or where the final recommended action is probation, pursuant to paragraph 33-601.308(3)(b), F.A.C., the inmate shall be eligible to earn incentive gain time the month following the month in which the disciplinary infraction occurred. However, if the inmate violates the probation and the original penalty meets the requirements of subparagraphs 2. and 3. below, the inmate is then subject to the limitations on earning incentive gain time as noted.

2. For disciplinary reports in which the final approved action is less than or equal to 30 days confinement or less than or equal to 30 days loss of gain time, the inmate shall not be eligible to earn incentive gain time for one ~~three~~ months following the month in which the disciplinary infraction occurred. The one ~~three~~ month period of ineligibility shall not begin to run until the inmate is in the department's custody and would be otherwise eligible to earn gain time but for the disciplinary action or new offense.

3. For disciplinary reports in which the final approved action is greater than 30 days confinement or greater than 30 days loss of gain time, or where the inmate was convicted of an offense occurring while committed to the Department of Corrections, the inmate shall not be eligible to earn incentive gain time for two ~~six~~ months following the month in which the disciplinary infraction or offense occurred. The two ~~six~~ month period of ineligibility shall not begin to run until the inmate is in the department's custody and would be otherwise eligible to earn gain time but for the disciplinary action or new offense.

4. The period of ineligibility referenced in subparagraphs 2. and 3. shall be suspended if the inmate leaves the custody of the department before completion of the period of ineligibility. The period of ineligibility will resume upon the inmate's return to department custody and will continue to run until its completion.

5. The failure to serve the confinement imposed does not alter the ineligibility of the inmate to earn incentive gain time as noted in subparagraphs 2. and 3.

6. The ineligibility of the inmate to earn gain time as noted in subparagraphs 2. and 3. remains in effect when, due to unavailability of gain time, unearned gain time is designated as the final approved action.

(b) Inmates who are out of the department's custody during the month on escape, ~~out to court status~~, or on furlough shall not be eligible to receive incentive gain time for that period of the month.

(c) through (8) No change.

Specific Authority 944.09, 944.275, 944.281 FS. Law Implemented 944.09, 944.275, 944.281, 944.801(3)(i)5. FS. History--New 2-26-80, Amended 1-12-83, 1-31-85, 10-7-85, Formerly 33-11.065, Amended 4-28-87, 7-12-89, 7-17-90, 10-16-90, 10-14-91, 2-17-93, 4-17-94, 7-17-94, 4-21-96, 6-1-97, 10-7-97, 3-11-98, 5-12-98, 7-9-98, 9-17-98, Formerly 33-11.065, Amended \_\_\_\_\_.

**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 rule is to update the list of release mechanisms to include probation and community control and to clarify the conditions under which inmates are ineligible for restoration on subsequent release violations.  
**SUBJECT AREA TO BE ADDRESSED:** Restoration of forfeited gain time.  
**SPECIFIC AUTHORITY:** 944.09, 944.275 FS.  
**LAW IMPLEMENTED:** 944.09, 944.275, 944.28 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

33-601.105 Restoration of Forfeited Gain Time.  
 (1) 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, probation, community control, 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.

(2)(+) Eligibility.

(a) No change.  
 (b) Restoration of gain time forfeited by violation of the conditions of parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release may be considered only when there have been no new convictions for offenses that occurred during the period of release.

1. There must be a minimum of one year from the effective date of the parole revocation probation revocation, community control revocation, or violation of the conditions of provisional release, supervised community release, conditional medical release, control release, or conditional release;

2. The inmate must be discipline free (formal reports) since return as a parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

3. The inmate’s adjustment and performance must exceed that which is required to comply with all behavioral objectives since return as a parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

4. No change.

5. Any inmate who receives restoration of gain time forfeited due to parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violation will not be eligible for restoration on any subsequent parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violation while serving the sentence for the same offense commitment;

6. No change.

(3)(+) How processed. Restoration of gain time will be considered only when the inmate has met the criteria specified in subsection (2)(+) of this rule. There is no entitlement for consideration based upon an inmate’s request. The final approving authority for restoration of forfeited gain time will be the Deputy Assistant Secretary of Institutions – Program. The institution where the inmate is assigned will be notified and the facility staff will notify the inmate of the decision.

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, 4-10-08, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

**RULE NO.:** 61G15-35.004  
**RULE TITLE:** Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors

PURPOSE AND EFFECT: Purpose and effect is to clarify requirements for “Authorized Representatives.”

SUBJECT AREA TO BE ADDRESSED: Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors.

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors.

(1) No change.

(2) Special Inspectors utilizing Authorized Representatives shall insure the Authorized Representative is qualified by education or licensure to perform the duties assigned by the Special Inspector. The qualifications shall include licensure as a professional engineer or architect; graduation from an engineering education program in civil or structural engineering; graduation from an architectural education program; successful completion of the NCEES Fundamentals Examination; or ~~licensed registration as building inspector with the Board of Building Code Administrators, Chapter 468, F.S.~~ or licensed general contractor under Chapter 489, F.S.

(3) through (4) No change.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033 FS. History–New 3-21-01, Amended 4-5-04, \_\_\_\_\_.

**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 Chiropractic**

RULE NO.: 64B2-11.012  
RULE TITLE: Application for Acupuncture Certification

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the application form by reference.

SUBJECT AREA TO BE ADDRESSED: Application for Acupuncture Certification.

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 460.403, 460.406 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NOS.:	RULE TITLES:
64B2-18.002	Application for Certification as a Chiropractic Physician’s Assistant
64B2-18.005	Certification of Supervising Physicians

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the application form by reference.

SUBJECT AREA TO BE ADDRESSED: Application for Certification as a Chiropractic Physician’s Assistant; Certification of Supervising Physicians.

SPECIFIC AUTHORITY: 460.405, 460.4165(6), (9) FS.

LAW IMPLEMENTED: 460.4165(3), (5), (6), (9) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-25.001                      RULE TITLE: Examination Requirements

PURPOSE AND EFFECT: The proposed rule amendment is to adopt and incorporate by reference a new Application for Licensure.

SUBJECT AREA TO BE ADDRESSED: Examination Requirements.

SPECIFIC AUTHORITY: 456.013(7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2), 480.042(1) FS.

LAW IMPLEMENTED: 456.013(7), 456.017(1)(c), 456.034, 480.041, 480.042 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: Kay Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-25.004                      RULE TITLE: Endorsements

PURPOSE AND EFFECT: The proposed rule amendment is to adopt and incorporate by reference a new Application for Licensure.

SUBJECT AREA TO BE ADDRESSED: Endorsements.

SPECIFIC AUTHORITY: 456.013(2), 480.035(7), 480.041(4)(c) FS.

LAW IMPLEMENTED: 456.013(2), 480.041(4)(c) FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.300                      RULE TITLE: Consultant Pharmacist Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: Consultant Pharmacist Licensure.

SPECIFIC AUTHORITY: 465.005, 465.0125 FS.

LAW IMPLEMENTED: 465.0125 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.303                      RULE TITLE: Nuclear Pharmacist Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: Nuclear Pharmacist Licensure.

SPECIFIC AUTHORITY: 465.005, 465.0126 FS.

LAW IMPLEMENTED: 465.0126 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.400                      RULE TITLE: Pharmacy Interns; Registration; Employment

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: Nuclear Pharmacist Licensure.

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-27.104  
 RULE TITLE: Conduct Governing Pharmacists and Pharmacy Permittees

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: Conduct Governing Pharmacists and Pharmacy Permittees.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.018, 465.022 FS.

LAW IMPLEMENTED: 465.018, 465.022, 465.024 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-29.002  
 RULE TITLE: General Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: General Requirements.

SPECIFIC AUTHORITY: 465.005, 828.055 FS.

LAW IMPLEMENTED: 828.055 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-4.001  
 RULE TITLE: Licensure as a Physical Therapist Assistant by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of use of the Federation PTA educational criteria tool.

SUBJECT AREA TO BE ADDRESSED: Federation PTA educational criteria tool.

SPECIFIC AUTHORITY: 486.025, 486.102 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-6.001  
 RULE TITLE: Minimum Standards of Physical Therapy Practice

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify conflict with AHCA rules.

SUBJECT AREA TO BE ADDRESSED: Minimum Standards of Physical Therapy Practice.

SPECIFIC AUTHORITY: 486.025 FS.  
 LAW IMPLEMENTED: 483.021(6), (9), (10), (11), 486.123, 486.125(1)(b), (d), (e), (f), (i), (j), 486.135, 486.151(1)(d), 486.161(3), 486.171 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.:                      RULE TITLE:  
 64B19-11.012                      Application Forms  
 PURPOSE AND EFFECT: The Board proposes to incorporate an updated application form.  
 SUBJECT AREA TO BE ADDRESSED: Application Forms.  
 SPECIFIC AUTHORITY: 490.004(4) FS.  
 LAW IMPLEMENTED: 490.005, 490.006(1)(b) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NO.:                      RULE TITLE:  
 69B-162.011                      Suitability and Disclosure in Annuity Contracts – Forms Required  
 PURPOSE AND EFFECT: The proposed rule implements Section 627.4554, Florida Statutes by adopting an Annuity Suitability form and a Disclosure and Comparison of Annuity Contracts form for use in sales of annuities to senior consumers.  
 SUBJECT AREA TO BE ADDRESSED: The implementation of Section 627.4554, Florida Statutes.

SPECIFIC AUTHORITY: 624.308(1), 627.4554(9) FS.  
 LAW IMPLEMENTED: 627.4554 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: Monday, February 2, 2009, 9:30 a.m.  
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Susan Jordan, (850)413-5655 or email: susan.jordan @ myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Jordan, Government Analyst II, Bureau of Investigation, Division of Insurance Agents and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5655

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-162.011 Suitability and Disclosure in Annuity Contracts – Forms Required.

(1) Forms Adopted. Forms DFS-HI-XXXX, “Annuity Suitability Questionnaire,” (Effective:                      ) and DFS-HI-YYYY, “Disclosure and Comparison of Annuity Contracts” (Effective:                      ), are adopted pursuant to Sections 627.4554(4)(b) and (d) F.S., and are hereby incorporated by reference, effective January 1, 2009.

(2) Application. This rule applies exclusively to any recommendation or solicitation to purchase or exchange an annuity contract as defined in Section 627.4554(3), F.S., made to a senior consumer by an insurance agent or an insurer, which results in the purchase or exchange recommended. A senior consumer is a person 65 years of age or older. In a joint purchase or exchange, if any party is 65 or older the joint purchasers are considered to be senior consumers.

(3) Duties of Insurers and Insurance Agents.

(a) Before executing a purchase or exchange of an annuity to a senior consumer, an insurance agent or an insurer must use form DFS-HI-XXXX, Annuity Suitability Questionnaire incorporated in subsection (1) above, to obtain information in order to determine the suitability of the recommendation.

(b) In addition to obtaining the information required by paragraph (a), before executing a replacement or exchange of an annuity contract to a senior consumer, the insurance agent

or insurer must also provide contract comparison information to the senior consumer utilizing form DFS-HI-XXXX, Disclosure and Comparison of Annuity Contracts, incorporated in subsection (1) above.

(c) The type face for all printed questions or requests for information directly from the consumer, and all portions of the referenced forms relating to the disclosure requirements pursuant to paragraphs (3)(a) and (b) above, must be of least 12-point type.

(d) Nothing in this rule shall prevent the insurer from adapting the forms adopted in subsection (1) for its use, provided the forms still contain all of the same information as the department forms referenced above, and meet the type size requirement of paragraph (3)(c) above.

Specific Authority 624.308(1), 627.4554(9) FS. Law Implemented 627.4554 FS. History--New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### Education Practices Commission

RULE NO.:                      RULE TITLE:  
6B-11.007                      Disciplinary Guidelines

PURPOSE AND EFFECT: The Commission proposes the rule amendment to delete unnecessary language and add new language to clarify disciplinary actions and penalties.

SUMMARY: The rule amendment will delete unnecessary language and add new language to clarify disciplinary actions and penalties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. It was determined that this rule will not affect small businesses.

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: 1012.79(7), 1012.795(6)(b) FS.

LAW IMPLEMENTED: 1012.795, 1012.796(7), (8) 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: Kathleen Richards, Executive Director, Education Practices Commission, 325 West Gaines Street, Turlington Building, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6B-11.007 Disciplinary Guidelines.

(1) No change.

(2) The following disciplinary guidelines shall apply to violations of the below listed statutory and rule violations and to the described actions which may be basis for determining violations of particular statutory or rule provisions. Each of the following disciplinary guidelines shall be interpreted to include “probation,” “Recovery Network Program,” “letter of reprimand,” “restrict scope of practice,” “fine,” and “administrative fees and/or costs” with applicable terms thereof as additional penalty provisions. The terms “suspension” and “revocation” shall mean any length of suspension or revocation, including permanent revocation, permitted by statute, and shall include a comparable period of denial of an application for an educator’s certificate.

(2)(a)1. through (2)(i)12. No change.

13.a. Improperly assisting a ~~Reprimand~~ Suspension student with testing in violation of ~~– Revocation~~ paragraphs 6B-1.006(3)(a), (5)(a), F.A.C.

b. When standardized testing is Probation-Revocation involved.

Specific Authority 1012.79(7), 1012.795(6)(b) FS. Law Implemented 1012.795, 1012.796(7),(8) FS. History--New 2-27-94, Amended 3-22-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Education Practices Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Education Practices Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 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 CORRECTIONS

RULE NO.:                      RULE TITLE:  
33-208.507                      Responsibilities of Staff Housing Occupants

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-208.507, F.A.C., to eliminate a discrepancy that prohibits adult occupants from possessing electronic weapons or devices while allowing minors to possess such weapons under adult supervision.

SUMMARY: The proposed amendment clarifies that electronic weapons are prohibited in staff housing.

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

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

SPECIFIC AUTHORITY: 20.315, 944.09(1), 945.025(1) FS. LAW IMPLEMENTED: 20.315, 944.09(1), 944.10, 945.025(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: 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:

33-208.507 Responsibilities of Staff Housing Occupants.

(1) through (3) No change.

(4) Firearms.

(a) through (e) No change.

(f) Occupants of staff housing shall follow the restrictions placed on the possession and use of BB guns or air or gas-operated guns, or electric weapons or devices by minors under 16 in accordance with Section 790.22, F.S.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 944.10, 945.025(1) FS. History--New 9-1-88, Formerly 33-26.007 33-602.507, Amended 8-16-00, 1-19-03, 3-30-05, 10-29-08,\_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NOS.:	RULE TITLES:
61G15-23.002	Seal, Signature and Date Shall Be Affixed
61G15-23.003	Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

PURPOSE AND EFFECT: The purpose and effect is to update procedures for electronically signing and sealing engineering documents.

SUMMARY: Procedures for electronically signing and sealing engineering documents are updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined that the proposed rule will not have an impact on small business. 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: 471.025, 668.006 FS.

LAW IMPLEMENTED: 471.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-23.002 Seal, Signature and Date Shall be Affixed.

(1) A professional engineer shall sign by hand the licensee's handwritten signature (facsimiles are not acceptable) his name and affix the licensee's his seal.

(a) To all final drawings, specifications, plans, reports, or documents prepared or issued by the licensee and being filed for public record; and, to all plans, specifications, reports, final bid documents provided to the owner or the owner's representative, or other documents prepared or issued by said registrant and being filed for public record.

(b) To all final documents provided to the owner or the owner's representative;

(c) In addition, the date that the signature and seal is affixed as provided herein shall be entered on said plans, specifications, reports, or other documents immediately adjacent to under the signature of the professional engineer.

(d) In order to comply with the requirements of this Rule, a licensee is not required to seal, sign and date documents other than those referenced in paragraph (a) or (b). This provision does not obviate any requirement of any public entity or any provision of contract which may require the sealing, signing and dating of additional original documents.

(2)(a) Every Each sheet of plans and prints which must be sealed under the provisions of Chapter 471, F.S., shall be sealed, signed and dated by the professional engineer in responsible charge.

(b) When an engineer must seal, sign and date engineering specifications or calculations under the provisions of Section 471.025, F.S., and subsection (1) of this Rule, an index sheet



for engineering specifications and calculations may be used. The index sheet must be signed, sealed and dated by those professional engineers in responsible charge of the production and preparation of each section of the engineering specifications or calculations, with sufficient information on index sheet so that the user will be aware of each portion of the specifications or calculations for which each professional engineer is responsible. In addition, the index sheet shall include at a minimum:

1. The name, address and license number of each engineer in responsible charge of the production of any portion of the calculations or specifications.

2. Identification of the project, by address or by lot number, block number, section or subdivision and city or county.

3. Identification of the applicable building code and chapter(s) that the design is intended to meet.

4. Identification of any computer program used for engineering the specifications or calculations.

(c) Engineering reports which must be signed, sealed and dated under the provisions of Section 471.025, F.S., and subsection (1) of this Rule shall be sealed, signed and dated by utilizing a signature page or cover letter that is sealed, signed and dated by each professional engineer who is in responsible charge of any portion of the report.

(3)(a) A title block shall be used on each sheet of plans or prints and shall contain the printed name, address, and license number of the engineer who has sealed, signed and dated the plans or prints, or if applicable, the name and license number of the engineer, and

(b) If the engineer sealing, signing and dating engineering plans or prints is practicing through a duly authorized engineering business, the title block required by paragraph (2)(a) shall contain the name, address and certificate of authorization number of the engineering business.

(c) If the licensee(s) sealing signing and dating engineering specifications, calculations or reports is practicing through a duly authorized engineering business, the name, address and certificate of authorization number of the engineering business shall be placed on the index sheet, signature page or cover letter incorporated into or accompanying all engineering specifications, calculations or reports.

(4) Engineers working for local, State or Federal Government agencies shall legibly indicate their name and license number, and shall may indicate the name and address of the agency on all documents that are required to be sealed, signed and dated. A cover or index sheet for engineering specifications may be used and that sheet must be signed, sealed and dated by those professional engineers in responsible charge of the production and preparation of each section of the

engineering specification, and if practicing through a duly authorized engineering business, the name, address and certificate of authorization number of the engineering business, with sufficient information on the cover sheet or index so that the user will be aware of each portion of the specifications for which each professional engineer is responsible. Engineering reports must be signed, sealed and dated on a signature page or cover letter by each professional engineer who is in responsible charge of any portion of the report, and if practicing through a duly authorized engineering business, the name, address and certificate of authorization number of the engineering business.

(5) A professional engineer may only seal an engineering report, plan, print or specification if that professional engineer was in responsible charge, as that term is defined in subsection 61G15-18.011(1), F.A.C., of the preparation and production of the engineering document and the professional engineer has the expertise in the engineering discipline used in producing the engineering document in question.

(6)(3) A professional engineer shall should not seal original documents made of mylar, linen, sepia or other materials which can be changed by the entity with whom such document(s) are filed unless the professional engineer accompanies such document(s) with a signed and sealed letter making the receiver aware that copies of the original document as designed by the professional engineer have been retained by the professional engineer and that the professional engineer will not be responsible for any subsequent changes to the reproducible original documents.

(7)(4) A professional engineer shall should not seal plans, reports or other documents preliminary plans which are not final documents unless the professional engineer intended for permit, construction, or bidding purposes. If a permitting agency requires that preliminary plans submitted for review purposes be signed and sealed, then the engineer should clearly notes any such limitations on the use of the documents or plans on the face of the documents or plans, by using terms such as "Preliminary," "For Review Only," "Not for Construction," or any other suitable statement which denotes that the documents are for limited use, are not final design review only and are not intended for permit, construction, or bidding purposes.

(8)(5) Engineers who wish to sign and seal electronically transmitted plans, specifications, reports, final bid documents, or other documents shall follow the procedures set forth in Rule 61G15-23.003, F.A.C.

Specific Authority 471.025 FS. Law Implemented 471.025 FS. History—New 1-8-80, Amended 1-20-85, Formerly 21H-23.02, Amended 5-14-86, Formerly 21H-23.002, Amended 11-15-94, 8-18-98, 2-3-00, 2-22-01, 2-5-04, 1-31-08,\_\_\_\_\_.

(Substantial rewriting of Rule 61G15-23.003. See Florida Administrative Code for present text)

61G15-23.003 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Engineering work which must be sealed under the provisions of Chapter 471.025, F.S., may be signed electronically or digitally as provided herein by the professional engineer in responsible charge. As used herein, the terms "digital signature" and "electronic signature" shall have the meanings ascribed to them in Sections 668.003(3) and (4), Florida Statutes. The affixing of a digital or electronic signature to engineering work as provided herein shall constitute the sealing of such work.

(a) A scanned image of an original signature shall not be used in lieu of a digital or electronic signature.

(b) The date that the electronic signature file was created or the digital signature was placed into the document must appear on the document in the same manner as date is required to be applied when a licensee uses the manual sealing procedure set out in Rule 61G15-23.002, F.A.C.

(2) A professional engineer utilizing a digital signature to seal engineering work shall assure that the digital signature is

- (a) Unique to the person using it;
- (b) Capable of verification;
- (c) Under the sole control of the person using it;
- (d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed;

(3) A professional engineer utilizing an electronic signature to seal engineering work shall create a "signature" file that contains the engineer's name and PE number, a brief overall description of the engineering documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <ftp://ftp.isi.edu/in-notes/rfc1738.txt>. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-1 "Secure Hash Standard," 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.itl.nist.gov/div897/pubs/fip180-1.htm>. The licenses shall then create a report that contains the engineer's name and PE number, a brief overall description of the engineering documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the professional engineer in responsible charge. The signature file is defined as sealed if the signature file's authentication code matches the authentication code on

the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code in the signature file matches the electronic file's computed authentication code.

Specific Authority ~~471.025(1) 282-75,~~ 668.006 FS. Law Implemented 471.025 FS. History--New 8-18-98, Amended 9-4-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-3.004  
RULE TITLE: Issuance of Certification

PURPOSE AND EFFECT: The purpose and effect is to correct an erroneous rule number reference; to delete the requirement to provide proof of passing the written examination specified in Section 476.616, F.S., and to clarify language pertaining to the Florida Supplemental exam.

SUMMARY: An erroneous rule number reference is corrected; the requirement to provide proof of passing the written examination specified in Section 476.616, F.S., is deleted, and language pertaining to the Florida Supplemental exam is clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 475.613(2), 475.614, 475.6171 FS.  
LAW IMPLEMENTED: 475.6171 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.004 Issuance of Certification.

Any applicant requesting the issuance of his or her certification shall submit an application after completing the required education and experience components and shall submit to the Board the following in order for the applicant's certification to be issued:

(1) No change.

(2) Provide the Board with proof of successful completion of the education component as specified in Section 475.617, F.S., and as further defined in Rules 61J1-10.002, 61J1-10.003, 61J1-10.004 ~~Rule 61J1-4.001~~, F.A.C. The education component completed by the applicant for certification must have conformed to the Appraisal Qualifications Board's ("AQB's") education criteria in effect at the time the applicant's education component was completed. Specifically, the education component completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's education criteria effective on January 1, 2003. Education completed on or after January 1, 2008, must comply with the AQB's education criteria in effect on January 1, 2008;

(3) No change.

~~(4) Provide the Board with proof of passing a written examination as specified in Section 475.616, F.S., and as further defined by Rule 61J1-5.001, F.A.C., if a written examination is required. Examination results are only valid for a maximum period of 24 months from the exam date.~~

~~(4)(5)~~ Effective January 1, 2009, the education and experience for all applicants requesting appraiser certification must conform to the AQB's education and experience criteria effective January 1, 2008.

~~(5)(6)~~ Effective January 1, 2008, the Department of Business and Professional Regulation shall issue a license to an applicant without evidence of the required education and experience who:

(a) through (d) No change.

(e) Demonstrates successful completion of the Florida Supplemental ~~this state laws and rules~~ exam with a passing score; and

(f) No change.

Specific Authority 475.613(2), 475.614, 475.6171 FS. Law Implemented 475.6171 FS. History--New 5-14-07, Amended 12-11-07,\_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-4.001  
RULE TITLE: Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to amend the rule title to clarify that the rule addresses education; to delete requirements for registration that are set forth in other rules; and to include references to specific rules that set forth which entities have board approval to provide appraisal courses.

SUMMARY: The rule title will be amended to clarify that the rule addresses education; to delete requirements for registration that are set forth in other rules; and to include references to specific rules that set forth which entities have board approval to provide appraisal courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas O'Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.001 Education ~~Requirements~~.

~~(1)(a) Persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice.~~

~~(b) If a registration expires due to failure to renew pursuant to Rule 61J1-4.007, F.A.C., the education completed to become a registered trainee appraiser will be invalid and may not be used to secure another registration.~~

~~(c) If an initial application to become registered is not received within 2 years after the successful completion of the course as provided in paragraph (1)(a), the applicant must take the 15 classroom hour Uniform Standards of Professional Appraisal Practice course.~~

~~(2) Persons desiring to become certified as a residential appraiser must successfully complete 120 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB-certified USPAP instructor. The 120 classroom hours may include the classroom pre-license education required to become a registered trainee appraiser, the classroom pre-license education required to become a licensed appraiser, or the applicable classroom hours of post-license education for registered trainee appraisers.~~

~~(3) Persons desiring to become certified as a general appraiser must successfully complete 180 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB-certified USPAP instructor. The 180 classroom hours may include the classroom pre-licensing education required to become a registered trainee appraiser, the classroom pre-license education required to become a licensed appraiser, or the 120 classroom hours requirement for becoming certified as a residential appraiser, or the applicable post-license education for registered trainee appraisers.~~

~~(4) Credit towards the classroom hour requirement shall only be granted where the length of the educational offering is at least 15 classroom hours, and the person successfully completes an examination pertinent to that educational offering. A classroom hour is defined as 50 minutes out of each 60 minute segment.~~

~~(5) Board approved pre-registration courses for trainee appraisers must include the following subject matter:~~

- ~~(a) Real property concepts and characteristics;~~
- ~~(b) Legal consideration;~~
- ~~(c) Influences on real estate values;~~
- ~~(d) Types of value;~~
- ~~(e) Economic principles;~~
- ~~(f) Overview of real estate markets and analysis;~~
- ~~(g) Ethics and how they apply in appraisal theory and practice;~~
- ~~(h) Overview of approaches to value;~~
- ~~(i) Valuation procedures;~~
- ~~(j) Property description;~~
- ~~(k) Residential applications;~~
- ~~(l) Coverage of the Uniform Standards of Professional Appraisal Practice; and~~

~~(m) Coverage of Florida rules and regulations that pertain to the practice of appraisal. Effective January 1, 2008, Board approved pre-registration courses for trainee appraisers must include a minimum of six (6) hours coverage of Florida laws, rules, and regulations that pertain to the practice of appraisal; and~~

~~(n) Effective January 1, 2008, Board approved pre-registration courses for trainee appraisers must include a minimum of three (3) hours of instruction and cover the following topics regarding the roles and rules of supervisor and trainee appraisers:~~

~~1. The definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611(1)(o), F.S.~~

~~2. Review of Chapter 475, Part II, F.S., sections regarding the postlicensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records.~~

~~3. Review of Chapter 61J1, F.A.C., sections regarding postlicensing education for registered trainee appraisers, supervision of registered trainee appraisers, displaying and disclosure of registration, licensure or certification designation and advertising.~~

~~4. Review of the Uniform Standards of Professional Appraisal Practice as referenced and incorporated by Rule 61J-9.001, F.A.C., including at least the following topics: USPAP Advisory Opinion 31, USPAP Standards Rules 2-3 and 3-3, signature authority and security, competency, and preparation of appraisals.~~

~~(6) Board approved pre-certification courses for certified residential appraisers must include the following subject matter:~~

- ~~(a) Residential market analysis;~~
- ~~(b) Residential highest and best use;~~
- ~~(c) Residential site valuation;~~
- ~~(d) Residential cost approach;~~
- ~~(e) Residential sales comparison approach;~~
- ~~(f) Residential income approach;~~
- ~~(g) Residential report writing;~~
- ~~(h) Residential case studies;~~
- ~~(i) Statistics;~~
- ~~(j) Modeling;~~
- ~~(k) Finance;~~
- ~~(l) Advanced residential applications;~~
- ~~(m) Advanced residential case studies;~~
- ~~(n) Appraisal standards and ethics; and~~
- ~~(o) National Uniform Standards of Professional Appraisal Practice; and~~

~~(p) Effective January 1, 2008, Board approved pre-certification courses for certified residential appraisers must include a minimum of three (3) hours of instruction and cover the following topics regarding the roles and rules of supervisor and trainee appraisers:~~

~~1. The definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611, F.S.~~

~~2. Review of Chapter 475, Part II, F.S., sections regarding the postlicensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records.~~

~~3. Review of Chapter 61J1, F.A.C., sections regarding postlicensing education for registered trainee appraisers, supervision of registered trainee appraisers, displaying and disclosure of registration, licensure or certification designation and advertising.~~

~~4. Review of the Uniform Standards of Professional Appraisal Practice as referenced and incorporated by Rule 61J 9.001, F.A.C., including at least the following topics: USPAP Advisory Opinion 5, USPAP Standards Rules 2-3 and 3-3, signature authority and security, competency, and preparation of appraisals.~~

~~(7) Board approved pre certification courses for certified general appraisers must include the following subject matter:~~

- ~~(a) General appraiser market analysis;~~
- ~~(b) General appraiser highest and best use;~~
- ~~(c) General appraiser sales comparison approach;~~
- ~~(d) General appraiser site valuation and cost approach;~~
- ~~(e) General appraiser income approach; and~~
- ~~(f) General appraiser report writing and case studies; and~~
- ~~(g) Effective January 1, 2008, Board approved~~

~~pre certification courses for certified general appraisers must include a minimum of three (3) hours of instruction and cover the following topics regarding the roles and rules of supervisor and trainee appraisers:~~

~~1. The definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611, F.S.~~

~~2. Review of Chapter 475, Part II, F.S., sections regarding the postlicensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records.~~

~~3. Review of Chapter 61J1, F.A.C., sections regarding postlicensing education for registered trainee appraisers, supervision of registered trainee appraisers, displaying and disclosure of registration, licensure or certification designation and advertising.~~

~~4. Review of the Uniform Standards of Professional Appraisal Practice as referenced and incorporated by Rule 61J1 9.001, F.A.C., including at least the following topics: USPAP Advisory Opinion 31, USPAP Standards Rules 2-3 and 3-3, signature authority and security, competency, and preparation of appraisals.~~

~~(1)(8) Board prescribed or approved courses and end-of-course examinations shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical centers, state or federal agencies or commissions, or proprietary real estate schools registered pursuant to Section 475.451, F.S. A copy of the course application shall be submitted to the board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials, a detailed course timeline, learning objectives and end-of-course examinations. The Board will notify the entity within 60 days whether the course and exams meet the criteria set out in subsections (5), (6) and (7) above and subsection (2)(9) below and Rules 61J1-10.001, 61J1-10.002, 61J1-10.003, 61J1-10.004, F.A.C. Approval must be granted before the course is conducted. Institutions, entities and schools offering Board prescribed or approved appraisal educational courses are responsible for keeping the course subject matter current and accurate.~~

~~(2)(9) The Board shall also approve past appraisal courses which cover substantially the same subject matter, classroom hours of attendance, and completion standards as the board approved courses offered by the entities as set out in subsections (1)(4), (5), (6), (7), (8) and (3)(10) and Rules 61J1-10.001, 61J1-10.002, 61J1-10.003, 61J1-10.004, F.A.C. If the requested information is found lacking to show course equivalency the Board may request supportive documentation to determine course equivalency.~~

~~(10) through (13) renumbered (3) through (6) No change.~~

~~(14) A certified or licensed appraiser from Florida or another jurisdiction who is AQB compliant satisfies the criteria of subsections 61J1 4.001(2) and (3), F.A.C.~~

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99, 5-25-04, 5-15-05, 1-17-06, 2-6-07, 12-6-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Appraisal Board  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.:	RULE TITLE:
61J1-5.001	Appraisal Examination Areas of Competency

PURPOSE AND EFFECT: The purpose and effect is to correct and clarify existing language in the rule pertaining to the Florida Supplemental examination.

SUMMARY: Existing language in the rule pertaining to the Florida Supplemental examination is corrected and clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 455.217, 475.614 FS.

LAW IMPLEMENTED: 455.217, 475.616 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas O'Bryant, Jr., Executive Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-5.001 Appraisal Examination Areas of Competency.  
(1) No change.

(2)(a) The Board adopts the passing score for the national uniform examination as determined by the Appraisal Qualifications Board (AQB) of the Appraisal Foundation or any successor body recognized by federal law.

(b) A passing score on the Florida Supplemental laws and rules examination shall be a score of 75% or better. All questions shall be weighed equally and percentages shall be rounded off to whole numbers. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be dropped. The passing score is valid for 24 months from the date of the examination.

(3) No change.

Specific Authority 455.217, 475.614 FS. Law Implemented 455.217, 475.616 FS. History—New 10-15-91, Formerly 21VV-5.001, Amended 2-16-04, 12-11-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-7.003  
RULE TITLE: Advertising

PURPOSE AND EFFECT: The Board proposes the rule amendment to add internet advertising to the list of regulated types of advertising and to make a grammatical change.

SUMMARY: Internet advertising will be added to the list of regulated types of advertising and a grammatical change will be made.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.622 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas O'Bryant, Executive Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.003 Advertising.

(1) All appraisers registered, licensed or certified pursuant to Part II, Chapter 475, Florida Statutes, shall include the appropriate designation and number as required in Section 475.622, Florida Statutes, and Rule 61J1-7.001, Florida Administrative Code, in the following forms of advertising:

(a) through (g) No change.

(h) Internet advertising.

(i) Any other type or form of advertising intended which purpose is to display the services of the appraiser.

(2) through (3) No change.

Specific Authority 475.614 FS. Law Implemented 475.622 FS. History—New 10-15-91, Formerly 21VV-7.003, Amended 7-5-94, 7-23-97, 1-8-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-9.001  
 RULE TITLE: Standards of Appraisal Practice  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to update the version of the Uniform Standards of Professional Appraisal Practice incorporated into the rule.  
 SUMMARY: The version of the Uniform Standards of Professional Appraisal Practice incorporated in the rule will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 475.613(2), 475.628 FS.

LAW IMPLEMENTED: 475.613(2), 475.628 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas O'Bryant, Jr., Executive Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

61J1-9.001 Standards of Appraisal Practice.

All registered, licensed, or certified appraisers shall comply with the 2008-2009 ~~2006~~ Uniform Standards of Professional Appraisal Practice (USPAP), which is incorporated by reference.

Specific Authority 475.613(2), 475.628 FS. Law Implemented 475.613(2), 475.628 FS. History—New 8-29-06, Amended.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NOS.: 61J1-10.001, 61J1-10.002, 61J1-10.003, 61J1-10.004  
 RULE TITLES: General Requirements, Registered Trainee Real Estate Appraiser, Certified Residential Appraiser, Certified General Appraiser

PURPOSE AND EFFECT: The purpose and effect of the amendments to Rule 61J1-10.001, F.A.C., is to rearrange registration requirements previously specified in other rules. The purpose and effect of the amendments to Rules 61J1-10.002, 61J1-10.003 and 61J1-10.004, F.A.C., is to provide detailed enumeration of education requirements for registered trainee real estate appraisers, and to update the classroom hours and subject matter of the education requirements for certified residential real estate appraisers, and certified general real estate appraisers.

SUMMARY: In Rule 61J1-10.001, F.A.C., registration requirements will be rearranged; in Rules 61J1-10.002, 61J1-10.003 and 61J1-10.004, F.A.C., detailed enumeration of education requirements for registered trainee real estate appraisers is provided, and the classroom hours and subject matter of the education requirements for certified residential real estate appraisers, and certified general real estate appraisers is updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.611(1)(n), (o), (p), (q), 475.613(2), 475.615(2), 475.616, 475.617(1), (2), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Thomas O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

61J1-10.001 General Requirements ~~Definitions~~.  
(1) Definitions.

~~(a)(1)~~ “Accredited” means accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

~~(b)(2)~~ “AQB” means Appraiser Qualifications Board, which is an independent board of the Appraisal Foundation.

~~(c)(3)~~ “Classroom hour” is defined as 50 minutes out of each 60-minute segment.

~~(d)(4)~~ “USPAP” means Uniform Standards of Professional Appraisal Practice, and are the most recent standards approved and adopted by the Appraisal Standards Board of the Appraisal Foundation.

(2) Classroom Hours.

(a) The classroom hours may include the classroom pre-license education required to become a registered trainee appraiser, the classroom pre-license education required to become a licensed appraiser, the classroom pre-license education required to become a certified residential appraiser, or the applicable classroom hours of post-license education for registered trainee appraisers.

(b) Credit towards the classroom hour requirement shall only be granted where the length of the educational offering is at least 15 classroom hours, and the person successfully completes an examination pertinent to that educational offering. Any applicant requesting the issuance of his or her certification shall provide the Board with proof of passing a written examination as specified in Section 475.616, F.S., and as further defined by Rule 61J1-5.001, F.A.C., if a written examination is required. Examination results are only valid for a maximum period of 24 months from the exam date.

Specific Authority 475.614 FS. Law Implemented 475.611(1)(q), 475.613(2), 475.615(2), 475.616, 475.617 FS. History—New 12-27-07, Amended.

61J1-10.002 Registered Trainee Real Estate Appraiser.

(1) An applicant for registration as a trainee real estate appraiser must present evidence satisfactory to the Board that the applicant has successfully completed at least 100 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required curriculum:

(a) through (c) No change.

(d) Appraisal Subject Matter Electives ~~(25)(20)~~ hours which shall include six (6) hours of the Florida laws and rules and three (3) hours of Roles and Responsibilities of Supervisors and Trainees.

(2) Board approved pre-registration courses for trainee appraisers must include the following subject matter:

- (a) Real property concepts and characteristics;
- (b) Legal consideration;
- (c) Influences on real estate values;
- (d) Types of value;
- (e) Economic principles;
- (f) Overview of real estate markets and analysis;

(g) Ethics and how they apply in appraisal theory and practice;

(h) Overview of approaches to value;

(i) Valuation procedures;

(j) Property description;

(k) Residential applications;

(l) Coverage of the Uniform Standards of Professional Appraisal Practice; and

(m) Coverage of Florida rules and regulations that pertain to the practice of appraisal. Effective January 1, 2008, Board approved pre-registration courses for trainee appraisers must include a minimum of six (6) hours coverage of Florida laws, rules, and regulations that pertain to the practice of appraisal; and

(n) Effective January 1, 2008, Board approved pre-registration courses for trainee appraisers must include a minimum of three (3) hours of instruction and cover the following topics regarding the roles and rules of supervisor and trainee appraisers:

1. The definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611(1)(k), (n), (o), (p), (s), F.S.

2. Review of Chapter 475, Part II, F.S., sections regarding the postlicensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records.

3. Review of Chapter 61J1, F.A.C., sections regarding postlicensing education for registered trainee appraisers, supervision of registered trainee appraisers, display and disclosure of registration, licensure or certification designation and advertising.

4. Review of the Uniform Standards of Professional Appraisal Practice as referenced and incorporated by Rule 61J1-9.001, F.A.C., including at least the following topics: USPAP Advisory Opinion 31, USPAP Standards Rules 2-3 and 3-3, signature authority and security, competency, and preparation of appraisals.

~~(3)(2)~~ An applicant must have passed examinations in the prerequisite courses set forth in subsection 61J1-10.002(1), F.A.C., for the courses to be acceptable.

~~(4)(3)~~ An applicant must have completed the 15-hour National USPAP course, or its equivalent, within the 2 years immediately preceding the receipt of the application for registration by the Board or department.

~~(5)(4)~~ An applicant who was previously registered as a trainee real estate appraiser and whose registration expired due to failure to renew pursuant to Rule 61J1-4.007, F.A.C., may not use the qualifying education for the void trainee real estate appraiser registration to obtain another trainee real estate appraiser registration.



Specific Authority 475.614 FS. Law Implemented 475.611(1)(n), (o), (p), 475.613(2), 475.615, 475.617(1) FS. History–New 12-27-07, Amended \_\_\_\_\_.

61J1-10.003 Certified Residential Appraiser.

An applicant for certification as a residential real estate appraiser must present evidence satisfactory to the Board that the applicant meets the following minimum education, experience, and examination requirements:

- (1) Education requirement.
  - (a) through (b) No change.
  - (c) Satisfactory completion of at least 200 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required core curriculum that are prerequisites to taking the AQB-approved examination in subsection (3) of this rule:
    - 1. through 9. No change.
    - 10. Appraisal Subject Matter Electives (20 hours) which shall include six (6) hours of the Florida laws and rules and three (3) hours of the Roles and Responsibilities of Supervisors and Trainees.
- (2) through (3) No change.

Specific Authority 475.614 FS. Law Implemented 475.613(2), 475.615(2), 475.617(2) FS. History–New 12-27-07, Amended \_\_\_\_\_.

61J1-10.004 Certified General Appraiser.

An applicant for certification as a general real estate appraiser must present evidence satisfactory to the Board that the applicant meets the following minimum education, experience, and examination requirements:

- (1) Education requirement.
  - (a) through (b) No change.
  - (c) Satisfactory completion of at least 300 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required core curriculum that are prerequisites to taking the AQB-approved examination in subsection (3) of this rule:
    - 1. through 2. No change.
    - 3. The 15-hour National USPAP course, or its equivalent, taught by an AQB certified USPAP instructor (15 hours);
    - 4. through 9. No change.
    - 10. Appraisal Subject Matter Electives (30 hours) which shall include six (6) hours of the Florida laws and rules and three (3) hours of the Roles and Responsibilities of Supervisors and Trainees.
- (2) through (3) No change.

Specific Authority 475.614 FS. Law Implemented 475.613(2), 475.615(2), 475.617(3) FS. History–New 12-27-07, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-4.050	Procedures to Obtain Permits and Other Authorizations; Applications
62-4.053	Annual Operating License Fees for Public Water Systems

**PURPOSE AND EFFECT:** The Department proposes to amend the fee schedule in Rules 62-4.050 and 62-4.053, F.A.C., to comply with the requirements of Chapter 2008-150, Laws of Florida, as codified in Sections 373.109, 403.087, and 403.861, F.S., which established new fees and minimum fee requirements for environmental resource and wetland resource permit programs under Part IV of Chapter 373, F.S., and the drinking water and mangrove programs under Chapter 403, F.S. The fee changes under Part IV of Chapter 373, F.S., include a new \$250 minimum fee for noticed general permits and individual permits; a new \$100 minimum fee to verify qualification for an exemption; and a new \$100 minimum fee to conduct an informal wetland boundary determination. For the drinking water program, the rule includes a new minimum annual operation license fee of \$50 for each public water system, automatically increases the minimum fees for drinking water construction permits to \$500, and establishes the minimum permit fee for a drinking water distribution system permit, including a minimum fee for a general permit at \$500. These new fees and the minimum fees automatically went into effect on July 1, 2008.

The proposed rules also include an annual operation license fee schedule for public water systems and increases to the other fees charged by the Department under Part IV of Chapter 373, F.S., and the drinking water program to, at a minimum, reflect changes in the rate of inflation since the time each fee was established or most recently revised. Also, as required by the statute, the rule provides for the Department to adjust all of the fees every five years based on changes in the consumer price index (CPI), and identifies the inflation index used for making the fee adjustments. The inflation index used for making all fee adjustments is the price paid by all urban consumers for a

market basket of consumer goods and services; specifically, the CPI figures for the “CPI-U, U.S. City Average, All Items” established for the previous five years by the Bureau of Labor Statistics (BLS) ([www.bls.gov/cpi/](http://www.bls.gov/cpi/)), computed as provided in the BLS publication “Handbook of Methods,” Chapter 17 ([www.bls.gov/pub/hom/pdf/homch17.pdf](http://www.bls.gov/pub/hom/pdf/homch17.pdf)).

**SUMMARY:** Adoption of new fees and minimum fees for activities conducted under Part IV of Chapter 373, F.S., and Chapter 403, F.S., and adjustments to all fees to reflect inflation using the CPI-U, U.S. City Average, All Items and adopting the adjustment method.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** Minimum fees were established by Chapter 2008-150, L.O.F., and existing fees were adjusted, within applicable statutory caps, to reflect the increase in the cost of living since those fees were last adjusted except for certain drinking water fees which increased more than the cost of living but in proportion to existing drinking water construction permit fees. The increased fees are generally scaled in consideration of project size and complexity with higher fees charged for larger and more complex projects.

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:** 373.026, 373.043, 373.109, 373.414, 373.418, 373.421, 403.061, 403.087, 403.704(30), 403.805, 403.861, 403.861(7), 403.861(8) FS.

**LAW IMPLEMENTED:** 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 373.421, 403.061, 403.087, 403.087(6), 403.0877, 403.088, 403.0885, 403.722, 403.861(7) FS.

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

**DATE AND TIME:** February 11, 2009, 10:00 a.m., ET

**PLACE:** Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are 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 Stoutamire, Florida Department of Environmental Protection, Division of Water Resource Management, 2600 Blair Stone Road, MS 3500, Tallahassee, FL 32399-2400, telephone (850)245-8490, or e-mail: [Jim.Stoutamire@dep.state.fl.us](mailto:Jim.Stoutamire@dep.state.fl.us). Further information and updates on development of this rule also may be obtained from the Department’s Internet site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC # 08-1684)

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

62-4.050 Procedures to Obtain Permits and Other Authorizations; Applications.

(1) through (3) No change.

(4) Processing fees are as follows:

(a) through (d) No change.

(e) Wetland Resource Management (Dredge and Fill) Permits. This paragraph pertains to projects that have been grandfathered according to Sections 373.414(11) (1994 Supp.), (12)(a) (1994 Supp.), (13), (14), (15) or (16), F.S., and projects, or portions thereof, located in the Northwest Florida Water Management District.

1. Dredge and fill construction projects up to and including 5 years:

a. Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area pursuant to subsection 62-312.070(2), F.A.C. \$4,000

b. Standard form construction projects that involve the construction of new docking facilities pursuant to Rule 62-312.070, F.A.C., that provide:

- (I) 50 or more new boat slips \$4,000
  - (II) 25 to – 49 new boat slips \$4,000 \$3000
  - (III) 10 to – 24 new boat slips \$2,480 \$1500
  - (IV) 3 to – 9 new boat slips \$830 \$500
  - (V) 0 to – 2 new boat slips \$500 \$300
- c. Short form construction projects involving dredging or and filling of activities that affect 9.99 acres or less of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C. \$830 \$500

d. Short form construction projects involving the construction of new docking or boardwalk facilities, pursuant to Rule 62-312.070, F.A.C., that provide:

- (I) 0 to – 2 new boat slips \$500 \$300
- (II) 3 to – 9 new boat slips \$830 \$500

(III) The addition of 3 to 20 docking slips to existing functional docking facilities where the total facility will not exceed 50 slips and the existing and proposed slips are not associated with commercial facilities or facilities which provide supplies or services required for boating activities. \$760 \$500

e. Short form and standard form projects solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. \$250 \$100

2. Dredge and fill construction permits in excess of 5 years:

- a. Short form permits from 6 years up to and including 10 years \$4,950 \$3000
- b. Standard form permits for 6 years \$10,650 \$6000
- c. Standard form permits for 7 years \$12,430 \$7000
- d. Standard form permits for 8 years \$14,200 \$8000
- e. Standard form permits for 9 years \$15,980 \$9000
- f. Standard form permits for 10 years \$17,750 \$10,000
- g. Standard form permits for 11 years \$19,530 \$11,000
- h. Standard form permits for 12 years \$21,300 \$12,000
- i. Standard form permits for 13 years \$23,080 \$13,000
- j. Standard form permits for 14 years \$24,850 \$14,000
- k. Standard form permits for 15 years \$25,000 \$15,000
- l. Standard form permits for 16 years \$25,000 \$16,000
- m. Standard form permits for 17 years \$25,000 \$17,000
- n. Standard form permits for 18 years \$25,000 \$18,000
- o. Standard form permits for 19 years \$25,000 \$19,000
- p. Standard form permits for 20 years \$25,000 \$20,000
- q. Standard form permits for 21 years \$25,000 \$21,000
- r. Standard form permits for 22 years \$25,000 \$22,000
- s. Standard form permits for 23 years \$25,000 \$23,000
- t. Standard form permits for 24 years \$25,000 \$24,000
- u. Standard form permits for 25 years \$25,000
- v. No change.

w. Permits for phosphate and attapulgitite mines with a duration of greater than ≥25 years pursuant to the provisions of Section 373.414(15), F.S. \$25,000

x. Modifications involving permits issued pursuant to Section 403.816, F.S., or Chapter 62-45, F.A.C. \$1,000

y. 6 to 25 year permits pursuant to Chapter 62-45, F.A.C., and all permits under Section 403.816, F.S. \$5,000

~~z. Modifications to permits pursuant to Chapter 62-45, F.A.C.~~ \$1000

~~z.(4)~~ Short form and standard form projects solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. \$250 \$100

3. Mitigation Banks

a. Mitigation Bank Permit, other than Conceptual Approval Permit \$6,050

b. Credit Release (credit available for sale) \$330

c. Credit Withdrawal (actual use of credit) \$0

d. Mitigation Bank Conceptual Approval Permit \$6,050

4. Modifications:

a. Major modifications of Standard Form and Short Form Permits, as determined by Rule 62-312.100, F.A.C., other than for Class I solid waste disposal facilities or as otherwise specified above Same fee as for a new application for the activity

b. Minor modifications of Standard Form and Short Form Permits, where the modification will not require substantial technical evaluation by the Department, will not lead to substantially different environmental impacts or will lessen the impacts of the original permit, and as further as determined by Rule 62-312.100, F.A.C., other than for Class I solid waste disposal facilities or as otherwise specified above:

(I) To correct minor errors or typographical mistakes and that do not involve technical review \$0

<u>(II) To incorporate changes requested by the Department or required through permits issued by other regulatory agencies, and to change due dates for reporting or performance deadlines when such changes in the due date do not involve any new work, any new work locations, or any new activities, and will not alter, replace, or otherwise eliminate the requirements for otherwise performing the work required by the permit</u>	\$0
<u>(III) That consist of transfers of permits or time extensions</u>	\$80
<u>(IV) That consist of minor technical changes which involve new work, new work locations, new activities, or any other change which alters, replaces, or otherwise eliminates the work authorized by the permit when the original permit fee of the issued permit is less than \$300, except for modifications to permits issued pursuant to Section 403.816, F.S.</u>	\$250
<u>(V) That consist of minor technical changes which involve new work, new work locations, new activities, or any other change which alters, replaces, or otherwise eliminates the work authorized by the permit when the original permit fee of the issued permit is more than or equal to \$300, except for permits issued pursuant to Section 403.816, F.S.</u>	\$420
<u>(VI) For minor modifications for Class I solid waste disposal facilities</u>	\$2,110
<del>3. Mangrove alteration permits:</del>	
<del>a. Mangrove alteration permits which involve the alteration of less than 20 mangroves</del>	<del>\$250</del>
<del>b. Mangrove alteration permits which involve the alteration of 20 or more mangroves</del>	<del>\$500</del>

5.4: For the purposes of determining the fee for wetlands resource management permits, the term of duration for the permit shall be reduced by the period of time (in yearly increments) during which no dredging or filling activity occurs or no reclamation, restoration, or mitigation occurs and only minor monitoring and maintenance activities are required. The fee for the full term shall be submitted with the application. After the Department determines the period of time that the term of the permit can be reduced, the excess fee shall be returned.

6.5: For permit applications which involve a combination of the project fee categories listed above, the highest fee that applies to the appropriate standard form or short form project, pursuant to Rule 62-312.070, F.A.C., shall be charged.

7.6: Variances from permitting standards, permit conditions, or water quality standards associated with a wetland resource or mangrove alteration permit application:

<u>a. Under Section 403.812, F.S.</u>	
<del>(I)a. Variances from the prohibition of subsection 62-312.080(7), F.A.C.</del>	<del>\$170 \$100</del>
<del>b. Variances from the provisions of Chapter 62-321, F.A.C.</del>	<del>\$100</del>
<del>(II)e. Other variances</del>	<del>\$830 \$500</del>
<u>b. Under Section 120.542, F.S.</u>	\$0
<u>8. Verification of qualification to use a general permit, except:</u>	\$250
<u>a. Paving of existing municipally owned roads under Rule 62-312.824, F.A.C.</u>	\$0
<u>b. Environmental enhancement and restoration activities conducted by the U.S. Army Corps of Engineers under Rule 62-312.825, F.A.C.</u>	\$0
<u>9. Verification that an activity is exempt from regulation under Section 403.813, F.S., or Part IV of Chapter 373, F.S.</u>	\$100
<u>(f) Mangrove Alteration and Trimming.</u>	
<u>1. Alteration of less than 20 mangroves under Section 403.9328, F.S.</u>	\$420
<u>2. Alteration of 20 or more mangroves under Section 403.9328, F.S.</u>	\$830
<u>3. General Permit under Section 403.9327, F.S.</u>	\$250
<u>4. Verification of an exemption for trimming or alteration</u>	\$0
<u>5. Minor modification, other than transfer &amp; time extensions</u>	\$250
<u>6. Transfer of ownership or permit</u>	\$90
<u>7. Time extension</u>	\$90
<u>8. Variance under Section 403.9334, F.S.</u>	\$170

(g)(f) Stormwater Permits under Chapter 62-25, F.A.C.  
This paragraph pertains to projects, or portions thereof, located in the Northwest Florida Water Management District.

<u>1. Notice to use stormwater general permit per subparagraphs 62-25.801(1)(a) through (d), F.A.C. Construction permit for stormwater facilities</u>	\$420 \$1,000
<u>2. Conversion of construction permit to operation Operation permit for a stormwater facility</u>	\$100

~~(g) MSSW permits. This paragraph pertains to projects that have been grandfathered according to Sections 373.414(11) (1994 Supp.), (12)(a) (1994 Supp.), (13), (14), (15) or (16), F.S.~~

~~1. For MSSW facilities located within the boundaries of the St. Johns River Water Management District, the processing fee used by the Department shall be the same as set forth in paragraphs (5)(j) and (k) of Rule 40C 1.603, F.A.C., which is adopted and incorporated by reference.~~

~~2. For MSSW facilities located within the boundaries of the South Florida Water Management District, the processing fee used by the Department shall be the same as set forth in subparagraph (3)(a)4. and paragraph (3)(b) of Rule 40E 1.607, F.A.C., which is adopted and incorporated by reference.~~

~~3. For MSSW facilities located within the boundaries of the Southwest Florida Water Management District, the processing fee used by the Department shall be the same as set forth in subsections (4) and (5) of Rule 40D 1.607, F.A.C., which is adopted and incorporated by reference.~~

- (I) Is capable of impounding more than  $\geq 120$  acre feet;
- (II) Serves a total land area of  $\geq 100$  acres or more; or
- (III) Provides for the placement of  $\geq 12$  acres or more of impervious surface

\$3,510 \$2,500

b. For a system involving the following total acreage of construction or alteration in,

on or over wetlands or other surface waters:

- (I)  $\geq 100$  acres or more
- (II)  ~~$< 100$  acres~~ and  $\geq 50$  acres up to less than 100 acres
- (III)  ~~$< 50$  acres~~ and  $\geq 10$  acres up to less than 50 acres
- (IV)  ~~$< 10$  acres~~ and  $\geq 5$  acres up to less than 10 acres
- (V)  ~~$< 5$  acres~~ and  $\geq 2$  acres up to less than 5 acres
- (VI)  ~~$< 2$  acres~~ and  $\geq 1$  acre up to less than 2 acres

\$14,020 \$10,000  
\$11,220 \$8,000  
\$9,120 \$6,500  
\$7,710 \$5,500  
\$5,610 \$4,000  
\$4,210 \$3,000

c. For a system involving 10 or more new boat slips and either capable of impounding  $\geq 40$  acre feet or more, serving a total land area  $\geq 40$  acres or more, providing for the placement of  $\geq 12$  acres or more of impervious surface, or involving construction or alteration (other than new boat slips) in, on or over wetlands or other surface waters, with the following number of new slips:

- (I) 50 or more
- (II) 30 to - 49
- (III) 10 to - 29

\$9,120 \$6,500  
\$7,710 \$5,500  
\$5,610 \$4,000

d. For a system involving 10 or more new boat slips and capable of impounding less than  $< 40$  acre feet, serving a total land area less than  $< 40$  acres, providing for the placement of less than  $< 12$  acres of impervious surface, and not involving construction or alteration (other than new boat slips) in, on or over wetlands or other surface waters, with the following number of new slips:

- (I) 50 or more
- (II) 30 to - 49
- (III) 10 to - 29

\$5,610 \$4,000  
\$4,210 \$3,000  
\$2,110 \$1,500

e. For a system involving a new Class I solid waste disposal facility

\$10,520 \$7,500

f. Major modification of ~~For a system involving~~ an existing Class I solid waste disposal facility

\$11,920 \$8,500

g. Systems solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S.

\$250 \$400

2. Standard Permits and Standard General Permits (those systems below the thresholds listed in subparagraph 1. above):

a. For a system serving a project with a total land area of 40 or more acres, up to  $< 100$  acres and  $\geq 40$  acres, with the following additional activities:

(h) Environmental Resource Permits. For individual, conceptual approval or standard general permit applications under Part IV of Chapter 373, F.S., that involve a combination of the fee categories listed in subparagraphs 1. and 2. below, the highest fee in these subparagraphs that applies to the project in question shall be the correct application fee.

1. Individual and Conceptual Approval Permits (those systems that involve  $\geq 1$  acre or more of construction or alteration in, on or over wetlands or other surface waters, involve  $\geq 10$  or more new boat slips, are capable of impounding more than  $\geq 120$  acre feet, serve a total land area of  $\geq 100$  acres or more, or provide for the placement of  $\geq 12$  acres or more of impervious surface):

a. For a system that involves less than  $\leq 1$  acre of construction or alteration in, on or over wetlands or other surface waters and involves less than  $\leq 10$  new boat slips but reaches any of the following three thresholds:

(I) Both the construction of 1 <u>to</u> – 9 new boat slips and the construction or alteration (other than new boat slips) in, on or over a total area of wetlands or other surface waters <u>less than</u> < 1 acre and <u>more than</u> > 0 acres	<u>\$2,110</u> \$1,500
(II) Either the construction of 1 <u>to</u> – 9 new boat slips or the construction or alteration (other than new boat slips) in, on or over a total area of wetlands or other surface waters <u>less than</u> < 1 acre and <u>more than</u> > 0 acres	<u>\$1,410</u> \$1,000
(III) No construction or alteration in, on or over wetlands or other surface waters	<u>\$1,340</u> \$700
b. For a system serving a project with a total land area <u>less than</u> < 40 acres and <u>more than</u> > 1 acre, with the following additional activities:	
(I) 3 <u>to</u> – 9 new boat slips	<u>\$990</u> \$700
(II) 1 <u>to</u> – 2 new boat slips	<u>\$850</u> \$600
(III) Construction or alteration (other than new boat slips) in, on or over a total area of wetlands or other surface waters <u>of more than 0 acre, but less than</u> < 1 acre <del>and &gt; 0 acres</del>	<u>\$850</u> \$600
c. For a system serving a project with a total land area <u>of</u> ≥ 1 acre <u>or more</u> , with the following additional activities:	
(I) 3 <u>to</u> – 9 new boat slips	<u>\$850</u> \$600
(II) 1 <u>to</u> – 2 new boat slips	<u>\$430</u> \$300
(III) Construction or alteration (other than new boat slips) in, on or over a total area of wetlands or other surface waters <u>less than</u> < 1 acre and <u>more than</u> > 0 acres	<u>\$710</u> \$500
d. Systems solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S.	<u>\$250</u> \$100
3. <del>Mitigation Banks and Mitigation Bank Conceptual Approval Permits</del>	<u>\$4,000</u>
a. <u>Mitigation Bank Permit, other than Conceptual Approval</u>	<u>\$6,050</u>
b. <u>Credit Release (credit available for sale)</u>	<u>\$330</u>
c. <u>Credit Withdrawal (actual use of credit)</u>	<u>\$0</u>
d. <u>Mitigation Bank Conceptual Approval Permit</u>	<u>\$6,050</u>
4. Environmental Resource <u>“Stormwater”</u> Permit for a system serving a project with a total land area <u>less than</u> < 40 acres and:	
a. Involving no construction or alteration in, on or over wetlands or other surface waters; or	<u>\$420</u> \$300
b. That is solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S.	<u>\$250</u> \$100
5. <u>Verification of qualification to use</u> <del>For</del> a Noticed General Permit, <u>except:</u>	<u>\$250</u> \$100
a. <u>Paving of existing county or municipally owned roads under Rule 62-341.448, F.A.C.</u>	<u>\$0</u>
b. <u>Environmental enhancement and restoration activities conducted by the U.S. Army Corps of Engineers under Rule 62-341.486, F.A.C.</u>	<u>\$0</u>
6. Variances:	
a. <u>Under Section 373.414(17), F.S.</u>	
(I) <del>From</del> <u>the prohibition of work in Class II Waters, approved for shellfish harvesting</u>	<u>\$170</u> \$100
b. <u>To mangrove prohibitions in Chapter 62-321, F.A.C.</u>	<u>\$100</u>
(II) <del>Other</del> <u>variances</u>	<u>\$830</u> \$500
b. <u>Under Section 120.542, F.S.</u>	<u>\$0</u>
7. Modifications:	
a. <del>For major modifications of Individual and Conceptual Approval Permits (no increase in project area)</del>	<u>\$700</u>
b. <del>For major modifications of Individual and Conceptual Approval Permits (with an increase in project area)</del>	<u>\$2,000</u>
e. <del>For major modifications of Individual and Conceptual Approval Permits for solid waste facilities</del>	<u>\$4,000</u>
a. <del>For</del> <u>Major modifications of Individual (including Conceptual Approval) and Standard General Permits, as defined in paragraph 62-343.100(1)(b), F.A.C., other than for Class I solid waste disposal facilities</u>	<u>Same fee as for a new application for the activity</u> 50% of original application fee

b. Minor modifications of Individual (including Conceptual Approval) and Standard General Permits, where the modification will not require substantial technical evaluation by the Department, will not lead to substantially different environmental impacts or will lessen the impacts of the original permit, and as further defined in paragraph 62-343.100(1)(a), F.A.C., other than for Class I solid waste disposal facilities:

e. For minor modifications of Individual and Conceptual Approval Permits for solid waste facilities \$1,500

(I) To correct minor errors or typographical mistakes and that do not involve technical review \$0

(II) To incorporate changes requested by the Department or required through permits issued by other regulatory agencies, and to change due dates for reporting or performance deadlines when such changes in the due date do not involve any new work, any new work locations, or any new activities, and will not alter, replace, or otherwise eliminate the requirements for otherwise performing the work required by the permit \$0

f. For other minor modifications

Fee specified in paragraph (4)(r)

(III) That consist of transfers of For permits or time extensions \$80 \$50

(IV) That consist of minor technical changes which involve new work, new work locations, new activities, or any other change which alters, replaces, or otherwise eliminates the work authorized by the permit when the original permit fee of the issued permit is less than \$300, except for modifications to permits issued pursuant to Section 403.816, F.S. \$250

(V) That consist of minor technical changes which involve new work, new work locations, new activities, or any other change which alters, replaces, or otherwise eliminates the work authorized by the permit when the original permit fee of the issued permit is more than or equal to \$300, except for permits issued pursuant to Section 403.816, F.S. \$420

(VI) For minor modifications of Individual and Conceptual Approval Permits for Class I solid waste disposal facilities \$2,110

8. Verification that an activity is exempt from regulation under Section 403.813, F.S., or Part IV of Chapter 373, F.S. \$100

(i) Petitions for Formal Determinations of the Landward Extent of Wetlands and Other Surface Waters:

1. Petition application fees shall be based on the acreage of the entire property for which the petition is filed, according to the following schedule:

a. More than > 0 acres and less than or equal to ≤ 1 acre \$350 \$250

b. More than > 1 acre and less than or equal to ≤ 10 acres \$780 \$550

c. More than > 10 acres and less than or equal to ≤ 40 acres \$1,060 \$750

d. More than > 40 acres and less than or equal to ≤ 100 acres \$2,110 \$1,500

e. For property greater than 100 acres in size, the fee will be \$2,110 \$1,500 plus an additional \$290 \$200 for each additional 100 acres (or portion thereof) that exceeds the first 100 acres.

f. For a new formal determination for single-family residences of less than or equal to five acres within the territory of the South Florida District Office of the Department, under subsection 62-343.040(3), F.A.C. \$300 \$250

2. For a new formal determination that covers property on which a valid formal determination exists, provided that the petition for the new formal determination is filed within 60 days of the date of expiration of the existing formal determination and the physical conditions on the property have not changed, other than changes authorized by a permit, so as to alter the boundaries of surface waters or wetlands, and provided the methodology for determining the extent of surface waters and wetlands authorized by Sections 373.421 and 373.4211, F.S., has not been amended since the previous formal determination. \$350 \$250

(j) through (m) No change.

(n) Drinking Water (Public Water Supply) Permits.

1. Construction permit for each Category I through III treatment plant, as defined in Rule 62-699.310, F.A.C., with treatment other than disinfection only.

- a. Treatment plant – 5 MGD and above \$12,500 \$7500
- b. Treatment plant – 1 MGD up to 5 MGD \$10,000 \$6000
- c. Treatment plant – 0.25 MGD up to 1 MGD \$7,000 \$4000
- d. Treatment plant – 0.1 MGD up to 0.25 MGD \$4,000 \$2000
- e. Treatment plant – up to 0.1 MGD \$2,000 \$1000

2. Construction permit for each Category IV treatment plant, as defined in Rule 62-699.310, F.A.C., with treatment other than disinfection only.

- a. Treatment plant – 5 MGD and above \$12,500 \$7500
- b. Treatment plant – 1 MGD up to 5 MGD \$10,000 \$6000
- c. Treatment plant – 0.25 MGD up to 1 MGD \$7,000 \$4000
- d. Treatment plant – 0.1 MGD up to 0.25 MGD \$4,000 \$2000
- e. Treatment plant – .01 up to 0.1 MGD \$2,000 \$1000
- f. Treatment plant – up to 0.01 MGD \$800 \$400

3. Construction permit for each Category V treatment plant, as defined in Rule 62-699.310, F.A.C., – Disinfection only.

- a. Treatment plant – 5 MGD and above \$10,000 \$5000
- b. Treatment plant – 1 MGD up to 5 MGD \$6,000 \$3000
- c. Treatment plant – 0.25 MGD up to 1 MGD \$2,000 \$1000
- d. Treatment plant – 0.1 MGD up to 0.25 MGD \$1,000 \$500
- e. Treatment plant – up to 0.1 MGD \$600 \$300

4. Distribution and transmission systems, including raw water lines into the plant, except those under general permit.

- a. Serving a community public water system \$900 \$500
- b. Serving a non-transient non-community public water system \$700 \$350
- c. Serving a transient non-community public water system \$500 \$250

5. Construction permit for each public water supply well.

- a. Well located in a delineated area pursuant to Chapter 62-524, F.A.C. \$1,000 \$500
- b. Any other public water supply well. \$500 \$250

6. Major modifications to systems that alter the existing treatment without expanding the capacity of the system and are not considered substantial changes pursuant to subsection 62-4.050(7) below.

- a. 1 MGD and above \$4,000 \$2000
- b. 0.1 MGD up to 1 MGD \$2,000 \$1000
- c. 0.01 up to 0.1 MGD \$1,000 \$500
- d. up to 0.01 MGD \$500 \$100

7. Minor modifications to systems that result in no change in the treatment or capacity.

- a. 0.1 MGD and above \$1,000 300
- b. up to 0.1 MGD \$500 100

8. General Permit fee for any General Permit not specifically in subparagraphs 1. through 7. above:

- a. General permits requiring Professional Engineer or Professional Geologist certification. \$650
- b. General permits not requiring Professional Engineer or Professional Geologist certification. \$500

(o) through (y) No change.



(z) The fees in paragraphs (e) through (i), and (n) shall be increased March 1, 2013, and at subsequent 5-year intervals to bring the fees up-to-date using the annual CPI average rate for each year of the five-year interval. The annual CPI average rate shall be calculated by averaging the previous five years of Consumer Price Index figures for the “CPI-U, U.S. City Average, All Items” established by the Bureau of Labor Statistics (BLS) ([www.bls.gov/cpi/](http://www.bls.gov/cpi/)), computed as provided in the BLS publication “Handbook of Methods,” Chapter 17 ([www.bls.gov/opub/hom/pdf/homch17.pdf](http://www.bls.gov/opub/hom/pdf/homch17.pdf)). The Department shall round any increased fees to the next highest whole ten dollar increment. In the event of deflation during the 5-year interval, the Department shall consult with the Executive Office of the Governor and the Legislature to determine whether downward fee adjustments are appropriate based on the current budget and appropriation considerations.

(5) through (8) No change.

Rulemaking Specific Authority 373.026, 373.043, 373.109, 373.414, 373.418, 373.421, 403.061, 403.087, 403.704(30), 403.805 FS. Law Implemented 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.722, 403.861(7) FS. History—New 5-17-72, Amended 6-19-74, 7-8-82, Formerly 17-4.05, Amended 11-15-87, 8-31-88, 10-3-88, 4-4-89, 3-19-90, 6-11-90, 3-7-91, 3-18-91, 5-30-91, 10-30-91, 11-16-92, 12-21-92, 7-11-93, 2-2-94, Formerly 17-4.050, Amended 11-23-94, 4-30-95, 7-4-95, 12-15-98, 10-22-00, 6-1-01, 1-30-03, 2-19-03, 4-3-03, 5-1-03, 2-7-06, 10-31-07, \_\_\_\_\_.

62-4.053 Annual Operating License Fees for Public Water Systems.

(1) Scope and Intent. As authorized in Section 403.087(6), F.S., this rule implements annual regulatory program and surveillance fees (operating license fees) for public drinking water systems. These fees effect the legislative intent that the Department’s costs for administering the Florida Safe Drinking Water Act be borne by regulated parties. As such, the annual operating license fees are applicable only to public water systems subject to regulation under Chapters 62-550, 62-555 and 62-560, F.A.C., pursuant to Section 403.0885, F.S.

(2) The license fees described in paragraphs (a) through (c) of this subsection shall be the annual operating license fees for such facilities.

(a) Annual operating license fees shall be based on the type of public water system, or the population served, or the sum of permitted capacities of the treatment provided under their unique PWS ID Number, as set forth in subsections (3) through (6) below.

(b) Annual operating license fees are applicable for the period from July 1 to June 30 of the following year.

(c) Annual operating license fees for drinking water systems are not refundable and shall be due and payable as follows:

1. The annual operating license fees set forth in this section shall be required for all public water systems for which the Department is granted administrative authority. The amount due shall be the applicable annual operating license fee described in subsection (3), (4), (5), or (6) of this section, and are due and payable no later than 45 days after receipt of an operating license fee invoice from the Department for public water systems that are subject to regulation under Section 403.861, F.S., on that date.

2. When a new public water system is issued a permit and is cleared for operation to be put in service under Chapter 62-555, F.A.C., pursuant to Section 403.861, F.S., the first annual operating license fee shall be due no later than 45 days after receipt of an operating license fee invoice from the Department. The amount due shall be the applicable annual operating license fee described in subsections (3), (4), (5), or (6) of this section. The operating license fee shall be due and payable pursuant to paragraph 62-4.053(2)(b), F.A.C., above.

3. Non-payment or late payment of an annual operating license fee shall be grounds for enforcement action pursuant to Sections 403.121, 403.141, and 403.161, F.S. Non-payment of an annual operating license fee shall be grounds for revocation or denial of an application for a drinking water construction permit.

4. When a public water system changes in a manner which places the facility in a different annual operating license fee category:

a. The operating license fee shall be changed as appropriate and be in effect for the next operating year (July 1 – June 30).

b. The new operating license fee shall be due no later no later than 45 days after receipt of an operating license fee invoice from the Department following the change, and

c. No operating license fee is due for an inactive system.

(3) The annual operating license fees for community public water systems are based on the system’s permitted design capacity, and are as follows:

<u>Design Capacity</u>	<u>Fee</u>
(a) 10 MGD and above	\$6,000
(b) 5 MGD up to 10 MGD	\$4,000
(c) 1 MGD up to 5 MGD	\$2,000
(d) .33 MGD up to 1 MGD	\$1,000
(e) .05 MGD up to 0.33 MGD	\$500
(f) Less than 0.05 MGD	\$100

(4) The annual operating license fee for consecutive community public water systems shall be based on their population served as reported by the system during their most recent Sanitary Survey as follows:

<u>Population Served</u>	<u>Fee</u>
(a) 25-500	\$50
(b) 501-3,300	\$100
(c) 3,301-10,000	\$500
(d) 10,001-50,000	\$1,000
(e) 50,001-100,000	\$2,000
(f) >100,000	\$4,000

(5) The annual operating license fee for non-transient, non-community public water systems shall be \$100.

(6) The annual operating license fee for transient, non-community public water systems shall be \$50.

(7) Public water systems will be invoiced individually for the annual operating license fee.

(8) The annual operating license fee in this Section shall be adjusted for inflation using the methodology in paragraph 62-4.050(4)(z), F.A.C.

Specific Authority 403.061, 403.861(7), 403.861(8) FS. Law Implemented 403.087(6), 403.0885 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Janet G. Llewellyn, Director, Division of Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-346.071  
RULE TITLE: Fees

PURPOSE AND EFFECT: The proposed amendments increase the fees in Rule 62-346.071, F.A.C., for environmental resource permit (ERP) program activities under Part IV of Chapter 373, F.S., within the geographic area of the Northwest Florida Water Management District (NFWFMD). These amendments accomplish two primary objectives as required by the statute. First, these changes comply with Section 373.109, F.S., which established a new \$250 minimum fee for noticed general permits and individual permits; a new minimum fee of \$100 to verify qualification for an exemption; and a new \$100 minimum fee to conduct an informal wetland boundary determination. The new and minimum fees automatically became effective July 1, 2008.

Second, the rule is amended to increase all fees authorized under Part IV of Chapter 373, F.S., to reflect changes in the rate of inflation since the time each fee was established or most recently revised. Also, as required by the statute, the rule states that the Department will adjust all of the fees every five years based on changes in the consumer price index (CPI), and identifies the inflation index used for making the fee adjustments. The inflation index being used is the price paid by all urban consumers for a market basket of consumer goods and services; specifically, the CPI figures for the “CPI-U, U.S. City Average, All Items” established by the Bureau of Labor Statistics (BLS) ([www.bls.gov/cpi/](http://www.bls.gov/cpi/)), computed as provided in the BLS publication “Handbook of Methods,” Chapter 17 ([www.bls.gov/opub/hom/pdf/homch17.pdf](http://www.bls.gov/opub/hom/pdf/homch17.pdf)).

These fees will apply to applications and notices for ERP activities reviewed and acted upon by the Department or the NFWFMD, in accordance with the division of responsibilities established by the Operating Agreement adopted in Chapter 62-113, F.A.C.

SUMMARY: New fees, minimum fees, and adjustments to all fees to reflect inflation, for ERP activities conducted under Part IV of Chapter 373, F.S., within the geographic area of the NFWFMD.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Minimum fees were established by Chapter 2008-150, L.O.F., and existing fees were adjusted, within applicable statutory caps, to reflect the increase in the cost of living since those fees were last adjusted. The increased fees are generally scaled in consideration of project size and complexity with higher fees charged for larger and more complex projects.

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: 373.026(7), 373.043, 373.109, 373.4145, 373.418, 403.805(1) FS.

LAW IMPLEMENTED: 218.075, 373.109, 373.4145, 373.418, 373.421 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 11, 2009, 10:00 a.m., ET  
PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are 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: Jim Stoutamire, Florida Department of Environmental Protection, Division of Water Resource Management, 2600 Blair Stone Road, MS 3500, Tallahassee, FL 32399-2400, telephone (850)245-8490, or e-mail: [Jim.Stoutamire@dep.state.fl.us](mailto:Jim.Stoutamire@dep.state.fl.us). Further information and updates on development of this rule also may be obtained from the Department’s Internet site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC # 08-1673)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-346.071 Fees.

(1) The fee required for the type of permit as provided in this chapter is as follows.

(a) Individual permits, including conceptual approval permits – the highest fee shall apply whenever an activity meets the criteria for more than one fee category in 1 through 3, below:

1. A project area of greater than or equal to 100 acres, or that is capable of impounding greater than or equal to 120 acre-feet of water	<del>\$3,510</del> <del>\$2,500</del>
2. A project area of less than 100 acres but greater than or equal to 40 acres, or that is capable of impounding less than 120 but more than 40 acre-feet of water, or that provides for the placement of 12 or more acres of impervious surface that also constitutes more than 40 percent of the total land area	<del>\$1,340</del> <del>\$1,300</del>
3. A project does not exceed any of the thresholds in subparagraph 1. or 2., above	<del>\$310</del> <del>\$300</del>
4. Retrofits of existing surface water management systems, in accordance with section 2.10, Applicant’s Handbook Volume II	<del>\$310</del> <del>\$300</del>
5. Activities requiring an individual permit involving the following types of Class I solid waste disposal facilities, as defined in subsection 62-701.340(3), F.A.C.:	
a. New Class I solid waste disposal facility	<del>\$10,520</del> <del>\$7,500</del>
b. Major modification of an existing Class I solid waste disposal facility	<del>\$11,920</del> <del>\$8,500</del>
(b) Major modifications (see Rule 62-346.100, F.A.C.)	Same fee as a new application
(c) Minor modifications (see Rule 62-346.100, F.A.C.):	
1. Minor modifications in accordance with paragraph 62-346.100(1)(d), F.A.C.	\$ 0
2. To convert an individual permit from the construction phase to the operation phase	\$ 0
3. That consist of a transfer of an individual permit, or a time extension	<del>\$80</del> <del>\$50</del>
4. For minor modifications of Individual and Conceptual Approval Permits for Class I solid waste disposal facilities	<del>\$2,110</del>
(d) Verification of qualification to use a Noticed General Permit, except:	<del>\$250</del> <del>\$100</del>
1. Paving of existing municipally-owned roads under Rule 62-312.824 or 62-341.448, F.A.C.	<del>\$0</del>
2. Environmental enhancement and restoration activities conducted by the U.S. Army Corps of Engineers under Rule 62-341.486, F.A.C.	<del>\$0</del>
(e) Variances and waivers under Section 120.542, F.S.	<del>\$0</del>
(f) Verification that an activity is exempt from regulation under Section 403.813, F.S., or Part IV of Chapter 373, F.S.	<del>\$100</del>

(2) through (5) No change.

(6) The fees in subsection (1) shall be increased on March 1, 2013, and at subsequent 5-year intervals to bring the fees up-to-date using the annual CPI average rate for each year of

the five-year interval. The annual CPI average rate shall be calculated by averaging the previous five years of Consumer Price Index figures for the “CPI-U, US City Average, All Items” established by the Bureau of Labor Statistics (BLS) (www.bls.gov/cpi/), computed as provided in the BLS publication “Handbook of Methods,” Chapter 17 (www.bls.gov/opub/hom/pdf/homch17.pdf). The Department shall round any increased fees to the next highest whole ten dollar increment. In the event of deflation during the 5-year interval, the Department shall consult with the Executive Office of the Governor and the Legislature to determine whether downward fee adjustments are appropriate based on the current budget and appropriation considerations.

Specific Authority 373.026(7), 373.043, 373.4145, 373.418, 403.805(1) FS. Law Implemented 218.075, 373.109, 373.4145, 373.418, 373.421 FS. History–New 10-1-07, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet G. Llewellyn, Director, Division of Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE NO.: 64B6-2.003  
 RULE TITLE: Licensure by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the Licensure by Examination Application by reference; to require an applicant to apply 120 days prior to the examination; and to require proof of completion of a two-hour Laws and Rules Course prior to licensure.

SUMMARY: The rule amendment adds language to adopt and incorporate by reference the Licensure by Examination Application; changes the time limits for submitting an application; requires licensees to provide proof of completion of a two-hour laws and rules course prior to licensure and specifies the licensees must complete the prevention of medical errors course prior to licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 456.017(1)(c), (6), 484.044, 484.0445(1) FS.

LAW IMPLEMENTED: 456.017(1)(c), 484.045, 484.0445(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: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-2.003 Licensure by Examination.

Any person desiring to be licensed as a hearing aid specialist shall apply to the Department at least one hundred twenty days (120) ninety (90) days prior to the date the examination is to be administered.

(1) The Board, or its designee, shall certify for examination each applicant who:

(a) Has completed the Board of Hearing Aid Specialists Licensure by Examination Form, Form DH-MQA 1155 (Revised 10/08), hereby adopted and incorporated by reference, which can be obtained from the Board of Hearing Aid Specialists' website at <http://www.doh.state.fl.us/mqa/HearingAid/> application form, and remitted the application applicable fee to the Bboard, and has paid the examination fee;

(b) through (e) No change.

2.a. through b. No change.

(f) Has submitted proof of completion of a two-hour course relating to Florida Laws and Rules taught by an instructor approved by the Board or its designee and shall include the following subject areas: Chapter 484, Part II, F.S., Rule Chapter 64B6, Florida Administrative Code and Chapter 456, F.S.; certified knowledge of state laws and rules relating to the fitting and dispensing of hearing aids by signing an affidavit attesting to this knowledge.

(g) Has submitted proof of completion of a two-hour course approved by the Board relating to the prevention of medical errors taken all courses required for licensure pursuant to Section 456.013, F.S.

(2) through (3) No change.

Specific Authority 456.017(1)(c), (6), 484.044, 484.0445(1) FS. Law Implemented 456.017(1)(c), 484.045, 484.0445(1) FS. History—New 8-9-84, Amended 1-20-85, Formerly 21JJ-4.01, 21JJ-4.001, Amended 12-21-86, 5-22-90, 3-5-91, Formerly 21JJ-2.003, Amended 8-18-93, 6-28-95, Formerly 61G9-2.003, Amended 1-24-02, 3-4-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE NO.: RULE TITLE:

64B6-2.005 Reexamination

PURPOSE AND EFFECT: The Board proposes the rule amendment to require an applicant seeking reexamination to use the form set forth in Rule 64B6-2.003, F.A.C., and to clarify whether a person may perform hearing aid dispensing services if he or she fails the next examination.

SUMMARY: The amendment directs an applicant for reexamination to the approved form for reexamination and clarifies when an applicant can continue to provide dispensing services when he or she either failed or did not sit for the examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 456.017(2), 484.044, 484.0445 FS.

LAW IMPLEMENTED: 484.0445, 484.045 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-2.005 Reexamination.

(1) An applicant who fails the licensure examination may retake the examination by submitting to the board office a completed application form and; application fee and examination fee. The application shall be made as set forth in Rule 64B6-2.003, F.A.C.

(2) No person may further perform any hearing aid dispensing services if she or he fails to either sit for or pass the next available examination for which he or she qualifies, unless he or she is eligible to continue in the training program pursuant to subsection 64B6-8.003(6), F.A.C.

Specific Authority 456.017(2), 484.044, 484.0445 FS. Law Implemented 484.0445, 484.045 FS. History–New 12-21-86, Amended 2-16-89, 5-22-90, Formerly 21JJ-2.006, 61G9-2.006, Amended 6-6-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Hearing Aid Specialists  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-9.0015  
RULE TITLE: Application for Examination and Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify and adopt the application for examination and to delete language in the subsection regarding application after revocation of license.

SUMMARY: The rule amendment will modify and adopt the application for examination and to delete language in the subsection regarding application after revocation of license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. It was determined that this rule would not affect small businesses.

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

SPECIFIC AUTHORITY: 456.013, 456.017, 456.072, 484.005, 484.007, 484.014(2) FS.

LAW IMPLEMENTED: 456.013, 456.017, 484.007, 484.014(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-9.0015 Application for Examination and Licensure.

(1) Any person seeking licensure as an optician shall submit to the Board a completed application to take the examination on Form DH-MQA 1065, Application for Licensure Examination, (revised 11/08), hereby adopted and incorporated by reference, which can be obtained from the Board of Opticianry's website at [www.doh.state.fl.us/mqa/opticianry](http://www.doh.state.fl.us/mqa/opticianry) ~~3/02 provided by the Department.~~ The application shall be accompanied with the application fee specified in Rule 64B12-11.002, F.A.C., which is non-refundable, and the examination fee specified in Rule 64B-1.016, F.A.C., which shall be refunded if the applicant is denied examination or does not timely complete application.

(2) through (6) No change.

~~(7) A licensee whose license has been revoked may reapply for licensure. Such applicant shall satisfy all current requirements and qualifications required by an initial applicant including examination and shall pay all outstanding administrative fines and penalties before reapplying for licensure. The applicant shall follow the same application procedures as initial applicants for licensure.~~

Specific Authority 456.013, 456.017, 456.072, 484.005, 484.007, 484.014(2) FS. Law Implemented 456.013, 456.017, 456.072, 484.007, 484.014(2) FS. History–New 3-30-89, Amended 3-29-92, 2-18-93, Formerly 21P-9.0015, Amended 5-2-94, Formerly 61G13-9.0015, 59U-9.0015, Amended 1-4-98, 11-28-02, 8-28-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Opticianry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Opticianry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-16.003  
RULE TITLE: Apprenticeship Requirements and Training Program

PURPOSE AND EFFECT: The board proposes the rule amendment to modify and adopt the Apprentice Optician application form and to modify the Apprenticeship Sponsor Form.

SUMMARY: The rule amendment will modify and adopt the Apprentice Optician application form and to modify the Apprenticeship Sponsor Form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. It was determined that this rule would not affect small businesses.

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: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)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: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-16.003 Apprenticeship Requirements and Training Program.

(1) Any persons seeking to be registered as an apprentice optician shall submit to the Board an Apprentice Optician Application (Form 1180, revised 11/08), hereby adopted and incorporated by reference, which can be obtained from the Board's website at [www.doh.state.fl.us/mqa/opticianry](http://www.doh.state.fl.us/mqa/opticianry). All apprenticeship training must be conducted by the sponsor(s) with whom the apprentice is currently registered with the Agency. Credits shall be granted to apprentices if the training is properly documented according to this rule. An apprentice shall not receive credit for any training received from a person other than the properly registered sponsor(s). However, an apprentice can receive credit for attending continuing education courses by a board-approved provider pursuant to this rule.

(2) An apprentice shall have no more than two sponsors at any given time. If an apprentice has two sponsors, one sponsor shall be the primary sponsor responsible for the secondary sponsor and the apprentice. The primary sponsor shall be responsible for the completion, filing, signature and verification of the Apprenticeship Sponsor ~~Attestation~~ Form (DH-MQA 1063, revised 11/08 ~~4/02~~) which is hereby adopted and incorporated by reference, and is available from the Board office at Department of Health, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. The secondary sponsor may work with the apprentice in a store or office other than the primary store or office as long as the apprentice works under the apprenticeship requirements and training program.

(3) through (6) No change.

Specific Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History--New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06, 9-27-06, 4-19-07, 11-20-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:	RULE TITLES:
64B17-3.001	Licensure as a Physical Therapist by Examination
64B17-3.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-3.003	Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendments for incorporation of forms.

SUMMARY: Forms will be incorporated into the rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Allen Hall, Executive Director, at the address listed below.

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

SPECIFIC AUTHORITY: 456.017, 486.025, 486.031(3), 486.051, 486.081 FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051, 486.081 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every physical therapist who applies for licensure by examination shall file DOH Form #DH-MQA 1142 Application for Licensure, Revised 12/08, satisfy and demonstrate to the Board that the applicant:

(1) through (4) No change.

Specific Authority 486.025(1), 486.031(3) FS. Law Implemented 456.017, 486.031, 486.051 FS. History—New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98, 1-23-03, 4-9-06, 9-19-06, 3-13-07, 5-11-08,\_\_\_\_\_.

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination.

(1) through (2) No change.

(3) An applicant must reapply, using DOH Form #DH-MQA 1143, Re-Exam Application, Revised 12/08, in order to retake the examination. If an applicant wishes to take the examination for the fourth time, the applicant must submit to the Board for approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship designed to prepare the applicant for the physical therapy examination. An applicant who has completed these additional requirements may take the examination on two more occasions.

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-3.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Boards of Physical Therapy.

(a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:

1. Legislative Intent and Definitions 25%;
2. Board Powers and Duties 5%;
3. Licensure and Examination 7.5%;
4. Patient Care 35%;
5. Disciplinary Action and Unlawful Practice 15%; and
6. Consumer Advocacy 12.5%. In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

(b) Applicants must reapply to retake the Florida Jurisprudence Examination, using DOH Form #DH-MQA 1143, Re-Exam Application, Revised 12/08.

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History—New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended 2-14-02, 4-23-02, 12-5-04, 4-9-06, 1-7-07, 6-27-07,\_\_\_\_\_.

64B17-3.003 Licensure by Endorsement.

An applicant filing DOH Form #DH-MQA 1142 Application for Licensure, Revised 12/08, and demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by

presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another jurisdiction are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida’s minimum educational qualifications was through the national physical therapy examination provider certified by the Department. An applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History—New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended 4-21-02, 11-11-02, 11-1-04, 4-9-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:	RULE TITLES:
64B17-4.001	Licensure as a Physical Therapist Assistant by Examination
64B17-4.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-4.003	Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendments for incorporation of forms.

SUMMARY: Forms will be incorporated into the rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Allen Hall, Executive Director, at the address listed below.

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

SPECIFIC AUTHORITY: 456.017, 486.025, 486.031(3), 486.051, 486.081 FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051, 486.081 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B17-4.001 Licensure as a Physical Therapist Assistant by Examination.

Every physical therapist assistant who applies for licensure by examination shall file DOH Form #DH-MQA 1142 Application for Licensure, Revised 12/08, satisfy and demonstrate to the Board that the applicant:

(1) through (5) No change.

Specific Authority 486.025, 486.102 FS. Law Implemented 456.017, 486.102(3), 486.104 FS. History--New 8-6-84, Amended 6-2-85, Formerly 21M-10.20, Amended 5-18-86, Formerly 21M-10.020, 21MM-4.001, Amended 3-1-94, Formerly 61F11-4.001, Amended 12-22-94, 4-10-96, Formerly 59Y-4.001, Amended 1-23-03, 4-9-06, 9-19-06,\_\_\_\_\_.

64B17-4.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination.

(1) through (2) No change.

(3) An applicant must reapply, using DOH Form #DH-MQA 1143, Re-Exam Application, Revised 12/08, in order to retake the examination. If an applicant wishes to take the examination for the fourth time, the applicant must submit to the Board for approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship designed to prepare the applicant for the physical therapy assistant examination. An applicant who has completed these additional requirements may take the examination on two more occasions.

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-4.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Boards of Physical Therapy.

(a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:

1. Legislative Intent and Definitions 25%;
2. Board Powers and Duties 5%;
3. Licensure and Examination 7.5%;
4. Patient Care 35%;

5. Disciplinary Action and Unlawful Practice 15%; and  
 6. Consumer Advocacy 12.5%. In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

(b) Applicants must reapply to retake the Florida Jurisprudence Examination, using DOH Form #DH-MQA 1143, Re-Exam Application, Revised 12/08.

Specific Authority 456.017(1)(b), 486.025, 486.104 FS. Law Implemented 456.017, 486.104 FS. History--New 8-6-84, Formerly 21M-10.22, Amended 4-12-87, 3-16-88, 6-20-89, Formerly 21M-10.022, Amended 6-3-92, 3-24-93, Formerly 21MM-4.002, 61F11-4.002, Amended 12-22-94, Formerly 59Y-4.002, Amended 2-14-02, 4-23-02, 12-5-04, 4-9-06, 6-27-07,\_\_\_\_\_.

64B17-4.003 Licensure by Endorsement.

An applicant, filing DOH Form #DH-MQA 1142 Application for Licensure, Revised 12/08, and demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of active licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other jurisdiction was through the designated national physical therapist assistants examination provider certified by the Department. An applicant who has failed to pass the National Physical Therapy Examination for Physical Therapist Assistants by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History--New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended 7-11-02, 11-11-02, 12-5-04, 4-9-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008



**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-7.0027  
 RULE TITLE: Procedure for Compliance with Board Ordered Laws and Rules Exam

PURPOSE AND EFFECT: The Board proposes the rule promulgation for incorporation of forms.

SUMMARY: A form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Allen Hall, Executive Director, at the address listed below.

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

SPECIFIC AUTHORITY: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.0027 Procedure for Compliance with Board Ordered Laws and Rules Exam.

Licenses ordered to take and pass the examination as a result of a disciplinary proceeding or reinstatement, must file DOH Form #DH-MQA 1144, PT Florida Laws and Rules Examination Application, Revised 12/08.

Specific Authority 456.036, 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-9.001  
 RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment for incorporation of a form.

SUMMARY: A form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Allen Hall, Executive Director, at the address listed below.

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: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) through (5) No change.

(6) The Board approves for continuing education credit:

(a) through (e) No change.

(f) Licensees who file DOH form #DH-MQA 1144, PT Florida Laws and Rules Examination Application, Revised 12/08, and take and pass the Florida laws and rules examination shall receive two (2) hours of continuing education per biennium. The continuing education credit shall be awarded only for the biennium in which the examination was taken and passed. Continuing education credit shall not be awarded to licensees that take and pass the examination as a result of a disciplinary proceeding or as a board ordered condition of initial licensure, re-activation or reinstatement.

(7) through (8) No change.

Specific Authority 486.025 FS. Law Implemented 456.013(6), 486.109(2) FS. History--New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03, 6-28-04, 4-9-06, 5-28-06, 2-17-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: December 4, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: September 26, 2008

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NOS.:	RULE TITLES:
IT-1.001	Division of Cultural Affairs
IT-1.031	Application Requirements
IT-1.032	Application Review

**NOTICE OF CORRECTION**

The hearing date and time for the above proposed rules published in Vol. 35, No. 1, January 9, 2009 issue of the Florida Administrative Weekly is incorrect.

The correct hearing date should have read:

DATE AND TIME: Monday, February 2, 2009, 9:00 a.m.

**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."

**REGIONAL PLANNING COUNCILS**

**Tampa Bay Regional Planning Council**

RULE NO.:	RULE TITLE:
29H-1.005	Officers and Committees

**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. 34, No. 47, November 21, 2008 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (8)(b) will be changed to make it clear that a preapplication conference will always be held either by the Clearinghouse Review Committee or by staff. The introductory sentence will be revised to read, "The Committee or the staff shall conduct a preapplication conference for each DRI to be assessed by the Council . . ."

2. Subsection (8)(c) will be changed to remove the proposed discretionary language and return this rule to its current language, as follows, "A site inspection for committee members, other agency representatives and staff will be held,

as needed, during the month following the preapplication conference and shall be scheduled for the mutual convenience of the parties involved."

**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 Emergency Medical Operations**

RULE NOS.:	RULE TITLES:
64J-2.007	Trauma Agency Formation Requirements
64J-2.008	Trauma Agency Plan Approval and Denial Process
64J-2.009	Trauma Agency Implementation and Operation Requirements

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 1, January 9, 2009 issue of the Florida Administrative Weekly. The date of the Notice of Proposed Rule Development published in the December 5, 2008, Vol. 34, No. 49 of the Florida Administrative Weekly was not accurate. The correct date of the Notice of Proposed Rule Development for the above referenced rules is September 5, 2008.

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NO.:	RULE TITLE:
64J-3.001	Definitions

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 43, October 24, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NO.:	RULE TITLE:
64J-3.001	Certification of 911 Emergency Dispatchers

**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. 34, No. 43, October 24, 2008 issue of the Florida Administrative Weekly.

These changes reflect comments received from the Joint Administrative Procedures Committee. Changes to DH Form 5066 can be found at: <http://www.fl-ems.com/Rulesstatutes/rulesreghome.html>

Proposed as Rule 64J-3.002.

64J-3.001 Certification of 911 Emergency Dispatchers.

~~(1) Qualifications and procedures for Certification pursuant to Section 401.465, F.S. To be qualified for 911 emergency dispatch certification, an individual must:~~

(a) Application for 911 Emergency Dispatcher Certification is done through Apply for Florida 911 emergency dispatch certification on DH Form 5066, 10/08, 911 Emergency Dispatcher Initial/Original Certificate Application, which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(8) 64J-3.001(1), F.A.C., or is found on the internet forms page of at http://www.fl-ems.com.

The proposed effective date is March 1, 2009 ~~February 1, 2009~~.

Specific Authority 401.35, 401.465 FS. Law Implemented 401.465 FS. History–New ~~3-1-09~~ 2-1-09.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NOS.:	RULE TITLES:
69O-157.302	Facility Only Rates
69O-157.303	Home Health Care Only Rates
69O-157.304	Comprehensive Only Rates

**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. 34, No. 43, October 24, 2008 issue of the Florida Administrative Weekly.

69O-157.302 Facility Only Rates.

~~(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006 254, L.O.F., provides that “[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”~~

~~(1)(2)~~ The following maximum new business rates are effective for 20096 rate increase filings and for 201007 rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days.
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer’s current area factor applicable in that county relative to the insurer’s area factor in Hillsborough County.

(f) Insurers who did not use area factors in the closed blocks for which a rate change is being requested may calculate the new business rate as a weighted average of the Hillsborough and the South Florida area factors, where the weights used are in-force premium by county. For the purposes of this calculation, the South Florida area factors are those that apply in Broward, Duval and Palm Beach county. The South Florida area factor is equal to 1.00.

~~(2)(3)(a)~~ Facility Only Rates:

<u>Issue Age</u>	<u>3-Yr Benefit Period</u>	<u>5-Yr Benefit Period</u>	<u>Unlimited Benefit Period</u>
<u>30</u>	<u>\$244.38</u>	<u>\$296.71</u>	<u>\$324.72</u>
<u>31</u>	<u>\$245.76</u>	<u>\$299.01</u>	<u>\$324.72</u>
<u>32</u>	<u>\$247.18</u>	<u>\$301.32</u>	<u>\$324.72</u>
<u>33</u>	<u>\$248.61</u>	<u>\$303.70</u>	<u>\$324.72</u>
<u>34</u>	<u>\$250.08</u>	<u>\$306.08</u>	<u>\$324.72</u>
<u>35</u>	<u>\$274.33</u>	<u>\$339.84</u>	<u>\$393.60</u>
<u>36</u>	<u>\$275.92</u>	<u>\$342.43</u>	<u>\$393.60</u>
<u>37</u>	<u>\$277.56</u>	<u>\$345.02</u>	<u>\$393.60</u>
<u>38</u>	<u>\$279.19</u>	<u>\$347.65</u>	<u>\$393.60</u>
<u>39</u>	<u>\$280.87</u>	<u>\$350.32</u>	<u>\$393.60</u>
<u>40</u>	<u>\$305.37</u>	<u>\$378.71</u>	<u>\$447.72</u>
<u>41</u>	<u>\$307.09</u>	<u>\$381.46</u>	<u>\$447.72</u>
<u>42</u>	<u>\$308.81</u>	<u>\$384.30</u>	<u>\$447.72</u>
<u>43</u>	<u>\$310.57</u>	<u>\$387.18</u>	<u>\$447.72</u>
<u>44</u>	<u>\$312.37</u>	<u>\$390.10</u>	<u>\$447.72</u>
<u>45</u>	<u>\$362.59</u>	<u>\$455.72</u>	<u>\$575.64</u>
<u>46</u>	<u>\$365.02</u>	<u>\$459.37</u>	<u>\$575.64</u>
<u>47</u>	<u>\$367.49</u>	<u>\$463.12</u>	<u>\$575.64</u>
<u>48</u>	<u>\$370.01</u>	<u>\$466.94</u>	<u>\$575.64</u>
<u>49</u>	<u>\$372.56</u>	<u>\$470.84</u>	<u>\$575.64</u>
<u>50</u>	<u>\$392.25</u>	<u>\$497.62</u>	<u>\$629.76</u>
<u>51</u>	<u>\$403.43</u>	<u>\$510.23</u>	<u>\$649.44</u>
<u>52</u>	<u>\$411.81</u>	<u>\$525.78</u>	<u>\$669.12</u>
<u>53</u>	<u>\$431.63</u>	<u>\$549.95</u>	<u>\$713.40</u>
<u>54</u>	<u>\$454.37</u>	<u>\$579.89</u>	<u>\$762.60</u>
<u>55</u>	<u>\$477.16</u>	<u>\$607.08</u>	<u>\$816.72</u>

<u>56</u>	<u>\$511.89</u>	<u>\$650.81</u>	<u>\$870.84</u>
<u>57</u>	<u>\$547.50</u>	<u>\$695.62</u>	<u>\$934.80</u>
<u>58</u>	<u>\$589.72</u>	<u>\$747.22</u>	<u>\$1,008.60</u>
<u>59</u>	<u>\$632.91</u>	<u>\$805.76</u>	<u>\$1,087.32</u>
<u>60</u>	<u>\$682.93</u>	<u>\$865.57</u>	<u>\$1,170.96</u>
<u>61</u>	<u>\$734.08</u>	<u>\$932.48</u>	<u>\$1,264.44</u>
<u>62</u>	<u>\$789.34</u>	<u>\$1,000.87</u>	<u>\$1,362.84</u>
<u>63</u>	<u>\$859.63</u>	<u>\$1,093.53</u>	<u>\$1,485.84</u>
<u>64</u>	<u>\$937.93</u>	<u>\$1,192.11</u>	<u>\$1,613.76</u>
<u>65</u>	<u>\$1,017.65</u>	<u>\$1,289.90</u>	<u>\$1,756.44</u>
<u>66</u>	<u>\$1,105.08</u>	<u>\$1,399.93</u>	<u>\$1,913.88</u>
<u>67</u>	<u>\$1,200.43</u>	<u>\$1,521.37</u>	<u>\$2,081.16</u>
<u>68</u>	<u>\$1,320.99</u>	<u>\$1,677.23</u>	<u>\$2,322.24</u>
<u>69</u>	<u>\$1,471.97</u>	<u>\$1,856.70</u>	<u>\$2,583.00</u>
<u>70</u>	<u>\$1,637.36</u>	<u>\$2,071.79</u>	<u>\$2,878.20</u>
<u>71</u>	<u>\$1,842.51</u>	<u>\$2,312.52</u>	<u>\$3,207.84</u>
<u>72</u>	<u>\$2,059.81</u>	<u>\$2,579.92</u>	<u>\$3,576.84</u>
<u>73</u>	<u>\$2,274.97</u>	<u>\$2,868.25</u>	<u>\$3,936.00</u>
<u>74</u>	<u>\$2,502.28</u>	<u>\$3,190.21</u>	<u>\$4,334.52</u>
<u>75</u>	<u>\$2,767.75</u>	<u>\$3,547.64</u>	<u>\$4,777.32</u>
<u>76</u>	<u>\$3,074.08</u>	<u>\$3,942.45</u>	<u>\$5,259.40</u>
<u>77</u>	<u>\$3,415.26</u>	<u>\$4,385.38</u>	<u>\$5,790.76</u>
<u>78</u>	<u>\$3,796.56</u>	<u>\$4,872.71</u>	<u>\$6,435.28</u>
<u>79</u>	<u>\$4,215.98</u>	<u>\$5,416.32</u>	<u>\$7,153.60</u>
<u>80</u>	<u>\$4,683.37</u>	<u>\$6,020.61</u>	<u>\$7,950.64</u>
<u>81</u>	<u>\$5,205.93</u>	<u>\$6,725.28</u>	<u>\$8,836.24</u>
<u>82</u>	<u>\$5,782.36</u>	<u>\$7,499.43</u>	<u>\$9,820.24</u>
<u>83</u>	<u>\$6,313.69</u>	<u>\$8,190.73</u>	<u>\$10,622.20</u>
<u>84</u>	<u>\$6,890.31</u>	<u>\$8,918.80</u>	<u>\$11,488.12</u>
<u>85</u>	<u>\$8,214.34</u>	<u>\$10,442.14</u>	<u>\$12,427.84</u>
<u>86</u>	<u>\$8,930.08</u>	<u>\$11,338.00</u>	<u>\$13,446.28</u>
<u>87</u>	<u>\$9,702.70</u>	<u>\$12,319.18</u>	<u>\$14,543.44</u>
<u>88</u>	<u>\$10,546.42</u>	<u>\$13,380.94</u>	<u>\$15,734.00</u>
<u>89</u>	<u>\$11,461.24</u>	<u>\$14,532.68</u>	<u>\$17,018.12</u>

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
35	\$247.43	\$302.74	\$378.50
45	\$363.53	\$446.70	\$555.75
55	\$522.32	\$646.08	\$810.43
65	\$1,126.33	\$1,406.97	\$1,750.61
75	\$3,073.57	\$3,879.00	\$4,769.07

(b) The insurers used to tabulate the above rates are:

Insurer	Weighting Percentage
Bankers Life & Casualty	90.3%
Penn Treaty Network America Insurance Company	9.7%

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History—New 11-1-07, Amended \_\_\_\_\_.

690-157.303 Home Health Care Only Rates.

(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, F.S., provides that “[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of

~~[Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”~~

(1)(2) The following maximum new business rates are effective for 2009~~26~~ rate increase filings and for 2010~~07~~ rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of ~~090~~ days;
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer’s current area factor applicable in that county relative to the insurer’s area factor in Hillsborough County.

(f) Insurers who did not use area factors in the closed blocks for which a rate change is being requested may calculate the new business rate as a weighted average of the Hillsborough and the South Florida area factors, where the weights used are in-force premium by county. For the purposes

of this calculation, the South Florida area factors are those that apply in Broward, Duval and Palm Beach county. The South Florida area factor is equal to 1.30.

(2)(3)(a) Home Health Care Only Rates:

<u>Issue Age</u>	<u>3-Yr Benefit Period</u>	<u>5-Yr. Benefit Period</u>	<u>Unlimited Benefit Period</u>
<u>30</u>	<u>\$272.61</u>	<u>\$315.91</u>	<u>\$353.52</u>
<u>31</u>	<u>\$272.61</u>	<u>\$315.91</u>	<u>\$353.52</u>
<u>32</u>	<u>\$272.61</u>	<u>\$315.91</u>	<u>\$353.52</u>
<u>33</u>	<u>\$272.61</u>	<u>\$315.91</u>	<u>\$353.52</u>
<u>34</u>	<u>\$272.61</u>	<u>\$315.91</u>	<u>\$353.52</u>
<u>35</u>	<u>\$292.22</u>	<u>\$341.82</u>	<u>\$391.06</u>
<u>36</u>	<u>\$292.22</u>	<u>\$341.82</u>	<u>\$391.06</u>
<u>37</u>	<u>\$292.22</u>	<u>\$341.82</u>	<u>\$391.06</u>
<u>38</u>	<u>\$292.22</u>	<u>\$341.82</u>	<u>\$391.06</u>
<u>39</u>	<u>\$292.22</u>	<u>\$341.82</u>	<u>\$391.06</u>
<u>40</u>	<u>\$324.90</u>	<u>\$380.85</u>	<u>\$434.82</u>
<u>41</u>	<u>\$324.90</u>	<u>\$380.85</u>	<u>\$434.82</u>
<u>42</u>	<u>\$324.90</u>	<u>\$380.85</u>	<u>\$434.82</u>
<u>43</u>	<u>\$324.90</u>	<u>\$380.85</u>	<u>\$434.82</u>
<u>44</u>	<u>\$324.90</u>	<u>\$380.85</u>	<u>\$434.82</u>
<u>45</u>	<u>\$370.83</u>	<u>\$445.80</u>	<u>\$509.73</u>
<u>46</u>	<u>\$370.83</u>	<u>\$445.80</u>	<u>\$509.73</u>
<u>47</u>	<u>\$370.83</u>	<u>\$445.80</u>	<u>\$509.73</u>
<u>48</u>	<u>\$370.83</u>	<u>\$445.80</u>	<u>\$509.73</u>
<u>49</u>	<u>\$370.83</u>	<u>\$445.80</u>	<u>\$509.73</u>
<u>50</u>	<u>\$421.10</u>	<u>\$505.80</u>	<u>\$580.43</u>
<u>51</u>	<u>\$434.17</u>	<u>\$525.23</u>	<u>\$599.12</u>
<u>52</u>	<u>\$453.78</u>	<u>\$538.19</u>	<u>\$624.11</u>
<u>53</u>	<u>\$466.85</u>	<u>\$564.09</u>	<u>\$649.11</u>
<u>54</u>	<u>\$486.64</u>	<u>\$583.70</u>	<u>\$674.02</u>
<u>55</u>	<u>\$531.60</u>	<u>\$638.59</u>	<u>\$728.08</u>
<u>56</u>	<u>\$558.45</u>	<u>\$665.26</u>	<u>\$770.08</u>
<u>57</u>	<u>\$592.02</u>	<u>\$702.21</u>	<u>\$812.26</u>
<u>58</u>	<u>\$632.66</u>	<u>\$752.71</u>	<u>\$867.74</u>
<u>59</u>	<u>\$673.29</u>	<u>\$799.76</u>	<u>\$923.39</u>
<u>60</u>	<u>\$710.48</u>	<u>\$856.73</u>	<u>\$978.95</u>
<u>61</u>	<u>\$757.65</u>	<u>\$907.40</u>	<u>\$1,037.12</u>
<u>62</u>	<u>\$805.00</u>	<u>\$960.84</u>	<u>\$1,098.99</u>
<u>63</u>	<u>\$869.58</u>	<u>\$1,045.35</u>	<u>\$1,187.81</u>
<u>64</u>	<u>\$937.24</u>	<u>\$1,129.94</u>	<u>\$1,286.48</u>
<u>65</u>	<u>\$1,015.07</u>	<u>\$1,221.01</u>	<u>\$1,381.53</u>
<u>66</u>	<u>\$1,092.89</u>	<u>\$1,308.46</u>	<u>\$1,482.81</u>
<u>67</u>	<u>\$1,170.63</u>	<u>\$1,406.00</u>	<u>\$1,590.31</u>
<u>68</u>	<u>\$1,268.77</u>	<u>\$1,523.75</u>	<u>\$1,714.91</u>
<u>69</u>	<u>\$1,373.54</u>	<u>\$1,651.59</u>	<u>\$1,852.13</u>
<u>70</u>	<u>\$1,484.75</u>	<u>\$1,782.46</u>	<u>\$1,995.50</u>
<u>71</u>	<u>\$1,602.50</u>	<u>\$1,923.26</u>	<u>\$2,145.09</u>
<u>72</u>	<u>\$1,720.25</u>	<u>\$2,067.09</u>	<u>\$2,307.23</u>
<u>73</u>	<u>\$1,849.76</u>	<u>\$2,216.67</u>	<u>\$2,457.18</u>
<u>74</u>	<u>\$1,979.08</u>	<u>\$2,369.96</u>	<u>\$2,613.54</u>
<u>75</u>	<u>\$2,118.57</u>	<u>\$2,532.58</u>	<u>\$2,779.57</u>
<u>76</u>	<u>\$2,261.06</u>	<u>\$2,698.82</u>	<u>\$2,948.38</u>
<u>77</u>	<u>\$2,403.54</u>	<u>\$2,867.92</u>	<u>\$3,123.33</u>
<u>78</u>	<u>\$2,587.37</u>	<u>\$3,079.04</u>	<u>\$3,330.88</u>
<u>79</u>	<u>\$2,771.21</u>	<u>\$3,293.78</u>	<u>\$3,544.75</u>
<u>80</u>	<u>\$2,968.20</u>	<u>\$3,511.28</u>	<u>\$3,754.99</u>
<u>81</u>	<u>\$3,171.73</u>	<u>\$3,745.54</u>	<u>\$3,981.31</u>
<u>82</u>	<u>\$3,381.79</u>	<u>\$3,982.57</u>	<u>\$4,213.86</u>
<u>83</u>	<u>\$3,595.48</u>	<u>\$4,223.98</u>	<u>\$4,447.43</u>
<u>84</u>	<u>\$3,819.42</u>	<u>\$4,471.88</u>	<u>\$4,697.07</u>
<u>85</u>	<u>\$4,052.80</u>	<u>\$4,729.19</u>	<u>\$4,943.09</u>
<u>86</u>	<u>\$4,296.34</u>	<u>\$4,996.60</u>	<u>\$5,205.36</u>

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
87	\$4,542.80	\$5,270.49	\$5,470.06
88	\$4,921.25	\$5,687.82	\$5,849.84
89	\$5,302.62	\$6,111.55	\$6,235.76
35	\$166.18	\$203.65	\$242.26
45	\$245.38	\$306.44	\$366.65
55	\$369.58	\$455.50	\$548.26
65	\$691.78	\$836.06	\$989.23
75	\$1,318.83	\$1,520.52	\$1,702.93

(b) The insurers used to tabulate the above rates are:

Insurer	Weighting Percentage
Bankers Life & Casualty Company	97.2%
Colonial American Life Insurance Company	2.3%
Penn Treaty Network America Insurance Company	0.5%

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History—New 11-1-07, Amended \_\_\_\_\_.

690-157.304 Comprehensive Only Rates.

(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, L.O.F., provides that “[t]his act shall apply to long term care insurance policies issued or renewed on or after July 1, 2006. For any long term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”

(1)(2) The following maximum new business rates are effective for 2009~~6~~ rate increase filings and for 2010~~07~~ rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days;
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer’s current area factor applicable in that county relative to the insurer’s area factor in Hillsborough County.

(f) Insurers who did not use area factors in the closed blocks for which a rate change is being requested may calculate the new business rate as a weighted average of the Hillsborough and the South Florida area factors, where the weights used are in-force premium by county. For the purposes of this calculation, the South Florida area factors are those that apply in Broward, Duval and Palm Beach county. The South Florida area factor is equal to 1.00.

(2)(3)(a) Comprehensive Only Rates:

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
30	\$356.29	\$454.14	\$622.87
31	\$357.87	\$456.21	\$625.56
32	\$359.50	\$458.88	\$628.85
33	\$361.17	\$470.16	\$640.99
34	\$371.48	\$472.96	\$644.48
35	\$394.20	\$488.52	\$681.96
36	\$396.05	\$500.51	\$694.85
37	\$398.42	\$503.55	\$699.14
38	\$400.41	\$507.18	\$703.57
39	\$411.53	\$510.43	\$708.14
40	\$425.67	\$546.94	\$744.90
41	\$431.46	\$553.40	\$754.41
42	\$435.96	\$558.44	\$761.15
43	\$440.16	\$563.69	\$777.40
44	\$453.08	\$569.55	\$785.18
45	\$462.69	\$600.10	\$811.36
46	\$476.62	\$604.61	\$827.36
47	\$481.31	\$609.99	\$834.12
48	\$487.16	\$617.01	\$843.22
49	\$501.72	\$624.68	\$872.16

50	\$510.28	\$643.51	\$885.02
51	\$530.60	\$665.25	\$910.57
52	\$547.56	\$693.85	\$941.52
53	\$565.67	\$712.92	\$972.94
54	\$584.47	\$743.02	\$1,005.11
55	\$604.14	\$754.11	\$1,038.38
56	\$644.88	\$809.63	\$1,098.41
57	\$679.14	\$865.06	\$1,168.20
58	\$724.11	\$932.83	\$1,241.76
59	\$760.97	\$982.81	\$1,327.49
60	\$817.49	\$1,054.33	\$1,406.23
61	\$883.47	\$1,136.02	\$1,518.87
62	\$954.83	\$1,213.95	\$1,634.80
63	\$1,029.20	\$1,304.31	\$1,763.51
64	\$1,101.86	\$1,392.44	\$1,889.04
65	\$1,189.14	\$1,489.02	\$2,039.15
66	\$1,303.22	\$1,638.22	\$2,242.87
67	\$1,439.64	\$1,819.93	\$2,472.25
68	\$1,586.10	\$1,997.01	\$2,717.22
69	\$1,726.79	\$2,189.76	\$2,977.95
70	\$1,882.16	\$2,399.49	\$3,258.58
71	\$2,122.56	\$2,689.46	\$3,650.61
72	\$2,380.33	\$3,011.03	\$4,078.34
73	\$2,643.96	\$3,334.39	\$4,516.90
74	\$2,925.10	\$3,689.09	\$4,989.64
75	\$3,233.67	\$4,080.01	\$5,495.62
76	\$3,622.71	\$4,564.96	\$6,160.74
77	\$4,043.45	\$5,116.80	\$6,891.93
78	\$4,467.54	\$5,674.34	\$7,616.29
79	\$4,913.66	\$6,236.42	\$8,355.38
80	\$5,365.77	\$7,657.61	\$10,904.13
81	\$5,851.19	\$8,314.46	\$11,818.20
82	\$6,360.85	\$9,038.95	\$12,820.94
83	\$6,954.06	\$9,851.27	\$13,927.26
84	\$7,579.36	\$10,744.46	\$15,117.75
85	\$9,393.68	\$11,738.30	\$16,454.06
86	\$10,622.25	\$13,240.69	\$17,976.84
87	\$11,550.00	\$14,432.21	\$19,582.64
88	\$12,554.44	\$15,692.91	\$21,291.57
89	\$13,619.15	\$17,034.25	\$23,112.87
Issue Age	3-Yr Benefit Period	5-Yr Benefit Period	Unlimited Benefit Period
35	\$332.88	\$414.10	\$574.47
45	\$474.36	\$592.44	\$822.62
55	\$666.65	\$824.77	\$1,151.34
65	\$1,313.19	\$1,640.75	\$2,259.55
75	\$3,288.22	\$4,210.08	\$5,603.51

(b) The insurers used to tabulate the above rates are:

Insurer	Weighting Percentage
Bankers Life & Casualty Insurance Company	52.7%
Blue Cross Blue Shield of Florida	5.1%
Genworth Life Insurance Company	11.5%
Great American Life Insurance Company	9.8%
John Hancock Life Insurance Company	14.2%
Metlife Insurance Company	6.7%

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History-New 11-1-07, Amended \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NOS.:	RULE TITLES:
690-157.302	Facility Only Rates
690-157.303	Home Health Care Only Rates
690-157.304	Comprehensive Only Rates

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 1, January 9, 2009 issue of the Florida Administrative Weekly.

The notice of change published for this rule on January 16, 2009, failed to state that the reason for the change was not only comments by JAPC but also in response to written material received.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
690-197.006	Insurance Administrator Annual Report

**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. 34, No. 44, October 31, 2008 issue of the Florida Administrative Weekly.

690-197.006 Insurance Administrator Annual Report.

(1) The form adopted in subsection (2) below, is a form that Insurance Administrators must submit to the Office of Insurance Regulation to report financial information. This form may be viewed at the Office’s website: <http://www.florir.com/pdf/OIR-A3-975.pdf>.

(2) Form OIR-A3-975, “Insurance Administrator Annual Report” (REV 12/08), is hereby incorporated by reference and is to be submitted to the Office of Insurance Regulation to report financial information.

(3) All forms submitted for review or approval shall be submitted electronically to <https://iportal.fldfs.com>.

Specific Authority 626.89(1), 626.8991 FS. Law Implemented 626.8805, 626.8809, 626.89, 626.891 FS. History-New \_\_\_\_\_.

**Section IV  
Emergency Rules**

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NOS.:	RULE TITLES:
12DER08-32	Scope of Emergency Rules
	12DER08-33 Through
	12DER08-35; How to Obtain Forms
12DER08-33	Transfer of Assessment Limitation Difference; “Portability;” Sworn Statement Required
12DER08-34	Tangible Personal Property Exemption
12DER08-35	Additional Homestead Exemption Pursuant to Section 196.031(1)(b), Florida Statutes

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Chapter 2007-339 (Senate Bill 4-D) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. These acts further provided that all conditions imposed by Chapter 120, Florida Statutes, were deemed to be met.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2007-339 (Senate Bill 4-D) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The forms included here are based on the requirements of Chapter 2008-173 (Senate Bill 1588), Laws of Florida, as passed by the 2008 Legislature. The Department of Revenue has taken several actions to inform interested parties about the forms, procedures, and emergency rules that are being developed to implement this new law, and to give such parties an opportunity to review and comment. These interested parties include property appraisers and the professional associations that represent them, counties, municipalities, and independent districts, their associations, and practitioners who have told the Department that they want to receive all information associated with property tax rulemaking. The actions that the Department has taken include: posting information, forms and procedures associated with implementation of this act on a special Internet website at <http://dor.myflorida.com/dor/property/sb4d.html> for issues



regarding recent legislative changes to the laws governing property tax; emailing and/or mailing copies of the draft forms to property appraisers with requests for comments; and previously-adopted Emergency Rules 12DER08-01 through 12DER08-06, 12DER08-07 through 12DER08-12 and 12DER08-20 through 12DER08-23.

SUMMARY: Rule 12DER08-32 (Scope of Emergency Rules 12DER08-33 through 12DER08-35; How to Obtain Forms) describes in detail the scope and application of emergency rules when implementing the provisions of Chapter 2007-339 (Senate Bill 4-D), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. Emergency Rules 12DER08-32 through 12DER08-35 supersede any other existing rules of the Department that deal with the same or similar issues and should be read in conjunction with those source documents that created the laws, and not rely solely on these rules. Rule 12DER08-33 (Transfer of Assessment Limitation Difference; "Portability;" Sworn Statement Required) shall replace Rule 12DER08-21. This rule sets forth the limitations and special rules to be observed and the forms to be used by applicant taxpayers and property appraisers for the transfer of assessment limitation difference, when a homestead is abandoned. 12DER08-34 (Tangible Personal Property Exemption) shall replace Rule 12DER08-22. This rule describes the procedure applicant taxpayers can use to apply for and receive this exemption, and the duties of the property appraiser when allocating exemptions and preparing the tax roll. Emergency Rule 12DER08-35 (Additional Homestead Exemption Pursuant to Section 196.031(1)(b), F.S.; 2008 Tax Year) shall replace Rule 12DER08-23. This rule provides that no new application form will be necessary. The additional homestead exemption shall only apply to non-school levies, and the property appraiser shall have additional duties when documenting changes in the assessment roll. Rules 12DER08-11, 12DER08-24 through 12DER08-26 are not affected.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Renee Harkins, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; Telephone (850)414-6104; Fax (850)488-9482; email address: harkinre@dor.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

12DER08-32 Scope of Emergency Rules 12DER08-33 Through 12DER08-35: How to Obtain Forms.

(1) These rules shall replace Rules 12DER08-20 through 12DER08-23, which were effective July 18, 2008. Rules 12DER08-11, 12DER08-24, 12DER08-25 and 12DER08-26 have not been affected.

(2) These rules shall supersede any existing rule to the contrary to the extent necessary to implement Chapter 2007-339 (Senate Bill 4-D) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida.

(3) These rules are to be read in conjunction with applicable statutes and not as a substitute for them. They are designed to assist with the understanding and deployment of the requirements of Chapter 2007-339 (Senate Bill 4-D) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. Users should consult those laws as the source documents that created the legal requirements, and not rely solely on these rules.

(4)(a) Copies of the forms incorporated in Emergency Rules 12DER08-11, 12DER08-33 and 12DER08-35 may be obtained at the Department's Internet site: <http://dor.myflorida.com/dor/codownloads.html>. Copies of the forms incorporated in Emergency Rule 12DER08-34 can be obtained by calling Ed Parker, Property Tax Oversight Program, Florida Department of Revenue, at (850)922-7944.

(b) The Department has also sent an email to all property appraisers telling them that the forms are available on the above site.

Specific Authority Section 1 of Ch. 2007-339, L.O.F. (Senate Bill 4-D), Section 13 of Ch. 2008-173, L.O.F. (Senate Bill 1588) Law Implemented 193.155, 196.031, 196.183 FS. History--New 12-31-08.

12DER08-33 Transfer of Assessment Limitation Difference; "Portability;" Sworn Statement Required.

(1) This rule shall replace Rule 12DER08-21, which was effective July 18, 2008.

(2) Section 193.155(8), Florida Statutes, provides the procedures for the transfer of the assessment limitation difference, within stated limits, when a homestead is abandoned. These rules describe those procedures, which are an alternative to assessment at just value. The transfer of the assessment limitation difference is to the just value of the interest owned by those persons that qualify and receive homestead exemption on a new homestead.

(a) These rules set forth limitations and special rules that must be met consistent with Section 193.155(8), Florida Statutes. A person may apply for the transfer of a homestead assessment difference from a previous homestead property to a new homestead property if:

1. That person received a homestead exemption on the previous property as of January 1 of either of the two (2) immediately preceding years; and,

2. The previous property was abandoned as a homestead after such January 1 and was, or will be, reassessed at just value or assessed under Section 193.155(8), Florida Statutes, as of January 1 of the year after the year in which the abandonment occurred; and,

3. The new homestead property was assessed at just value without the homestead exemption either because it did not receive a homestead exemption, or the homestead exemption was abandoned, as of January 1 of the year for which application is made.

(b) Under Section 193.155(8), Florida Statutes, the transfer of an assessment limitation difference is available to a person only from a prior homestead in which that person received a homestead exemption.

1. For a husband and wife who owned, shared and both resided on a previous homestead, each shall be considered to have received the homestead exemption for purposes of these rules.

2. For joint tenants with right of survivorship, those tenants that applied for, received the homestead exemption, and resided on a previous homestead shall be considered to have received the homestead exemption for purposes of these rules.

3. For tenants in common, those tenants that applied for and received the homestead exemption and resided on a previous homestead shall be considered to have received the homestead exemption for purposes of these rules.

(3) To apply for portability, the applicant taxpayer shall file Form DR-501T (Transfer of Homestead Assessment Difference-Attachment to Original Application for Ad Valorem Tax Exemption) which the Department of Revenue hereby adopts and incorporates in this rule by reference, by March 1, as an attachment to the homestead exemption application, Form DR-501, Original Application for Tax Exemption, (incorporated by reference in Rule 12D-16.002, Florida Administrative Code). Completing Form DR-501T, including a sworn statement, and Form DR-501 shall be considered sufficient documentation for applying for the transfer. Note: Section 192.047(2), Florida Statutes provides "When the deadline for filing an ad valorem tax application or return falls on a Saturday, Sunday, or legal holiday, the filing period shall extend through the next working day immediately following such Saturday, Sunday, or legal holiday."

(4)(a) Upsizing – When the just value of the new homestead is equal to or greater than the just value of the previous homestead, the maximum assessment limitation difference that can be transferred is \$500,000. Within that limit, the differential between assessed value and just value can be transferred to the new property, subject also to provisions for multiple owners described below.

(b) Downsizing – When the just value of the new homestead is less than the just value of the previous homestead, the maximum assessment difference that can be transferred is \$500,000. However, within that limit, the transferred assessment difference must be the same proportion of the new homestead's just value as the proportion of the assessment difference of the previous homestead was of the just value of the previous homestead, subject also to provisions for multiple owners described below.

(5)(a) Transferring without splitting or joining – When one or more people who previously owned a single homestead and each received the homestead exemption as described in these rules together qualify for a new homestead, where all persons

who qualify for homestead exemption in the new homestead also qualified for homestead exemption in the previous homestead without an additional person qualifying for homestead exemption in the new homestead, the maximum assessment difference that can be transferred is \$500,000. Within that limit, the assessment limitation difference from the previous homestead may be transferred, and it is not considered to be a splitting or joining as discussed in paragraphs (b) and (c) below. Further, the rules for "upsizing" and "downsizing" as set forth above apply.

(b) Splitting – When two or more people who previously shared a homestead abandon that homestead and establish separate homesteads, the maximum total limitation that can be transferred from the previous homestead is \$500,000. However, within that limit, each person that received a homestead exemption and who is eligible to transfer an assessment limitation difference is also limited to a share of the previous homestead's difference between assessed value and just value. For tenants in common, this share is equal to the difference between just value and assessed value for the tenant's proportionate interest in the property, in other words, the just value of the person's interest minus the assessed value of the person's interest. For tenancy with right of survivorship, the share is equal to the assessed value of the homestead portion of the property divided by the number of owners that received the exemption, unless another interest share is stated on the title in which case the portion of the assessment limitation difference that may be transferred is equal to the difference between just value and assessed value for the stated share. Within this limit, the rules for "upsizing" and "downsizing" as set forth above would apply. For purposes of the transfer of the assessment limitation difference, the shares of the assessment limitation difference cannot be sold, transferred, or pledged to any person. For example, a husband and wife divorcing and both abandoning the homestead would each take their share of the assessment limitation difference and the property appraiser could not accept a stipulation otherwise. In no case shall the shares of the persons that received the homestead exemption add up to more than 100 percent.

(c) Joining – When two or more people, some of whom previously owned separate homesteads on which they received homestead exemption, join together in qualifying for a new homestead, the maximum assessment limitation difference that can be transferred is \$500,000. However, within that limit, the assessment difference that can be transferred is further limited to the highest difference between assessed value and just value from any of the applicants' former homesteads. Within that limit, the rules for "upsizing" and "downsizing" as set forth above apply.

(6) For the applicant taxpayer to be eligible for any transfer, the prior homestead must be "reassessed" at just value in the year after the year in which the abandonment occurred,

or subject to such reassessment, either under the “change in ownership” rules of Section 193.155(3), Florida Statutes, or because the property is no longer used as a homestead. After it is assessed at just value, the prior homestead could have some assessment limitation difference transferred to it and be assessed under Section 193.155(8), Florida Statutes. Generally, if all joint owners of the prior homestead “abandon” it, then the prior homestead is reassessed at just value. However, under the referenced “change in ownership” rules of Section 193.155(3), Florida Statutes, some transfers do not subject property to re-assessment, such as transfers between husband and wife, equitable and legal title, and addition of persons to a title. Unless the property is reassessed at just value, or assessed under Section 193.155(8), Florida Statutes, if only one of the previous owners of the homestead property moved to another parcel and other previous owners of the homestead property stayed in the original homestead, the homestead would not be abandoned and the one who moved could not transfer any assessment limitation difference. For purposes of transferring an assessment limitation difference, a homestead owner may abandon his or her homestead, as of or before January 1 of the year for which application is made, even though it remains his or her primary residence. To do so, the person must notify the property appraiser in writing before or at the same time as filing the timely new application for homestead exemption on the property. Such an abandonment will result in reassessment at just value as provided in subparagraph (2)(a)2., of this rule above.

(7) Classified use assessment and living quarters for parents and grandparents – The assessment limitation difference that is eligible for transfer under these rules is the amount of difference between assessed value and just value of the portion of the property used as a homestead. This difference is equal to the reduction in value due to Section 193.155, Florida Statutes. For property with both a classified use assessment, such as agricultural, and assessed pursuant to Section 193.155, Florida Statutes, the difference eligible for transfer is equal to the difference between just and assessed value on the homestead portion of the property. No portion of property classified and used for agricultural or other non-homestead purpose may be included in the calculation of the eligible assessment limitation difference under Section 193.155(8), Florida Statutes. In calculating the assessment reduction to be transferred from a prior homestead that has an assessment reduction for living quarters of parents or grandparents pursuant to Section 193.703, Florida Statutes, the value calculated pursuant to Section 193.703(6), Florida Statutes, must first be added back to the assessed value of the prior homestead.

(8) Procedures for property appraiser:

(a) If the previous homestead was located in a different county than the new homestead, the property appraiser in the new county must transmit a copy of the completed Form

DR-501T together with a completed Form DR-501 to the property appraiser in the previous county. If the previous homesteads of applicants for transfer were in more than one county, each applicant from a different county must fill out a separate Form DR-501T.

1. The property appraiser in the previous county must complete Form DR-501RVSH (Certificate for Transfer of Homestead Assessment Difference) which the Department of Revenue hereby adopts and incorporates in this rule by reference, within two weeks of receipt of Form DR-501T, and forward this form to the new property appraiser. As part of the information returned on Form DR-501RVSH, the previous property appraiser shall certify that the homestead assessment difference to be transferred is part of a previous homestead that has been or will be reassessed at just value as of January 1 of the year after the year in which the abandonment occurred.

2. Based on the information provided on Form DR-501RVSH from the previous property appraiser, the new property appraiser shall calculate the amount of the assessment limitation difference that may be transferred and apply such difference to the January 1 assessment of the new homestead for the year for which application is made.

(b) If the transfer is requested from the same county in which the new homestead is located, the property appraiser shall retain the Form DR-501T and Form DR-501RVSH is not required. Upon request of a taxpayer that had timely applied for the transfer of assessment limitation difference, the property appraiser shall update the ownership share information using the share methodology in this rule.

(c) The property appraiser in the county in which the new homestead is located shall record in the NAL file record, (see Emergency Rule 12DER08-11) the following information for the year in which the transfer is made to the homestead parcel:

1. Flag for current year assessment difference transfer;
2. Number of owners among whom previous assessment difference split. Enter 1 if previous difference was not split;
3. assessment difference value transferred;
4. County number of previous homestead;
5. Parcel ID of previous homestead;
6. Year from which assessment difference value transferred;

(d) All information sharing agreements in effect in 2007 that were extended by previous emergency rule, and such agreements in effect in 2008, covering confidential tax information are hereby perpetuated and extended during the period these emergency rules are in effect, and property appraisers having information sharing agreements with the Department are authorized to share confidential tax information with each other pursuant to Section 195.084, Florida Statutes, including social security numbers and linked information on Forms DR-501, DR-501T, and DR-501RVSH.

(9) Documenting changes in the assessment roll due to this provision will necessitate changes to the record layout and the information provided on the Rule 12D-8.013, Florida Administrative Code, NAL file submitted to the Department. See Emergency Rule 12DER08-11.

(10) The transfer of any limitation is not final until any values on the assessment roll on which the transfer is based are final. If such values are final after the procedures in these rules are exercised, the property appraiser(s) shall make appropriate corrections and a corrected tax notice bill shall be sent. Any values that are in administrative or judicial review shall be noticed to the tribunal or court for accelerated hearing and resolution so that the intent of Section 193.155(8), Florida Statutes may be carried out and fulfilled.

(11) Additional provisions.

(a) If the information from the property appraiser in the county where the previous homestead was located is provided after the procedures in this section are exercised, the property appraiser in the county where the new homestead is located shall make appropriate corrections and a corrected tax notice and tax bill shall be sent.

(b) The property appraiser in the county where the new homestead is located shall promptly notify a taxpayer if the information received or available is insufficient to identify the previous homestead and the amount of the assessment limitation difference which is transferable. Such notification shall be sent on or before July 1.

(c) If the property appraiser in the county where the previous homestead was located supplies sufficient information to the property appraiser in the county where the new homestead is located, such information shall be considered timely if provided in time for inclusion on the notice of proposed property taxes sent pursuant to Sections 194.011 and 200.065(1), Florida Statutes.

(d) If the property appraiser has not received information sufficient to identify the previous homestead and the amount of the assessment limitation difference which is transferable before mailing the notice of proposed property taxes, and such amount is not included on such notice, the taxpayer may file a petition with the value adjustment board in the county where the new homestead is located.

Specific Authority Section 1 of Ch. 2007-339, L.O.F. (Senate Bill 4-D), Section 13 of Ch. 2008-173, L.O.F. (Senate Bill 1588) Law Implemented 192.047, 193.114, 193.155, 193.461, 193.703 FS. History—New 12-31-08.

12DER08-34 Tangible Personal Property Exemption.

(1) This rule shall replace Rule 12DER08-22, which was effective July 18, 2008.

(2) To apply for the exemption, no new form will be necessary; Form DR-405, DR-470, or Form DR-471 (incorporated by reference in Rule 12D-16.002, Florida Administrative Code), if required, will be considered the

application for exemption. Form DR-405EZ (Tangible Personal Property Exemption Application and Return) which the Department of Revenue hereby adopts and incorporates in this rule by reference, may be used by property appraisers at their option. Nothing in this rule shall preclude a property appraiser from requiring that Form DR-405 be filed.

(3) For taxpayers who fail to make a complete return and file a return by April 1 or within any applicable extension period, or who late file, the \$25,000 exemption shall not apply; however, at the option of the property appraiser, owners of property previously assessed without a return being filed may qualify for the exemption without filing an initial return. For returns not timely filed and for which the property appraiser does not grant the exemption, the penalties enumerated in Section 193.072, Florida Statutes, are applicable. Note: Section 192.047(2), Florida Statutes provides “When the deadline for filing an ad valorem tax application or return falls on a Saturday, Sunday, or legal holiday, the filing period shall extend through the next working day immediately following such Saturday, Sunday, or legal holiday.”

(4) Section 196.183(1), Florida Statutes specifically states that a single return must be filed, and therefore a single exemption granted, for all freestanding equipment not located at the place where the owner transacts business.

(5) “Site where the owner of tangible personal property transacts business.”

(a) The “site where the owner of tangible personal property transacts business” includes facilities where the business ships or receives goods, employees of the business are located, goods or equipment of the business are stored, or goods or services of the business are produced, manufactured, or developed, or similar facilities located in offices, stores, warehouses, plants, or other locations of the business. Sites where only the freestanding property of the owner is located shall not be considered sites where the owner of tangible personal property transacts business.

(b) Example: For a business leasing copying machines or other freestanding equipment, the location where the leased equipment is located does not constitute a site where the owner transacts business. If it is not a site where one or more of the activities stated in paragraph (a) occur, for purposes of the tangible personal property exemption, it is not considered a site where the owner transacts business.

(6) Property Appraiser actions – maintaining assessment roll entry.

(a) For all freestanding equipment not located at a site where the owner transacts business, and for which a single return is required, and for centrally assessed property under Section 193.085, Florida Statutes, the property appraiser is responsible for allocating the exemption to taxing jurisdictions in which freestanding equipment or centrally assessed property is located. Allocation should be based on the proportionate share of the just value of such property in each jurisdiction.

However, the amount of the exemption allocated to each taxing authority may not change following the extension of the tax roll pursuant to Section 193.122, Florida Statutes. All accounts shall be listed on the Rules 12DER08-11 and 12D-8.013, Florida Administrative Code, NAP file submitted to the Department, whether fully exempt or not.

(b) Documenting changes in the assessment roll due to this provision will necessitate changes to the record layout and the information provided on the Rule 12D-8.013, Florida Administrative Code, NAP file submitted to the Department. See Emergency Rule 12DER08-11.

(7) By February 1 of each year, the property appraiser shall notify by mail all taxpayers whose requirement for filing an annual tangible personal property tax return was waived in the previous year. The notification shall state that a return must be filed if the value of the taxpayer's tangible personal property exceeds the exemption and include the penalties for failure to file such a return. Form DR-405W (Notice to Taxpayer Whose Tangible Personal Property Return Was Waived in the Previous Year.) which the Department of Revenue hereby adopts and incorporates in this rule by reference, may be used by property appraisers at their option.

Specific Authority Section 1 of Ch. 2007-339, L.O.F. (Senate Bill 4-D), Section 13 of Ch. 2008-173, L.O.F. (Senate Bill 1588) Law Implemented 192.047, 193.063, 193.072, 193.114, 196.183 FS, History--New 12-31-08.

12DER08-35 Additional Homestead Exemption Pursuant to Section 196.031(1)(b), Florida Statutes.

(1) This rule shall replace Rule 12DER08-23, which was effective July 18, 2008.

(2) To apply for the additional homestead exemption, no new application form will be necessary. Form DR-501, "Original Application for Ad Valorem Tax Exemption" (incorporated by reference in Rule 12D-16.002, Florida Administrative Code), will be considered the application for exemption.

(3) The additional homestead exemption shall only apply to non-school levies.

(4) Property appraiser actions – Documenting changes in the assessment roll due to this provision will necessitate changes to the record layout and the information provided on the Rule 12D-8.013, Florida Administrative Code, NAP file submitted to the Department. See Emergency Rule 12DER08-11. The property appraiser's programming may use a different approach than that set forth in this rule for exemption ordering as long as such programming achieves the same result as this rule requires.

Specific Authority Section 1 of Ch. 2007-339, L.O.F. (Senate Bill 4-D), Section 13 of Ch. 2008-173, L.O.F. (Senate Bill 1588) Law Implemented 193.114, 196.031, 196.075, 196.082, 196.202 196.24 FS, History--New 12-31-08.

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: December 31, 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 THE LOTTERY**

RULE NO.: 53ER08-84                      RULE TITLE: POWERBALL®

SUMMARY: This emergency rule sets forth the provisions for the conduct of POWERBALL®.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER08-84 POWERBALL®.

##### (1) Definitions.

The following words and terms, when used in this rule, have the following meanings, unless the context clearly indicates otherwise:

(a) Annuity prize – A Grand Prize paid in thirty annual installments.

(b) Match 5 prize – The prize won by players matching 5 numbers from the first set of numbers and not the Powerball from the second set of numbers.

(c) Match 5 Bonus prize – The bonus money won when a Grand Prize has reached a new high level and bonus prize monies have been declared by the Powerball Product Group. The Match 5 Bonus prize does not include the original amount declared for the Match 5 prize.

(d) MUSL – The Multi-State Lottery Association.

(e) MUSL Board – The governing body of MUSL which is comprised of the chief executive officer of each party lottery.

(f) MUSL Powerball Product Group – The group of lotteries that have joined together to offer the Powerball lottery game under the terms of the MUSL agreement and MUSL Powerball Product Group rules.

(g) Party lottery – A State lottery or lottery of a political subdivision or entity which has joined MUSL and, in the context of the Powerball Product Group Rules, which has joined in selling the Powerball game.

(h) Set prize – All prizes except the Grand Prize that are advertised to be paid by a single lump-sum payment and, except as set forth in paragraph (6)(g), will be equal to the prize amount established by the MUSL Board for the prize level.

(2) How to Play POWERBALL.

(a) POWERBALL is a multi-state lottery on-line game conducted by MUSL. In POWERBALL, players select five (5) numbers from a field of one (1) through fifty-nine (59) and one (1) Powerball number from a separate field of one (1) through thirty-nine (39).

(b) Players may make their POWERBALL ticket selections by marking a play slip or by telling the retailer their desired selections. There are five (5) panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting six (6) numbers (five (5) in the upper play area and one (1) in the lower play area) from each panel played. Players may also mark the “Quick Pick” box located at the bottom of each play area for the terminal to randomly select any or all of the six numbers from either or both play areas. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first five of the six numbers appearing in a single horizontal row on a POWERBALL ticket shall be the numbers selected from the upper play area of the play slip, and the last number shall be the Powerball number selected from the lower play area of the play slip.

(c) Players may mark the 5, 10 or 20 “Quick Picks” box to receive a ticket(s) with the selected number of sets of six (6) randomly selected numbers for the next POWERBALL drawing.

(d) Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(e) Players may play up to fifty-two (52) consecutive POWERBALL drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of drawings desired in the “Advance Play” section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played.

(3) POWERBALL Drawings.

(a) POWERBALL drawings shall be conducted by MUSL two (2) times per week, on Wednesday and Saturday at approximately 10:59 p.m., ET.

(b) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket must match the official winning POWERBALL numbers in any order for the draw date for which the ticket was purchased, in one of the following combinations:

(a) Grand Prize: Five (5) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(b) Second Prize: Five (5) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(c) Third Prize: Four (4) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(d) Fourth Prize: Four (4) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(e) Fifth Prize: Three (3) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(f) Sixth Prize: Three (3) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(g) Seventh Prize: Two (2) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(h) Eighth Prize: One (1) number selected from the first set of balls plus the Powerball number selected from the second set of balls.

(i) Ninth Prize: No numbers selected from the first set of balls and the Powerball number selected from the second set of balls.

(5) POWERBALL Odds of Winning.

(a) The odds of winning the prizes described in subsection (4) are as follows:

1. Grand Prize – 1:195,249,054.0000

2. Second Prize – 1:5,138,133.0000

3. Third Prize – 1:723,144.6444

4. Fourth Prize – 1:19,030.1222

5. Fifth Prize – 1:13,644.2386

6. Sixth Prize – 1:359.0589

7. Seventh Prize – 1:787.1676

8. Eighth Prize – 1:123.4773

9. Ninth Prize – 1:61.7386

(b) The overall odds of winning a prize in a POWERBALL drawing are 1:35.1138.

(6) POWERBALL Prize Pool.

(a) Prize Pool. The prize pool for all prize categories shall consist of 50% of each drawing period’s sales after the prize reserve accounts are funded to the amounts set by the MUSL Powerball Product Group. Any amount remaining in the prize

pool at the end of the game shall be carried forward to a replacement game or expended in a manner as directed by the MUSL Powerball Product Group in accordance with State law.

(b) Prize Reserve Accounts. An amount equal to up to 2% of a party lottery's sales shall be deducted from a party lottery's grand prize pool and placed in trust in one or more prize reserve accounts until the party lottery's share of the prize reserve accounts reaches the amounts designated by the MUSL Powerball Product Group. Once the party lottery's share of the prize reserve accounts exceeds the designated amounts, the excess shall become part of the grand prize pool. The MUSL Powerball Product Group, with the approval of the MUSL Finance and Audit Committee, may establish a maximum

balance for the prize reserve accounts. The shares of a party lottery may be adjusted with refunds to the party lottery from the prize reserve accounts as may be needed to maintain the approved maximum balance and shares of the party lotteries. Any amount remaining in a prize reserve account at the end of this game shall be carried forward to a replacement prize reserve account or expended in a manner as directed by the MUSL Powerball Product Group in accordance with State law.

(c) Expected prize payout percentages. The Grand Prize shall be determined on a pari-mutuel basis. Except as provided in these rules, all other prizes awarded shall be paid as set cash prizes with the following expected prize payout percentages:

<u>Tickets Containing The Following, In One Single Lettered Game Section</u>	<u>Prize Category</u>	<u>Prize Payment</u>	<u>Approximate Percentage of Winnings Pool Allocated to Prize Category</u>
<u>Five first set numbers and the Powerball number</u>	<u>Grand Prize</u>	<u>Grand Prize</u>	<u>65.0577% *</u>
<u>Five first set numbers</u>	<u>Second Prize</u>	<u>\$200,000</u>	<u>7.7849%</u>
<u>Four first set numbers and the Powerball number</u>	<u>Third Prize</u>	<u>\$10,000</u>	<u>2.7657%</u>
<u>Four first set numbers</u>	<u>Fourth Prize</u>	<u>\$100</u>	<u>1.0510%</u>
<u>Three first set numbers and the Powerball number</u>	<u>Fifth Prize</u>	<u>\$100</u>	<u>1.4658%</u>
<u>Three first set numbers</u>	<u>Sixth Prize</u>	<u>\$7</u>	<u>3.8991%</u>
<u>Two first set numbers and the Powerball number</u>	<u>Seventh Prize</u>	<u>\$7</u>	<u>1.7785%</u>
<u>One first set number and the Powerball number</u>	<u>Eighth Prize</u>	<u>\$4</u>	<u>6.4789%</u>
<u>The Powerball number</u>	<u>Ninth Prize</u>	<u>\$3</u>	<u>9.7184%</u>

\* When the Grand Prize reaches a new high level, the Prize Pool Percentage allocated to the Grand Prize shall be reduced to that percentage needed to fund the maximum Grand Prize increase as determined by the Product Group, with the remainder funding the Match 5 Bonus Prize category.

(d) Prize money allocated to the Grand Prize category will be paid on a pari-mutuel basis, divided equally by the number of plays determined by MUSL to be the winners of the Grand Prize.

(e) The number of plays determined by MUSL to be winners of the second through ninth prize categories will be paid as set cash prizes, except as provided in paragraph (g) below. If all or any portion of the set prize pool is not awarded in the current POWERBALL drawing, that portion of the set prize pool shall be carried forward to subsequent POWERBALL drawings.

(f) If the total of the set prizes awarded in a POWERBALL drawing exceeds the percentage of the prize pool allocated to the set prizes, the amount needed to fund the set prizes shall be drawn from the following sources in the following order:

1. The amount allocated to the set prizes and carried forward from previous draws, if any.
2. An amount from the MUSL set prize reserve account, if available, not to exceed \$25,000,000 per Powerball drawing.

(g) If the sources set forth in subparagraph (f) are depleted and there still are not sufficient funds to pay the set prizes for a particular POWERBALL drawing, the highest set prize shall become a pari-mutuel prize. If the amount of the highest set

prize, when paid as a pari-mutuel prize, is less than or equal to the next highest set prize and there are still not sufficient funds to pay the remaining set prizes, the next highest set prize shall become a pari-mutuel prize. If necessary, and under the same test conditions set forth in the preceding sentence, each succeeding set prize level shall be converted to a pari-mutuel prize, in order, until all set prizes become pari-mutuel. If all set prizes are converted to pari-mutuel prizes, the money available from the funding sources listed in paragraph (f) shall be divided among the winning plays in proportion to their respective prize percentages.

(h) Any interest or earnings accrued on a POWERBALL set prize prior to prize payment shall accrue to the State of Florida and not to the winner.

(7) POWERBALL Grand Prize.

(a) Players can choose one of two payment options for receiving their portion of the POWERBALL Grand Prize. Payment options are "Cash Option" and "Annual Payment."

(b) Grand Prize winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once the Grand Prize winner signs the Winner Claim Form, files a claim and exercises the winner's chosen option, the election of that option shall be final and cannot be revoked, withdrawn or otherwise changed except as provided in paragraph (i) below.

(c) In order to select the Cash Option, the Grand Prize winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Grand Prize

winner does not elect the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (f) below.

(d) Shares of the Grand Prize shall be determined by dividing the cash available in the Grand Prize pool equally among all winners of the Grand Prize. A Grand Prize winner who chooses the Cash Option will receive his or her share of the cash available in the Grand Prize pool in a single cash payment, less applicable withholding taxes.

(e) If a Grand Prize winner elects the Annual Payment option, his or her share of the Grand Prize will be paid in thirty (30) equal annual installments, each less applicable withholding taxes. The amount of the prize shall be determined by multiplying the winner's share of the Grand Prize pool by the MUSL annuity factor. The MUSL annuity factor is determined by the best total securities price obtained through a competitive bid of qualified, pre-approved brokers made after the prize is claimed. MUSL shall purchase and hold the investments that shall fund the Grand Prize winner's prize payments. Neither MUSL nor the party lotteries shall be responsible or liable for changes in the advertised or estimated annuity prize amount and the actual amount purchased after the prize payment method is actually known to MUSL.

(f) If individual shares of the cash held to fund Annual Payments are less than \$250,000, the Product Group, in its sole discretion, may elect to pay the winners their share of the cash held in the Grand Prize pool.

(g) Annuitized payment of the grand prize or a share of the grand prize will be rounded to the nearest one thousand dollars (\$1,000) to facilitate the purchase of an appropriate funding mechanism. Rounding differences on an annuitized grand prize win shall be added to the first cash payment to the winner or winners. Prizes other than the grand prize, which under this rule may become single-payment, parimutuel prizes, will be rounded down so that prizes can be paid in multiples of whole dollars. Rounding differences resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

(h) The Florida Lottery will make the initial and any subsequent payments of a prize upon receipt of funds for such prize from MUSL.

(i) In the event of the death during the annuity payment period of a POWERBALL winner who elected the Annual Payment option, the estate of the deceased winner (the "Estate") may file a petition with the Florida Lottery to accelerate payment of all the remaining prize proceeds to the Estate, as further provided in this subparagraph. Such petition will be forwarded by the Florida Lottery to MUSL for a final decision by the MUSL Finance & Audit Committee or, within MUSL's sole discretion, by the Powerball Product Group. Subject to federal, state, and other applicable laws, the securities and/or cash held to fund the deceased winner's annuitized prize may, in the sole discretion of MUSL, be

distributed to the Estate. The identification of the securities to fund the accelerated annuitized prize payment shall be at the sole discretion of the Finance & Audit Committee or the Powerball Product Group.

(j) If the Grand Prize is not won in a drawing, the prize money allocated for the Grand Prize shall roll over and be added to the Grand Prize pool for the following drawing. If a new high Grand Prize is not won in a drawing, the prize money allocated for the Match 5 Bonus prizes shall roll over and be added to the Match 5 Bonus prize pool for the following drawing.

(k) Guaranteed Grand Prize.  
The MUSL Powerball Product Group may offer guaranteed minimum Grand Prize amounts or minimum increases in the Grand Prize amount between drawings or make other changes in the allocation of prize money where the MUSL Powerball Product Group finds that it would be in the best interest of the game. If a minimum Grand Prize amount or a minimum increase in the Grand Prize amount between drawings is offered by the Product Group, the Grand Prize shares shall be determined as follows:

1. If there are multiple Grand Prize winners during a single drawing, each selecting the Annual Payment option, then a winner's share of the guaranteed Grand Prize shall be determined by dividing the guaranteed Grand Prize by the number of winners.

2. If there are multiple Grand Prize winners during a single drawing and at least one of the Grand Prize winners has elected the Annual Payment option, then the best bid submitted by MUSL's pre-approved qualified brokers shall determine the cash pool needed to fund the guaranteed Grand Prize.

3. If no winner of the Grand Prize during a single drawing has elected the Annual Payment option, then the amount of cash in the Grand Prize pool shall be an amount equal to the guaranteed amount divided by the average annuity factor of the most recent three best quotes provided by MUSL's pre-approved qualified brokers submitting quotes.

4. In no case shall quotes be used which are more than two weeks old and if fewer than three quotes are submitted, then MUSL shall use the average of all quotes submitted.

5. Changes in the allocation of prize money shall be designed to retain approximately the same prize allocation percentages, over a year's time, set out in paragraph (6)(c) above. Minimum guaranteed prizes or increases may be waived if the alternate funding mechanism set out in paragraph (6)(g) becomes necessary.

(l) Grand Prize Maximum Increase – Creation of Match 5 Bonus Prizes.

When the Grand Prize reaches a new high annuitized amount, the maximum amount to be allocated to the Grand Prize pool from the Grand Prize percentage shall be the previous high amount plus \$25 million (annuitized) or as otherwise set by the Product Group. Any amount of the Grand Prize percentage



which exceeds the \$25 million (annuitized) increase shall be deposited into a Match 5 Bonus prize pool. The Match 5 Bonus prize pool shall accumulate until the Grand Prize is won, at which time the Match 5 Bonus prize pool shall be divided equally by the winners of the Match 5 prize for that draw. If there are no Match 5 winners on the draw when the new high Grand Prize is won, then the Match 5 Bonus prize pool shall be divided equally by the winners of the Match 4+1 prize.

(m) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(n) Any interest or earnings accrued on a POWERBALL Grand Prize prior to prize payment shall accrue to MUSL and not to the winner.

(8) Power Play® Option.

(a) The Power Play option shall be available in association with the POWERBALL game. The Power Play option will be conducted in accordance with the POWERBALL rules. The POWERBALL Grand Prize will not be eligible for multiplication under the Power Play option. Match 5 Bonus prizes are awarded independent of the Power Play option and are not multiplied by the Power Play multiplier.

(b) At the time of purchasing a POWERBALL ticket, a player may choose the Power Play option for an additional \$1 per play for each play on the POWERBALL ticket.

(c) At the time of each POWERBALL drawing, MUSL shall conduct a Power Play drawing to select the Power Play number from among the following series of numbers: 2, 3, 4, and 5. The Powerball Group may change one or more of these multiplier numbers for special promotions from time to time.

(d) POWERBALL tickets that contain the Power Play option and one or more plays eligible for POWERBALL set prizes shall be entitled to a total set prize calculated by multiplying each POWERBALL set prize other than the Match 5 prize by the Power Play number. The Match 5 prize shall be multiplied by five (5) unless a higher limited promotional multiplier is announced by the Powerball Product Group.

(e) The prize pool for Power Play set prizes shall consist of up to 49.5% of Power Play sales after POWERBALL prize reserve accounts are funded to the amounts set by MUSL. The prize pool percentage allocated to Power Play set prizes shall be carried forward to subsequent Power Play drawings if all or a portion of the percentage is not required to pay the set prizes for the current Power Play drawing.

(f) An additional .5% of Power Play sales will be collected and placed in prize reserve accounts until the prize reserve accounts meet the amounts designated by MUSL. Any amount remaining in prize reserve accounts at the end of the Power Play option shall be carried forward to a replacement prize reserve account or expended in a manner as directed by the MUSL Powerball Product Group in accordance with State law.

(g) If, with respect to a single POWERBALL drawing and associated Power Play drawing, the total of the POWERBALL set prizes without the Power Play option and the POWERBALL set prizes multiplied by the Power Play number exceeds the amount in the prize pools allocated to the set prizes, the amount needed to fund those combined set prizes shall be drawn from the following sources in the following order:

1. The amount allocated to the set prizes and carried forward from previous POWERBALL drawings and Power Play drawings, if any.

2. An amount from the POWERBALL set prize reserve account, if available, not to exceed \$25,000,000 per drawing.

(h) If the sources set forth in paragraph (g) are depleted and there still are not sufficient funds to pay the set prizes for a particular POWERBALL drawing and associated Power Play drawing, the highest set prize, including the multiplied set prize, shall become a pari-mutuel prize. If the amount of the highest set prize, when paid as a pari-mutuel prize, is less than or equal to the next highest set prize and there are still not sufficient funds to pay the remaining prizes, the next highest set prize, including the multiplied set prize, shall become a pari-mutuel prize. If necessary under the same test set forth in the preceding sentence, each succeeding set prize level shall be converted to a pari-mutuel prize, in order, until all set prizes become pari-mutuel. If all set prizes are converted to pari-mutuel prizes, the money available from the funding sources listed in paragraph (g) shall be divided among the winning plays in proportion to their respective prize percentages.

(i) Power Play set prizes which become pari-mutuel may be rounded down so that they can be paid in multiples of whole dollars. Funds remaining after rounding shall be carried forward to the prize pool for the next Power Play drawing.

(j) Except as otherwise provided, all Power Play set prizes shall be paid in single, lump-sum payments determined by multiplying the POWERBALL set prize by the number selected in the Power Play drawing as follows:

<u>Match 5+0</u>	<u>Prize Amount</u>	<u>5X</u>	<u>5X</u>	<u>5X</u>	<u>5X</u>
	<u>\$200,000</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>
	<u>Prize Amount</u>	<u>5X</u>	<u>4X</u>	<u>3X</u>	<u>2X</u>
<u>Match 4+1</u>	<u>\$10,000</u>	<u>\$50,000</u>	<u>\$40,000</u>	<u>\$30,000</u>	<u>\$20,000</u>
<u>Match 4+0</u>	<u>\$100</u>	<u>\$500</u>	<u>\$400</u>	<u>\$300</u>	<u>\$200</u>
<u>Match 3+1</u>	<u>\$100</u>	<u>\$500</u>	<u>\$400</u>	<u>\$300</u>	<u>\$200</u>

<u>Match 5+0</u>	<u>Prize Amount</u>	<u>5X</u>	<u>5X</u>	<u>5X</u>	<u>5X</u>
<u>Match 3+0</u>	<u>\$7</u>	<u>\$35</u>	<u>\$28</u>	<u>\$21</u>	<u>\$14</u>
<u>Match 2+1</u>	<u>\$7</u>	<u>\$35</u>	<u>\$28</u>	<u>\$21</u>	<u>\$14</u>
<u>Match 1+1</u>	<u>\$4</u>	<u>\$20</u>	<u>\$16</u>	<u>\$12</u>	<u>\$8</u>
<u>Match 0+1</u>	<u>\$3</u>	<u>\$15</u>	<u>\$12</u>	<u>\$9</u>	<u>\$6</u>

(k) When the POWERBALL set prizes become pari-mutuel, the POWERBALL set prize amounts will be less than the amount shown and the Power Play set prizes shall be a multiple of the new POWERBALL set prize amounts.

(l) The odds of various Power Play numbers being selected in a Power Play drawing are:

(9) POWERBALL Rules and Prohibitions.

(a) By purchasing a POWERBALL ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) Florida POWERBALL prizes shall be claimed only through a Florida Lottery retailer or Lottery office beginning on the day following the drawing. The Lottery is not authorized to accept claims or pay prizes for POWERBALL tickets purchased in other jurisdictions. POWERBALL prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer's hours of operation and on-line system availability, POWERBALL lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, Eastern Time (ET). Ticket sales for a specific POWERBALL drawing will close at 10:00 p.m., ET, on the night of the drawing. Any ticket sold after the close of game will be printed with the next POWERBALL draw date.

(e) POWERBALL tickets cannot be cancelled.

Specific Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented, 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History--New 12-30-08.

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: December 30, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-85  
 RULE TITLE: Florida POWERBALL® Power Play® Retailer Sales Promotion

SUMMARY: Effective January 4, 2008 through February 14, 2009, the Florida Lottery will conduct Florida POWERBALL® Power Play® Retailer Sales Promotion.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-85 Florida POWERBALL® Power Play® Retailer Sales Promotion.

(1) Effective January 4, 2009 through February 14, 2009, the Florida Lottery will conduct a Florida POWERBALL and POWERBALL with Power Play Retailer Sales Promotion. Florida Lottery retailers that sell a minimum of \$800 a week in combined POWERBALL and POWERBALL with Power Play sales will be eligible to win \$1,000. Two categories of prizes will be awarded in each of the six sales contest weeks in each sales district:

- (a) Highest Power Play sales volume for the week, and
- (b) Highest percentage of Power Play to POWERBALL sales for the week.

The sales contest weeks shall run from Sunday through Saturday.

(2) The retailer with the highest volume of Power Play sales each week in each of the Florida Lottery's nine sales districts will be awarded \$1,000. If multiple retailers within a district sell the same number of Power Play tickets, a \$1,000 prize will be awarded to up to three additional retailers per district. If more than four retailers' sales are exactly the same, the maximum \$4,000 prize pool shall be shared equally by the tied retailers.

(3) Retailers whose weekly Power Play sales represent the highest percentage of the POWERBALL sales in their sales district will be weekly winners of \$1,000. Example: If retailer A and retailer B both sold \$1,000 in POWERBALL sales for the week but retailer A's Power Play sales were \$350 (35%) and retailer B's Power Play sales were \$500 (50%), retailer B would be a weekly winner.

The following number of retailers will be awarded prizes each week in the designated sales districts: 3 in Tallahassee and Pensacola, 4 in Jacksonville, Gainesville, Ft. Myers and West Palm Beach, 5 in Orlando and Tampa, and 6 in Miami. In the event of ties as described below, an additional 3 prizes per district may be awarded each week.

(4) A tie for a prize will occur when two or more retailers achieve identical Power Play sales percentages calculated to four decimal places. If two or more retailers tie for the highest or an intermediate level sales percentage, the prize amounts for the number of tied retailers, if sufficient, will be combined and

shared equally by the retailers. If two or more retailers tie for the lowest prize-winning sales percentage, a \$1,000 prize will be awarded to up to three additional retailers per district. If more than four retailers tie for the lowest prize-winning sales percentage, the maximum \$4,000 prize pool will be shared equally by the tied retailers.

(5) Retailers are eligible to win in both categories and in multiple sales weeks.

(6) All weekly contest winners will be automatically entered into a Grand Prize Drawing for a chance to win \$20,000 at the end of the contest period. The Grand Prize Drawing will be held on February 18, 2009 from among the 282 weekly retailer winners. One statewide winner will receive a grand prize of \$20,000. Retailers winning in multiple categories and/or sales weeks will receive an entry into the Grand Prize Drawing for each category and week they are a winner.

(7) Retailers will receive their sales contest prize checks within approximately three weeks after the applicable contest week. The Grand Prize winner will receive its check within approximately three weeks after the drawing.

(8) Retailers whose Florida Lottery contracts are terminated or inactivated prior to award of the sales contest prize shall be paid the prize provided the termination or inactivation was not due to non-compliance with Florida Lottery laws, rules or contract terms.

(9) A sales contest prize will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply the sales contest prize earned against a retailer's outstanding debt to the Florida Lottery.

Specific Authority 24.105(9)(i), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 12-30-08.

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: December 30, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-86  
 RULE TITLE: Retailer POWERBALL® and POWERBALL® with Power Play® Bonus Commission Program

SUMMARY: The Florida Lottery will award bonus commissions to the retailer(s) that sells a winning POWERBALL® and/or POWERBALL® with Power Play® jackpot ticket.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-86 Retailer POWERBALL® and POWERBALL® with Power Play® Bonus Commission Program.

(1) The Florida Lottery will conduct, as a retailer sales incentive, a Retailer POWERBALL jackpot and POWERBALL with Power Play Bonus Commission Program ("Program"). Florida Lottery retailers who sell a winning POWERBALL ticket for a \$20 million jackpot will receive a bonus commission of \$20,000. An additional \$20,000 bonus commission will be paid to the retailer if the winning jackpot ticket was a POWERBALL with Power Play ticket.

(2) In the event that no jackpot winning ticket is sold for a POWERBALL drawing, the bonus commission amount will increase by \$5,000 per draw until a winning jackpot ticket is sold or to a maximum bonus commission of \$100,000.

(3) The bonus commission for the POWERBALL drawing on January 7, 2009, which will be the first drawing in which the Florida Lottery will participate, will be calculated as if the Florida Lottery had been a POWERBALL participant since the last drawing in which there was a jackpot winner.

(3) The bonus commissions will be shared equally in the event that multiple Florida Lottery retailers sell jackpot winning POWERBALL or POWERBALL with Power Play tickets.

(4) Florida retailers who sell a POWERBALL with Power Play ticket that wins \$1 million for matching 5- of -5 numbers will receive a \$1,000 bonus commission. If a special promotion is conducted that includes a multiplier number of 10, Florida retailers who sell a POWERBALL with Power Play ticket that wins \$2 million for matching 5- of -5 numbers will receive a \$2,000 bonus commission.

(5) Bonus commissions are in addition to the regular five percent sales commission set forth in Emergency Rule 53ER05-14, F.A.C. Award of a bonus commission is not dependent upon the POWERBALL jackpot winning ticket or the POWERBALL with Power Play 5- of -5 winning ticket being claimed by the winner.

(6) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

(7) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Florida Lottery, and to award the remaining balance of the bonus commission, if any.

(8) POWERBALL or POWERBALL with Power Play bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to

cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state's best interest to use such funds for this purpose.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 12-30-08.

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: December 30, 2008

## DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-87  
RULE TITLE: MEGA MONEY™

SUMMARY: This emergency rule sets forth the provisions for the conduct of MEGA MONEY™ and replaces Emergency Rule 53ER08-14.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

### 53ER08-87 MEGA MONEY™.

#### (1) How to Play MEGA MONEY™.

(a) MEGA MONEY is a lottery on-line game in which players select four (4) numbers from a field of one (1) through forty-four (44) and one (1) MEGABALL® number from a separate field of one (1) through twenty-two (22).

(b) Players may make their MEGA MONEY ticket selections by marking a play slip or by telling the retailer their desired selections. There are five (5) panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five (5) numbers (four (4) in the upper play area and one (1) in the lower play area) from each panel played, or may mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select any or all of the five numbers from either or both play areas. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first four of the five numbers appearing in a single horizontal row on a MEGA MONEY ticket shall be the numbers selected from the upper play area of the play slip and the last number shall be the MEGABALL number selected from the lower play area of the play slip.

1. Players may mark the "Grouper®" box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5,

MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play are not player-selected and cannot be cancelled. Grouper play may also be selected by telling the retailer. Free tickets will be generated in the following percentages: FANTASY 5 – 47%; MEGA MONEY – 47%; and FLORIDA LOTTO – 6%.

2. Players may mark the \$5 "Quick Picks" box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next MEGA MONEY drawing, or may mark the \$10 "Quick Picks" box to receive one (1) ticket with ten (10) sets of five (5) randomly selected numbers for the next MEGA MONEY drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(c) Players may play up to thirty consecutive MEGA MONEY drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the "Advance Play" section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. Advance play does not apply to Grouper.

#### (2) MEGA MONEY Drawings.

(a) MEGA MONEY drawings shall be conducted two (2) times per week, on Tuesday and Friday.

(b) MEGA MONEY drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (one (1) ball set and one (1) drawing machine) used in a MEGA MONEY drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) A ball set contains sixty-six (66) balls comprised of one (1) subset of forty-four (44) balls ("subset 1") and one (1) subset of twenty-two (22) balls ("subset 2"). The balls in subset 1 are numbered one (1) through forty-four (44). The balls in subset 2 are numbered one (1) through twenty-two (22). A MEGA MONEY drawing machine contains two (2) separate mixing chambers and two (2) ball display devices.

(e) Once a set of balls has been selected and inspected, the selected MEGA MONEY drawing machine shall be loaded by the Draw Manager by placing each subset of balls into its mixing chamber. The two (2) subsets of balls shall be mixed by the action of an air blower.

(f) Four (4) balls from subset 1 and one (1) MEGABALL from subset 2 are drawn by vacuum action into their respective display device. The numbers shown on the four (4) balls and the number shown on the MEGABALL, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (2)(b). In using such substitute procedures, the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(3) Determination of Prize Winners.

(a) Wherever used, the terms "Jackpot prize" and "top prize" both refer to the highest prize level in the MEGA MONEY game.

(b) In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning MEGA MONEY numbers in any order for the draw date for which the ticket was purchased, in one of the following combinations:

1. Jackpot Prize: Four (4) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

2. Second Prize: Four numbers (4) selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

3. Third Prize: Three (3) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

4. Fourth Prize: Three (3) numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

5. Fifth Prize: Two (2) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

6. Sixth Prize: One (1) number selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

7. Seventh Prize: Two (2) numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

8. Eighth Prize: No numbers selected from the first subset of balls and the MEGABALL number selected from the second subset of balls.

(4) MEGA MONEY Odds of Winning.

(a) The odds of winning the prizes described in subsection (3) are as follows:

1. Jackpot Prize – 1:2,986,522.00

2. Second Prize – 1:142,215.33

3. Third Prize – 1:18,665.76

4. Fourth Prize – 1:888.85

5. Fifth Prize – 1:638.15

6. Sixth Prize – 1:75.57

7. Seventh Prize – 1:30.39

8. Eighth Prize – 1:32.68

(b) The overall odds of winning a prize in a MEGA MONEY drawing are 1:12.58.

(5) MEGA MONEY Prize Divisions.

(a) MEGA MONEY is a pari-mutuel game. For each draw, fifty percent (50%) of the net sales after cancels and promotional plays from the sale of MEGA MONEY tickets in the corresponding MEGA MONEY sales period shall be allocated as the winning pool for the payment of the Jackpot prize, second prize, third prize, fourth prize, fifth prize, sixth prize and seventh prize. Free MEGA MONEY tickets issued as an eighth prize shall not be included in gross revenue calculations.

(b) Jackpot Prize. The Jackpot prize pool shall consist of 54.32 percent of the winning pool plus any money carried forward from the prior draw until the Jackpot prize pool reaches the estimated cash equivalent of the deferred payment value of \$2 million paid over twenty (20) years, at which point the Jackpot prize pool will be capped. When this threshold is met, the Jackpot prize pool will comprise zero percent of the winning pool in excess of the cap, and any money in excess of the cap shall roll down and be distributed among the second through the seventh prize levels according to the percentage each prize level comprises of the adjusted prize pool. The total winning prize pool, less the amount required to achieve the cap (not to exceed 54.32 percent of the total winning prize pool), shall comprise the adjusted prize pool.

1. If there is a Jackpot prize winner(s) in a drawing, the guaranteed Jackpot prize shall be divided equally among the Jackpot prize winners for that drawing.

2. If there is not a Jackpot prize winner in a drawing and the Jackpot prize pool is not capped, the Jackpot prize pool shall be carried over and added to the Jackpot prize pool of the next MEGA MONEY drawing.

3. If there is not a Jackpot prize winner in a drawing in which the Jackpot prize pool is capped, the capped amount shall be carried over to the next MEGA MONEY drawing and the money in excess of the cap shall be returned to an adjusted prize pool and then be distributed among the second through the seventh prize levels according to the adjusted percentage each prize level comprises of that winning prize pool.

(c) Second Prize. When the Jackpot prize pool is not capped, the second prize pool shall consist of 1.72 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the second prize pool shall consist of 3.75 percent of the adjusted prize pool for the drawing. The second prize pool shall be divided equally among the second prize winners for that drawing.

(d) Third Prize. When the Jackpot prize pool is not capped, the third prize pool shall consist of 3.77 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the third prize shall consist of 8.20 percent of the adjusted prize pool for the drawing. The third prize pool shall be divided equally among the third prize winners for that drawing.

(e) Fourth Prize. When the Jackpot prize pool is not capped, the fourth prize pool shall consist of 11.25 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the fourth prize pool shall consist of 24.50 percent of the adjusted prize pool for the drawing. The fourth prize pool shall be divided equally among the fourth prize winners for that drawing.

(f) Fifth Prize. When the Jackpot prize pool is not capped, the fifth prize pool shall consist of 7.84 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the fifth prize pool shall consist of 17.25 percent of the adjusted prize pool for the drawing. The fifth prize pool shall be divided equally among the fifth prize winners for that drawing.

(g) Sixth Prize. When the Jackpot prize pool is not capped, the sixth prize pool shall consist of 7.94 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the sixth prize pool shall consist of 18 percent of the adjusted prize pool for the drawing. The sixth prize pool shall be divided equally among the sixth prize winners for that drawing.

(h) Seventh Prize. When the Jackpot prize pool is not capped, the seventh prize pool shall consist of 13.16 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the seventh prize pool shall consist of 28.30 percent of the adjusted prize pool for the drawing. The seventh prize pool shall be divided equally among the seventh prize winners for that drawing.

(i) Eighth Prize.

1. An eighth prize shall consist of one free MEGA MONEY quick pick ticket (\$1.00 value), except as provided in subparagraph (5)(i)2. below. An eighth prize shall consist of one (1) free MEGA MONEY quick pick ticket regardless of whether the MEGA MONEY Jackpot prize pool is capped. Eighth prizes shall not utilize any portion of the winning prize pool or adjusted prize pool for the drawing.

2. A player who submits by mail a MEGA MONEY lottery ticket which entitles the claimant to a free MEGA MONEY quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(j) If there is not a winner within one of the second through seventh prize categories for a drawing, the prize pool for that category shall be distributed for that drawing in accordance with the following table:

<u>PRIZE POOL CATEGORY FOR WHICH THERE IS NO WINNER</u>	<u>PRIZE POOL CATEGORY TO WHICH THE NONWINNING PRIZE POOL CATEGORY IS ADDED</u>
Second Prize – 4 of 4	3 of 4 + MEGABALL
Third Prize – 3 of 4 + MEGABALL	3 of 4
Fourth Prize – 3 of 4	2 of 4 + MEGABALL
Fifth Prize – 2 of 4 + MEGABALL	1 of 4 + MEGABALL
Sixth Prize – 1 of 4 + MEGABALL	2 of 4
Seventh Prize – 2 of 4	To fund future prizes in Lottery games or for special Lottery prize promotions

(k) Except for the Jackpot prize, all prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the sixth and seventh prizes shall be no less than \$2.00. All rounding differences will be deposited into a reserve account to be used for prizes or special prize promotions.

(6) MEGA MONEY Guaranteed Jackpot.

(a) For each drawing the Lottery will announce a guaranteed deferred payment value of the MEGA MONEY Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers. For each MEGA MONEY drawing, the deferred payment value of the MEGA MONEY Jackpot prize that can be won by a single player shall be guaranteed at a minimum of \$500,000 paid over twenty (20) years except as set forth in paragraph (7)(e) below.

(b) For prizes to be paid in annual installments, if the cash available in the Jackpot prize pool is insufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the Jackpot prize pool to render it sufficient to yield the announced guaranteed Jackpot.

(c) For prizes to be paid in annual installments, if the cash available in the Jackpot pool is more than sufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall deposit the excess funds into a reserve account to be used for prizes or special prize promotions.

(d) The guaranteed cash option value of the Jackpot will be the amount required on the day of the drawing or, if the drawing is held on a holiday, the business day prior to the drawing, to purchase securities to fund the announced guaranteed deferred payment value of the Jackpot. This day shall be referred to as the “prize determination day.”

(e) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is insufficient on the prize determination day to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the Jackpot pool to render it sufficient to yield the announced guaranteed Jackpot.

(f) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is sufficient on the prize determination day to yield more than the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall deposit the excess funds into a reserve account to be used for prizes or special prize promotions.

(7) MEGA MONEY Payment Options.

(a) Players can choose one of two payment options for receiving their portion of the MEGA MONEY Jackpot prize. Payment options are “Cash Option” and “Annual Payment.”

(b) Jackpot prize winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once the Jackpot prize winner files a claim and exercises the winner’s chosen option, the election of that option shall be final. In order to select the Cash Option, the Jackpot prize winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Jackpot prize winner does not file a claim electing the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (7)(f) below.

(c) A Jackpot prize winner who chooses the Cash Option will receive one (1) lump sum cash payment of the amount required on the prize determination day to purchase securities to fund the announced guaranteed Jackpot paid over twenty (20) years, less applicable withholding taxes. The amount of the Cash Option payment to multiple Jackpot winners will be their pro rata share of the amount required on the prize determination day to purchase securities to fund the announced guaranteed Jackpot paid over twenty (20) years, less applicable withholding taxes.

(d) If a Jackpot prize winner elects the Annual Payment option, his or her portion of the guaranteed Jackpot prize will be paid in twenty (20) annual installments, each less applicable withholding taxes.

(e) If the prize amount per winner in a MEGA MONEY drawing cannot be paid in increments of \$1,000 in twenty (20) installments, the winner’s share of the prize pool will be invested in U.S. Treasury securities that will yield the

maximum amount possible over twenty (20) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the guaranteed Jackpot amount, the present value of the difference between the amount the investment will yield and the winner’s guaranteed prize amount over twenty (20) years will be paid to the winner in the first payment. The following example illustrates such payment. All payment amounts are less tax withholding.

Example:	Guaranteed Jackpot prize	\$500,000
	Number of winners:	2
	Guaranteed prize per winner (\$500,000 ÷ 2)	\$250,000
	Annual Payment (\$250,000 ÷ 20)	\$12,500
	Maximum Security Available for annual payments	\$12,000
	Total Annual Payments	\$240,000
	Difference between guaranteed prize and investments available	\$10,000
	Present Value of Difference to be added to the 1st payment *	\$X,XXX

\* Will be calculated based on current interest rates at the time the investments are purchased.

The provisions of this paragraph (7)(e) shall not be construed to prohibit the Lottery from investing collectively, in a single U.S. Treasury security, the prize pool shares of multiple winners of the same drawing who all elect the Annual Payment option, and distributing the prize winnings on a pro rata basis in increments other than \$1,000.

(f) If the number of winners of a guaranteed Jackpot prize results in each person’s prize being less than \$100,000 paid over twenty (20) years, the Lottery shall pay the Jackpot winners in a single cash payment of their pro rata share of the amount required on the prize determination day to purchase securities to fund the announced guaranteed Jackpot paid over twenty (20) years, less applicable withholding taxes.

(g) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(h) Any interest or earnings accrued on a MEGA MONEY Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment Option, shall accrue to the State of Florida and not to the winner.

(8) MEGA MONEY Rules and Prohibitions.

(a) By purchasing a MEGA MONEY ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) MEGA MONEY prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer's hours of operation and on-line system availability, MEGA MONEY lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, Eastern Time (ET).

(e) The scheduled time for the Tuesday and Friday MEGA MONEY drawings is approximately 11:15 p.m., ET. Ticket sales for a specific MEGA MONEY drawing will close at approximately 10:40 p.m., ET. Any ticket sold after the close of game will be printed with the next MEGA MONEY draw date.

(f) Retailer cancellations of MEGA MONEY tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no MEGA MONEY ticket can be cancelled after game close for the related drawing and no eighth prize (free MEGA MONEY quick pick ticket) can be cancelled at any time. MEGA MONEY tickets that produce cash prize coupons, entry vouchers or free FLORIDA LOTTO tickets in a promotion cannot be cancelled. The two (2) hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related MEGA MONEY close of game.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections which are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

(9) This rule becomes effective January 6, 2009.

Specific Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented, 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History--New 1-6-09, Replaces 53ER08-14.

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 6, 2009

#### **DEPARTMENT OF THE LOTTERY**

RULE NO.:                    RULE TITLE:  
53ER08-88                    FLORIDA LOTTO™

SUMMARY: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™ and replaces Emergency Rule 53ER08-12.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-88 FLORIDA LOTTO™.

(1) How to Play FLORIDA LOTTO™.

(a) FLORIDA LOTTO is a lottery on-line game in which players select six (6) numbers from a field of one (1) to fifty-three (53).

(b) Players may make their FLORIDA LOTTO ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Players may mark their desired numbers on the play slip by selecting six (6) numbers from each panel played, or may mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the six (6) numbers. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

(c) Each panel can be played for \$1.00, \$2.00 or \$3.00. A player choosing to play for \$1.00 will play for the base jackpot described in paragraph (3)(b) below. A player choosing to play for \$2.00 will play for the base jackpot plus an additional \$10 million. A player choosing to play for \$3.00 will play for the base jackpot plus \$10 million in the \$2.00 jackpot prize pool plus \$15 million in the \$3.00 jackpot prize pool, for a total additional prize of \$25 million.

(d) Players may receive one (1) ticket with either five (5) or ten (10) sets of six (6) numbers randomly selected by the terminal for the next FLORIDA LOTTO drawing by marking the desired purchase amount under the number 5 or 10, respectively, in the "Quick Picks" box. Players may mark Quick Picks in addition to panel plays. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player.

(e) Players may play up to fifty-two (52) consecutive FLORIDA LOTTO drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel (A-J) played. The purchase price selected per panel shall apply to all drawings. Advance play does not apply to Grouper®.

(f) Players may receive six (6) quick pick tickets for \$5.00, consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™ and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA



LOTTO, by telling the retailer they wish to play "Grouper®". Tickets in Grouper play cannot be player-selected and cannot be cancelled. Free tickets will be generated in the following percentages: FANTASY 5 – 47%; MEGA MONEY – 47%; FLORIDA LOTTO – 6%.

(2) FLORIDA LOTTO Drawings.

(a) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday.

(b) FLORIDA LOTTO drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FLORIDA LOTTO drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) The equipment shall be configured so that six (6) balls are drawn from one (1) set of balls numbered one (1) through fifty-three (53).

(e) Once the ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower.

(f) Six (6) balls shall be drawn by vacuum action into the display devices. The numbers shown on the six (6) balls, after certification by the Draw Manager and the Accountant, are the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs, or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (b). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

(3) FLORIDA LOTTO Prize Divisions.

(a) FLORIDA LOTTO is a pari-mutuel game, except for the \$2.00 and \$3.00 Jackpots, which are set prize pools. For each draw, 50 percent (50%) of the net sales after cancels and promotional plays from the sale of the base \$1 FLORIDA LOTTO tickets and the first dollar from the sale of \$2.00 and \$3.00 FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of prizes as provided below.

(b) The base Jackpot prize pool shall consist of 63.5 percent (63.5%) of the winning pool for the drawing plus any base Jackpot money carried forward from the previous draws. The base Jackpot prize shall be divided equally among the players matching all six official winning numbers. If there is no

Jackpot winner in a drawing, the base Jackpot pool shall be carried over and added to the base Jackpot pool of the next FLORIDA LOTTO drawing.

(c) The second prize pool shall consist of 12.3 percent (12.3%) of the winning pool for the drawing. The second prize pool shall be divided equally among the players matching five (5) of the six (6) official winning numbers. If there is no winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the base Jackpot prize pool of the next FLORIDA LOTTO drawing.

(d) The third prize pool shall consist of 10 percent (10%) of the winning pool for the drawing. The third prize pool shall be divided equally among the players matching four (4) of the six (6) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool shall be carried over and added to the base Jackpot prize pool of the next FLORIDA LOTTO drawing.

(e) The fourth prize pool shall consist of 14.2 percent (14.2%) of the winning pool for the drawing. The fourth prize pool shall be divided equally among the players matching three (3) of the six (6) official winning numbers. If there is no winner in the fourth prize category for a drawing, the fourth prize pool shall be carried over and added to the base Jackpot prize pool of the next FLORIDA LOTTO drawing.

(f) The base Jackpot prize will pay the exact guaranteed dollar amount. The second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$3.50. All rounding differences in the second, third and fourth prizes shall be used to fund the restricted prize pool described in paragraph (4)(a) below.

(4) FLORIDA LOTTO \$2.00 and \$3.00 Jackpots.

(a) For each draw, approximately 56 percent (56%) of the net sales after cancels and promotional plays of the second and third dollars from the sale of \$2 and \$3 FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of prizes as provided below (the "restricted prize pool"). The Lottery will use a model developed to forecast the amount of money required to be maintained in the restricted prize pool to support payments to winners – based on future probabilities. The restricted prize pool will be analyzed and any excess balance in the pool will be transferred to the educational enhancement trust fund.

(b) The \$2.00 Jackpot prize is \$10 million paid to a single winner in thirty (30) annual payments. The \$10 million in the \$2.00 Jackpot prize pool shall be divided equally among the players matching all six official winning numbers who played for \$2.00 or \$3.00. If there is no \$2.00 or \$3.00 Jackpot winner in a drawing, the \$2.00 Jackpot prize shall not be carried forward to the next drawing.

(c) The \$3.00 Jackpot prize is \$10 million from the \$2.00 Jackpot plus \$15 million, for a total of \$25 million, paid to a single winner in thirty (30) annual payments. The \$15 million in the \$3.00 Jackpot prize pool shall be divided equally among the players matching all six official winning numbers who played for \$3.00. If there is no \$3.00 Jackpot winner in a drawing, the \$3.00 Jackpot prize shall not be carried forward to the next drawing.

(5) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning FLORIDA LOTTO numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

- (a) Jackpot Prize(s): Six of six official winning numbers.
- (b) Second Prize: Five of six official winning numbers.
- (c) Third Prize: Four of six official winning numbers.
- (d) Fourth Prize: Three of six official winning numbers.
- (6) FLORIDA LOTTO Odds of Winning.

The odds of winning the prizes described in subsection (5) are as follows:

- (a) Jackpot Prize(s) – 1:22,957,480.
- (b) Second Prize – 1:81,409.50.
- (c) Third Prize – 1:1,415.82.
- (d) Fourth Prize – 1:70.79.

(e) The overall odds of winning a prize in a FLORIDA LOTTO drawing are 1:67.36.

(7) FLORIDA LOTTO Guaranteed Base Jackpot.

(a) For each drawing the Lottery will announce a guaranteed deferred payment value of the base Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers, if any.

(b) For prizes to be paid in annual installments, if the cash available in the base Jackpot pool is insufficient at the time the ticket is claimed to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the base Jackpot pool to render it sufficient to yield the announced guaranteed base Jackpot.

(c) For prizes to be paid in annual installments, if the cash available in the base Jackpot pool is more than sufficient at the time the ticket is claimed to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall deposit the excess funds into the restricted prize pool.

(d) The guaranteed cash option value of the base Jackpot will be the amount required on the day of the drawing or, if the drawing is held on a Saturday or holiday, the business day prior

to the drawing, to purchase securities to fund the announced guaranteed deferred payment value of the base Jackpot. This day shall be referred to as the “prize determination day.”

(e) For prizes to be paid in a single cash payment, if the cash available in the base Jackpot pool is insufficient on the prize determination day to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the base Jackpot pool to render it sufficient to yield the announced guaranteed base Jackpot.

(f) For prizes to be paid in a single cash payment, if the cash available in the base Jackpot pool is more than sufficient on the prize determination day to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall deposit the excess funds into the restricted prize pool.

(8) FLORIDA LOTTO \$2.00 Jackpot.

The winner of a Florida Lotto \$2.00 Jackpot shall win the base Jackpot plus an additional \$10 million. If there are multiple winners of the base Jackpot, the winner of the \$2.00 Jackpot shall be entitled to his or her share of the base Jackpot plus \$10 million. If there are multiple winners of the \$2.00 Jackpot, each winner shall be entitled to his or her share of the base Jackpot plus his or her share of the \$2.00 Jackpot. Example of a shared jackpot with 3 winners, one of which played \$1.00 and two of which played \$2.00: Each winner will receive 1/3 of the base Jackpot prize and the two \$2.00 players will each receive 1/2 of the \$2.00 Jackpot prize. If the base Jackpot is \$3 million, the \$1.00 player will win \$1 million and the two \$2.00 players will each win \$6 million.

(9) FLORIDA LOTTO \$3.00 Jackpot.

The winner of a Florida Lotto \$3.00 Jackpot shall win the base Jackpot plus an additional \$10 million in the \$2.00 Jackpot plus an additional \$15 million. If there are multiple winners of the base Jackpot or the \$2.00 Jackpot, the winner of the \$3.00 Jackpot shall be entitled to his or her share of the base Jackpot plus his or her share of the \$10 million in the \$2.00 Jackpot plus \$15 million. If there are multiple winners of the \$3.00 Jackpot, each winner shall be entitled to his or her share of the base Jackpot plus his or her share of the \$2.00 Jackpot plus his or her share of the \$3.00 Jackpot. Example of a shared jackpot with 3 winners, one of which played \$1.00, one which played \$2.00 and one which played \$3.00: Each winner will receive 1/3 of the base jackpot prize; the \$2.00 and \$3.00 players will each receive 1/2 of the \$2.00 prize pool; and the \$3.00 player will receive the entire \$3.00 prize pool. If the base jackpot is \$3 million, the \$1.00 player will win \$1 million, the \$2.00 player will win \$6 million and the \$3.00 player will win \$21 million.

(10) FLORIDA LOTTO Payment Options.

(a) Players have a choice of two payment options for receiving their portion of the FLORIDA LOTTO Jackpot prizes. Payment options are “Cash Option” and “Annual

Payment.” Winners of \$2.00 and \$3.00 FLORIDA LOTTO Jackpot prizes may choose a different payment option for the base Jackpot amount and the \$2.00 and \$3.00 Jackpot amounts. The \$2.00 and \$3.00 Jackpot prizes must be paid using the same payment option.

(b) Jackpot winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once a Jackpot winner files a claim and exercises the winner's chosen option, the election of that option shall be final. In order to select the Cash Option, the Jackpot winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Jackpot winner does not elect the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (9)(f) below.

(c) A Jackpot winner who chooses the Cash Option will receive one (1) lump sum cash payment of the amount required on the prize determination day to purchase securities to fund the applicable Jackpot prize paid over thirty (30) years, less applicable withholding taxes. The amount of the Cash Option payment to multiple Jackpot winners will be their pro rata share of the amount required on the prize determination day to purchase securities to fund their pro rata share of the applicable Jackpot prize paid over thirty (30) years, less applicable withholding taxes.

(d) If a Jackpot prize winner elects the Annual Payment option, his or her portion of the applicable Jackpot prize will be paid in thirty (30) annual installments, each less applicable withholding taxes.

(e) If the prize amount per winner in a FLORIDA LOTTO drawing cannot be paid in increments of \$1,000 in thirty (30) installments, the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over thirty (30) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the announced guaranteed Jackpot, the present value of the difference between the amount the investment will yield and the winner's guaranteed prize amount over thirty (30) years will be paid to the winner in the first payment.

(f) If the number of winners of a Jackpot prize would result in each person's prize being less than \$1,000,000 if paid over thirty (30) years, the Lottery shall pay the Jackpot winner or winners in a single cash payment of their pro rata share of the amount required on the prize determination day to purchase securities the applicable Jackpot paid over thirty (30) years, less applicable withholding taxes.

(g) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(h) Any interest or earnings accrued on a FLORIDA LOTTO Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment option, shall accrue to the State of Florida and not to the winner.

(11) FLORIDA LOTTO Rules and Prohibitions.

(a) By purchasing a FLORIDA LOTTO ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) FLORIDA LOTTO prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer's hours of operation and on-line system availability, FLORIDA LOTTO tickets are available for purchase daily between the hours of 6:00 a.m. and midnight Eastern Time (ET).

(e) The scheduled time for the Wednesday and Saturday FLORIDA LOTTO drawings is approximately 11:15 p.m., ET. Ticket sales for a specific FLORIDA LOTTO drawing will close at approximately 10:40 p.m., ET.

(f) Retailer cancellations of FLORIDA LOTTO tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FLORIDA LOTTO ticket shall be cancelled after game close for the related drawing. FLORIDA LOTTO tickets that produce cash prize coupons, entry vouchers or free FLORIDA LOTTO tickets in a promotion cannot be cancelled. The two (2) hour cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FLORIDA LOTTO close of game. Any ticket sold after the close of game will be printed with the next FLORIDA LOTTO draw date.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers, wager amounts and draw date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

(12) This rule becomes effective January 7, 2009.

Specific Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105 (9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History--New 1-7-09, Replaces 53ER08-12.

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 7, 2009

#### DEPARTMENT OF THE LOTTERY

RULE NO.:                    RULE TITLE:  
53ER08-89                    Payment of Prizes

SUMMARY: This emergency rule replaces Emergency Rule 53ER07-68 and sets forth the procedures that the Florida Lottery shall apply to awarding prizes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

##### 53ER08-89 Payment of Prizes.

(1) Claiming Prizes. For purposes of this rule, the provisions for claiming a prize as set forth in paragraph 24.115(1)(f), F.S., will be deemed satisfied upon the claimant meeting the following requirements:

##### (a) On-line Game Prizes.

1. For on-line game prizes, the claimant must submit the winning on-line ticket for validation at a Lottery office or retailer on or before the 180th day after the winning drawing. Winning on-line tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 180th day after the winning drawing.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated on-line winning ticket, along with the documents specified in paragraph (14)(c) below, for prize payment at a Lottery office on or before the 210th day after the winning drawing. If the claimant chooses to submit the validated on-line winning ticket for prize payment by mail, the ticket and all required documents must be sent to the Lottery's prize payment address and received by the Lottery on or before the 210th day after the winning drawing. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 210th day after the winning drawing shall result in forfeiture of the prize.

##### (b) Instant Game Prizes.

1. For instant game prizes, the claimant must submit the winning instant ticket for validation at a Lottery office or retailer on or before the 60th day after the official end of the game. Winning instant tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 60th day after the official end of the game.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated instant winning ticket, along with the documents specified in paragraph (14)(c) below, for prize payment at a Lottery office on or before the 90th day after the official end of the game. If the claimant chooses to submit the validated instant winning ticket for prize payment by mail, the ticket and all required documents must be sent to the Lottery's prize payment address and received by the Lottery on or before the 90th day after the official end of the game. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 90th day after the official end of the game shall result in forfeiture of the prize.

(2) Prize Payment Address. The Lottery's prize payment address is: Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(3) Risk of Mailing Tickets. A person who mails a winning ticket shall bear the risk that the U.S. Postal Service or other carrier may fail to timely postmark or deliver the ticket to the Lottery, or both.

(4) Winning Tickets Submitted to the Address for a Drawing. Winning tickets submitted to the address for a drawing for a game or promotion will not be paid or honored unless selected during the drawing. The time periods provided in subparagraphs (1)(a)1. and 2. and (1)(b)1. and 2. shall also apply to this subsection.

(5) Unclaimed Prizes. If a winning ticket is not submitted for validation within the applicable time period, or if a validated ticket is not submitted to the Lottery for prize payment within the applicable time period, the prize shall constitute an unclaimed prize and shall be distributed as required by law. Unclaimed prizes shall not be distributed to other winners within the same prize pool.

(6) Free Ticket Claims – Florida Claimants. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is inside the state of Florida will be mailed a prize of a ticket as follows:

(a) If the ticket submitted for payment is an instant lottery ticket, the claimant will receive an instant lottery ticket or combination of tickets having the same total retail sales price as the instant lottery ticket submitted for prize payment. The free ticket(s) may or may not be from the same instant game in which the prize was won.

(b) If the prize is a free on-line game quick pick ticket, the claimant will receive a free on-line game quick pick ticket, from the same on-line game in which the prize was won, for the next drawing after the ticket is validated; or if the free on-line game ticket is part of an on-line game multi-play ticket, the claimant will receive prize payment in accordance with the provisions of subsection (20) below.

(7) Free Ticket Claims – Claimants Outside Florida. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a “ticket” or “free ticket” and whose mailing address is outside the state of Florida will receive a check in the amount of the retail sales price of the ticket in lieu of an actual ticket.

(8) Advance Play Ticket Claims – Florida Claimants. A claimant who claims a prize through a retailer or the Lottery on a winning advance play lottery ticket before all the drawings on the ticket have occurred will be issued a continuation ticket for the remaining drawings with the same play numbers as the original ticket. The original ticket will be recorded as “paid” in the gaming system and the continuation ticket automatically issued for the claimant shall be the instrument from which claims on remaining drawings are paid.

(9) Advance Play Ticket Claims – Claimants Outside of Florida. If a claimant whose mailing address is outside the state of Florida submits by mail an advance play lottery ticket that has drawings remaining that have not yet occurred, the Lottery will hold the claimant’s advance play ticket until all the drawings have occurred. The Lottery will then validate the advance play ticket and mail the claimant one payment for the total amount of any prizes won. If an out-of-state claimant requests prize payment prior to the date of the last advance play drawing, the Lottery will validate the ticket, mail the claimant payment for the total amount of any prizes won as of the date of ticket validation, and issue and maintain possession of a continuation ticket for the remaining drawings.

(10) On-line Game Ticket Validation.

(a) In order to be a valid on-line winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible Transaction Serial Number (“TSN”) or a readable bar code. To the extent that a ticket is not identifiable as a Florida Lottery ticket or does not have a TSN or bar code, the ticket will be invalid. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The TSN of an apparent winning ticket must validate on the Lottery’s gaming system, and must not have been previously paid.

(d) The ticket must pass any additional validation tests determined necessary by the Florida Lottery. For security reasons, some validation tests may be confidential in nature.

(e) Any ticket not meeting the criteria set forth in paragraphs (10)(a) through (d) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund of the retail sales price.

(11) Instant Game Ticket Validation.

(a) In order to be a valid instant winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible validation number (sometimes referred to as “Void If Removed Number” or “VIRN”), or a readable bar code. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The validation elements must not be altered or tampered with in any manner.

(d) The ticket must not appear on any list of omitted ticket stock on file at the Florida Lottery.

(e) The ticket must not have been stolen.

(f) The ticket must have been issued to a retailer by the Florida Lottery in an authorized manner.

(g) The validation number of an apparent winning ticket must validate on the Lottery’s gaming system and must not have been previously paid.

(h) The validation elements of a ticket must not be misprinted or illegible.

(i) The ticket must pass any additional validation tests determined necessary by the Florida Lottery. For security reasons, some validation tests may be confidential in nature.

(j) Any ticket not meeting the criteria set forth in paragraphs (11) (a) through (i) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund of the retail sales price.

(12) Disputes Regarding the Amount or Validity of Ticket.

(a) Players shall be instructed by a retailer or the Lottery to file a claim when any dispute arises between a player and a retailer regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal.

(b) In the event a dispute between the Florida Lottery and a ticket bearer occurs as to whether a ticket is a valid winning ticket, or as to the prize amount of a valid winning ticket, the decision of the Florida Lottery shall be final. If the prize is not paid on a disputed ticket and the basis for the dispute is attributable to the Florida Lottery or its ticket vendor, the Florida Lottery will replace the disputed ticket with an unplayed ticket from the same game or with a ticket from another game of equivalent sales price. This shall be the sole and exclusive remedy of the bearer of the ticket.

(13) Winning Tickets Valued at Less than \$600.

Payment of any winning ticket valued at less than \$600 that is submitted to a Lottery retailer, Lottery district office or Lottery Headquarters shall be made to the claimant upon successful ticket validation. Upon request by the Lottery, the claimant shall file a Winner Claim Form in accordance with the provisions set forth in paragraph (14)(c) below.

(a) Payment by Retailers.

1. Winning tickets of \$50 or less that are submitted to a retailer shall be paid in cash by the retailer unless:

a. It is impossible or impracticable to do so due to a company or store policy which, for safety or security reasons, limits the amount of cash available to the clerk; or

b. It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

2. Winning tickets with a value greater than \$50 but less than \$600 that are submitted to a retailer shall be paid by cash, check, or money order.

3. No charge or fee shall be imposed by a retailer on a player for paying a winning ticket. This prohibition includes charging a fee for a money order issued to the player in payment of a prize when that is the only method of prize payment made available by the retailer.

(b) Payment by the Florida Lottery.

1. Winning tickets of \$100 or less that are presented to a Lottery district office will be paid by cash, check or issued lottery tickets at the claimant's option.

2. Winning tickets with a value greater than \$100 but less than \$600 that are submitted to a Lottery district office shall be paid by check and/or issued lottery tickets, or paid a maximum of \$100 in cash and the balance of the prize in issued lottery tickets at the claimant's option.

3. Lottery district offices will not pay prizes less than \$600 by a combination of cash and check.

4. Winning tickets of less than \$600 that are submitted to Lottery Headquarters for payment shall be paid by check.

5. A player who submits a winning ticket of less than \$600 in person to a Lottery district office for payment by check shall be required to present one form of identification from the list in subsection (15). The identification is required to ensure proper check distribution.

6. Winning tickets of less than \$600 shall be subject to and paid in accordance with subsections (16), (17), (18) and (19) below.

(14) Winning Tickets Valued at \$600 or Greater.

(a) Payment of winning tickets valued at \$600 or greater shall be made only by a Lottery office. Payment of winning tickets valued at \$600 or greater cannot be made by a retailer.

(b) A player may submit a winning ticket valued at \$600 or greater to any Lottery retailer or Lottery office for ticket validation. If a winning ticket valued at \$600 or greater is validated at a retailer location, the player shall retain the original ticket and any player claim instructions ticket produced by the retailer terminal to submit with his or her claim to a Lottery office for prize payment processing. If the winning ticket produces a continuation ticket for future

drawings, the player shall also retain the continuation ticket in addition to the original ticket and player claim instructions ticket.

(c) After successful validation of a winning ticket, the player shall file a claim by submitting to the Lottery a completed Winner Claim Form DOL 173-2, revised 12/07, or Spanish Winner Claim Form DOL 173-2S, revised 12/07 along with the ticket(s) as set forth in subsection (18) and the identification described in subsection (15) below. The Winner Claim Forms are incorporated herein by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery's website at [www.flalottery.com](http://www.flalottery.com), or by writing the Florida Lottery, Public Affairs, 250 Marriott Drive, Tallahassee, Florida 32399-4016. Claims may be submitted in person to any Lottery district office or to Lottery Headquarters, or submitted by mail to Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(d) Winning tickets valued at \$600 through \$250,000 that are submitted to a Lottery district office shall be paid by check and in accordance with subsections (16), (17), (18) and (19) below. Powerball winning tickets valued to \$1,000,000 may be presented at a Lottery district office or Lottery headquarters. All other winning tickets valued at greater than \$250,000 must be presented at Lottery Headquarters for payment.

(e) Winning tickets valued at \$600 or more that are submitted to Lottery Headquarters shall be paid as follows and in accordance with subsections (16), (17), (18) and (19) below:

1. If the prize value is \$600 through \$100,000, payment shall be made by check.

2. If the prize value is greater than \$100,000 or is a prize for which there is a lump-sum option, payment shall be made by check or wire transfer at the claimant's option.

(15) Presentation of Identification.

(a) The claimant of a prize valued at \$600 or more will be required to present identification as detailed below. The Lottery shall be permitted to make a photocopy of such identification for its records. The name on the identification presented to the Lottery must match the name on the back of the winning ticket, unless the name on the back of the winning ticket is that of a legal entity. In such case, an authorized agent of that legal entity and all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive a portion of the legal entity's Lottery winnings shall submit a photocopy of required identification as detailed below. The Lottery reserves the right to require proof of authenticity for such photocopies. If the name on the back of the ticket and the identification presented do not match, the Lottery may request another form of identification listed below or request additional information to use in making its payment determination.

(b) For prizes valued at \$600 or more, one form of identification is required that is current or was issued within the past five years and bears a serial or other identifying number. Acceptable forms of identification include the following:

1. A Florida identification card or driver's license issued by the public agency authorized to issue driver's licenses;
2. A passport issued by the Department of State of the United States;
3. A passport issued by a foreign government;
4. A driver's license or an identification card issued by a public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico;
5. An identification card issued by any branch of the armed forces of the United States; or
6. An identification card issued by the United States Bureau of Citizenship and Immigration Services; or
7. Another form of identification authorized for use by notaries public in Chapter 117, F.S.

(c) If a claimant is unable to produce one of the acceptable forms of identification identified in paragraph (b) above, the Lottery will accept as satisfactory evidence of the claimant's identity a completed Affidavit to Establish Identity, DOL-468A effective 06/08. The Affidavit to Establish Identity is incorporated herein by reference and may be obtained at any Lottery office or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(d) A photocopy of required identification shall accompany claims valued at \$600 or greater that are submitted by mail. The Lottery reserves the right to require proof of authenticity for such photocopies.

(16) Payment to One Person or Entity. Regardless of how many persons or entities claim an ownership interest in a winning ticket, payment will be made to only one person or entity. For prizes valued at \$600 or more, a winner may submit an Internal Revenue Service Form 5754, Statement by Person(s) Receiving Gambling Winnings, revised 08/05, if more than one person or a person other than the claimant is entitled to the prize winnings. The form must be presented to the Lottery along with the Winner Claim form prior to ticket validation. The Internal Revenue Service Form 5754 is incorporated by reference and may be obtained at any Lottery office, by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Internal Revenue Service.

(17) Federal Withholding Taxes. Federal withholding taxes shall be deducted from prizes in accordance with the Internal Revenue Code and Code of Federal Regulations.

(18) Ticket Submission and Payment. In accordance with the applicable provisions of subsections (13), (14) and (20) a claimant must submit an original winning ticket or an original

continuation ticket, if issued, to the Lottery or to a retailer to claim a prize. In the event an original winning ticket or an original continuation ticket is not available for submission, a claimant must submit an original player claim instructions ticket produced from validation of an original winning ticket or original continuation ticket to the Lottery to claim a prize.

(b) If a claimant submits only an original winning ticket or an original continuation ticket, the ticket will be validated and payment will be made in accordance with subsections (16), (17) and paragraph (18)(a) If a claimant submits an original winning ticket or an original continuation ticket and an original player claim instructions ticket produced from an original winning ticket or from an original continuation ticket, payment will be made in accordance with subsections (16), (17) and (18).

(c) If a claimant submits only an original player claim instructions ticket, the player claim instructions ticket will be validated and payment will be made in accordance with subsections (16), (17) and (18) and as follows:

1. For on-line prizes, if the absence of the original ticket or the original continuation ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the player claim instructions ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner.

2. For instant prizes, if the absence of the original ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the player claim instructions ticket is submitted for prize payment, or following expiration of 90 days after the official end of the game, whichever date occurs sooner.

3. If the absence of the original ticket or the original continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made as follows:

a. For winning on-line tickets, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the original winning ticket is not made before the expiration of 210 days.

b. For winning instant tickets, payment for prizes valued at \$600 through \$1,000 will be made following expiration of 180 days from the date the claim was filed or following expiration of 90 days after the official end of the game, whichever occurs sooner, provided that payment for the original winning ticket is not made before expiration of the 180-day or 90-day time period, whichever is applicable. Payment for prizes greater than \$1,000 will be made following expiration of 90 days after the official end of the game, provided payment for the original winning ticket is not made before expiration of the 90-day time period.

4. If the original winning ticket or original continuation ticket is submitted prior to expiration of the time periods set forth in subparagraphs (18)(c)1., 2. and 3., an investigation will be conducted to determine to whom payment should be made, if anyone.

(d) If a claimant submits only an original advance play winning ticket that has been recorded as "paid" in the Lottery's gaming system as the result of the issuance of a continuation ticket, an investigation will be conducted and payment will be made as follows:

1. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the original winning ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner, provided that payment for the continuation ticket is not made prior to the expiration time frames set forth above.

2. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the continuation ticket is not made before the expiration of 210 days.

(e) In the event a claim for payment is made without an original ticket, an original continuation ticket, or a player claim instructions ticket, the claim will be denied unless the following occurs:

1. The claimant establishes to the Lottery's satisfaction that the absence of the original ticket, the original continuation ticket, or the player claim instructions ticket is attributable to an act or omission of the Lottery. Acts or omissions of Lottery retailers shall not be considered attributable to the Lottery; and

2. The Lottery determines that the available evidence is sufficient to validate the claim.

If the Lottery determines that the provisions set forth in subparagraphs 1. and 2., above are sufficiently met, payment will be made to the claimant following the expiration of the applicable deadline set forth in subsection (1) for validating and submitting a winning ticket for prize payment.

(19) Determination of Prize Winner. The person to whom payment will be made for winning tickets submitted to the Lottery shall be determined as follows:

(a) If only one name appears on the back of the ticket, payment will be made to that person or entity.

(b) If the back of a ticket is blank or incomplete, data from the Winner Claim Form, if any, player correspondence, or the mailing envelope, in that order, shall be used to supplement the information.

(c) Instant tickets. If more than one name appears on the back of an instant ticket, payment shall be made to the person whose name appears first on the line designated for the name.

(d) On-line tickets.

1. If one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section that is completed.

2. If more than one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket.

3. If no player information section is completely filled out and more than one name appears on the back of the ticket, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket in which a name is present.

(e) If the name on the back of a ticket is that of a trust, corporation or other legal entity, payment shall be made to the trust, corporation or other legal entity. For those tickets valued at \$600 or more, no payment shall be made to a legal entity until the Lottery has received a copy of the entity's organizational documents which set forth the names and Social Security numbers of all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive Lottery winnings.

(f) For prizes less than \$600, payment to the person determined in accordance with paragraphs (19)(a) through (e) above shall be made in that person's name as it appears on the back of the winning ticket. For prizes of \$600 or more, payment shall be made in that person's name as it appears on the Winner Claim Form as described in paragraph (14)(c) above.

(g) If the back of a ticket valued at \$600 or more is altered, defaced, or contains erasures, correction fluid, overwriting, or obliteration in the line designated for a name, an investigation will be conducted to determine to whom payment should be made, if anyone, in accordance with paragraphs (19)(c), (d) and (e) above. If the ticket is valued at less than \$600, payment will be made to the person submitting the ticket for payment.

(h) If the Lottery is presented with undisputed information that payment of a prize as provided in paragraphs (19)(a) through (e) would result in payment to a person or entity who has no claim to the ticket, the Lottery will make payment to the person or entity it determines to be the rightful claimant based upon the undisputed information submitted to the Lottery.

(i) If the Lottery receives notification of a dispute of ownership of a specific ticket prior to prize payment, an investigation will be conducted to determine to whom payment should be made, if anyone.

(j) Any claimant of a prize of \$600 or more, and any person whose name appears on an Internal Revenue Service Form 5754 filed by a claimant and whose portion of the prize is \$600 or more, will be compared to the State Owed Debt



system. All persons ultimately entitled to receive Florida Lottery winnings from a claim valued at \$600 or more filed by a legal entity, other than a corporation whose shares are publicly traded, will be compared to the State Owed Debt system. If such claimant or other person is identified as owing an outstanding debt to a state agency or owing child support collected through a court or spousal support or alimony as provided in subsection 24.115(4), F.S., following deduction of federal tax withholding, the remaining prize amount will be allocated as follows:

1. If the debt is owed by the claimant and an Internal Revenue Service Form 5754 is not filed at the time the claim is submitted, an amount sufficient to cover the amount owed, up to the total remaining prize amount, will be transferred to the state agency owed the debt. Any monies remaining after federal tax withholding and after collection of the debt will be paid to the claimant.

2. If the debt is of a claimant who submits an Internal Revenue Service Form 5754 at the time of filing the claim, or of a person whose name appears on an Internal Revenue Service Form 5754 or who is entitled to receive Lottery winnings claimed by a legal entity, an amount sufficient to cover the claimant's or other person's debt, but not to exceed his or her percentage interest in the prize or entity, will be transferred to the state agency owed the debt. The monies remaining will be paid to the claimant and any other persons entitled to receive a portion of the Lottery winnings.

(20) Payment of On-line Game Multi-play Tickets Including a Cash Prize and a Free Quick Pick Ticket Prize. Additional payment provisions applicable only to winning on-line game multi-play tickets (tickets with more than one panel played for a single draw date) that include a cash prize and a prize of a free quick pick ticket are as follows:

(a) A \$1.00 value for each free quick pick ticket on a multi-play ticket shall be included in the total prize value of the ticket.

(b) On-line game multi-play tickets with a total prize value less than \$600 shall be paid by Lottery retailers or a Lottery office upon successful ticket validation. The claimant shall be paid the cash amount of the prize and given a ticket with one free quick pick play for the same on-line game in which the prize was won, for the next available drawing for each free quick pick ticket prize.

(c) On-line game multi-play tickets with a total prize value of \$600 or more shall be claimed at a Lottery office. Retailer locations cannot print free quick pick tickets that are part of a claim with a total value of \$600 or more.

1. If the claim is submitted to a Lottery office in person and the on-line game multi-play ticket is successfully validated, the Lottery will pay the claimant the cash prize and give the claimant a ticket with one free quick pick play for the next available drawing of the same on-line game in which the prize was won for each free quick pick ticket prize.

2. If the claim is submitted by mail to a Lottery office and the on-line game multi-play ticket is successfully validated, the Lottery will pay the cash prize and, if the claimant's address is in Florida, print a ticket with one free quick pick play for the next available drawing of the same on-line game in which the prize was won for each free quick pick ticket prize. The payment and the free ticket shall be mailed to the claimant by the Lottery, except as set forth in subsection (7) above. A free ticket shall be mailed prior to the drawing applicable to that ticket.

3. If the claimant is identified as owing an outstanding debt as set forth in paragraph (19)(j), in an amount less than the cash portion of the prize net of any federal income tax withholding, the non-cash portion of the prize and the amount owed to the claimant after his or her debt is satisfied and taxes have been withheld shall be awarded. If the claimant is identified as owing an outstanding debt in an amount greater than the cash portion of the prize net of any federal income tax withholding, the cash portion of the prize remaining after taxes have been withheld will be applied toward the outstanding debt as provided in subsection 24.115(4), F.S., and the claimant will receive the remaining non-cash portion of the prize.

(21) Canceled and Previously Paid Tickets. No payment shall be made upon a ticket submitted for payment that is reflected in the Lottery's records as having been canceled or previously paid.

(22) Disclosure of Source of Ticket. The Lottery reserves the right to require the claimant of any winning ticket to disclose the source of the ticket.

(23) Final Payment Decision. The Lottery's decision and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes shall be final and binding upon all participants in the lottery unless otherwise provided by law or these rules. In the event a question arises relative to a winning ticket, or the payment or awarding of any prize, the Lottery is authorized to:

(a) Deposit the prize winnings into an escrow fund until the dispute is resolved; or

(b) Petition a court of competent jurisdiction for instructions and a resolution of the controversy.

(24) All tickets and claim forms presented to the Florida Lottery shall become the property of the Florida Lottery.

(25) Information for claiming a prize can be obtained by writing the Florida Lottery, Public Affairs, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or by calling (850)487-7777.

(26) Payment of winning tickets is subject to all other applicable statutes and rules.

(27) This emergency rule replaces Emergency Rule 53ER08-20, Florida Administrative Code.

Specific Authority 24.105(9)(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(e), 24.115(1),(4) FS. History—New 12-30-08, Replaces 53ER08-20, F.A.C.

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: December 30, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER09-1  
 RULE TITLE: Instant Game Number 786, \$200 MILLION SPECTACULAR

SUMMARY: This emergency rule describes Instant Game Number 786, "\$200 MILLION SPECTACULAR." The rule replaces rule 53ER08-81 and sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-1 Instant Game Number 786, \$200 MILLION SPECTACULAR.

(1) Name of Game. Instant Game Number 786, "\$200 MILLION SPECTACULAR."

(2) Price. \$200 MILLION SPECTACULAR lottery tickets sell for \$10.00 per ticket.

(3) \$200 MILLION SPECTACULAR lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$200 MILLION SPECTACULAR lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, Florida Administrative Code.

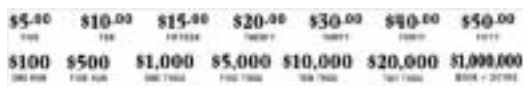
(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:



(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:



(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having a "★" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to 10 times the prize shown.

(b) The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$500, \$1,000, \$5,000, \$10,000, \$20,000 and \$1,000,000.

(9) Prize Payment Options.

(a) The winner of a \$1,000,000 prize may choose one of two payment options for receiving his or her prize. Payment options are "Cash Option" and "Annual Payment." At the time the \$1,000,000 prize is claimed, the terminal will produce a player claim instructions ticket. The winner has sixty (60) days from the date the player claim instructions ticket is produced to file a claim choosing the Cash Option. If a winner does not choose the Cash Option within such time, the Annual Payment option will be applied. Once the winner files a claim and exercises the winner's chosen option, the election of that option shall be final.

(b) Cash Option prizes will be paid in one (1) lump sum cash payment equal to the amount required at the time the ticket is claimed to purchase securities to fund \$1 million paid over twenty (20) years, less applicable withholding taxes.

(c) Annual Payment prizes claimed by an individual will be paid in twenty (20) annual installments of \$50,000 each, less applicable federal withholding taxes.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 786 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 250 POOLS OF 120,000 TICKETS PER POOL
\$5 x 2	\$10	20.00	1,500,000
\$10	\$10	20.00	1,500,000
\$5 x 3	\$15	60.00	500,000
\$5 + \$10	\$15	60.00	500,000
\$15	\$15	60.00	500,000
\$5 x 4	\$20	60.00	500,000
(\$5 x 2) + \$10	\$20	60.00	500,000
\$10 x 2	\$20	30.00	1,000,000
\$20	\$20	60.00	500,000
\$5 x 6	\$30	300.00	100,000

(\$5 x 4) + \$10	\$30	300.00	100,000
\$10 x 3	\$30	300.00	100,000
\$20 + \$10	\$30	300.00	100,000
\$30	\$30	300.00	100,000
\$5 x 8	\$40	600.00	50,000
(\$5 x 4) + \$20	\$40	600.00	50,000
\$10 x 4	\$40	600.00	50,000
\$20 x 2	\$40	800.00	37,500
\$40	\$40	800.00	37,500
\$5 (STAR)	\$50	800.00	37,500
\$5 x 10	\$50	800.00	37,500
\$10 x 5	\$50	800.00	37,500
\$10 + (\$20 x 2)	\$50	800.00	37,500
\$50	\$50	960.00	31,250
(\$5 x 10) + (\$10 x 5)	\$100	400.00	75,000
\$10 (STAR)	\$100	400.00	75,000
\$10 x 10	\$100	400.00	75,000
\$20 x 5	\$100	400.00	75,000
\$50 x 2	\$100	400.00	75,000
\$100	\$100	480.00	62,500
(\$40 x 10) + (\$20 x 5)	\$500	5,000.00	6,000
\$50 (STAR)	\$500	5,000.00	6,000
(\$100 x 3) + (\$50 x 4)	\$500	5,000.00	6,000
\$100 x 5	\$500	5,000.00	6,000
\$500	\$500	5,000.00	6,000
(\$50 x 10) + (\$100 x 5)	\$1,000	15,000.00	2,000
\$100 (STAR)	\$1,000	15,000.00	2,000
\$100 x 10	\$1,000	15,000.00	2,000
\$500 x 2	\$1,000	15,000.00	2,000
\$1,000	\$1,000	15,000.00	2,000
\$5,000	\$5,000	120,000.00	250
\$1,000 x 10	\$10,000	120,000.00	250
\$10,000	\$10,000	120,000.00	250
\$20,000	\$20,000	600,000.00	50
\$1,000,000	TOP PRIZE	1,500,000.00	20

(11) The estimated overall odds of winning some prize in Instant Game Number 786 are 1 in 3.58. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 786, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) By purchasing a \$200 MILLION SPECTACULAR lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(14) Payment of prizes for \$200 MILLION SPECTACULAR lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History--New 1-6-09, Replaces 53ER08-81.

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 6, 2009

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67ER08-01	Hurricane Housing Recovery (HHR) Program
67ER08-02	Definitions
67ER08-03	Hurricane Housing Recovery Assistance Plans and Distribution of Funds
67ER08-04	Uses of and Restrictions Upon HHR Program Funds
67ER08-05	Hurricane Housing Recovery Program Trust Fund
67ER08-06	Annual Reports
67ER08-07	Compliance Monitoring for Housing Developed With HHR Program Funds

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Florida experienced the destructive impact of four hurricanes in 2004. The hurricanes created both short-term and long-term housing needs for Floridians. To implement the February 2005 recommendations of the Governor’s Hurricane Housing Work Group, the Hurricane Housing Recovery program, hereafter referred to as the HHR program, is created for the purpose of providing funds to assist those areas of the state with the greatest housing damage from the hurricanes. Program funding is provided for eligible entities to implement a hurricane housing recovery assistance plan that may include grants and loans for homeownership and rental activities, including activities related to manufactured housing.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** Florida experienced the destructive impact of four hurricanes in 2004. The hurricanes created both short-term and long-term housing needs for Floridians. To implement the February 2005

recommendations of the Governor's Hurricane Housing Work Group, the Hurricane Housing Recovery program, hereafter referred to as the HHR program, is created for the purpose of providing funds to assist those areas of the state with the greatest housing damage from the hurricanes. Program funding is provided for eligible entities to implement a hurricane housing recovery assistance plan that may include grants and loans for homeownership and rental activities, including activities related to manufactured housing.

SUMMARY: The rule provides the strategy by which HHR program funds shall be utilized by eligible entities for affordable housing recovery efforts. Rules incorporated below replace Emergency Rules 67ER06-42 through 48.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Robert Dearduff, HHR Program Administrator, 227 North Bronough St., Suite 5000, Tallahassee, FL 32301 or call (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULE IS:

67ER08-01 General.

This rule chapter is established to administer the implementation of the Hurricane Housing Recovery Program (HHRP). For the purposes of this rule chapter, all provisions in Chapter 67-37, F.A.C., and Sections 420.907-9079, F.S., are applicable except where described in the chapter herein.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 12-30-08.

67ER08-02 Definitions.

(1) "Administrative Expenditures" means expenditures directly related to the implementation of the HHR funds as set forth in paragraphs 67-37.007(4)(a), (b), (c), (d), F.A.C.

(2) "Extremely low income household" or "ELI" means one or more natural persons or a family that has a total annual gross household income that does not exceed 30 percent of the area median income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

(3) "Hurricane Housing Recovery Program" or "HHR" means the Hurricane Housing Recovery Program as recommended by the Hurricane Housing Work Group dated February, 2005.

(4) "Manufactured Home" is as defined in Section 320.01(2)(b), F.S.

(5) "Mobile Home" is as defined in Section 320.01(2)(a), F.S.

(6) "Hurricane Housing Assistance Plan" or "HHAP" means a detailed description of the planned activities to be undertaken by an eligible county and eligible municipalities and as set forth in Rule 67-37.005, F.A.C.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L. O. F. History--New 12-30-08.

67ER08-03 Hurricane Housing Assistance Plans and Distribution of Funds.

(1) To receive HHR program funding, an eligible county or eligible municipality must submit its Hurricane Housing Assistance Plan to and receive approval from the Corporation pursuant to Rule 67-37.005, F.A.C. Plans must be submitted to the Corporation by August 1, 2005. A local government may submit a written request to the Corporation to extend the deadline up to 45 days. No HHR program funds shall be distributed to any eligible county or eligible municipality unless and until an approved plan is in place.

(2) The effective period of the Hurricane Housing Assistance Plan is three years plus a one year extension which requires approval by Florida Housing Finance Corporation HHR Program Administrator as set forth in subparagraph 67-37.005(6)(f)2., F.A.C.

(3) Each Hurricane Housing Assistance Plan shall include a description of all activities to be undertaken in the HHR program. An eligible county or eligible municipality shall use the Hurricane Housing Assistance Plan Template in order to submit its HHAP. The Hurricane Housing Assistance Plan Template (07/05) is adopted and incorporated by reference with an effective date of 7/1/05. A copy of the Hurricane Housing Assistance Plan Template (07/05) may be obtained at <http://www.floridahousing.org/Home/Disaster/HurricaneHousingRecoveryProgram.htm> or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(4) For each use of HHR program funds, the eligible county or municipality shall provide information as required in paragraphs 67-37.005(5)(a), (b), (c), (d) and (e), F.A.C. The county or eligible municipality or its administrative representative shall advertise the notice of funding availability in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods.

(5) A copy of the Hurricane Housing Assistance Plan shall be submitted to the Corporation, via U.S. Mail or electronic submission. If submitted electronically, a mailed copy shall be sent to the Corporation within three working days of the strategy being electronically transmitted. The mailed copy submitted to the Corporation shall bear the original signature of an authorized official or an authorized official's designee.

(6) Once the HHAP is approved, an eligible county or eligible municipalities shall be eligible to draw funds for activities included in the approved strategies in the HHAP. The request for funds shall be submitted in writing and include the following information: Name of local government, amount of funds requested from the base allocation, ELI supplemental allocation and the community planning supplemental allocation as referenced in subsections 67ER06-4(3), (4) and (5), and a schedule of when the funds being requested are to be expended. Upon approval of the plan, each eligible county or eligible municipality as set forth in Section 420.9071(11),

F.A.C. shall be eligible to request an initial amount not to exceed \$100,000 to establish a balance in the HHRP account and begin to fund expenses incurred including Administrative Expenditures. The initial request shall include all information required above in addition to the HHRP account information.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O. F. History—New 12-30-08.

67ER08-04 Uses of and Restrictions Upon HHR Program Funds.

(1) HHR program funds shall be used to implement the Hurricane Housing Assistance Plan. The benefit of assistance provided through the HHR program must accrue to eligible persons occupying eligible housing. HHR program funds may be used for:

(a) Repair and replacement of site built housing;

(b) Land acquisition, through community land trusts or other means, for properties that may include scattered sites, community revitalization sites, and older manufactured home parks;

(c) Construction and development financing;

(d) Down payment, closing cost, and purchase price assistance for site-built and post-1994 Manufactured Homes where the wind load rating is sufficient for the location;

(e) Repair, replacement, and relocation assistance for post-1994 Manufactured Homes where the wind load rating is sufficient for the location, including those on leased land in stable park situations;

(f) Limited repair and relocation assistance on a case by case basis to pre-1994 Manufactured Homes and mobile homes;

(g) The acquisition of building materials for home repair and construction;

(h) Implementation of long-term recovery plans prepared through a locally initiated collaborative community partnership or in conjunction with the Department of Community Affairs and Federal Emergency Management Agency;

(i) Housing re-entry assistance, such as security deposits, utility deposits, and temporary storage of household furnishings;

(j) Foreclosure and eviction prevention, including monthly rental assistance for limited periods of time;

(k) Capital to leverage other private and public resources;

or  
(l) Hazard mitigation strategies and techniques to reduce or eliminate the exposure of people’s lives or property to harm from a disaster.

(2) Each county’s allocation shall be used to meet hurricane housing recovery needs throughout the county. In the event that an eligible county and an eligible municipality within the county vie separately for funding slated for a county,

the Corporation shall make a final determination of how funds shall be awarded. Criteria used to make this determination shall include the following factors:

(a) Amount requested;

(b) Number of households being served; and

(c) Strategies to be employed;

(3) The base allocation limits for eligible counties are as follows:

<u>Escambia</u>	<u>\$17,862,236</u>
<u>Charlotte</u>	<u>\$14,339,973</u>
<u>St. Lucie</u>	<u>\$16,417,481</u>
<u>DeSoto</u>	<u>\$8,147,644</u>
<u>Santa Rosa</u>	<u>\$10,930,493</u>
<u>Indian River</u>	<u>\$10,922,421</u>
<u>Hardee</u>	<u>\$5,924,895</u>
<u>Brevard</u>	<u>\$14,673,648</u>
<u>Polk</u>	<u>\$13,284,043</u>
<u>Okeechobee</u>	<u>\$5,380,098</u>
<u>Martin</u>	<u>\$6,605,068</u>
<u>Osceola</u>	<u>\$3,986,312</u>
<u>Palm Beach</u>	<u>\$6,401,838</u>
<u>Highlands</u>	<u>\$2,326,849</u>
<u>Volusia</u>	<u>\$3,730,122</u>
<u>Lee</u>	<u>\$2,502,896</u>
<u>Orange</u>	<u>\$4,393,483</u>
<u>Putnam</u>	<u>\$789,079</u>
<u>Marion</u>	<u>\$1,045,924</u>
<u>Okaloosa</u>	<u>\$1,004,135</u>
<u>Hendry</u>	<u>\$487,199</u>
<u>Dixie</u>	<u>\$451,839</u>
<u>Glades</u>	<u>\$382,944</u>
<u>Seminole</u>	<u>\$1,649,821</u>
<u>Lake</u>	<u>\$773,192</u>
<u>Sumter</u>	<u>\$434,729</u>
<u>Levy</u>	<u>\$383,163</u>
<u>Bradford</u>	<u>\$378,475</u>

(4) ELI supplemental funds shall be made available to each county to provide funding to households earning 30% or below the area median income. These funds may be used on any of the approved strategies in the HHAP so long as they are serving ELI households. If an eligible county’s ELI supplement is not requested by the eligible county or eligible municipality by September 15, 2005, the funds shall be allocated through the issuance of a request for proposals by the Corporation. Nonprofit, community-based organizations with housing experience may apply for a county’s ELI allocation. The amount of funding available for each county is as follows:

<u>Escambia</u>	<u>\$3,572,447</u>
<u>Charlotte</u>	<u>\$2,867,995</u>
<u>St. Lucie</u>	<u>\$3,283,496</u>
<u>DeSoto</u>	<u>\$1,629,529</u>
<u>Santa Rosa</u>	<u>\$2,186,099</u>
<u>Indian River</u>	<u>\$2,184,484</u>
<u>Hardee</u>	<u>\$1,184,979</u>
<u>Brevard</u>	<u>\$2,934,728</u>
<u>Polk</u>	<u>\$2,656,809</u>
<u>Okeechobee</u>	<u>\$1,076,020</u>
<u>Martin</u>	<u>\$1,321,014</u>
<u>Osceola</u>	<u>\$797,262</u>

<u>Palm Beach</u>	<u>\$1,280,368</u>
<u>Highlands</u>	<u>\$465,370</u>
<u>Volusia</u>	<u>\$746,024</u>
<u>Lee</u>	<u>\$500,579</u>
<u>Orange</u>	<u>\$878,697</u>
<u>Putnam</u>	<u>\$157,816</u>
<u>Marion</u>	<u>\$209,185</u>
<u>Okaloosa</u>	<u>\$200,827</u>
<u>Hendry</u>	<u>\$97,440</u>
<u>Dixie</u>	<u>\$90,368</u>
<u>Glades</u>	<u>\$76,589</u>
<u>Seminole</u>	<u>\$329,964</u>
<u>Lake</u>	<u>\$154,638</u>
<u>Sumter</u>	<u>\$86,946</u>
<u>Levy</u>	<u>\$76,632</u>
<u>Bradford</u>	<u>\$75,695</u>

(5) Community planning supplemental funds shall be distributed to each eligible county or eligible municipalities that submits as part of its HHAP, a summary of the collaborative efforts between it and other entities involved as part of the eligible county or eligible municipalities HHAP. Copies of interlocal agreements and contracts shall be submitted as attachments to the HHAP. The allocation of funds not requested prior to September 15, 2005 for the community planning supplemental allocation shall be determined through the issuance of a request for proposal by the Corporation. The funds shall be allocated based on the funding levels as follows:

<u>Escambia</u>	<u>\$2,381,632</u>
<u>Charlotte</u>	<u>\$1,911,996</u>
<u>St. Lucie</u>	<u>\$2,188,997</u>
<u>DeSoto</u>	<u>\$1,086,353</u>
<u>Santa Rosa</u>	<u>\$1,457,399</u>
<u>Indian River</u>	<u>\$1,456,323</u>
<u>Hardee</u>	<u>\$789,986</u>
<u>Brevard</u>	<u>\$1,956,486</u>
<u>Polk</u>	<u>\$1,771,206</u>
<u>Okeechobee</u>	<u>\$717,346</u>
<u>Martin</u>	<u>\$880,676</u>
<u>Osceola</u>	<u>\$531,508</u>
<u>Palm Beach</u>	<u>\$853,578</u>
<u>Highlands</u>	<u>\$310,247</u>
<u>Volusia</u>	<u>\$497,350</u>
<u>Lee</u>	<u>\$333,719</u>
<u>Orange</u>	<u>\$585,798</u>
<u>Putnam</u>	<u>\$105,211</u>
<u>Marion</u>	<u>\$139,457</u>
<u>Okaloosa</u>	<u>\$133,885</u>
<u>Hendry</u>	<u>\$64,960</u>
<u>Dixie</u>	<u>\$60,245</u>
<u>Glades</u>	<u>\$51,059</u>
<u>Seminole</u>	<u>\$219,976</u>
<u>Lake</u>	<u>\$103,092</u>
<u>Sumter</u>	<u>\$57,964</u>
<u>Levy</u>	<u>\$51,088</u>
<u>Bradford</u>	<u>\$50,463</u>

(6) No Administrative Expenditures may be used to pay for costs incurred prior to July 1, 2005. Eligible counties and eligible municipalities shall be allowed to use up to 15 percent of its allocation for costs to administer its program. An eligible county or eligible municipalities may subcontract their

administrative functions, but in no case shall the administrative costs exceed 15 percent of the eligible county or eligible municipalities' allocation.

(7) At least 65% of the base allocation and community planning supplemental funds allocated to a county shall be used for home ownership. An eligible county and eligible municipalities shall provide justification for the need to use a higher percentage of its allocation for rental housing. The separate funding allocated for ELI households is exempt from the 65% requirement.

(8) With the exception of the income requirements and home ownership requirements, eligible counties and eligible municipalities shall be allowed to apportion their funds across their housing strategies as dictated by local needs.

(9) Eligible counties and eligible municipalities shall have two years to encumber funds for their intended use, and an additional year to fully expend the funds. If a local entity shows that it has been unable to fully expend the funds after this period, it may request an extension to this timeframe pursuant to subparagraph 67-37.005(6)(f)2., F.A.C. The Corporation shall grant that local entity an extension to expend the funds upon receipt of the request.

(10) Eligible counties and eligible municipalities shall maintain the HHR program funds and any repayments, recoveries, or program income in a separate trust fund. The local entity shall use any such repayments, recoveries, or program income to further affordable housing objectives consistent with the HHR program, regardless of when such money is recycled. At the termination of the HHR Program, any such repayments, recoveries, or program income may be deposited into the local government's Local Housing Trust Fund.

(11) Any funds that are not encumbered by eligible counties or eligible municipalities by June 30, 2007, shall be re-offered by the Corporation to eligible counties and eligible municipalities with remaining hurricane housing needs.

(12) The Corporation shall approve expenditures for administration of the HHR program in accordance with subsection 67-37.007(4), F.A.C.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O. F. History--New 12-30-08.

67ER08-05 Hurricane Housing Recovery Program Trust Fund.

(1) The HHR program trust fund account shall be separately stated as a special revenue fund in an eligible county's or eligible municipalities audited financial statements. Copies of such audited financial statements shall be forwarded annually to the Corporation no later than June 30th of the following fiscal year. In addition to providing audited financial statements, all participating jurisdictions must provide evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97(6), F.S.

(2) An eligible county and eligible municipalities which have had an audit, review or investigation involving HHR program funds shall send the Corporation a copy of any related report within 10 days of the issuance of such report.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O. F. History–New 12-30-08.

#### 67ER08-06 Annual Reports.

(1) Except in 2005, by September 15 of each year each eligible county and eligible municipalities shall submit a report using the HHR Annual Report, form AR05-1 (07/05), herein incorporated by reference with an effective date of 7/1/05, of its Hurricane Housing Recovery Program and accomplishments through June 30, immediately preceding submittal of the report. A copy of HHR annual report, form AR05-1 may be obtained at <http://www.floridahousing.org/Home/Disaster/HHRPANReport.htm> or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(2) In addition to the report mentioned in (1) above, counties and SHIP eligible municipalities utilizing any HHR program funds must provide a list of recipients by strategy including names, addresses, and zip codes to Florida Housing Finance Corporation.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O. F. History–New 12-30-08.

#### 67ER08-07 Compliance Monitoring for Housing Developed With HHR Program Funds.

(1) The staff or entity with administrative authority for a Hurricane Housing Assistance Plan must develop a tracking system to ensure that the hurricane housing distribution funds disbursed from the hurricane housing assistance trust fund are at all times expended in accordance with the set-aside requirements in subsection 67-37.007(2), F.A.C., and time restraints detailed at subsection 67-37.005(6), F.A.C.

(2) The combined household annual gross income of an applicant who is applying as an owner/occupant of a residence must be verified and certified by the local Hurricane Housing Recovery Program administrator or his/her designee using income verification and certification procedures as established by the U.S. Department of Housing and Urban Development (HUD), Occupancy Handbook 4350.3 (05/03), Chapter 5, Appendix 3, and Appendix 15-C, hereby incorporated by reference. Copies of these materials may be obtained by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida or obtained at <http://www.floridahousing.org/Home/Disaster/HUDOccHndbk.htm>. Whichever verification and certification method is used, annual gross income must be used and the HHR program income limits cannot be exceeded.

(3) The staff or entity with administrative authority for a Hurricane Housing Assistance Plan assisting rental developments shall monitor and determine tenant eligibility and the amount of subsidy using the same guidelines as specified at subsection (2) above, for the term of the HHR Program. The Corporation shall monitor the activities of the local governments to determine compliance with program requirements. To ensure that communities are capable of addressing rental housing needs for hurricane recovery, eligible counties and eligible municipalities are required to perform only an initial certification of income upon move-in of the first household into a rental unit, as long as no more than \$10,000 has been provided for assistance to the unit, and the housing unit is located in a census block group in which more than 51 percent of the households have incomes at or below 80 percent of the area median income. No continuing compliance monitoring shall be required on these units.

(4) The Corporation, or its designated monitoring agent, shall be permitted to inspect the Hurricane Housing Assistance Plan, advertisements, applications, income verifications and certifications, plan participation contracts, financial records, plan tracking records, construction cost verification including receipts and contracts, and any other applicable documents at any reasonable time with or without notice. Such records must be maintained within the participating county or eligible municipality at a place accessible to the Corporation staff or its designated monitoring agent.

(5) If the Corporation staff or its designated monitoring agent determines that an eligible jurisdiction has established a pattern of violation by not complying with the criteria of its Hurricane Housing Assistance Plan established under these rules or Sections 420.907-9079, F.S., or that an eligible sponsor has established a pattern of violation by not complying with the applicable award conditions, the Corporation shall report such pattern of violation to the Executive Office of the Governor at which time the distribution of program funds to the county or eligible municipality will be suspended. The eligible jurisdiction shall develop a corrective action plan (CAP). The CAP shall be submitted to the Corporation within 60 days of the date of a letter from the Corporation, pursuant to Section 420.9075 (12), F.S. notifying the eligible jurisdiction of the pattern of violation. The CAP must describe the proposed corrective action for each violation and how the correction actions will be implemented within 3 months of the CAP's approval by the Corporation. Upon receipt of the CAP, the Corporation shall have 30 days to review and approve or recommend changes to the CAP. Upon approval of the CAP and correction of the violation, program funds will be distributed.

(6) If the Corporation's staff or its designated monitoring agent determines that the corrective actions have not been implemented, the Corporation shall report such pattern of violation of criteria or violation of award conditions to the

Executive Office of the Governor. The distribution of program funds to the eligible county or eligible municipality will be suspended until such time as the corrective plan of action has been implemented, at which time funds will be distributed.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s.2 and 3, ch. 2005-92, L.O. F. History--New 12-30-08.

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: December 30, 2008

## 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."

### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN THAT on December 24, 2008, the Agency For Health Care Administration, received a petition for Emergency Variance From or Waiver of paragraph 59C-1.018(3)(c), F.A.C., filed by Miami Jewish Home and Hospital for the Aged, Inc. This rule is related to the 60 day extension of the validity period of a certificate of need (CON) in the event the holder of the CON files written request at least 15 calendar days prior to the termination date and upon submission of a transfer application by the proposed transferee. Any interested person, party, or other agency may submit written comments on the petition by close of business on Thursday, January 22, 2009.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lorraine M. Novak, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, FL 32308, (850)922-5873, Fax (850)921-0158, [novakl@ahca.myflorida.com](mailto:novakl@ahca.myflorida.com).

Written comments should also be sent to this contact person.

### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on December 23, 2008, the Board of Professional Engineers, received a petition for Variance or Waiver filed on December 23, 2008 on behalf of Zhiyuan Cheng. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S. Petitioner seeks a waiver of the

provisions of Rule 61G15-20.007, Florida Administrative Code, which is entitled "Demonstration of Substantial Equivalency." Specifically, the Petitioner requests a waiver of those requirements under Rule 61G15-20.007, F.A.C., that govern the amount of credit hours required in mathematics and basic sciences by counting course work which is described in the petition with significant Mathematics and Basic Sciences content which was not so counted for petitioner's EAC/ABET evaluation. In the alternative, petitioner requests that in light of additional circumstances described in the petition, that the Board permanently waive any purported deficiency.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

NOTICE IS HEREBY GIVEN THAT on December 15, 2008, the Board of Accountancy, received a petition for Paula Heacox, seeking a variance or waiver of paragraph 61H1-33.003(1)(a), Florida Administrative Code, which states the continuing professional education requirements for licensure renewal. Petitioner is also seeking a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., which requires that the licensee submit additional hours of continuing education if he/she does not timely meet the initial requirements for continuing professional education within his/her reestablishment period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607. 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."

### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT the Petition for Waiver or Variance filed by Gloria Esperanza Galdamez, M.D., on November 20, 2008, has been withdrawn. On December 30, 2008, the Petitioner filed a written withdrawal of her petition. The person to be contacted regarding this Petition is: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.



NOTICE IS HEREBY GIVEN THAT on December 19, 2008, the Board of Medicine received a second petition filed by Kenneth William Pierini, M.D., seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the requirement for the passing score on the FLEX examination to be obtained in one administration of the examination. The earlier petition filed on October 28, 2008, was not in the proper format and the Petitioner filed this second request for waiver or variance. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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NOTICE IS HEREBY GIVEN THAT on December 22, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed on behalf of Asad Raza, M.D., on October 29, 2008, seeking a waiver or variance from Rule 64B8-4.018, F.A.C., with regard to the qualification requirement for core clerkships by foreign medical graduates to be completed in a hospital accredited by ACGME in the specialty area in which the clinical training was obtained. The Notice was published in Vol. 34, No. 46, of the Florida Administrative Weekly, on November 14, 2008. The Credentials Committee, at its meeting held on December 4, 2008, recommended that Petitioner's request for waiver or variance be denied. The Board, at its meeting held on December 5, 2008, accepted the Committee's recommendation and voted to deny the Petition for Waiver finding that the Petitioner failed to demonstrate a substantial hardship and meet the purpose of the underlying statute, and failed to demonstrate that application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN THAT on June 23, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Kianoush Vahid Rezaei, M.D., on April 29, 2008, seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school and the requirement for a copy of the Petitioner's diploma. The Notice was published in Vol. 34, No. 20, of the Florida Administrative Weekly, on May 16, 2008. The Credentials Committee, at its meeting held on June 5, 2008, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on June 6, 2008, accepted the Committee's recommendation and voted to grant the Petition for Waiver

finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness. A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN THAT on December 22, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Clara Isabel Roman, M.D., on October 10, 2008, seeking a waiver or variance from Rule 64B8-4.018, F.A.C., with regard to the qualification requirements for international medical graduates (core clerkships). The Notice was published in Vol. 34, No. 43, of the Florida Administrative Weekly, on October 24, 2008. The Credentials Committee, at its meeting held on December 4, 2008, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on December 5, 2008, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN THAT on December 22, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Christopher Joseph Smith, M.D., on October 10, 2008, seeking a waiver or variance from Rule 64B8-4.018, F.A.C., with regard to the qualification requirements for international medical graduates (core clerkships). The Notice was published in Vol. 34, No. 43, of the Florida Administrative Weekly, on October 24, 2008. The Credentials Committee, at its meeting held on December 4, 2008, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on December 5, 2008, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN THAT on December 30, 2008, the Board of Medicine, received a petition for waiver or variance filed on behalf of Saied Talaie, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition

should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on December 31, 2008, the Department of Children and Families, received a petition for Waiver of subsection 65C-15.017(3), Florida Administrative Code, from Deverux Florida and Kameron Robinson, assigned Case No. 08-040W. Subsection 65C-15.017(3), F.A.C., states agency staff responsible for performing casework services shall have a bachelor's or master's degree in social work or related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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NOTICE IS HEREBY GIVEN THAT on December 19, 2008, the Department of Children and Families, received a petition for Variance of Rule 65C-14.079, Florida Administrative Code, from Hands of Mercy Everywhere, assigned Case No. 08-038W. Rule 65C-14.079, F.A.C., relates to staffing requirements for Maternity Residences.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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NOTICE IS HEREBY GIVEN THAT on December 18, 2008, the Department of Children and Families, received a petition for Waiver of subsection 65C-15.017(3), Florida Administrative Code, from Jannie Sutherland, assigned Case No. 08-037W. Subsection 65C-15.017(3), F.A.C., requires that any agency staff responsible for performing casework services shall have a bachelor's or master's degree in social work or a related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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NOTICE IS HEREBY GIVEN THAT on December 22, 2008, the Department of Children and Families, received a petition for Waiver of subsection 65C-15.017(1), F.A.C., from Mark P. Trollice, M.D., assigned Case No. 08-039W. Subsection

65C-15.017(1), F.A.C., governs the educational and work experience requirements of persons operating or employed by a licenses child-placing agency.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order. The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: The Arlington, LP, a Georgia Limited Partnership and CEC Arlington, LLC, a Florida Limited Liability Company

DATE PETITION WAS FILED: September 29, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.027(1)(f), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org).

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NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Malabar Cove, L.L.L.P.

DATE PETITION WAS FILED: November 7, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(e), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 21, 2008, Vol. 34, No. 47

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

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NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order. The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Malabar Cove II, LTD.

DATE PETITION WAS FILED: November 7, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT:

Paragraph 67-48.0075(7)(a)1., Florida Administrative Code  
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 21, 2008, Vol. 34, No. 47

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

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NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Dismissing a Petition for Waiver or Variance.

NAME OF THE PETITIONER: St. Cloud Preserve, LLC.

DATE PETITION WAS FILED: October 10, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT:

Subsection 67-58.020(6), Florida Administrative Code  
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 24, 2008, Vol. 34, No. 43

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

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NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: Sea Grape II, Ltd.

DATE PETITION WAS FILED: November 12, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT:

Subsection 67-48.002(88), Florida Administrative Code  
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 21, 2008, Vol. 34, No. 47

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

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NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Southwinds Partners, L.L.L.P.

DATE PETITION WAS FILED: November 7, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT:

Paragraph 67-48.004(14)(g), Florida Administrative Code  
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 21, 2008, Vol. 34, No. 47

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order. The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: Village Carver Phase I, LLC  
 DATE PETITION WAS FILED: November 12, 2008  
 RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-48.002(83), Florida Administrative Code  
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 21, 2008, Vol. 34, No. 47  
 THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: December 12, 2008.

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order. The Florida Housing Finance Corporation gives notice of the entry of an Order Dismissing a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Walton County Workforce Housing Corporation  
 DATE PETITION WAS FILED: October 13, 2008  
 RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsections 67-58.020(6) and 67-58.070(6), Florida Administrative Code  
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 24, 2008, Vol. 34, No. 43  
 THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 14, 2009, 11:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee.

DATE AND TIME: January 14, 2009, 10:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: January 15, 2009, 10:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: January 21, 2009, 10:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame/History Committee.

DATE AND TIME: January 22, 2009, 11:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Commission on the Status of Women Foundation, Inc.

DATE AND TIME: January 28, 2009, 10:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

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#### DEPARTMENT 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 9, 2009, 2:00 p.m.

PLACE: Florida State Fairgrounds, Tampa, FL

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.

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NOTICE OF CANCELLATION – The **Pesticide Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2009, 9:00 a.m.

PLACE: Homestead, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting has been cancelled.

For more information, you may contact: Bureau of Pesticides, 3125 Conner Blvd., Building 6, Mail L-29, Tallahassee, Florida 32399-1650, (850)487-0532.

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The **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2009, 9:00 a.m.

PLACE: Bureau of Pesticides, Conference Room 606, 3125 Conner Boulevard, Building 6, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: Pesticide Registration Section at (850)487-2130 or from the PREC Website at:

<http://www.flaes.org/pesticide/pesticideregistration.html>

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

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The **Florida Coordinating Council on Mosquito Control** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, February 9, 2009, 1:00 p.m.; Tuesday, February 10, 2009, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Keys Mosquito Control District, Marathon Airport, 503 – 107th Street, MM 52.5, Marathon, Florida 33050, (305)289-3700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the council.

A copy of the agenda may be obtained by contacting: Mr. Jeff Blair, [jblair@fsu.edu](mailto:jblair@fsu.edu) or (850)644-6320.

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The **Florida Alligator Marketing and Education Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 5, 2009, 10:00 a.m.

PLACE: Bob Crawford Agricultural Center Auditorium, 605 East Main Street, Bartow, FL 33830, (863)519-8468

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct general business of the Florida Alligator Marketing and Education Committee, and to discuss marketing and education initiatives for the current and next fiscal year.

A copy of the agenda may be obtained by contacting: John Easley or Martin May at (850)488-0163.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: John Easley or Martin May at (850)488-0163. If

you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: John Easley or Martin May at (850)488-0163.

The **Florida Viticulture Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 9, 2009, 9:00 a.m. – until 3:00 p.m.

PLACE: Florida Orange Groves, Inc. and Winery, 1500 Pasadena Avenue, South, St. Petersburg, FL 32707

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be for general business.

A copy of the agenda may be obtained by contacting: Tom Thomas at (850)922-9827.

For more information, you may contact: Tom Thomas at (850)922-9827.

**DEPARTMENT OF EDUCATION**

The **Florida Rehabilitation Council for the Blind, Division of Blind Services** announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2009, 4:00 p.m. – 6:00 p.m.

PLACE: Springhill Suites, 1300 Executive Center Drive, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

A copy of the agenda may be obtained by contacting: This is an open meeting with no agenda.

Pursuant to the provisions of 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 local DBS office at (850)245-0370 or toll free 1(800)672-7038, no later than five(5) working days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Phyllis Dill, The Division of Blind Services, 14 West Jordan Street, Suite 1M, Pensacola, Florida 32501, (850)595-5282, Phyllis.dill@dbf.fldoe.org.

The **Florida Rehabilitation Council for the Blind, Division of Blind Services** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 23, 2009, 8:30 a.m. – 4:00 p.m.; January 24, 2009, 8:30 a.m. – 12:00 Noon

PLACE: Springhill Suites, 1300 Executive Center Drive, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Rehab Council for the Blind.

A copy of the agenda may be obtained by contacting: Phyllis Dill, Division of Blind Services, 14 West Jordan Street, Suite 1M, Pensacola, FL 32501 or (850)595-5282.

Pursuant to the provisions of 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: Local Division of Blind Services office at (850)245-0370 or toll free 1(800)672-7038. If you are 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 Trustee Nomination and Board Procedures Committee, the Strategic Planning and Academic and System Oversight Committee, the Student Affairs and Campus Life Committee, the Audit Committee, and the Facilities and Real Estate Committee, of the **Board of Governors**, State University System announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2009, 8:00 a.m. – 1:00 p.m.

PLACE: Grand Ballroom, Florida A & M University, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approve for Notice, BOG Regulation of Powers and Duties, University Boards of Trustees; Discussion of Committee Workplan; Request for Limited Access Status for Bachelor of Fine Arts in Graphic Design, USF; Florida 21st Century, Technology, Research, and Scholarship Enhancement Act Programs Annual Report; Discussion of Reports of the Florida College System Task Force and State College System Pilot Project; College and Career Readiness Initiatives; Approve for Notice, BOG Regulation 8.003, Textbook Adoption; Discussion of Council for Student Affairs and Florida Student Association Meetings; Discussion of Committee Workplan; Discussion of Final Report of the Task Force on FAMU Finance and Control Issues; Status, FAMU Corrective Action Plan; Discussion, Draft Audit and Compliance Committee Charter; Discussion of Committee Workplan; 2009-2010 SUS Fixed Capital Outlay Legislative Budget Request; Authorize Release of Funds from the University Concurrency Trust Fund in accordance with the Campus Development Agreement between FGCU Board of Trustees and Lee County; Update, Status of revised Campus Master Plan Regulations; Authorize Release of funds from the University Concurrency Trust Fund in accordance with the Campus Development Agreement between the UWF Board of Trustees and Escambia County;

Authorize Release of Funds from the University Concurrency Trust Fund in accordance with the Campus Development Agreement between the FSU Board of Trustees and Leon County; Authorization to Implement a Guaranteed Energy Performance Program, Main Campus, FAMU; Approve to notice, BOG Regulation, Leasing; Discussion, 2010-2011 LBR Guidelines; and Annual Bond Report, 2007-2008.

A copy of the agenda may be obtained by contacting: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Office of Access and Equity, DOE at (850)245-9532, Voice. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

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**The Board of Governors**, State University System of Florida announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Grand Ballroom, Florida A & M University, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Approve for Notice, BOG Regulation, Powers and Duties, University Boards of Trustees; Request for Limited Access Status, Bachelor of Fine Arts in Graphic Design, USF; Florida 21st Century, Technology, Research, and Scholarship Enhancement Act Programs Annual Report; Final Reports of the Florida College System Task Force and State College System Pilot Project; Approve for Notice, BOG Regulation 8.003, Textbook Adoption; Status, Final Report, Task Force on FAMU Finance and Control Issues; Approve 2009-2010 SUS Fixed Capital Outlay Legislative Budget Request; Authorize Release of Funds from the University Concurrency Trust Fund in accordance with the Campus Development Agreement between the FGCU Board of Trustees and Lee County; Authorize release of Funds from the University Concurrency Trust Fund in accordance with the Campus Development Agreement between the UWF Board of Trustees and Escambia County; Authorize release of Funds from the University Concurrency Trust Fund in accordance with the Campus Development Agreement between the FSU Board of Trustees

and Leon County; Authorization to implement a Guaranteed Energy Performance Program, Main Campus, FAMU; Approve, Notice BOG Regulation, Leasing; Discussion of 2010-2011 LBR Guidelines; Annual Bond Report, 2007-2008; Update on Shared Services; Approval of New Degree Programs: Ph.D., Geosciences, FAU; Doctor of Nursing Practice, FSU; Ph.D, History, USF; Ph.D., Government, USF; Ph.D., Sociology, USF; Termination, Ph.D., Industrial and Systems Engineering, FIU; Approval of BOG Regulations: 6.017, Criteria for Award of the Baccalaureate Degree; 3.006, Accreditation; 3.004, Honorary Degrees; 3.009, Student Financial Aid; 6.009, Admission of International Students to SUS Institutions; 6.010, Student Affairs Administration; 6.0115, Observance of Religious Holidays; 6.018, Substitution or Modification of Requirements for Program Admission, Undergraduate Transfer, and for Graduation by Students with Disabilities, and 10.004, Educational Research Centers for Child Development; Approve Repeal, BOG Regulation 6.022, Veteran's Benefits- Inmate Students; and other matters pertaining to the Board of Governors.

A copy of the agenda may be obtained by contacting: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Office of Access and Equity, DOE at (850)245-9532, Voice. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

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**The University of North Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 20, 2009, 2:00 p.m. – 3:30 p.m.

PLACE: Dean's Conference Room in Frederick Schultz Hall, Building 9, Room 2543, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The University of North Florida's Art in State Buildings selection committee for the College of Education and Human Services Building will hold an image review meeting. The purpose of the meeting will be to select finalist to provide artwork for the College of Education and Human Services Building.

For additional information, contact: Linda Sciarratta at (904)620-1786.

A copy of the agenda may be obtained by contacting: Linda Sciarratta.

Pursuant to the provisions of 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: Linda Sciarratta at (904)620-1786. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2009, 9:00 a.m.

PLACE: Regal Sun Resort, 1850 Hotel Plaza Boulevard, Lake Buena Vista, Florida 32830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission for Independent Education will consider: All Degree Granting Institutions and Non-Degree granting institutions on January 30, 2009, for the following: Disciplinary Matters, Informal Hearings, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, Institutional Applications for Program Modifications and Additional Programs, Application for Annual License, Motions for Extension of License, Motions for Request for Extension of Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent, Licenses Sent, Closed Schools, Agent Training Programs, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Substantive Change Applications, Name Change Applications, Attorney and Executive Director Reports, Applications for Exemption for Religious Colleges, Election of Officers.

A copy of the agenda may be obtained by contacting: Commission Office at Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

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

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: Commission Office at Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

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#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs**, Housing and Community Development Division, Community Assistance Section announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, January 20, 2009, 11:00 a.m. – 1:00 p.m.

PLACE: Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Randall Kelley Training Center, Room 305, Tallahassee, Florida 32399-2100, Telephone (850)488-7541. Tele-conference Number: 1(888)808-6959, Conference Code: 9221867

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the Weatherization Assistance Program State Plan for FFY 2009, which will be submitted to the United States Department of Energy.

A copy of the state plan for the Public Hearing may be obtained by writing: Department of Community Affairs, Mr. Norm Gempel, Manager, The Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Copies may also be obtained by telephoning (850)488-7541, by Fax at (850)488-2488, or by appearing in person at the agency headquarters.

Pursuant to the provisions of 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 Community Assistance Section at (850)488-7541. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Department of Community Affairs**, Housing and Community Development Division, Community Assistance Section announces a telephone conference call to which all persons are invited.



DATE AND TIME: Thursday, January 22, 2009, 9:00 a.m. – 1:00 p.m.

PLACE: Betty Easley Conference Center, Southwood State Campus, 4075 Esplande Way, Room 180, Tallahassee, Florida 32399, Telephone (850)487-1132, Tele-conference Number: 1(888)808-6959, Conference Code: 9221867

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Community Assistance Advisory Council will review the Weatherization Assistance Program State Plan for FFY 2009. The Plan is Florida's application for funding from the United States Department of Energy.

A copy of the agenda may be obtained by contacting: Department of Community Affairs, Mr. Norm Gempel, Manager, The Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Copies may also be obtained by telephoning (850)488-7541, by Fax at (850)488-2488, or by appearing in person at the agency headquarters.

Pursuant to the provisions of 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 Community Assistance Section at (850)488-7541. If you are 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 Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2009, 10:00 a.m. and 2:00 p.m.

PLACE: Meetings to be Conducted using Communications Media Technology, specifically Conference Call Telephone Number: 1(888)808-6959, Code: 9221867. Public point of access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

10:00 a.m. Meeting of the Fire Technical Advisory Committee.

2:00 p.m. Meeting of the Roofing Technical Advisory Committee.

A copy of the agenda may be obtained by contacting: Ms. Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call (850)487-1824, Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Mr. Joe Bigelow, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call (850)487-1824.

The **Florida Communities Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2009, 9:00 a.m. – continuing until business is concluded on that date

PLACE: The Capitol Building, Lower Level, Cabinet Meeting Room, 400 South Monroe, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Evaluate projects and generate ranking list for the Stan Mayfield Working Waterfronts Program. The ranking list will be presented to the Board of Trustees for final selection of project funding in February 2009. The FCT Governing Board will conduct any other business that the Governing Board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to insure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Trust at (850)922-2207.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Communities Trust at (850)922-2207. If

you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

## DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 4 announces the scheduling of Phase 2 project scoping and public kickoff meetings to which all persons are invited. These meetings will address the same subject.

DATE AND TIME: January 21, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: Jupiter Town Hall Council Chamber, 210 Military Trail, Jupiter, Florida

DATE AND TIMES: January 27, 2009, 3:30 p.m. – 5:30 p.m. and 6:00 p.m. – 8:00 p.m.

PLACE: Boca Raton Community Center, Royal Palm Room, 150 Crawford Boulevard, Boca Raton, Florida

DATE AND TIMES: February 4, 2009, 3:30 p.m. – 5:30 p.m. and 6:00 p.m. – 8:00 p.m.

PLACE: Raymond F. Kravis Center, Cohen Pavilion, 701 Okeechobee Boulevard, West Palm Beach, Florida

DATE AND TIME: February 5, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: Riviera Beach City Hall, Council Chamber Room C202, 600 West Blue Heron Boulevard, Riviera Beach, Florida

DATE AND TIMES: February 10, 2009, 3:30 p.m. – 5:30 p.m. and 6:00 p.m. – 8:00 p.m.

PLACE: Greater Bethel AME Church, Lower Auditorium, 245 N. W. 8th Street, Miami, Florida

DATE AND TIME: February 11, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: Delray Beach City Hall, Council Commission Chamber, 100 N. W. 1st Avenue, Delray Beach, Florida

DATE AND TIME: February 12, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: Miami Shores Country Club Ballroom, 10000 Biscayne Boulevard, Miami Shores, Florida

DATE AND TIME: February 17, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: Hollywood Center for the Performing Arts, Auditorium and Cafe, 1770 Monroe Street, Hollywood, Florida

DATE AND TIME: February 18, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: E. Pat Larkins Community Center Auditorium, West Side, 520 N. W. 3rd Street, Martin Luther King Boulevard, Pompano Beach, Florida

DATE AND TIME: February 24, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: Aventura Community Recreation Center, Classrooms 1A, 1B, and 2, 3375 N. E. 188th Street, Miami, Florida

DATE AND TIME: February 25, 2009, 5:00 p.m. – 7:00 p.m.

PLACE: African American Research Library and Cultural Center, Auditorium and Seminar Room #2, 2650 West Sistrunk Boulevard, Ft. Lauderdale, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** These meetings are being held to afford interested persons the opportunity to participate in scoping and public kickoff meetings for Phase 2 of the South Florida East Coast Corridor Transit Analysis (SFECCTA).

The SFECCTA was begun using a Tiered Environmental Impact Statement (EIS) National Environmental Policy Act (NEPA) – Efficient Transportation Decision Making (ETDM) process. In processing the Tier 1 Final Programmatic Environmental Impact Statement (PEIS), Federal Transit Administration (FTA) and Florida Department of Transportation (FDOT) agreed that the process followed during Tier 1 was consistent with the NEPA early scoping process. This early scoping process will be continued through the next phase of the study, including the selection of one or more locally preferred alternatives (proposed actions) in the corridor. Under this process, the Tier 1 Draft PEIS will be considered an interim planning report and, as such, the final report for this first phase of the study has been renamed the Final Conceptual Alternatives Analysis/Environmental Screening Report (AA/ESR). With the continuation of early scoping, FDOT will discontinue the pursuit of a Tiered PEIS process and continue the statutorily required Alternatives Analysis process.

The Tier 1 Draft PEIS and Phase 1 Conceptual AA/ESR will serve as the primary administrative record documenting the NEPA analysis performed to support the advanced alternatives analysis phase of decision-making, federal agency oversight, agency coordination, and public comments and responses. The Conceptual AA/ESR may be viewed or downloaded from the project's website at [www.sfecctastudy.com](http://www.sfecctastudy.com). An electronic copy of this interim report is available upon request from: Scott P. Seeburger, Project Manager, Florida Department of Transportation, District 4, Planning and Environmental Management, 3400 West Commercial Boulevard, Fort Lauderdale, FL 33309-3421, (954)777-4632, Fax (954)777-4671, [scott.seeburger@dot.state.fl.us](mailto:scott.seeburger@dot.state.fl.us). Also, bound copies of the Conceptual AA/ESR will be available for public review, between January 9, 2009 to March 10, 2009, at the following locations: Florida Department of Transportation, District 4, Planning and Environmental Management Office, 3400 West Commercial Boulevard, Fort Lauderdale, FL 33309-3421, (954)777-4632; Florida Department of Transportation, District 6, Planning and Environmental Management Office, 1000 N. W. 111th Avenue, Miami, FL 33172, (305)470-5220.

The next phase (Phase 2) of the early scoping – ETDM process will examine technologies, including regional rail, rapid rail, light rail, and bus rapid transit; station locations and types; grade crossing issues; maintenance facility and yard locations; locations for interconnecting passenger services between the existing South Florida Rail Corridor that is served by Tri-Rail Commuter Services and the FEC Railway corridor; costs;

funding; ridership; economic development; land use; engineering feasibility; and environmental factors in a selected corridor. To satisfy FTA New Starts (49 USC 5309) alternatives analysis requirement, FDOT will also evaluate options for transportation improvements in the study area that do not involve significant capital investment including Transportation System Management (TSM) improvements and the implications of taking no action (i.e., the “no build” alternative). It is the purpose of this early scoping – ETDM process to identify mode and general alignment in the SFECC and develop a well-defined locally preferred alternative.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the meetings.

A copy of the agenda may be obtained by writing to: Mr. Scott Seeburger, 3400 West Commercial Boulevard, Ft. Lauderdale, Florida 33309.

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The **Department of Transportation**, District 1 announces a hearing to which all persons are invited.

DATE AND TIMES: Tuesday, February 10, 2009, Open House: 6:00 p.m.; Formal Presentation: 7:00 p.m.

PLACE: Central Church of Christ, 6221 Proctor Road, Sarasota, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing is being held to allow interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the proposed widening of Interstate 75 (I-75) from south of S.R. 681 to north of University Parkway in Sarasota and Manatee Counties, Florida, a distance of approximately 15 miles; Financial Project ID Number: 201277-1-22-01.

A copy of the agenda may be obtained by contacting: Mr. Tony Sherrard, Project Manager, FDOT District One, Post Office Box 1249, Bartow, Florida 33831.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Tony Sherrard, Project Manager, FDOT District One, by telephone at (863)519-2304, by e-mail at antone.sherrard@dot.state.fl.us, or by mail to: Mr. Tony Sherrard, FDOT District One, Post Office Box 1249, Bartow, Florida 33831. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

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## **STATE BOARD OF ADMINISTRATION**

The **Florida Hurricane Catastrophe Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2009, 9:00 a.m. (ET) – conclusion of the meeting

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a meeting of the Trustees of the State Board of Administration to provide for permission for the Florida Hurricane Catastrophe Fund to file the following rules for Notice of Proposed Rulemaking and to file these rules for adoption if no rule hearing is requested: Rule 19-8.010, F.A.C., Reimbursement Contract, Rule 19-8.012, F.A.C., Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure, Rule 19-8.013, F.A.C., Revenue Bonds Issued Pursuant to Section 215.555(6), F.S., Rule 19-8.029, F.A.C., Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Responsibilities. In addition, the Trustees will address other general business. All of the rules showing the proposed amendments and the incorporated forms are available on the Florida Hurricane Catastrophe Fund website: [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf).

A copy of the agenda may be obtained by contacting: Not available.

For more information, you may contact: Tracy Allen, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1341.

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The **Florida Commission on Hurricane Loss Projection Methodology** announces public workshops to which all persons are invited.

DATES AND TIMES: January 29, 2009, 9:00 a.m. – 4:00 p.m. (ET); January 30, 2009, 9:00 a.m. – 12:00 Noon (ET)

PLACE: Hermitage Centre Conference Room, Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** These workshops are being held to consider hurricane modeling of commercial residential exposure and to consider short-term frequency modeling. In addition, other general business of the Commission may be addressed.

A copy of the agenda may be obtained by contacting: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, or donna.sirmons@sbafla.com, or (850)413-1349.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Sirmons at the address given above. If you are 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 CITRUS**

The Florida **Department of Citrus**, Long-Range Planning Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 20, 2009, 2:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will be gathering information from expert witnesses for the development of strategic initiatives.

A copy of the agenda may be obtained by contacting: Bob Norberg at (863)499-2500.

Pursuant to the provisions of 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: Dianne Screws at (863)499-2500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Bob Norberg at (863)499-2500.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, February 4, 2009; February 11, 2009; February 25, 2009, 8:30 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission at (850)488-1293.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Florida Parole Commission at ada@fpc.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).

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.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a public meetings to which all persons are invited.

DATE AND TIME: Monday, February 2, 2009, 10:00 a.m.

PLACE: Hollywood City Commission Chambers, 2600 Hollywood Boulevard, Hollywood, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket Number 080318-GU – Petition for rate increase by Peoples Gas System. The purpose of these customer service hearings is to take testimony from the public on the quality and adequacy of Peoples Gas System’s service and other matters related to Peoples Gas System’s petition for a rate increase. The procedure at these hearings shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross examination at the conclusion of their testimony.

A copy of the agenda may be obtained by contacting: Office of the Commission Clerk at (850)413-6770.

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission’s website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of the Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Caroline Klancke, Office of the General Counsel at (850)413-6220.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Commission on Open Government Reform** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 26, 2009, Commission Meeting, 1:30 p.m. – 3:30 p.m.

PLACE: Via Teleconference Number: 1(888)808-6959, Conference Code: 0109642

GENERAL SUBJECT MATTER TO BE CONSIDERED: approve the Final Report.

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. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Open Government, Executive Office of the Governor, The Capitol, Tallahassee, The Capitol, Tallahassee, FL 32399-0001, (850)921-6099, Fax (850)488-0219.

The **Volunteer Florida Foundation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 27, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: OTTED Conference Room, 19th Floor, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Foundation business.

A copy of the agenda may be obtained by contacting: Frances Rhodes at (850)410-0696.

**REGIONAL PLANNING COUNCILS**

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 2, 2009, 9:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of Regional Impact Assessment Reports for Beacon Countyline – City of Hialeah and Davie Commons – Town of Davie. Any Development Order received prior to the meeting. Any proposed Local Government Comprehensive Plan received prior to the meeting. Any adopted Local Government Comprehensive Plan received prior to the meeting. Any Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments

received prior to the meeting. Proposed Local Government Comprehensive Plan Amendments for Hallandale Beach, Islamorada, Palmetto Bay and Davie. Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting. Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments for Miami-Dade County, Key Biscayne and Surfside. Any Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting. Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting. Meeting on monthly Council business; Executive Committee meeting at 9:00 a.m. at the above location. Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416.

A copy of the agenda may be obtained by contacting: (954)985-4416.

Pursuant to the provisions of 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: (954)985-4416. If you are 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: (954)985-4416 or access the Council's website at: [www.sfrpc.com](http://www.sfrpc.com).

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 20, 2009, 9:30 a.m.

PLACE: Indian River State College, Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060.

Pursuant to the provisions of 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: Liz Gulick at (772)221-4060. If you are 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 **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 20, 2009, Immediately following the regular Council meeting

PLACE: Indian River State College, Chastain Campus, 2400 S. E. Calerno Road, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of Council's Energy Committee.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060.

Pursuant to the provisions of 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: Liz Gulick at (772)221-4060. If you are 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 **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 29, 2009, 10:30 a.m. (ET)

PLACE: Ramada Conference Center, 2900 N. Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the review of any local government plan amendments received in a timely manner.

A copy of the agenda may be obtained by contacting: Janice Watson, ARPC, 20776 Central Avenue East, Blountstown, FL 32424, (850)674-4571.

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.

#### REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 27, 2009, 2:00 p.m.

PLACE: Conference Room 101, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: ADA Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting: SFRTA Executive Office at (954)788-7915.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

#### METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2009, 12:00 Noon – 3:00 p.m.

PLACE: Marriott Orlando Airport Hotel, 7499 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, ext. 4037 or E-mail: brigitte.messina@dot.state.fl.us.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Metropolitan Planning Organization Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2009, 3:30 p.m. – 6:00 p.m.

PLACE: Marriott Orlando Airport Hotel, 7499 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, Telephone 1(866)374-3368, ext. 4037 or E-mail: brigitte.messina@dot.state.fl.us.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**WATER MANAGEMENT DISTRICTS**

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 26, 2009, 8:30 a.m.

PLACE: Brooker Creek Preserve Environmental Education Center, 3940 Keystone Road, Tarpon Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint Workshop Of Southwest Florida Water Management District (Swfwmd) Governing Board And Tampa Bay Water (TBW): Discussion of SWFWMD and Tampa Bay Water projects. Ad Order 38883.

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: 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.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 26, 2009, 12:30 p.m.

PLACE: Brooker Creek Preserve Environmental Education Center, 3940 Keystone Road, Tarpon Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Committee Meetings, Board Meeting and Public Hearing: Conduct Governing Board meeting, Committee meetings, and public hearing. Ad Order 38883.

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: 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.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 27, 2009, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, Florida 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Committee Meetings, Board Meeting and Public Hearing (Continuation of January 26, 2009, Meeting If Needed): Conduct Governing Board meeting, Committee meetings, and public hearing. Ad Order 38883.

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: 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.

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The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Conflict Resolution Board Meetings

DATE AND TIME: January 20, 2009, 9:30 a.m.

PLACE: B-1 Cypress Conf. Rm.

DATE AND TIME: January 21, 2009, 9:30 a.m.

PLACE: B-1 Everglades Conf Rm.

DATE AND TIME: February 5, 2009, 9:30 a.m.

PLACE: B-1 Egret Conf. Rm.

DATE AND TIME: February 6, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: February 20, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: February 23, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: March 5, 2009, 9:30 a.m.  
 PLACE: B-1 2B Bridge Conf. Rm.  
 DATE AND TIME: March 6, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: March 20, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: March 23, 2009, 9:30 a.m.  
 PLACE: B-1 3B Bridge Conf. Rm.  
 DATE AND TIME: April 6, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: April 7, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge Conf. Rm.  
 DATE AND TIME: April 20, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: April 21, 2009, 9:30 a.m.  
 PLACE: B-1 3B Bridge Conf. Rm.  
 DATE AND TIME: May 5, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge Conf. Rm.  
 DATE AND TIME: May 6, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: May 20, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge Conf. Rm.  
 DATE AND TIME: May 21, 2009, 9:30 a.m.  
 PLACE: B-1 2B Bridge Conf. Rm.  
 DATE AND TIME: June 5, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: June 8, 2009, 9:30 a.m.  
 PLACE: Richard Rogers Conf Rm.  
 DATE AND TIME: June 22, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: June 23, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge Conf. Rm.  
 DATE AND TIME: July 6, 2009, 9:30 a.m.  
 PLACE: B-1 3B Bridge Conf. Rm.  
 DATE AND TIME: July 7, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge Conf. Rm.  
 DATE AND TIME: July 20, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: July 21, 2009, 9:30 a.m.  
 PLACE: B-1 3B Bridge Conf. Rm.  
 DATE AND TIME: August 5, 2009, 9:30 a.m.  
 PLACE: B-1 Everglades Conf Rm.  
 DATE AND TIME: August 6, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge Conf. Rm.

DATE AND TIME: August 20, 2009, 9:30 a.m.  
 PLACE: B-1 2B Bridge Conf. Rm.  
 DATE AND TIME: August 21, 2009, 9:30 a.m.  
 PLACE: B-1 2B Bridge Conf. Rm.  
 DATE AND TIME: September 8, 2009, 9:30 a.m.  
 PLACE: B-2 2N Pine Island CR  
 DATE AND TIME: September 9, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge Conf. Rm.  
 DATE AND TIME: September 21, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge CR  
 DATE AND TIME: September 22, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge Conf. Rm.  
 DATE AND TIME: October 5, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: October 6, 2009, 9:30 a.m.  
 PLACE: B-1 2B Bridge Conf. Rm.  
 DATE AND TIME: October 20, 2009, 9:30 a.m.  
 PLACE: B-1 3B Bridge Conf. Rm.  
 DATE AND TIME: October 21, 2009, 9:30 a.m.  
 PLACE: B-1 3A Bridge Conf. Rm.  
 DATE AND TIME: November 5, 2009, 9:30 a.m.  
 PLACE: B-1 2B Bridge Conf. Rm.  
 DATE AND TIME: November 6, 2009, 9:30 a.m.  
 PLACE: B-1 2B Bridge Conf. Rm.  
 DATE AND TIME: November 20, 2009, 9:30 a.m.  
 PLACE: B-1 2B Bridge CR  
 DATE AND TIME: November 23, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge Conf. Rm.  
 DATE AND TIME: December 7, 2009, 9:30 a.m.  
 PLACE: B-1 3B Bridge Conf. Rm.  
 DATE AND TIME: December 8, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge Conf. Rm.  
 DATE AND TIME: December 21, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge CR  
 DATE AND TIME: December 22, 2009, 9:30 a.m.  
 PLACE: B-1 2A Bridge Conf. Rm.  
 PLACE: South Florida Water Management District  
 Headquarters, Building B-1, 3301 Gun Club Road, West Palm  
 Beach, Florida 33406  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 SFWMD Conflict Resolution Board Meetings for 2009.  
 A copy of the agenda may be obtained by contacting: South  
 Florida Water Management District, P. O. Box 24680, Mail  
 Stop Code 6510, West Palm Beach, Florida 33416-4680.  
 Pursuant to the provisions of the Americans with Disabilities  
 Act, any person requiring special accommodations to  
 participate in this workshop/meeting is asked to advise the  
 agency at least 2 days before the workshop/meeting by  
 contacting: Rosanne Smith, HR Solutions Department by



telephone at (561)682-6352. If you are 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: Rosanne Smith, HR Solutions Department by telephone at (561)682-6352

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: January 26, 2009, 2:00 p.m.

PLACE: 210 Military Trail, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Loxahatchee River Management Coordinating Council. Management Plan, election of new officers.

A copy of the agenda may be obtained by contacting: Gardenia Banks Long, 780 S. E. Indian Street, Stuart, Florida 34997, glong@sfwmd.gov, (772)223-2600, ext. 3617.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

#### REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water Regional Water Supply Authority** and the **Southwest Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, January 26, 2009, 9:00 a.m.

PLACE: Brooker Creek Preserve Environmental Education Center, 3940 Keystone Road, Tarpon Springs, FL 34688

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint Workshop of the Southwest Florida Water Management District Board of Directors and the Tampa Bay Water Board of Directors to discuss regional water supply issues of concern in the Tampa Bay area.

A copy of the agenda may be obtained by contacting: Tampa Bay Water at (727)796-2355, SWFWMD at (352)796-7211

Pursuant to the provisions of 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: Micki Dempster at (727)796-2355.

The **Withlacoochee Regional Water Supply Authority** (WRWSA) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 21, 2009, 4:30 p.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street (US 41 South), Brooksville, Florida 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: Withlacoochee Regional Water Supply Authority meeting (WRWSA): Conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Withlacoochee Regional Water Supply Authority, 1107 Shalimar Drive, Tallahassee, Florida 32312, or www.wrwsa.org under "minutes and notices", "current agenda."

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure a verbatim record of the proceeding is made to include the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jackson Sullivan at (850)385-0220. If you are 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: Jackson Sullivan at (850)385-0220 or (352)796-7211, ext. 4622.

**SPACE FLORIDA**

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2009, 9:00 a.m. (Eastern Standard Time)

PLACE: Space Florida Office, Kennedy Space Center, and by Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government, and External Affairs, at dspicer@spaceflorida.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 3 days before the workshop/meeting by contacting: Deb Spicer, Vice President of Communications, Government, and External Affairs, at dspicer@spaceflorida.gov. If you are 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: Deb Spicer, Vice President of Communications, Government, and External Affairs, at dspicer@spaceflorida.gov.

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The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2009, 9:00 a.m. (Eastern Standard Time)

PLACE: Space Florida Office, Kennedy Space Center, and by Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government, and External Affairs, at dspicer@spaceflorida.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 3 days before the workshop/meeting by contacting: Deb Spicer, Vice President of Communications, Government, and External Affairs, at dspicer@spaceflorida.gov. If you are 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: Deb Spicer, Vice President of Communications, Government, and External Affairs, at dspicer@spaceflorida.gov.

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**DEPARTMENT OF ELDER AFFAIRS**

The **Department of Elder Affairs**, Communities for a Lifetime Bureau, in partnership with the Florida Housing Coalition, announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 27, 2009, 8:00 a.m. – 5:00 p.m. (Central Standard Time)

PLACE: Chatautauqua Building, 95 Circle Drive, DeFuniak Springs, FL 32435-2542

GENERAL SUBJECT MATTER TO BE CONSIDERED: The forum is designed to provide expert training and technical assistance on affordable housing funding resources; developing, maintaining, and enhancing stakeholder collaboration among elder housing and service developers, providers, lenders, government agencies, consumer groups, and communities to address housing issues, challenges, and opportunities.

A copy of the agenda may be obtained by contacting: Greg Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email: riceg@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Greg Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email: riceg@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Greg Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000; Email: riceg@elderaffairs.org.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 28, 2009, 1:00 p.m.; January 29, 2009, 8:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Electronic Prescribing Advisory Panel will meet in conjunction with ePrescribe Florida to review the current status of electronic prescribing in Florida and advise the Agency regarding strategies to promote the use of electronic prescribing.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL

32308-5403. The agenda will be posted at: <http://www.fhin.net/eprescribe/ePrescribeWG/meetings.shtml> seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Carolyn H. Turner at (850)922-5861. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brenda Phinney at (850)921-2431.

The **Agency for Health Care Administration** on behalf of the Low Income Pool (LIP) Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 22, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

A copy of the agenda may be obtained by contacting: Contact Edwin Stephens at (850)413-8067 or Suncom 294-8067, [stephene@ahca.myflorida.com](mailto:stephene@ahca.myflorida.com), with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration**, Division of Medicaid announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 2, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: Holiday Inn Select, Orlando International Airport, 5750 T.G. Lee Blvd., Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council including but not limited to review of Medicaid organ transplant program applications and site visit review criteria.

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](mailto:kumart@ahca.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting 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](mailto:kumart@ahca.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

## DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, Division of Telecommunications**, E911 Board announces the following meeting schedule information.

E911 Board Meetings:

DATES AND TIME: January 14-15, 2009, 9:00 a.m. – until conclusion of business

PLACE: World Golf Village, 500 South Legacy Trail, St. Augustine

DATE AND TIME: January 28, 2009, 2:00 p.m. – until conclusion of business

PLACE: Tallahassee, FL, Telephone Conference: 1(888)808-6959, Conference Code 4149636 (to discuss issues related to the 2008 Annual Report to the Governor and Legislature)

DATE AND TIME: February 11, 2009, 2:00 p.m. – until conclusion of business

PLACE: Tallahassee, Florida, Telephone Conference: 1(888)808-6959, Conference Code 4149636 (to discuss issues related to the 2008 Annual Report to the Governor and Legislature)

DATE AND TIME: February 18-19, 2009, 9:00 a.m. – until conclusion of business

PLACE: Rosen Shingle Creek, 9939 Universal Boulevard, Orlando, FL

DATES AND TIME: March 16-19, 2009, 9:00 a.m. – until conclusion of business

PLACE: Hilton Garden Inn, 1330 Blairstone Road, Tallahassee, FL (Grant Committee Meeting scheduled March 16, 2009, 2:00 p.m., March 17, 2009, 9:00 a.m. – until conclusion of business)

DATES AND TIME: April 14-16, 2009, 9:00 a.m. – until conclusion of business

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL (Grant Committee Meeting scheduled April 14, 2009, 2:00 p.m.)

DATES AND TIME: May 20-21, 2009, 9:00 a.m. – until conclusion of business

PLACE: Embassy Suites, USF, 3705 Spectrum Boulevard, Tampa, FL

DATES AND TIME: June 17-18, 2009, 9:00 a.m. – until conclusion of business

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, FL

**DATES AND TIMES:** July 14, 2009, 2:00 a.m. – until conclusion of business; July 15-16, 2009, 9:00 a.m. – until conclusion of business

**PLACE:** Rosen Hotel, 9840 International Drive, Orlando, FL (Wireless Service Provider CRP scheduled July 15, 2008)

**DATES AND TIME:** August 19-20, 2009, 9:00 a.m. – until conclusion of business

**PLACE:** World Golf Village, 500 South Legacy Trail, St. Augustine, FL

**DATES AND TIME:** September 16-17, 2009, 9:00 a.m. – until conclusion of business

**PLACE:** Plantation Hotel, 1501 Lewis Street, Amelia Island, FL

**DATES AND TIME:** October 12-15, 2009, 9:00 a.m. – until conclusion of business

**PLACE:** Embassy Suites, 225 Shorecrest Drive, Altamonte Springs, FL

**DATES AND TIME:** November 18-19, 2009, 9:00 a.m. – until conclusion of business

**PLACE:** Embassy Suites, USF, 3705 Spectrum Boulevard, Tampa, FL

**DATES AND TIME:** December 16-17, 2009, 9:00 a.m. – until conclusion of business

**PLACE:** Peabody Hotel, 9801 International Drive, Orlando, FL

If accommodation due to disability is needed in order to participate, please notify: Department of Management Services, Communications and Information Technology Services Office, E911 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, January 26, 2009, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

**PLACE:** Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular bi-monthly meeting of the SSRC Board of Trustees. Section 282.205, F.S., establishes the Southwood Shared Resource Center, formerly the Shared Resource Center, to enhance communication among state agencies and identify statewide enterprise information technology solutions.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.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 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@

ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

**NOTICE OF CHANGE – The Agency for Workforce Innovation** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, January 22, 2009, 1:00 p.m. – 3:00 p.m.

**PLACE: NEW MEETING LOCATION:** Crowne Plaza Orlando Airport, 5555 Hazeltine National Dr., Orlando, FL 32812, 1(877)348 2424, 1(407)856-0100

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** De-obligation, re-obligation and other board business.

Materials will be available by January 15, 2009, on the CCEP website at: www.ccep.bz. Call In Number will be: 1(888)808-6959, Conference Code: 9213217 (then press #).

A copy of the agenda may be obtained by contacting: CCEP website at: www.ccep.bz.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Regulatory Council of **Community Association Managers** announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 6, 2009, 8:30 a.m. – 5:00 p.m.

**PLACE:** The Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399

**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 via Fax at (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 via Fax at (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 via Fax at (850)922-2918.

The **Department of Business and Professional Regulation** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2009, 10:00 a.m.

PLACE: The Florida Association of Realtors, 200 South Monroe Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Hotels and Restaurants Advisory Council.

A copy of the agenda may be obtained by contacting: Marlita Peters, Division of Hotels and Restaurants, Hospitality Education Program, 1940 North Monroe Street, Tallahassee, Florida 32399-1014, (850)644-9349.

Pursuant to the provisions of 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: Marlita Peters, Division of Hotels and Restaurants, Hospitality Education Program, 1940 North Monroe Street, Tallahassee, Florida 32399-1014, (850)644-9349. If you are 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: Marlita Peters, Division of Hotels and Restaurants, Hospitality Education Program, 1940 North Monroe Street, Tallahassee, Florida 32399-1014, (850)644-9349.

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The Florida **Board of Professional Engineers** announces a public meeting to which all persons are invited.

DATES AND TIME: February 11-12, 2009, 8:30 a.m. or as soon thereafter as practicable

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Board.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

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The Florida **Board of Professional Engineers**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 17, 2009, 8:30 a.m. or as soon thereafter as practicable

PLACE: Wingate Inn, 2516 West Lakeshore Drive, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

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The Florida **Board of Professional Engineers**, Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 17, 2009, 1:00 p.m.

PLACE: Wingate Inn, 2516 West Lakeshore Drive, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

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The Florida **Board of Professional Engineers**, Educational Advisory and Application Review Committees announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 18, 2009, 8:30 a.m. or as soon thereafter as practicable

PLACE: Wingate Inn, 2516 West Lakeshore Drive, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement, review applications of foreign educated applicants, and other Application Review Committee business as needed.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

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The Florida **Board of Professional Engineers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, March 27, 2009, 10:00 a.m. or as soon thereafter as practicable

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303. Call In Number: 1(866)895-8146, Passcode: 30295716.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

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The **Florida Engineers Management Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 8, 2009, 3:00 p.m. or as soon thereafter as practicable

PLACE: The Peabody Orlando, 9801 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Corporation.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

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The Florida **Board of Professional Engineers** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 9, 2009, 8:30 a.m. or as soon thereafter as practicable

PLACE: The Peabody Orlando, 9801 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Board.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

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The Florida **Board of Professional Engineers** and the Florida Engineers Management Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 14, 2009, 9:00 a.m. or as soon thereafter as practicable

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To monitor the operations of the Florida Board of Professional Engineers and the Florida Engineers Management Corporation. A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

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The Florida **Board of Professional Engineers**, Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 14, 2009, 1:00 p.m. or as soon thereafter as practicable

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

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The Florida **Board of Professional Engineers**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 19, 2009, 1:00 p.m. or as soon thereafter as practicable

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

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The Florida **Board of Professional Engineers**, Educational Advisory and Application Review Committees announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 20, 2009, 8:30 a.m. or as soon thereafter as practicable

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement, review applications of foreign educated applicants, and other Application Review Committee business as needed.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

The Florida **Board of Professional Engineers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, May 29, 2009, 10:00 a.m. or as soon thereafter as practicable

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303, Call In Number: 1(866)895-8146, Passcode: 30295716

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

The **Fisheating Creek Settlement Agreement Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 27, 2009, 1:30 p.m. – 4:30 p.m.

PLACE: Fisheating Creek Campground, 7555 N. U.S. Highway 27 N.W., Palmdale, Florida 33944

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda:

1. Approve Minutes of Prior Meeting.
2. Receive annual report from Grant Steelman, including progress on the marking of the alternative "carriage" trail from US 27 and the opening of the Fort Center Trail.
3. Receive report from Paul Gray on the Northern Everglades Plan.
4. Receive report from Harris Friedman on the impending lawsuit to open the creek to navigation.
5. Discuss any new business needed.

A copy of the agenda may be obtained by contacting: Dr. Harris Friedman, 1255 Tom Coker Road, S.W., LaBelle, Florida 33935, (863)675-4138 or by email [Harrisfriedman@aol.com](mailto:Harrisfriedman@aol.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dr. Harris Friedman, 1255 Tom Coker Road, S.W., LaBelle, Florida 33935, (863)675-4138 or by email [Harrisfriedman@aol.com](mailto:Harrisfriedman@aol.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Dr. Harris Friedman, 1255 Tom Coker Road, S.W., LaBelle, Florida 33935, (863)675-4138 or by email [Harrisfriedman@aol.com](mailto:Harrisfriedman@aol.com).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2009, 1:30 p.m.

PLACE: Florida Department of Environmental Protection Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting to discuss issues related to the Hillsborough River Fecal Coliform Basin Management Action Plan (BMAP). The primary topic of discussion during this meeting will be the BMAP development process.

A copy of the agenda may be obtained by contacting: Mr. Terry Hansen, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3500, Tallahassee, Florida 32399-2400, or by e-mail at [terry.hansen@dep.state.fl.us](mailto:terry.hansen@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Terry Hansen at (850)245-8561. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).



The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2009, 9:00 a.m. – 3:00 p.m.

PLACE: Homosassa Springs Wildlife State Park, 4150 South Suncoast Blvd., Homosassa, Florida 32327

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Springs Task Force consisting of public agencies and stakeholders is a forum to discuss issues related to protection, assessment, and restoration of Florida's springs.

A copy of the agenda may be obtained by contacting: Constance Bersok, Florida Department of Environmental Protection, 2600 Blair Stone Road, Division of Environmental Assessment and Restoration, MS 3512, Tallahassee, FL 32399-2400, by calling (850)245-8479, or e-mailing [connie.bersok@dep.state.fl.us](mailto:connie.bersok@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Constance Bersok at (850)245-8479. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Division of Air Resource Management** announces a public meeting to which all persons are invited.

DATE AND TIME: February 10, 2009, 10:00 a.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: On February 10, 2009, the Department will hold a public meeting to consider options to reduce mercury (Hg) emissions from several industrial sectors, including cement, coal-fueled power and waste-to-energy. The Department will provide emission estimates for these industries and discuss possible control techniques to effect reductions. The Department will invite comments from affected industries and the public.

A copy of the agenda may be obtained by contacting: Ms. Susan DeVore (850)921-8968 or [susan.devore@dep.state.fl.us](mailto:susan.devore@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551 or [lynn.searce@dep.state.fl.us](mailto:lynn.searce@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## DEPARTMENT OF HEALTH

The **Governor's Council on Physical Fitness** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, February 2, 2009, 3:00 p.m. – 4:00 p.m.

PLACE: Conference Call Number: 1(888)808-6959, Code: 2454479

GENERAL SUBJECT MATTER TO BE CONSIDERED: the continued work of the Governor's Council on Physical Fitness. A copy of the agenda may be obtained by contacting: Katie Hammond at (850)245-4259.

Pursuant to the provisions of 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. If you are 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: Katie Hammond at (850)245-4259 or [katie\\_hammond@doh.state.fl.us](mailto:katie_hammond@doh.state.fl.us)

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The **Board of Medicine**, Credential Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 5, 2009, 9:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607. Hotel phone #: (813)879-5151.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee.

The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Website at [www.flhealthsource.com](http://www.flhealthsource.com) for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Shamyah Gibson at [Shamyah\\_Gibson@doh.state.fl.us](mailto:Shamyah_Gibson@doh.state.fl.us) or call (850)245-4131 ext. 3518.

Pursuant to the provisions of 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: Shamyah Gibson at [Shamyah\\_Gibson@doh.state.fl.us](mailto:Shamyah_Gibson@doh.state.fl.us) or call (850)245-4131 ext. 3518. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Medicine**, Physician Assistant Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 5, 2009, 3:00 p.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607. Hotel #: (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Website at [www.flhealthsource.com](http://www.flhealthsource.com) for cancellations or changes to meeting dates or call the Board of Medicine.

A copy of the agenda may be obtained by contacting: Vera Johnson at [Vera\\_Johnson@doh.state.fl.us](mailto:Vera_Johnson@doh.state.fl.us) or call (850)245-4131 ext. 3528.

Pursuant to the provisions of 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: Vera Johnson at [Vera\\_Johnson@doh.state.fl.us](mailto:Vera_Johnson@doh.state.fl.us) or call (850)245-4131, ext. 3528. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Medicine**, Anesthesiologist Assistant Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 5, 2009 immediately following PA Council meeting beginning at 3:00 p.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607. Hotel #: (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Website at [www.flhealthsource.com](http://www.flhealthsource.com) for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Chandra Prine at [chandra\\_prine@doh.state.fl.us](mailto:chandra_prine@doh.state.fl.us) or call (850)245-4135.

Pursuant to the provisions of 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: Chandra Prine at [chandra\\_prine@doh.state.fl.us](mailto:chandra_prine@doh.state.fl.us) or

call (850)245-4135. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Medicine**, Rules and Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 5, 2009, 4:00 p.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607. Hotel phone #: (813)879-5151.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Website at [www.flhealthsource.com](http://www.flhealthsource.com) for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Whitney Bowen at [whitney\\_bowen@doh.state.fl.us](mailto:whitney_bowen@doh.state.fl.us) or call (850)245-4131 ext. 3517.

Pursuant to the provisions of 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: Whitney Bowen at [whitney\\_bowen@doh.state.fl.us](mailto:whitney_bowen@doh.state.fl.us) or call (850)245-4131 ext. 3517. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Medicine**, Surgical Care Committee announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2009, 5:00 p.m.

PLACE: Marriott Tampa Airport Hotel, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the general business of the Board.

The Board of Medicine is announcing that certain Committee meetings will be held on the Thursday, February 5, 2009, prior to the Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board

Website at [Floridashealth.com](http://Floridashealth.com) for cancellations or changes to meeting dates, or call the Board of Medicine at (850)245-4131 for more information.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or [www.Gwyn\\_Willis@doh.state.fl.us](mailto:www.Gwyn_Willis@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or [www.Gwyn\\_Willis@doh.state.fl.us](mailto:www.Gwyn_Willis@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The Florida **Board of Medicine** announces a public meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday, February 6-7, 2009, 8:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607. Hotel phone #: (813)879-5151.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Website at [www.flhealthsource.com](http://www.flhealthsource.com) for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Whitney Bowen at [whitney\\_bowen@doh.state.fl.us](mailto:whitney_bowen@doh.state.fl.us) or call (850)245-4131 ext. 3517.

Pursuant to the provisions of 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: Whitney Bowen at [whitney\\_bowen@doh.state.fl.us](mailto:whitney_bowen@doh.state.fl.us) or call (850)245-4131 ext. 3517. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Pharmacy**, Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: February 10, 2009, 10:00 a.m.

PLACE: Hyatt Regency, 225 East Coast Line Drive, Jacksonville, FL 32202, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will review pending Board of Pharmacy rules.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254, or by calling (850)245-4292. The agenda will also be available one week prior to the meeting date at [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy).

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The **Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: February 11, 2009, 8:00 a.m.

PLACE: Hyatt Regency, 225 East Coast Line Drive, Jacksonville, FL 32202, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254. The agenda will also be available one week prior to the meeting date at [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy).

Pursuant to the provisions of 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: Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Department of Health**, Drug Wholesale Distributor Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 5, 2009, 9:30 a.m.

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 9766152

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include the approval of minutes from previous meetings, Rule Update, Program Office Update, National Legislative Activities Summary, Summary Report of National Legislative Activities Compared to Florida's Regulations, Medical Convenience Kits, Select September 2009 Meeting Date, and open discussion.

The agenda will be sent out electronically to the interested party distribution list and placed on the website and web board one week prior to the meeting.

For more information, you may contact: The Drugs, Devices and Cosmetics Program at (850)245-4292.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Families**, Circuit 10 announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 30, 2009, 9:30 a.m.

PLACE: Department of Children and Families, 1055 U.S. Hwy. 17, N., Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ch. 39 Local Planning Team of the Office of Adoption and Child Protection.

A copy of the agenda may be obtained by contacting: Diane Dvorak, Department of Children and Families at (863)619-4100.

Pursuant to the provisions of 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: Diane Dvorak, Department of Children and Families at (863)619-4100.

If you are 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: Diane Dvorak, Department of Children and Families at (863)619-4100.

The **Department of Children and Families**, Circuit 10 announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 11, 2009, 2:30 p.m.

PLACE: United Way of Central Florida, 5605 U.S. Hwy. 98, S., Highland City, FL 33846

GENERAL SUBJECT MATTER TO BE CONSIDERED: Heart of Florida Community Alliance.

A copy of the agenda may be obtained by contacting: Diane Dvorak, Department of Children and Families at (863)619-4100.

Pursuant to the provisions of 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: Diane Dvorak, Department of Children and Families at (863)619-4100.

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesdays, January 2009 through December 31, 2009, 2:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 5th 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.

A copy of the agenda may be obtained by contacting: Darlene Raker, Florida Housing Finance Corporation at (850)488-4197. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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.

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: January 23, 2009, 8:30 a.m. – until adjourned

PLACE: Hyatt Regency Tampa, Two Tampa City Center, 211 North Tampa Street, Tampa, FL 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.

4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the January 23, 2009, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197, or by visiting the Corporation's website at [www.floridahousing.org](http://www.floridahousing.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney at (850)488-4197. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2009, 4:00 p.m. – 7:00 p.m. (CST)

PLACE: Florida Fish and Wildlife Commission Regional Office, 3911 Hwy. 2321, Panama City, Florida 32409-2797

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division of Freshwater Fisheries Management of the Fish and Wildlife Conservation Commission is considering options to protect the Florida subspecies of largemouth bass from the introduction of non-Florida largemouth bass in public waters of central and south Florida. The Commission will discuss procedures to document the status of largemouth bass at facilities certified by the Florida Department of Agriculture and Consumer Services.

A copy of the agenda may be obtained by contacting: Fred Cross, 3911 Hwy. 2321, Panama City, FL 32409-2797, (850)265-3676.

Pursuant to the provisions of 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: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2009, 5:00 p.m. – 7:00 p.m.

PLACE: Florida Fish and Wildlife Commission Regional Office, 1239 S. W. 10th Street, Ocala, Florida 34474-2797

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division of Freshwater Fisheries Management of the Fish and Wildlife Conservation Commission is considering options to protect the Florida subspecies of largemouth bass from the introduction of non-Florida largemouth bass in public waters of central and south Florida. The Commission will discuss procedures to document the status of largemouth bass at facilities certified by the Florida Department of Agriculture and Consumer Services.

A copy of the agenda may be obtained by contacting: Rick Stout, 3583 CR 788, Webster, FL 33597, (352)583-4518.

Pursuant to the provisions of 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: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Headquarters, Bryant Building, Room #272, 620 S. Meridian St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is an exploratory meeting, designed to investigate the possibility of creating a Steering Committee to guide the development of a Habitat Conservation Plan (HCP) for the sandy beaches of Florida. The Florida Department of Environmental Protection (FDEP) has determined that a Steering Committee composed of experts and stakeholders from many fields will aid in the development of a more robust HCP. This meeting will be an effort to identify and nominate individuals to sit on the proposed committee. The nominations resulting from this meeting will be given to the Executive Director of FDEP for approval, and may result in the formal adoption of a Steering Committee for the HCP process.

A copy of the agenda may be obtained by contacting: Kat Diersen, Florida Fish and Wildlife Conservation Commission, Species Conservation Planning Section, 620 S. Meridian St., MS 2A, Tallahassee, Florida 32399-1600, (850)410-0656, ext. 17323, katherine.diersen@myfwc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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: Kat Diersen, Florida Fish and Wildlife Conservation Commission, Species Conservation Planning Section, 620 S. Meridian St., MS 2A, Tallahassee, Florida 32399-1600, (850)410-0656, ext. 17323, katherine.diersen@myfwc.com.

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The **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2009, 4:00 p.m. – 7:00 p.m.

PLACE: Tropical Aquaculture Lab, 1408 – 24th Street, S. E., Ruskin, FL 33570

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division of Freshwater Fisheries Management of the Fish and Wildlife Conservation Commission is considering options to protect the Florida subspecies of largemouth bass from the introduction of non-Florida largemouth bass in public waters of central and south Florida. The Commission will discuss procedures to document the status of largemouth bass at facilities certified by the Florida Department of Agriculture and Consumer Services.

A copy of the agenda may be obtained by contacting: Rick Stout, 3583 CR 788, Webster, FL 33597, (352)583-4518.

Pursuant to the provisions of 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: 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: Rick Stout, 3583 CR 788, Webster, FL 33597, (352)583-4518.

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The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: February 4-5, 2009; 8:30 a.m. each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32550

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.

## DEPARTMENT OF FINANCIAL SERVICES

The **Board of Funeral, Cemetery and Consumer Services** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** February 4, 2009 (in-person); March 4, 2009 (teleconference); April 8, 2009 (Orlando); May 6, 2009 (teleconference); June 3, 2009 (teleconference); June 24, 2009 (in-person). In-person meetings will commence at 10:00 a.m., and teleconference meetings will commence at 9:00 a.m.

**PLACE:** With the exception of the April 8, 2009 meeting, it is anticipated that all meetings will be held: Alexander Building, 2020 Capital Circle, S. E., Tallahassee, Florida, but it may be necessary to move one or more of the meetings to a different location in Tallahassee; any change in the Tallahassee address at which any of the meetings will be held, will be posted under "Announcements" on the website of the Division of Funeral, Cemetery, and Consumer Services (<http://www.myfloridacfo.com/FuneralCemetery/>), at least 7 days before the affected meeting(s); alternatively, interested persons may call Division employee LaTonya Bryant at (850)413-4083, within 7 days of the meeting to confirm the precise address of the meeting.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the business of the Board of Funeral, Cemetery, and Consumer Services under Chapter 497, Florida Statutes.

**PLEASE NOTE:** That one or more of the scheduled meetings may be cancelled. Notice of cancellation will be posted at least 7 days in advance under "Announcements" on the website of the Division of Funeral, Cemetery, and Consumer Services (<http://www.myfloridacfo.com/FuneralCemetery/>). Interested persons should monitor that website for notices relating to these meetings. Alternatively, interested persons may call Division employee LaTonya Bryant at (850)413-4083, within 7 days of any meeting to ascertain whether the meeting has been cancelled.

A copy of the agenda may be obtained by contacting: Division of Funeral, Cemetery, and Consumer Services, Attn.: LaTonya Bryant, 200 East Gaines Street, Tallahassee, FL 32399-0361, or by calling Division employee LaTonya Bryant at (850)413-4083.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: LaTonya Bryant at (850)413-4083. If you are 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: LaTonya Bryant at (850)413-4083.

## FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

**DATE AND TIME:** January 27, 2009, during a regular meeting of the Financial Services Commission.

**PLACE:** Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is the Final Public Hearing on the adoption of proposed amendments to Rules 690-157.302, .303, .304, F.A.C., published on October 24, 2008 in Vol. 34, No. 43, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith at E-mail [gerry.smith@fldfs.com](mailto:gerry.smith@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gerry Smith at E-mail [gerry.smith@fldfs.com](mailto:gerry.smith@fldfs.com).

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

690-157.302 Facility Only Rates.

~~(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, L.O.F., provides that "[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy."~~

~~(1)(2)~~ The following maximum new business rates are effective for 2009~~6~~ rate increase filings and for 2010~~07~~ rate filings until new rates are published: These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days.
- (d) Policies offering Restoration of Benefits, and

(e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer's current area factor applicable in that county relative to the insurer's area factor in Hillsborough County.

(f) Insurers who did not use area factors in the closed blocks for which a rate change is being requested may calculate the new business rate as a weighted average of the Hillsborough and the South Florida area factors, where the weights used are in-force premium by county. For the purposes of this calculation, the South Florida area factors are those that apply in Broward, Duval and Palm Beach county. The South Florida area factor is equal to 1.00.

(2)(3)(a) Facility Only Rates:

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
30	\$244.38	\$296.71	\$324.72
31	\$245.76	\$299.01	\$324.72
32	\$247.18	\$301.32	\$324.72
33	\$248.61	\$303.70	\$324.72
34	\$250.08	\$306.08	\$324.72
35	\$274.33	\$339.84	\$393.60
36	\$275.92	\$342.43	\$393.60
37	\$277.56	\$345.02	\$393.60
38	\$279.19	\$347.65	\$393.60
39	\$280.87	\$350.32	\$393.60
40	\$305.37	\$378.71	\$447.72
41	\$307.09	\$381.46	\$447.72
42	\$308.81	\$384.30	\$447.72
43	\$310.57	\$387.18	\$447.72
44	\$312.37	\$390.10	\$447.72
45	\$362.59	\$455.72	\$575.64
46	\$365.02	\$459.37	\$575.64
47	\$367.49	\$463.12	\$575.64
48	\$370.01	\$466.94	\$575.64
49	\$372.56	\$470.84	\$575.64
50	\$392.25	\$497.62	\$629.76
51	\$403.43	\$510.23	\$649.44
52	\$411.81	\$525.78	\$669.12
53	\$431.63	\$549.95	\$713.40
54	\$454.37	\$579.89	\$762.60
55	\$477.16	\$607.08	\$816.72
56	\$511.89	\$650.81	\$870.84
57	\$547.50	\$695.62	\$934.80
58	\$589.72	\$747.22	\$1,008.60
59	\$632.91	\$805.76	\$1,087.32
60	\$682.93	\$865.57	\$1,170.96
61	\$734.08	\$932.48	\$1,264.44
62	\$789.34	\$1,000.87	\$1,362.84
63	\$859.63	\$1,093.53	\$1,485.84
64	\$937.93	\$1,192.11	\$1,613.76
65	\$1,017.65	\$1,289.90	\$1,756.44
66	\$1,105.08	\$1,399.93	\$1,913.88
67	\$1,200.43	\$1,521.37	\$2,081.16
68	\$1,320.99	\$1,677.23	\$2,322.24
69	\$1,471.97	\$1,856.70	\$2,583.00
70	\$1,637.36	\$2,071.79	\$2,878.20
71	\$1,842.51	\$2,312.52	\$3,207.84
72	\$2,059.81	\$2,579.92	\$3,576.84
73	\$2,274.97	\$2,868.25	\$3,936.00
74	\$2,502.28	\$3,190.21	\$4,334.52

75	\$2,767.75	\$3,547.64	\$4,777.32
76	\$3,074.08	\$3,942.45	\$5,259.40
77	\$3,415.26	\$4,385.38	\$5,790.76
78	\$3,796.56	\$4,872.71	\$6,435.28
79	\$4,215.98	\$5,416.32	\$7,153.60
80	\$4,683.37	\$6,020.61	\$7,950.64
81	\$5,205.93	\$6,725.28	\$8,836.24
82	\$5,782.36	\$7,499.43	\$9,820.24
83	\$6,313.69	\$8,190.73	\$10,622.20
84	\$6,890.31	\$8,918.80	\$11,488.12
85	\$8,214.34	\$10,442.14	\$12,427.84
86	\$8,930.08	\$11,338.00	\$13,446.28
87	\$9,702.70	\$12,319.18	\$14,543.44
88	\$10,546.42	\$13,380.94	\$15,734.00
89	\$11,461.24	\$14,532.68	\$17,018.12

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
35	\$247.43	\$302.74	\$378.50
45	\$363.53	\$446.70	\$555.75
55	\$522.32	\$646.08	\$810.43
65	\$1,126.33	\$1,406.97	\$1,750.61
75	\$3,073.57	\$3,879.00	\$4,769.07

(b) The insurers used to tabulate the above rates are:

Insurer	Weighting Percentage
Bankers Life & Casualty	90.3%
Penn Treaty Network America Insurance Company	9.7%

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History--New 11-1-07, Amended \_\_\_\_\_.

690-157.303 Home Health Care Only Rates.

(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, F.S., provides that "[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy."

(2) The following maximum new business rates are effective for 2009 rate increase filings and for 2010 rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days;
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer's current area factor applicable in that county relative to the insurer's area factor in Hillsborough County.



(f) Insurers who did not use area factors in the closed blocks for which a rate change is being requested may calculate the new business rate as a weighted average of the Hillsborough and the South Florida area factors, where the weights used are in-force premium by county. For the purposes of this calculation, the South Florida area factors are those that apply in Broward, Duval and Palm Beach county. The South Florida area factor is equal to 1.30.

80	\$2,968.20	\$3,511.28	\$3,754.99
81	\$3,171.73	\$3,745.54	\$3,981.31
82	\$3,381.79	\$3,982.57	\$4,213.86
83	\$3,595.48	\$4,223.98	\$4,447.43
84	\$3,819.42	\$4,471.88	\$4,697.07
85	\$4,052.80	\$4,729.19	\$4,943.09
86	\$4,296.34	\$4,996.60	\$5,205.36
87	\$4,542.80	\$5,270.49	\$5,470.06
88	\$4,921.25	\$5,687.82	\$5,849.84
89	\$5,302.62	\$6,111.55	\$6,235.76

(2)(3)(a) Home Health Care Only Rates:

Issue Age	3-Yr Benefit Period	5-Yr Benefit Period	Unlimited Benefit Period
30	\$272.61	\$315.91	\$353.52
31	\$272.61	\$315.91	\$353.52
32	\$272.61	\$315.91	\$353.52
33	\$272.61	\$315.91	\$353.52
34	\$272.61	\$315.91	\$353.52
35	\$292.22	\$341.82	\$391.06
36	\$292.22	\$341.82	\$391.06
37	\$292.22	\$341.82	\$391.06
38	\$292.22	\$341.82	\$391.06
39	\$292.22	\$341.82	\$391.06
40	\$324.90	\$380.85	\$434.82
41	\$324.90	\$380.85	\$434.82
42	\$324.90	\$380.85	\$434.82
43	\$324.90	\$380.85	\$434.82
44	\$324.90	\$380.85	\$434.82
45	\$370.83	\$445.80	\$509.73
46	\$370.83	\$445.80	\$509.73
47	\$370.83	\$445.80	\$509.73
48	\$370.83	\$445.80	\$509.73
49	\$370.83	\$445.80	\$509.73
50	\$421.10	\$505.80	\$580.43
51	\$434.17	\$525.23	\$599.12
52	\$453.78	\$538.19	\$624.11
53	\$466.85	\$564.09	\$649.11
54	\$486.64	\$583.70	\$674.02
55	\$531.60	\$638.59	\$728.08
56	\$558.45	\$665.26	\$770.08
57	\$592.02	\$702.21	\$812.26
58	\$632.66	\$752.71	\$867.74
59	\$673.29	\$799.76	\$923.39
60	\$710.48	\$856.73	\$978.95
61	\$757.65	\$907.40	\$1,037.12
62	\$805.00	\$960.84	\$1,098.99
63	\$869.58	\$1,045.35	\$1,187.81
64	\$937.24	\$1,129.94	\$1,286.48
65	\$1,015.07	\$1,221.01	\$1,381.53
66	\$1,092.89	\$1,308.46	\$1,482.81
67	\$1,170.63	\$1,406.00	\$1,590.31
68	\$1,268.77	\$1,523.75	\$1,714.91
69	\$1,373.54	\$1,651.59	\$1,852.13
70	\$1,484.75	\$1,782.46	\$1,995.50
71	\$1,602.50	\$1,923.26	\$2,145.09
72	\$1,720.25	\$2,067.09	\$2,307.23
73	\$1,849.76	\$2,216.67	\$2,457.18
74	\$1,979.08	\$2,369.96	\$2,613.54
75	\$2,118.57	\$2,532.58	\$2,779.57
76	\$2,261.06	\$2,698.82	\$2,948.38
77	\$2,403.54	\$2,867.92	\$3,123.33
78	\$2,587.37	\$3,079.04	\$3,330.88
79	\$2,771.21	\$3,293.78	\$3,544.75

Issue Age	3-Yr Benefit Period	5-Yr Benefit Period	Unlimited Benefit Period
35	\$166.18	\$203.65	\$242.26
45	\$245.38	\$306.44	\$366.65
55	\$369.58	\$455.50	\$548.26
65	\$691.78	\$836.06	\$989.23
75	\$1,318.83	\$1,520.52	\$1,702.93

(b) The insurers used to tabulate the above rates are:

Insurer	Weighting Percentage
Bankers Life & Casualty Company	97.2%
Colonial American Life Insurance Company	2.3%
Penn Treaty Network America Insurance Company	0.5%

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History—New 11-1-07, Amended \_\_\_\_\_.

690-157.304 Comprehensive Only Rates.

(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, L.O.F., provides that “[t]his act shall apply to long term care insurance policies issued or renewed on or after July 1, 2006. For any long term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”

(1)(2) The following maximum new business rates are effective for 2009~~6~~ rate increase filings and for 2010~~07~~ rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days;
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer’s current area factor applicable in that county relative to the insurer’s area factor in Hillsborough County.

(f) Insurers who did not use area factors in the closed blocks for which a rate change is being requested may calculate the new business rate as a weighted average of the Hillsborough and the South Florida area factors, where the

weights used are in-force premium by county. For the purposes of this calculation, the South Florida area factors are those that apply in Broward, Duval and Palm Beach county. The South Florida area factor is equal to 1.00.

(2)(3)(a) Comprehensive Only Rates:

Issue Age	3-Yr Benefit Period	5-Yr Benefit Period	Unlimited Benefit Period
30	\$356.29	\$454.14	\$622.87
31	\$357.87	\$456.21	\$625.56
32	\$359.50	\$458.88	\$628.85
33	\$361.17	\$470.16	\$640.99
34	\$371.48	\$472.96	\$644.48
35	\$394.20	\$488.52	\$681.96
36	\$396.05	\$500.51	\$694.85
37	\$398.42	\$503.55	\$699.14
38	\$400.41	\$507.18	\$703.57
39	\$411.53	\$510.43	\$708.14
40	\$425.67	\$546.94	\$744.90
41	\$431.46	\$553.40	\$754.41
42	\$435.96	\$558.44	\$761.15
43	\$440.16	\$563.69	\$777.40
44	\$453.08	\$569.55	\$785.18
45	\$462.69	\$600.10	\$811.36
46	\$476.62	\$604.61	\$827.36
47	\$481.31	\$609.99	\$834.12
48	\$487.16	\$617.01	\$843.22
49	\$501.72	\$624.68	\$872.16
50	\$510.28	\$643.51	\$885.02
51	\$530.60	\$665.25	\$910.57
52	\$547.56	\$693.85	\$941.52
53	\$565.67	\$712.92	\$972.94
54	\$584.47	\$743.02	\$1,005.11
55	\$604.14	\$754.11	\$1,038.38
56	\$644.88	\$809.63	\$1,098.41
57	\$679.14	\$865.06	\$1,168.20
58	\$724.11	\$932.83	\$1,241.76
59	\$760.97	\$982.81	\$1,327.49
60	\$817.49	\$1,054.33	\$1,406.23
61	\$883.47	\$1,136.02	\$1,518.87
62	\$954.83	\$1,213.95	\$1,634.80
63	\$1,029.20	\$1,304.31	\$1,763.51
64	\$1,101.86	\$1,392.44	\$1,889.04
65	\$1,189.14	\$1,489.02	\$2,039.15
66	\$1,303.22	\$1,638.22	\$2,242.87
67	\$1,439.64	\$1,819.93	\$2,472.25
68	\$1,586.10	\$1,997.01	\$2,717.22
69	\$1,726.79	\$2,189.76	\$2,977.95
70	\$1,882.16	\$2,399.49	\$3,258.58
71	\$2,122.56	\$2,689.46	\$3,650.61
72	\$2,380.33	\$3,011.03	\$4,078.34

73	\$2,643.96	\$3,334.39	\$4,516.90
74	\$2,925.10	\$3,689.09	\$4,989.64
75	\$3,233.67	\$4,080.01	\$5,495.62
76	\$3,622.71	\$4,564.96	\$6,160.74
77	\$4,043.45	\$5,116.80	\$6,891.93
78	\$4,467.54	\$5,674.34	\$7,616.29
79	\$4,913.66	\$6,236.42	\$8,355.38
80	\$5,365.77	\$7,657.61	\$10,904.13
81	\$5,851.19	\$8,314.46	\$11,818.20
82	\$6,360.85	\$9,038.95	\$12,820.94
83	\$6,954.06	\$9,851.27	\$13,927.26
84	\$7,579.36	\$10,744.46	\$15,117.75
85	\$9,393.68	\$11,738.30	\$16,454.06
86	\$10,622.25	\$13,240.69	\$17,976.84
87	\$11,550.00	\$14,432.21	\$19,582.64
88	\$12,554.44	\$15,692.91	\$21,291.57
89	\$13,619.15	\$17,034.25	\$23,112.87

Issue Age	3-Yr Benefit Period	5-Yr Benefit Period	Unlimited Benefit Period
35	\$332.88	\$414.10	\$574.47
45	\$474.36	\$592.44	\$822.62
55	\$666.65	\$824.77	\$1,151.34
65	\$1,313.19	\$1,640.75	\$2,259.55
75	\$3,288.22	\$4,210.08	\$5,603.51

(b) The insurers used to tabulate the above rates are:

Insurer	Weighting Percentage
Bankers Life & Casualty Insurance Company	52.7%
Blue Cross Blue Shield of Florida	5.1%
Genworth Life Insurance Company	11.5%
Great American Life Insurance Company	9.8%
John Hancock Life Insurance Company	14.2%
Metlife Insurance Company	6.7%

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History--New 11-1-07, Amended \_\_\_\_\_.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: January 27, 2009, 1:00 p.m.

PLACE: 401 Senate Office Building, Tallahassee, Florida (adjacent to The Capitol)

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Farm Florida Insurance Company has requested rate increases for its Florida mobile homeowners, rental condo unit owners, apartment, and rental dwelling programs. The company has requested average statewide rate increases of 53.7%, 97.3%, 70.8%, and 89.1%, respectively. The proposed rate increase for the mobile homeowners program would be effective April 1, 2009, for new business and July 1, 2009, for renewal business. The effective dates of the proposed rate increases for the other programs listed herein are February 1, 2009, for new business and April 1, 2009, for renewal business. The requested rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the Office of Insurance Regulation at [ratehearings@flor.com](mailto:ratehearings@flor.com); the subject line of your e-mail should read "State Farm."

A copy of the agenda may be obtained by contacting: Denielle Petty at (850)413-5312 or e-mail her at [denielle.petty@flor.com](mailto:denielle.petty@flor.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Denielle Petty at (850)413-5312 or e-mail her at [denielle.petty@flor.com](mailto:denielle.petty@flor.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Denielle Petty at (850)413-5312 or e-mail her at [denielle.petty@flor.com](mailto:denielle.petty@flor.com).

#### **CITY OF PALM COAST**

The **City of Palm Coast** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, January 9, 2009, 6:30 p.m.

PLACE: Palm Coast Community Center, 305 Palm Coast Parkway, N. E., Palm Coast, Florida 32137

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing will be conducted to afford interested persons the opportunity to express their views concerning the location, conceptual design and social, economic and environmental effects of City Project #54501, Federal-Aid #415963-1-28-01, otherwise known as Palm Coast Parkway. The limits of the project corridor are from Cypress Point Parkway to Clubhouse Drive in the City of Palm Coast, Florida.

A copy of the agenda may be obtained by contacting: Michael Esposito, City Project Manager, 160 Cypress Point Pkwy., Suite B-106, Palm Coast, 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 7 days before the workshop/meeting by contacting: Michael Esposito, City of Palm Coast, 160 Cypress Point Pkwy., Palm Coast, FL 32164, (386)986-2461.

If you are 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: Michael Esposito, City of Palm Coast, 160 Cypress Point Pkwy., Palm Coast, FL 32164, (386)986-2461.

#### **FLORIDA ENERGY AND CLIMATE COMMISSION**

The **Florida Energy and Climate Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 26, 2009, 10:30 a.m. – Until Completion

PLACE: Tallahassee, FL (Meeting location to be determined)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Energy and Climate Commission will hold a public meeting.

A copy of the agenda may be obtained by contacting: April Groover at (850)487-3800.

#### **HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

The **Hardee County Economic Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2009, 8:30 a.m.

PLACE: 412 West Orange Street, Room 102, Wauchula, FL 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Normal business meeting.

A copy of the agenda may be obtained by contacting: Sandy Meeks at (863)773-9430.

Pursuant to the provisions of 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: Sandy Meeks at (863)773-9430. If you are 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: Sandy Meeks at (863)773-9430.

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**MOFFITT CANCER CENTER AND RESEARCH INSTITUTE**

The **Moffitt Cancer Center and Research Institute** announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2008, 1:30 p.m.

PLACE: Stabile Research Building Trustee Board Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by contacting: Ms. Sandon Austhof, Moffitt Cancer Center, 12902 Magnolia Drive, MCC-VP, Tampa, FL 33612.

Pursuant to the provisions of 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: Ms. Sandon Austhof, Moffitt Cancer Center, 12902 Magnolia Drive, MCC-VP, Tampa, FL 33612. If you are 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. Sandon Austhof, Moffitt Cancer Center, 12902 Magnolia Drive, MCC-VP, Tampa, FL 33612.

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**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 27, 2009, 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: Luana Kutz at (407)623-1070.

Pursuant to the provisions of 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: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Luana Kutz at (407)623-1070.

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**CITIZENS PROPERTY INSURANCE CORPORATION**

The **Citizens Property Insurance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2009, 8:00 a.m.

PLACE: Tallahassee, FL (Conference Call)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Investment Committee Meeting.

Citizens Property Insurance Corporation announces a special Finance and Investment Committee Meeting to begin at 8:00 a.m. (EDT), Thursday, January 29, 2009, being held via conference call 1(888)277-7951. Item of discussion include, but are not limited to, Appointment of Reinsurance Broker and Appointment of Money Manager.

For additional information, please call Jill Booker at 1(800)807-7647, extension 8287.

Special Accommodations: In accordance with the Americans with Disabilities Act, people with disabilities or physical impairments who require assistance to participate in this meeting are requested to contact Jill Booker at least five days prior to the meeting.

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**FLORIDA SUBSTANCE ABUSE AND MENTAL HEALTH CORPORATION**

The **Florida Substance Abuse and Mental Health Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: February 11, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board of Directors meeting to discuss Legislative Priorities and Budget recommendations.

A copy of the agenda may be obtained by contacting: linda@samhcorp.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 7 days before the workshop/meeting by contacting: linda@samhcorp.org, (850)410-1575. If you are 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: Linda Rayner at (850)410-1575.

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**NORTHWEST FLORIDA AREA AGENCY ON AGING, INC.**

The **Northwest Florida Area Agency on Aging, Inc.**, Aging Resource Center for PSA I announces a public meeting to which all persons are invited.

DATE AND TIME: Second Wednesday of every other month beginning February 11, 2009, 6:30 p.m.

PLACE: Agency Office, 5090 Commerce Park Circle, Pensacola, FL 32505

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Board of Directors Meeting.

A copy of the agenda may be obtained by contacting: Nina Wood, Administrative Assistant or Dorothy Peoples, Executive Director.

Pursuant to the provisions of 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).

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: Nina Wood, Administrative Assistant or Dorothy Peoples, Executive Director.

**SOIL AND WATER CONSERVATION DISTRICTS**

The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: January 20, 2009, 8:15 a.m.  
PLACE: USDA Service Center, 1416 U.S. 90 E., Madison, FL 32340

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business.

A copy of the agenda may be obtained by contacting: Doris Newman at (850)973-6595.

NOTICE OF CHANGE – The **Taylor Soil and Water Conservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: January 26, 2009, 3:00 p.m. – 5:00 p.m.  
PLACE: Location changed to: Airport Terminal Conference Room, Industrial Park Drive, Perry, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Election of officers, establishment of annual meeting dates and times, general business.

A copy of the agenda may be obtained by contacting: Carole Taïtt at (850)223-1390.

**FLORIDA CLERKS OF COURT OPERATIONS CORPORATION**

The **Florida Clerks of Court Operations Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 27, 2009, 1:00 p.m. (CST), 2:00 p.m. (EST)  
PLACE: Coral Ballroom A, Hilton, San Destin, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Review revenue and budget issues.

A copy of the agenda may be obtained by contacting: Florida Clerks of Court Operations Corporation at (850)386-2223 or [www.flccoc.org](http://www.flccoc.org).

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on December 16, 2008, the Board of Psychology has received the petition for declaratory statement from Ronald L. Rosenthal, Ph.D. The petition seeks the agency’s opinion as to the applicability of Section 490.0149, F.S., as it applies to the petitioner.

The petition seeks the Board’s interpretation of Section 490.0149, F.S., and whether Dr. Rosenthal may hold himself out to be certified in biofeedback by the Biofeedback Certification Institute of America.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN THAT the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services has received the petition for declaratory statement from the Florida Hospital Association. The petition seeks the agency’s opinion as to the applicability of Chapters 395 and 401, Florida Statutes, and Proposed subsection 64J-1.001(4), Florida Administrative Code, as it applies to the petitioner.

The petitioner seeks to know the permissibility of various interfacility transfer scenarios as they apply to both resident and nonresident patients of the licensee possessing the Certificate of Public Convenience and Necessity.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email: alexander\_macy@doh.state.fl.us.

Please refer all comments to: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email: alexander\_macy@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 Larry E. McDonald on September 22, 2002. The following is a summary of the agency's disposition of the petition: PETITIONER WITHDREW HIS PETITION ON DECEMBER 29, 2008.

Please refer all comments to: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238; Fax: (850)922-1235 or (850)488-0697.

**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:**

Susan Valliere vs. Florida Elections Commission; Case No.: 08-6083RX; Rule No.: 2B-1.002

A. James Valliere vs. Florida Elections Commission; Case No.: 08-6133RX; Rule No.: 2B-1.002

Moshe Leib, d/b/a Tblimo, Walter G. Kozak, d/b/a Gunny's Intrastate Travel and Tours, and Kenneth Jeffre's, d/b/a Jeffre's Transportation vs. Hillsborough County Public Transportation Commission; Case No.: 08-5857RX

Interior Design Associations Foundation and Shelley Siegel vs. Department of Community Affairs, Division of Housing and Community Development, Florida Building Commission; Case No.: 08-5913RP; Rule No.: 9B-3.047

Interior Design Associations Foundation and Shelley Siegel vs. Department of Community Affairs, Division of Housing and Community Development, Florida Building Commission; Case No.: 08-5914RX; Rule Nos.: 9B-3.047, 9B-3.004, 9B-3.050

Daniel Metsch vs. Department of Transportation; Case No.: 08-6353RX; Rule No.: 14-100.004

SA-PG Clearwater, LLC, d/b/a Palm Garden of Clearwater vs. Agency for Health Care Administration; Case No.: 08-6034RP; Rule No.: 59G-6.010

Avante Villa at Jacksonville Beach, Inc. d/b/a Avante at Jacksonville Beach vs. Agency for Health Care Administration; Case No.: 08-6035RP; Rule No.: 59G-6.010

Health and Palliative Services of the Treasure Coast, Inc., through its licensees Hospice of the Treasure Coast, Inc., and the Hospice of Martin and St. Lucie, Inc.; Hope Hospice and Community Services, Inc.; Hospice of Lake and Sumter, Inc., Et. Al. vs. Agency for Health Care Administration; Case No.: 08-5941RU

Friends of Perdido Bay, Inc., and James Lane vs. Department of Environmental Protection; Case No.: 08-6033RU

Ramdass Ramphal and Lucia Calventi vs. Department of Children and Family Services; Case No.: 08-6370RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

National Road Safety Foundation, Inc. and PBD, Inc. vs. St. Johns River Water Management District; Case No.: 08-3311RX; Rule No.: 40C-4.091(1); Dismissed

The Renaissance Charter School, Inc., and the Lee Charter Foundation, Inc. vs. Department of Education; Case No.: 08-1309RU; Dismissed

John Anderson, Robert Augustynowski, Patrick E. Casey, Elmer E. Foit, Edward A. Gross, Robert Horster, Jr., Todd Snipes, Joseph A. Sopotnick and Scott Wise vs. Department of Management Services, Division of Retirement; Case No.: 08-3058RU; Dismissed

Larry Kravitsky vs. Department of Agriculture and Consumer Services, Bureau of Entomology and Pest Control; Case No.: 06-0022RU; Dismissed

Smurfit-Stone Container Corporation vs. Department of Environmental Protection; Case Nos.: 94-5103RU, 94-5105RU; Voluntarily Dismissed

**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO PROFESSIONAL CONSULTANTS**

Request for Qualifications – RFQ 09-13

Student Wellness and Sports Education Center – A/E

The University of North Florida – Board of Trustees, a public body corporate, announces that Professional Services in the discipline of Architecture and Engineering will be required for the Student Wellness and Sports Education Center – University of North Florida, Jacksonville, FL.

This project consist of a new facility of approximately 80,000 gross square feet of new construction and 9,000 NSF of renovated space. It will include fitness, wellness, and recreational, educational, social and administrative space for students, faculty and staff. The facility will be a multi-story building designed to be compatible with the existing campus architecture. The project site is adjacent to the Dottie Dorian fitness Center which is north of the new Student Union and west of the existing Arena.

The preliminary tentative schedule for this RFQ:

Advertisement	January 16, 2009
Submissions due	February 18, 2009, 2:00 p.m.
Evaluation/Short listing	March 2009
Interviews/Award	March 2009

**INSTRUCTIONS:**

Firms wishing to apply for consideration shall submit a letter of application with the appropriate documents from RFQ 09-13 Student Wellness and Sports Education Center A/E.

The letter of application should have attached:

1. The most recent version of the “Professional Qualifications Supplement,” completed by the applicant. Applications on any other form 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 at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. Submit 7 complete copies of the above requested data bound and in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

Minority Business participation is strongly recommended and supported by the University of North Florida.

Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as part of the Basic Services (each, aggregate and per occurrence).

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplemental forms, descriptive project information, and selection criteria may be obtained electronically online at the UNF Purchasing department website: <http://www.unf.edu/dept/purchasing/bids.html>, or by emailing:

Dianna White	AND	Angela Dyal
<a href="mailto:Dianna.white@unf.edu">Dianna.white@unf.edu</a>	University of	<a href="mailto:angela.dyal@unf.edu">angela.dyal@unf.edu</a>
(904)620-1731	North Florida	
	Purchasing Dept.	(904)620-1733
	Bldg. 6, Room 1301	
	1 UNF Drive	
	Jacksonville, FL 32224	

Submit seven (7) complete copies of submittals to the above referenced address. RFQ submittals must be received no later than 2:00 p.m. (Local Time), February 18, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

**PUBLIC ANNOUNCEMENT FOR  
CONSTRUCTION MANAGEMENT SERVICES**

The Florida School for the Deaf and the Blind (FSDB) announces that construction management services are required for the project listed below.

PROJECT NUMBER: FSDB-20090001

PROJECT NAME: Cary White Complex Mechanical Renovations – Building #51

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084-2799.

SERVICES TO BE PROVIDED: The Florida School for the Deaf and the Blind (FSDB) requests qualifications from Construction Management firms to provide Construction Management at Risk for mechanical renovations to Cary White Complex – Building #51. Renovations will include but not limited to; Provide all mechanical, electrical, plumbing, fire protection systems, and minimal architectural finishes.

CONSTRUCTION BUDGET: \$6,600,000.00

FSDB PROJECT MANAGER: Scott Baker

PHONE NUMBER: (904)827-2669

RESPONSE DUE DATE: Tuesday, February 17, 2009, no later than 3:00 p.m.

**INSTRUCTIONS FOR SUBMITTAL:**

Firms interested in being considered for this project should access: [www.fsdb.k12.fl.us](http://www.fsdb.k12.fl.us), Administrative Information – Business Services – Construction Services – Selection Info – Construction Management Firms.

Submittals must be received no later than 3:00 p.m. (Local Time), February 17, 2009, and should be mailed or delivered to: Florida School for the Deaf and the Blind, Attn.: Mr. John Connor, Purchasing Director, 207 N. San Marco Ave., Building #28, St. Augustine, FL 32084-2799. Facsimile (FAX) submittals are not acceptable and will not be considered.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., Building #28, St. Augustine, FL, and may be viewed during regular working days between the hours of 7:00 a.m. and 4:00 p.m. beginning 24 hours after the selection. A final selection will be made after interviews have taken place. The selected firm(s) will be given official notice of selection results by Fax or Mail. Final selection results will also be posted in the Florida Administrative Weekly.

**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**

**ADVERTISEMENT FOR BIDS  
FOR GENERAL CONTRACTORS**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: DEM-25070225

PROJECT NAME: Special Needs Shelter Generator Renovations, David L. Anderson Middle School

PROJECT LOCATION: Stuart, Florida

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$1,000,000.00

PREQUALIFIED BIDDERS: Refer to DMS Website (below) for further details.

NOTE: The Engineer will conduct additional Specific Experience Prequalifications prior to receipt of plans and specifications.

Please visit the Department’s Website listed below and click on “Search Advertisements – Division of Real Estate Development and Management” [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF INVITATION TO BID  
BID NO. BDC 67-08/09**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Channel 5 to Tollgate Road – Multiple Use Trail and Fishing Platforms

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to construct approximately 1.77 miles of shared use path, construct 7 fishing platforms, alternative crosswalk, mitigation and buffer plantings, milling and resurfacing of side streets and landscaping.

PARK LOCATION: Florida Keys Overseas Heritage Trail, Channel 5 to Tollgate Road (Monroe County)

PROJECT MANAGER: Patricia Smith, Office of Greenways and Trails, ADDRESS: 3 La Croix Court, Key Largo, Florida 33037, Telephone Number: (305)420-8432, Fax Number: (305)853-3574.



**MINORITY BUSINESS REQUIREMENT:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1-June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on January 16, 2009 at: Office of Greenways and Trails, Florida Keys Overseas Heritage Trail, 3 La Croix Court, Key Largo, Florida 33037, Attention: Shelley Welch, Telephone Number: (305)853-3571, Fax Number: (305)853-3574.

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: Michael Renard, Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m. (ET), Tuesday, February 17, 2009, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administer, Bureau of Design and Construction, (850)488-3572. The Department reserves the right to reject any or all bids.

**BID POSTING DATE:** No later than 2:00 p.m., Friday, February 27, 2009, unless extended by the Department for good cause.

**NOTICE OF RIGHTS:** Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, Fax (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Rule 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

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#### NOTICE OF INVITATION TO BID

BID NO. BDC 69-08/09

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from licensed General and Building contractors for the project listed below:

**PROJECT NAME:** John Pennekamp Coral Reef State Park – Picnic Pavilion Replacement

**SCOPE OF WORK:** The contractor shall provide all labor, materials, equipment and supervision to permit and demolish the existing picnic pavilions and legally remove of all debris off-site in accordance with the drawings and specifications. In addition, the contractor shall provide all structural and geotechnical engineering, labor, materials, equipment and supervision necessary to permit and construct new picnic pavilions and all related appurtenances in accordance with the drawings and specifications. Work includes, but is not limited to all associated construction and/or demolition of concrete slabs, concrete sidewalks and site work as indicated on the drawings and specifications.

**PROJECT BUDGET:** \$205,000.00

**PARK LOCATION:** John Pennekamp Coral Reef State Park, MM 102.5 Overseas Highway

**PROJECT MANAGER:** Mitch Fenton, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, Telephone Number: (850)488-5372, Fax Number: (850)488-3537.

**MINORITY BUSINESS REQUIREMENT:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1-June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on January 16, 2009 at: John Pennekamp Coral Reef State Park, P. O. Box 487, Key Largo, Florida 33037, Attention: Pat Wells, Park Manager, Telephone: (305)451-1202, Fax: (305)853-3555.

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: Michael Renard, Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

**BID SUBMITTAL DUE DATE:** No later than 3:30 PM (ET), Tuesday, February 10, 2009 to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

**BID POSTING DATE:** No later than 2:00 p.m. (ET), Friday, February 13, 2009, unless extended by the Department for good cause.

**NOTICE OF RIGHTS:** Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2242, Fax (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110,

F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

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### **EARLY LEARNING COALITION OF CLAY, NASSAU, BAKER AND BRADFORD COUNTILES**

#### Invitation to Negotiate for Human Resources Staffing Services

COMPETITIVE SEALED REPLIES will be accepted by the Early Learning Coalition of Clay, Nassau, Baker and Bradford Counties, Inc. for Human Resources/Staffing Services. The Invitation to Negotiate (ITN), released on January 2, 2009, can be obtained from the Coalition's website address which is shown below, or by contacting: Steven Mountain, Executive Director at the address and/or phone number shown below. Bidders may submit questions in writing by 4:00 p.m., January 23, 2009. Written questions and answers will be provided to all respondents. Thereafter, sealed replies will be received until 4:30 p.m., February 2, 2009. ITN specifications are available on the Coalitions website: [www.elcofcnbb.org](http://www.elcofcnbb.org) or by contacting: Steven Mountain, ELC of CNBB, 1845 Town Center Blvd., Suite 150, Orange Park, FL 32003, (904)213-3999 or [smountain@elcofcnbb.org](mailto:smountain@elcofcnbb.org).

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### **FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.**

#### REQUEST FOR PROPOSALS (FDDC # 2009-IP-7600)

##### Partners in Transition Training and Technical Assistance: Building Capacity for Transition-Focused Education

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2009-IP-7600) is released in order to assist the Council to build the capacity of ongoing statewide transition efforts that benefit individuals with developmental disabilities and their family members in the transition process.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this RFP. The exact amount of this contract will be developed during contract negotiations. The anticipated award for this project is expected to range from \$125,000 to \$150,000.

Copies of this RFP can be downloaded from the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, or calling (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is January 30, 2009, by 2:00 p.m. (EST). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of February 2, 2009. The deadline for submitting proposals for this RFP to FDDC is February 27, 2009, by 2:00 p.m. (EST).

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## Section XII Miscellaneous

### DEPARTMENT OF ELDER AFFAIRS

#### NOTICE OF AVAILABILITY

##### VOCA Grant Funds

Announcement: The Office of the Attorney General is pleased to announce the availability of Victims of Crime Act (VOCA) grant funds from the U.S. Department of Justice. The purpose of VOCA grant funds is to support the provision of services to victims of crime. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after victimization, assist victims to understand and participate in the criminal justice system and provide victims of crime with a measure of safety and security. Special consideration will be given to those applicants who provide therapeutic counseling services to victims of child pornography, child victims of Cybercrime, and innocent victims of gang violence. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit corporations registered in Florida, or a combination thereof. The funding cycle for the VOCA grant funds under this notice is October 1, 2009, through September 30, 2010.

Application and Deadline: The annual competitive grant process involves submission of an application, followed by an evaluation that includes an application review and site visits as determined necessary. An application may be obtained through the Office of the Attorney General's web page at <http://myfloridalegal.com/> under the heading of Victims' Services, then click on Advocacy and VOCA Grants. If you are unable to download a copy of the application you may call (850)414-3380. The deadline for applying for a VOCA grant under this notice is no later than 5:00 p.m. (Eastern Standard Time), February 27, 2009. Faxed or electronic submission of the application is not acceptable.

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### DEPARTMENT OF EDUCATION

#### PUBLIC ANNOUNCEMENT OF MEP SELECTION RESULTS

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: Cary White Renovation for MEP Engineering Services

1. Matern
  2. Simes & Rosch
  3. McVeigh & Mangum
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### DEPARTMENT OF COMMUNITY AFFAIRS

#### NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES DCA DOCKET NUMBER 02-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Baker County, Macclenny, Glen St. Mary and the Baker County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Baker County Planning and Zoning Department, 81 North Third Street, Macclenny, Florida 32063.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Baker County, Macclenny, Glen St. Mary and the Baker County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

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-s-Charlie Gauthier, AICP  
 Director, Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
 INTERLOCAL AGREEMENT CONSISTENT WITH  
 SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES  
 DCA DOCKET NO. 11-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Collier County School Board and Collier County, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Collier County, Comprehensive Planning Department, 2800 North Horseshoe Drive, Naples, Florida 34104.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Collier County School Board

and Collier County. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

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-s-Charles Gauthier, AICP  
 Director, Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
 INTERLOCAL AGREEMENT CONSISTENT WITH  
 SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES  
 DCA DOCKET NO. 01-06

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Alachua County School Board and each of the City of HIGH SPRINGS, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at: City of High Springs, 110 N. W. 1st Avenue, High Springs, Florida 32643.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The

petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Alachua County School Board and the City of High Springs. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

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-s-Charlie Gauthier, AICP  
 Director, Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
 INTERLOCAL AGREEMENT CONSISTENT WITH  
 SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES  
 DCA DOCKET NO. 13-32

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") executed between the Miami-Dade County School Board and the Town of Miami Lakes, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at: Town of Miami Lakes, Town Hall, 15700 N. W. 67th Avenue, Suite 302, Miami Lakes, Florida 33014.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Miami-Dade County School Board and the Town of Miami Lakes. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

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-s-Charlie Gauthier, AICP  
 Director, Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**DECISIONS ON BATCHED APPLICATIONS**

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Hospital Beds and Facilities batching cycle with an application due date of September 10, 2008:

County: Marion Service District: 3  
 CON # 10032 Decision Date: 12/12/2008 Decision: D  
 Facility/Project: Psycare Services of Central Florida, LLC  
 Applicant: Psycare Services of Central Florida, LLC  
 Project Description: Establish a 27 bed adult inpatient psychiatric hospital  
 Approved Cost: \$0

County: St. Johns Service District: 4  
 CON # 10033 Decision Date: 12/12/2008 Decision: A  
 Facility/Project: Flagler Hospital  
 Applicant: Flagler Hospital, Inc.  
 Project Description: Establish a 7 bed Level II Neonatal Intensive Care Unit

Approved Cost: \$1,175,123.00  
 County: Lee Service District: 8  
 CON # 10034 Decision Date: 12/12/2008 Decision: A  
 Facility/Project: The Pavilion at HealthPark, LLC  
 Applicant: The Pavilion at HealthPark, LLC  
 Project Description: Establish a 76 bed adult inpatient psychiatric hospital  
 Approved Cost: \$21,118,201.00

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**PILOTAGE RATE REVIEW BOARD**  
 IN RE: APPLICATION OF TAMPA BAY PILOTS ASSOCIATION FOR RATE INCREASE IN THE PORTS OF TAMPA BAY

The Board therefore determines that the rates of pilotage at the Ports of Tampa Bay shall be increased to the following rates effective February 1, 2009:

1. A draft charge of \$37.96 per draft foot for the first year the increase is in effect (no changes to minimum charge for draft);
2. A draft charge of \$39.27 per draft foot for the second year the increase is in effect and thereafter (no changes to minimum charge for draft);
3. A tonnage charge of \$.0700 per Gross Registered Ton (GRT) for the first year the increase is in effect (no changes to minimum charge for tonnage)
4. A tonnage charge of \$.0713 per GRT for the second year the increase is in effect and thereafter (no changes to minimum charge for tonnage);
5. Shifting rates for Year 1 of the increase for:  
 ZONE A – 3/8 of the draft plus tonnage rate for the first year;  
 Zone B – 3/4 of the draft plus tonnage rate for the first year;  
 ZONE C – draft plus tonnage rates for the first year  
 Minimum Charge – \$322.80
6. Shifting rates for Year 2 of the increase for:  
 ZONE A – 3/8 of the draft plus tonnage rate for the second year and thereafter;  
 Zone B – 3/4 of the draft plus tonnage rate for the second year and thereafter;  
 ZONE C – draft plus tonnage rates for the second year and thereafter;  
 Minimum Charge – \$347.33
7. A Docking charge of \$67.00 for vessels less than 5,000 GRT for the first year the increase is in effect;
8. A Docking charge of \$72.00 for vessels less than 5,000 GRT for the second first year the increase is in effect and thereafter;
9. A Docking charge of \$100.00 for vessels between 5,000 and 10,000 GRT for the first year the increase is in effect;

10. A Docking charge of \$107.00 for vessels between 5,000 and 10,000 GRT for the second year the increase is in effect and thereafter;
  11. A Docking charge of \$134.00 for vessels over 10,000 GRT for the first year the increase is in effect;
  12. A Docking charge of \$143.00 for vessels over 10,000 GRT for the second year the increase is in effect and thereafter.
- Done and Ordered this 23rd day of December, 2008.

Clarence T. Johnson, Jr., Chair, PILOTAGE RATE REVIEW BOARD

#### NOTICE OF HEARING RIGHTS

You may seek review of this Order, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition with the: Executive Director, Board at Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399, within 21 days of receipt of this Order. If you dispute any material fact upon which the Board's decision is based, you may request a hearing before an administrative law judge pursuant to Section 120.57(1), Florida Statutes; your petition must contain the information required by Rule 28-106.201, F.A.C., including a statement of the material facts which are in dispute. If you do not dispute any material fact, you may request a hearing before the Board pursuant to Section 120.57(2), Florida Statutes; your petition must include the information required by Rule 28-106.301, F.A.C.

Pursuant to Section 120.573, Florida Statutes, you are hereby notified that mediation pursuant to that section is not available.

Unless a proper WRITTEN request for a hearing is received on or before the above-stated deadline or if a request for hearing is made, but the request is subsequently withdrawn, the Pilotage Rate Review Board will act in accordance with the provisions of Rule 61E13-2.011, F.A.C., and this Order shall become final on February 1, 2009.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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#### NOTICE OF FILING OF APPLICATION FOR POWER PLANT CERTIFICATION

On December 30, 2008, the Siting Coordination Office received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501 et seq., Florida Statutes (F.S.), concerning

FPL's Cape Canaveral Energy Center in Brevard County, Florida, Power Plant Siting Application No. PA08-53, OGC Case No. 08-2971. The application would allow FPL to demolish the 43-year-old existing Cape Canaveral plant (two nominal 400 megawatt conventional dual-fuel fired generating units and support facilities) and construct in its place what it describes as a modern, lower-emission, more efficient clean energy center using the latest combined-cycle technology. A copy of the application for certification is available for review in the office of: Michael P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.507, F.S., and Chapter 62-17, Florida Administrative Code, statutory parties to the site certification proceeding should review the application and submit their reports and recommendations. In the future, a proposed certification hearing date will be announced. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the Water Management District, the Department of Environmental Protection, the Regional Planning Council, the local government, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, F.S., upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S., as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such

conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with the Administrative Law Judge assigned to the case by the Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, prior to 30 days before the date of the certification hearing. Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a party upon the request of the department or the applicant. Pursuant to Section 403.508(6), F.S., if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, the certification hearing may be cancelled.

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#### DEPARTMENT OF HEALTH

On January 5, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Elaine Hasara, L.P.N. license number PN 754451. This Emergency Suspension Order was predicated upon the State Surgeon General'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), F.S. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On December 29, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Kathleen Lee Johnson, L.P.N. license number PN 5166874. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On January 5, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Johann N. Prewett, Ph.D. license number PY 4331. This Emergency Suspension Order was predicated upon the State Surgeon General'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), F.S. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On December 29, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of James Joseph Tongel, R.N. license number RN 2239142. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### FISH AND WILDLIFE CONSERVATION COMMISSISON

Pursuant to paragraph 68A-25.004(2)(f), F.A.C., the Florida Fish and Wildlife Conservation Commission announces the availability of one Alligator Farm Permit granting a farmer the eligibility to participate in the collection of alligator hatchlings from the wild as provided in paragraph 68A-25.031(1)(a), F.A.C.

Persons wishing to apply for an available permit shall do so in writing within 30 days of publication of the notice in the Florida Administrative Weekly. Only persons licensed as alligator farmers pursuant to Section 372.6673, F.S., may apply, and only one application per person will be accepted. Written applications and questions concerning the permit or the application process may be addressed to: Dwayne Carbonneau, Fish and Wildlife Commission, 1515 E. Silver Springs Blvd., Suite 106, Ocala, FL 34479, (352)732-1712.

The HGM Alligator Farm Program Coordinator will assign the available permit based on a random drawing of qualified applicants at: 1515 E. Silver Springs Blvd., Suite 106, Ocala, FL 34479, at least 30 days after the date of this publication.

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#### FINANCIAL SERVICES COMMISSION

##### NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to: Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing.



However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 6, 2009):

**APPLICATION TO MERGE**

Constituent Institutions: First Community Bank of Southwest Florida, Fort Myers, Florida, and Community Bank of Cape Coral, Cape Coral, Florida

Resulting Institution: First Community Bank of Southwest Florida

Received: December 30, 2008

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**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**PUBLIC NOTICE**

The Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to reimburse eligible applicants for eligible costs to repair and/or replace facilities damaged by Hurricane Gustav occurring during the period starting August 31, 2008 and ending September 7, 2008. This notice applies to the Public Assistance (PA) and Hazard Mitigation Grant (HMGP) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207. Under a major disaster declaration (FEMA-1806-DR-FL) signed by the President on October 27, 2008, the following counties have been designated eligible for PA: Bay, Escambia, Franklin, Gulf, Okaloosa, and Santa Rosa. Additional counties may be designated at a later date. All counties in the State of Florida are eligible for HMGP.

This public notice concerns activities that may affect historic properties, activities that are located in or affect wetland areas or the 100-year floodplain, and critical actions within the 500-year floodplain. Such activities may adversely affect the historic property, floodplain or wetland, or may result in continuing vulnerability to flood damage.

Presidential Executive Orders 11988 and 11990 require that all federal actions in or affecting the floodplain or wetlands be reviewed for opportunities to relocate, and evaluated for social, economic, historical, environmental, legal and safety considerations. Where there is no opportunity to relocate, FEMA is required to undertake a detailed review to determine

what measures can be taken to minimize future damages. The public is invited to participate in the process of identifying alternatives and analyzing their impacts.

FEMA has determined that for certain types of facilities there are normally no better alternatives to restoration in the floodplain/wetland. These are facilities that meet all of the following criteria: 1) FEMA's estimate of the cost of repairs is less than 50% of the cost to replace the entire facility, and is less than \$100,000; 2) the facility is not located in a floodway; 3) the facility has not sustained major structural damage in a previous Presidentially declared flooding disaster or emergency; and 4) the facility is not critical (e.g., the facility is not a hospital, generating plant, emergency operations center, or a facility that contains dangerous materials). FEMA intends to provide assistance for the restoration of these facilities to their pre-disaster condition, except for certain measures to mitigate the effects of future flooding or other hazards may be included in the work. For example, a bridge or culvert restoration may include a larger waterway opening to decrease the risk of future washouts.

For routine activities, this will be the only public notice provided. Other activities and those involving facilities that do not meet the four criteria are required to undergo more detailed review, including study of alternate locations. Subsequent public notices regarding such projects will be published if necessary, as more specific information becomes available.

In many cases, an applicant may have started facility restoration before federal involvement. Even if the facility must undergo detailed review and analysis of alternate locations, FEMA will fund eligible restoration at the original location if the facility is functionally dependent on its floodplain location (e.g., bridges and flood control facilities), or the project facilitates an open space use, or the facility is an integral part of a larger network that is impractical or uneconomical to relocate, such as a road. In such cases, FEMA must also examine the possible effects of not restoring the facility, minimize floodplain/wetland impacts, and determine both that an overriding public need for the facility clearly outweighs the Executive Order requirements to avoid the floodplain/wetland, and that the site is the only practicable alternative. State of Florida and local officials will confirm to FEMA that proposed actions comply with all applicable State and local floodplain management and wetland protection requirements.

FEMA intends to provide HMGP funding to the State of Florida to mitigate future disaster damages. These projects may include construction of new facilities that exceed code requirements, modification of existing, undamaged facilities, relocation of facilities out of floodplains, demolition of structures, or other types of projects to mitigate future disaster damages. In the course of developing project proposals, subsequent public notices will be published if necessary, as more specific information becomes available.

The National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. Those actions or activities affecting buildings, structures, districts or objects 50 years or older or that affect archeological sites or undisturbed ground will require further review to determine if the property is eligible for listing in the National Register of Historic Places (Register). If the property is determined to be eligible for the Register, and FEMA's undertaking will adversely affect it, FEMA will provide

additional public notices. For historic properties not adversely affected by FEMA's undertaking, this will be the only public notice.

As noted, this may be the only public notice regarding the above-described actions under the PA and HMGP programs. Interested persons may obtain information about these actions or a specific project by writing to: Federal Emergency Management Agency, Joint Field Office, 2501 Principal Road, Orlando, Florida 32837, or by calling (407)858-6201. Comments should be sent in writing to Jeffrey Bryant, Federal Coordinating Officer, at the above address within 15 days of the date of this notice.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN December 29, 2008  
and December 31, 2008

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**  
**Division of Library and Information Services**

1B-24.001	12/29/08	1/18/09	34/46	
1B-24.003	12/29/08	1/18/09	34/46	

**DEPARTMENT OF TRANSPORTATION**

14-86.001	12/31/08	1/20/09	34/18	34/47
14-86.002	12/31/08	1/20/09	34/18	34/47
14-86.003	12/31/08	1/20/09	34/18	34/47
14-86.004	12/31/08	1/20/09	34/18	34/47
14-86.005	12/31/08	1/20/09	34/18	34/47
14-86.006	12/31/08	1/20/09	34/18	34/47
14-86.007	12/31/08	1/20/09	34/10	34/47

**DEPARTMENT OF CITRUS**

20-39.003	12/31/08	1/20/09	34/46	
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**WATER MANAGEMENT DISTRICTS**  
**Southwest Florida Water Management District**

40D-2.091	12/31/08	1/20/09	34/38	34/49
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**DEPARTMENT OF MANAGEMENT SERVICES**  
**Personnel Management System**

60L-33.004	12/31/08	1/20/09	34/34	34/46
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF HEALTH**  
**Board of Medicine**

64B8-1.007	12/29/08	1/18/09	34/46	
64B8-4.009	12/29/08	1/18/09	34/46	

**Board of Psychology**

64B19-11.008	12/31/08	1/20/09	34/48	
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-1.900	12/30/08	1/19/09	34/10	34/23
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**FISH AND WILDLIFE CONSERVATION COMMISSION**

68-1.003	12/29/08	1/18/09	34/33	34/47
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**Vessel Registration and Boating Safety**

68D-24.011	12/31/08	1/20/09	34/44	
68D-24.143	12/31/08	1/20/09	34/44	

**FINANCIAL SERVICES COMMISSION**  
**Securities**

69W-600.013	12/29/08	1/18/09	34/39	
69W-600.0131	12/29/08	1/18/09	34/39	
69W-600.0133	12/29/08	1/18/09	34/39	34/46