

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0789
RULE TITLE: Definition of a Charter School Nonprofit Organization

PURPOSE AND EFFECT: The purpose of this rule development is to clarify how a charter school shall be organized and operated.

SUBJECT AREA TO BE ADDRESSED: The definition of a nonprofit organization for purposes of charter school operation.

RULEMAKING AUTHORITY: 1002.33 FS.

LAW IMPLEMENTED: 1002.33 FS.

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

DATE AND TIME: May 12, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Education, 325 W. Gaines St., Rm. 1706, Tallahassee, FL 32399. To participate via conference call: 1(888)808-6959, Code 2450861

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Adam Miller, Charter School Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0789 Definition of a Charter School Nonprofit Organization.

For the purposes of Section 1002.33, Florida Statutes, a nonprofit organization is defined as any corporation, trust, association, cooperative, or other organization that meets the following criteria:

- (1) Is qualified under Section 501 (c) 3 of the IRS code, or
- (2)(a) Is operated primarily for scientific, educational service, or charitable purpose in the public interest;
- (b) Is not organized primarily for profit;
- (c) Uses net proceeds to maintain, improve, or expand the operations of the organization; and
- (d) No part of its net earnings may lawfully benefit any private shareholder or individual.

Rulemaking Authority 1002.33(26) FS. Law Implemented 1002.33(12)(i) FS. History—New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-7.0411
RULE TITLE: Responsibilities for the School Food Service Program

PURPOSE AND EFFECT: The purpose of the rule development is to review the current provisions relating to beverages currently allowed to be sold as well as served at elementary, middle and high schools. The effect is to ensure that students have access to beverages with the most appropriate nutritional value.

SUBJECT AREA TO BE ADDRESSED: Beverages sold and served at public schools.

RULEMAKING AUTHORITY: 1006.06(2) FS.

LAW IMPLEMENTED: 1006.06, 1006.0605, 1006.0606 FS.

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

DATE AND TIME: April 28, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: Orlando County Convention Center, Room W306B, 9800 International Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lynn Abbott, Agency Clerk, Department of Education lynn.abbott@fldoe.org or (850)245-9661

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-7.0411 Responsibilities for the School Food Service Program.

(1) The Deputy Commissioner for Finance and Operations shall have the following responsibilities:

(a) through (c) No change.

(d) To require that all programs meet at least the minimum standards established by Florida law and rules of the State Board provided, however, that only beverages consistent with the guidelines in paragraph (2)(c) of this rule are served or offered. Provided, however, that under extenuating circumstances and upon written recommendation of the Deputy Commissioner for Finance and Operations, the Commissioner shall have authority to waive any state school food service regulation for a period of time not to exceed six (6) months; provided further, that an extended waiver may be granted based upon evidence that it will contribute to the maintenance of district or school goals. Such an extended waiver shall be for no more than an additional twelve (12) months during which time the district must make periodic reports to the Department as to the impact of the waiver upon the districts food service programs. Based upon positive results the Commissioner may grant further waivers as deemed appropriate.

(e) through (2)(b) No change.

(c) To control the sale of food and beverage items in competition with the district approved food service program, Only the following beverages may be sold in all schools: non-carbonated, bottled water with no additives except for flavor additives; milk with a fat content of one (1) percent or less not to exceed one hundred ten (110) calories per eight (8) ounce serving; and one hundred (100) percent fruit juice with no added sweeteners or other additives. In addition, the following beverages may be sold in high schools only: beverages with no more than ten (10) calories, no more than thirty (30) milligrams of caffeine per eight (8) ounces, any added vitamins, minerals or supplements may not exceed one hundred (100) percent of Dietary Reference Intakes (DRI) guidelines per eight (8) ounce serving; for containers larger than eight (8) ounces the total vitamins, minerals or supplements per container may not exceed one hundred (100) percent of DRI guidelines. The container size for beverages that have calories may not exceed eight (8) ounces for elementary schools, ten (10) ounces for middle schools, and twelve (12) ounces for high schools. In addition, sports drinks containing no more than sixty (60) calories, fifteen (15) grams of sugar, one hundred fifty (150) milligrams of sodium, and thirty (30) milligrams of caffeine per eight (8) ounce serving may be consumed by middle and high school student athletes immediately before, during or after practice or competition. None of the beverages permitted in this section may be sold in the food service areas during the lunch periods, including those classified as "foods of minimal nutritional value," listed in Code of Federal Regulations 210, Appendix B. These items may be sold in secondary schools only, with the approval of the school board, one (1) hour following the close of the last lunch period. A school board may allow the sale of carbonated beverages to students in high schools by a school activity or organization authorized by the principal at all times if a beverage of one hundred (100) percent fruit juice is sold at each location where carbonated beverages are sold. However, carbonated beverages may not be sold where breakfast or lunch is being served or eaten. Non-carbonated beverages, including one hundred (100) percent fruit juice, may be sold at all times during the day at any location. Consideration should be given to allowing only the sale of nutritious food and beverage items which meet at least United States Department of Agriculture dietary guidelines for Americans.

(d) through (4) No change.

Rulemaking Specific Authority 1006.06(2) FS. Law Implemented 1006.06, 1006.0605, 1006.0606 FS. History—Amended 3-26-66, 4-17-72, 4-19-73, 10-20-73, Revised 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 10-18-77, 12-11-79, 1-7-81, 7-28-81, 9-23-81, 6-28-83, 10-15-84, 7-10-85, Formerly 6A-7.42, Amended 5-3-88, 5-16-90, 6-30-92, Formerly 6A-7.042, Amended 10-11-99, 1-25-00, Formerly 6-7.042, Amended _____.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-85.022
RULE TITLE: Permits
PURPOSE AND EFFECT: Rule development is being initiated and workshops held to allow for public discussion and possible amendment.
SUBJECT AREA TO BE ADDRESSED: Annual permit fees will be addressed.
RULEMAKING AUTHORITY: 334.044(2), 479.261 FS.
LAW IMPLEMENTED: 479.261 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:
DATE AND TIME: Tuesday, April 27, 2010, 9:00 a.m. – 11:00 a.m.
PLACE: Auditorium D2, 3400 West Commercial Blvd. (District 4 Office), Ft. Lauderdale, Florida
DATE AND TIME: Tuesday, April 27, 2010, 3:00 p.m. – 5:00 p.m.
PLACE: Auditorium A, Turnpike Turkey Lake Service Plaza, Ocoee, Florida
DATE AND TIME: Thursday, April 29, 2010, 2:00 p.m. – 4:00 p.m.
PLACE: Burns Building Auditorium, 605 Suwannee St., 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 7 days before the workshop/meeting by contacting: Deanna R. Hurt, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deanna R. Hurt, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF TRANSPORTATION**Florida Seaport Transportation and Economic Development Council**

RULE NOS.:	RULE TITLES:
14B-1.001	Definitions
14B-1.002	Port Project Funding Application Procedures and Requirements
14B-1.003	Measuring Economic Benefits
14B-1.004	Determination of Funding; Council/Agency Review
14B-1.005	Council Procedures
14B-1.006	Eligible Port Funding Requirements
14B-1.007	Reporting Requirements

PURPOSE AND EFFECT: Provide Implementation Guidelines for Port Project Funding Application Procedures, Agency Reviews, Council Procedures and Port Funding Requirements.

SUBJECT AREA TO BE ADDRESSED: Florida Seaport Transportation and Economic Development Council Rule.

RULEMAKING AUTHORITY: 311.09(4), 311.09(2), (11) FS.

LAW IMPLEMENTED: 311.07, 311.09, 315.02, 320.20(3), (4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Toy Keller, toykeller@flaports.org, Florida Ports Council, 502 E. Jefferson St., Tallahassee, Florida 32301, (850)222-8028

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**Division of Motor Vehicles**

RULE NOS.:	RULE TITLES:
15C-17.001	Requirements
15C-17.002	Exemptions and Restrictions
15C-17.003	Record Retention

PURPOSE AND EFFECT: The Purpose and Effect of this rule is to implement a secure electronic process for the temporary transfer of license plates.

SUBJECT AREA TO BE ADDRESSED: Electronic Temporary Plate Transfer.

RULEMAKING AUTHORITY: 320.0609(8) FS.

LAW IMPLEMENTED: 320.0609(8) FS.

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

DATE AND TIME: Tuesday, April 27, 2010, 9:30 a.m.

PLACE: 2900 Apalachee Parkway, Auditorium, Room A427, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Boyd Walden, Chief, Bureau of Titles and Registrations, Division of Motor Vehicles, 2900 Apalachee Parkway, MS-68, Tallahassee, Florida 32399-0500

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

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 CITRUS

RULE NO.:	RULE TITLE:
20-48.005	Program Requirements

PURPOSE AND EFFECT: Amendment updating rules to reflect new location information of the Florida Department of Citrus.

SUBJECT AREA TO BE ADDRESSED: New location information of the Florida Department of Citrus.

RULEMAKING AUTHORITY: 601.15 FS.

LAW IMPLEMENTED: 601.15 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: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or (863)537-3999 or awiggins@citrus.state.fl.us or www.fdccgrower.com under Legal

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

DEPARTMENT OF CITRUS

RULE NO.: 20-68.002 **RULE TITLE:** Inspection of Official Tables
PURPOSE AND EFFECT: Amendment updating rules to reflect new location information of the Florida Department of Citrus.
SUBJECT AREA TO BE ADDRESSED: Official location information of the Florida Department of Citrus.
RULEMAKING AUTHORITY: 601.10(1), (7), 601.11, 601.25 FS.
LAW IMPLEMENTED: 601.02(4), (5), 601.10(7), 601.11, 601.25 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: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or (863)537-3999 or awiggins@citrus.state.fl.us or www.fdocgrower.com under Legal
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CITRUS

RULE NOS.: 20-100.001 **RULE TITLES:** Statement of Agency Organization and Operation
 20-100.003 Management and Indexing of Final Orders
 20-100.004 Official Forms Used by Agency
PURPOSE AND EFFECT: Amendment updating rules to reflect new location information of the Florida Department of Citrus.
SUBJECT AREA TO BE ADDRESSED: Official location information of the Florida Department of Citrus.
RULEMAKING AUTHORITY: 120.53, 120.54(5), 601.10(1), (15) FS.
LAW IMPLEMENTED: 120.53, 120.54(5), 601.10(15) 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: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida

Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or (863)537-3999 or awiggins@citrus.state.fl.us or www.fdocgrower.com under Legal
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

PUBLIC SERVICE COMMISSION

RULE NOS.: 25-30.029 **RULE TITLES:** Legal Description of Service Area
 25-30.030 Notice of Application
 25-30.032 Applications
 25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges
 25-30.034 Application for Certificate of Authorization for Existing Utility Currently Charging for Service
 25-30.035 Application for Grandfather Certificate
 25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete Service
 25-30.037 Application for Authority to Transfer
 25-30.039 Application for Name Change
 25-30.090 Abandonments
PURPOSE AND EFFECT: New Rule 25-30.029, F.A.C., specifies the format of the legal description of the utility's service area to be used in various listed water and wastewater certificate applications. The amendments to the remaining rules update, stream-line, and clarify the Commission's requirements for applications for water and wastewater utility certificates of authorization. Undocketed.
SUBJECT AREA TO BE ADDRESSED: Certificates of authorization for Commission regulated water and wastewater utilities.
RULEMAKING AUTHORITY: 350.127(2), 367.0451, 367.121, 367.1213, 367.1214 FS.
LAW IMPLEMENTED: 367.031, 367.045, 367.071, 367.1213, 367.1214, 367.165 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: May 6, 2010, 9:30 a.m.
PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Patti Daniel, Office of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6808, pdaniel@psc.state.fl.us

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.800
RULE TITLE: Close Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: change Form DC6-128, Close Management Referral Assessment, to state that an inmate's mental health classification shall be based on the inmate's present mental health status, rather than the inmate's status within the past 30 days; add lewd and lascivious behavior to the list of "major rule violations"; add a definition of lewd and lascivious behavior; create a process and criteria for review of a Security Threat Group member before he or she is released from close management; clarify book and periodical possession limits for close management inmates; and remove restriction on providing typing services to inmates on close management status.

SUBJECT AREA TO BE ADDRESSED: Close Management.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.800 Close Management.

(1) Definitions.

(a) Housing supervisor – a correctional officer sergeant, or above, who is in charge of the close management unit for a particular shift.

(b) Medical Staff – a health care professional whose primary responsibility is the provision of physical health care to inmates.

(c) Mental Health Staff – a health care professional whose primary responsibility is the provision of mental health care to inmates.

(d) Close Management (CM) – the confinement of an inmate apart from the general population, for reasons of security or the order and effective management of the institution, where the inmate, through his or her behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others.

(e) Close Management Levels – the three individual levels (CMI, CMII, and CMIII) associated with close management, with CMI being the most restrictive single cell housing level and CMIII being the least restrictive housing of the three CM levels.

(f) Individualized Service Plan (ISP) – a dynamic, written description of problems, goals, and services which is developed and implemented by the multi-disciplinary services team (MDST) and the inmate. An ISP shall be developed and implemented for each CM inmate who suffers from mental impairment or is at significant risk for developing such impairment, as determined by mental health staff.

(g) Multi-disciplinary Services Team – a team of mental health, program, classification, and security staff which assesses behavioral risk for each CM inmate and develops and implements an individualized service plan for each CM inmate who suffers from mental impairment or is at significant risk for developing such impairment, as determined by mental health staff.

(h) Critical Event – inmate involvement, after the CM team decision, in one or more of the following events or behaviors: assignment to suicide observation status; homicide; attempted homicide; escape; attempted escape; physical assault; attempted physical assault.

(i) Review – where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's close management status to determine if changes or modifications are required or recommended.

(j) Visit – where used herein, refers to the official tour and inspection of a close management unit by a staff member.

(k) Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, and a chief of security, that is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO). The only exception to the above listed membership of the ICT is the makeup of the ICT at the designated CM facilities when considering the placement, continuance, modification, or removal of inmates from close management units. For these purposes, multiple ICTs consisting of the following members can be utilized:

1. Warden, a chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or a senior classification officer who does not have the inmate on his or her caseload; or

2. Assistant Warden for Operations, a chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or in his or her absence from the institution the acting classification supervisor; or

3. Assistant Warden for Programs, a chief of security or in his or her absence from the institution the acting chief of security, and the classification supervisor or a senior classification officer who does not have the inmate on his or her assigned caseload.

(l) Institutional Classification Team Docket – the official record of an ICT hearing.

(m) Major Rule Violation – any assault, battery or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(n) Offender Based Information System (OBIS) – the department's computer offender database system which is utilized to organize and store security, classification, program and other offender information.

(o) Restricted Labor Squad – an armed supervision work squad consisting of individually shackled close management II or III inmates who work outside the secure perimeter on institution grounds.

(p) Senior Correctional Officer – a correctional officer lieutenant or above.

(q) State Classification Office (SCO) – a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving, modifying or rejecting ICT recommendations.

(r) Lewd or Lascivious Exhibition – An inmate commits a lewd or lascivious exhibition when the inmate:

1. Intentionally masturbates;

2. Intentionally exposes the genitals without authorization;

or

3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a staff member or volunteer.

(2) Levels of Close Management.

(a) Close Management I (CMI).

1. Close Management I is the most restrictive single cell housing level of all the close management status designations.

2. An inmate assigned to CMI will be ineligible for a work assignment. An inmate may be placed in CMI without having previously been in CMII or III. Any of the following factors constitutes a basis for placement of an inmate in CMI status:

a. An incident causing death;

b. An act causing injury or an act which could have resulted in injury to another;

c. Any physical assault on staff shall result in a mandatory referral for review for placement in CMI status. If convicted, regardless of whether adjudication is withheld, of any assault or battery that constitutes a felony, the CM release provisions specified in paragraph (16)(g) shall be effective.

d. The taking of a hostage or an attempt to take a hostage;

e. Instigation or incitement of a riot or disorder;

f. Creating or causing property damage in excess of \$1,000;

g. Participation in or causing further institutional disruption during a riot or disorder;

h. An escape or escape attempt involving use of a weapon, outside assistance, use of equipment or tools to penetrate a secure perimeter or violence committed during or while on escape;

i. An escape or escape attempt from a secure perimeter;

j. An escape or escape attempt while under armed supervision while outside the perimeter of the institution;

k. Possession of weapons, ammunition, explosives, flammables, or initiation of or participation in trafficking of these items or trafficking in drugs;

l. Participation in a sexual assault or battery;

m. An inmate who is currently CMII or CMIII and shows an inability to adjust as evidenced by subsequent major rule violation(s);

n. Documented leadership in a security threat group that is certified by the threat assessment review committee in central office.

(b) Close Management II (CMII).

1. CMII is restrictive cell housing, which may or may not be restricted to single cell housing.

2. An inmate may be placed into CMII without having previously been placed in CMIII. Any of the following factors constitutes a basis for placement of an inmate in CMII status:

a. An act or acts in the community, during other periods of confinement, or any circumstances associated with the current period of incarceration such that safety, security, and public safety concerns suggest further review prior to placement in open population;

b. A pattern of predatory actions which makes an inmate a threat to others;

c. An act causing injury or an act which could have resulted in injury to another;

d. An escape or an escape attempt from within the secure perimeter of a facility without violence, the use of weapons, the taking of hostages, the use of equipment or tools, or outside assistance;

e. Participation in riots or disorders during any period of incarceration;

f. A pattern of behavior during the present period of incarceration involving acts of violence or threats of violence;

g. Initiated or participated in a contraband trafficking operation involving negotiables, escape paraphernalia [other than items listed in sub-subparagraph (2)(a)2.h.], or other items that present a threat to the safe and secure operation of the institution or facility;

h. Presents a risk to another inmate's safety and well being in population, as identified by an act or acts which demonstrates an inability to live in general population without endangering others;

i. Is currently CMIII and shows an inability to adjust as evidenced by subsequent major rule violation(s).

(c) Close Management III.

1. CMIII is the least restrictive cell housing unit in close management.

2. Any of the following factors constitutes a basis for placement of an inmate in CMIII Status:

a. An escape or an escape attempt, or a documented history of escape from a non-secure facility or environment without violence, weapons, outside assistance, or the arrest for any other felony while on escape;

b. Assisting or aiding in an escape or an escape attempt;

c. A history of disciplinary action or institutional adjustment reflecting an inability to live in the general inmate population without disrupting the operation of the institution;

d. Participation in a predatory or aggressive act through the use of force or intimidation;

e. Participation in a riot or disorder by refusing to follow orders or staff;

f. Possession of unauthorized drugs, testing positive for drugs on a urinalysis test, possession of negotiables, escape paraphernalia [except items listed in sub-subparagraph (2)(a)2.j.], or other items that present a threat to the safe and secure operation of the institution or facility; and

g. Validated membership in a security threat group that has been certified by the threat assessment review committee in central office.

(3) Procedures for Placement in Close Management.

(a) Close management is the confinement of an inmate apart from the general population, for reasons of security, or the order and effective management of the institution, where the inmate, through his or her behavior, has demonstrated an inability to live in the general population without abusing the

rights and privileges of others. The secretary shall designate which institutions are authorized to house close management inmates, based on the needs of the department.

(b) When an inmate in general population has committed acts that threaten the safety of others, threaten the security of the institution, or demonstrate an inability to live in the general population without abusing the rights and privileges of others, the inmate shall be placed in administrative confinement pending close management review. When an inmate in any other confinement status has committed acts that threaten the safety of others, threaten the security of the institution, or demonstrated an inability to live in a segregated population without abusing the rights and privileges of others the inmate shall be housed in his or her current status pending close management review. Inmates being considered for close management who have completed disciplinary confinement and the final decision regarding close management placement has not been determined will be housed in administrative confinement until the review and decision is made by the SCO.

(c) The classification officer shall complete section I of the Report of Close Management, Form DC6-233C. Form DC6-233C is incorporated by reference in subsection (19) of this rule. Upon completion of section I, the classification officer shall forward Form DC6-233C to the classification supervisor. The classification officer shall ensure that the inmate receives a copy of the Report of Close Management, Form DC6-233C, to prepare for the close management review. The inmate will be given a minimum of 48 hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is incorporated by reference in subsection (19) of this rule. The inmate may present information verbally or in writing for consideration by the ICT. The staff member delivering Form DC6-233C to the inmate shall document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review.

(d) Prior to docketing an inmate's case for close management review, the classification supervisor will submit a referral to the senior psychologist for evaluation of the inmate utilizing the Close Management Referral Assessment, Form DC6-128. Form DC6-128 is incorporated by reference in subsection (19) of this rule.

(e) Mental health staff will complete the close management referral assessment within five working days of receipt and return it to the classification supervisor.

(f) Upon receiving the completed close management referral assessment, the classification supervisor will submit the case for ICT Docket.

(g) ICT Hearing. The ICT shall evaluate the recommendations for close management placement and the mental health assessment, interview the inmate, and consider the information provided by the inmate. The ICT shall ensure that the inmate was given a minimum of 48 hours to prepare for the review unless waived by completing a Close

Management Waiver, Form DC6-265. The team shall document on Form DC6-233C that the inmate was allowed at least 48 hours to prepare for the review. The ICT shall inquire whether or not the inmate is in need of staff assistance. A staff assistant shall be assigned to assist an inmate when the team determines that the inmate is illiterate or does not understand English, has a disability that would hinder the inmate's ability to represent him or herself, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent him or herself. This assistance can also be provided at the inmate's request. In such event, it is the responsibility of the staff member to explain the close management recommendation and procedures to the inmate. Even though the staff member will be authorized to assist an inmate during the hearing and aid the inmate in presenting his or her position, the staff member shall not take the position of an advocate or defense attorney for the inmate. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the team shall document the postponement on Form DC6-233C. The inmate will appear at the hearing unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process or the inmate waives his or her right to be present at the close management hearing. If the inmate waives his or right to be present at the close management hearing, the Close Management Waiver, Form DC6-265, shall be completed. In such cases, the review will be completed without the inmate. The absence, removal, or presence of the inmate will be documented on Form DC6-233C. After the interview and review of all pertinent information including the mental health assessment, the ICT will make a recommendation to the SCO. This recommendation will be documented on Form DC6-233C. The ICT will inform the inmate of the basis for its decision and provide a copy of the team's decision to the inmate after the conclusion of the hearing. The ICT classification member will ensure that the team results are entered in OBIS.

(h) The SCO will review the recommendations of the ICT, the Close Management Referral Assessment, Form DC6-128, and other pertinent information before making the final decision regarding close management placement. This review will be on site and the SCO may interview the inmate, except in situations requiring more immediate action. In these cases, the SCO will review the documentation in OBIS. The SCO will approve, disapprove, or modify the ICT's recommendation or obtain further information from the team before reaching a final decision. If the team's recommendation is disapproved or modified by the SCO, the inmate will be informed of the decision in writing by the SCO. Inmate notification will not be required when the SCO has approved the ICT's recommendation. After the review is complete, the SCO will document its decision in OBIS. A copy of Form DC6-233C will be kept in the inmate record file.

(4) Transfers From a Non-CM Institution.

(a) Once a CM recommendation is made, the ICT will also enter a transfer recommendation in OBIS.

(b) The inmate will remain in administrative or current confinement status pending review and final decision of the SCO. If the inmate's release date from disciplinary confinement expires, the inmate shall be placed in administrative confinement until the review and decision is made by the SCO.

(c) If placement in CM is approved, the SCO will document its decision in OBIS and notify the Bureau of Sentence Structure and Transportation for future transfer of the inmate to an appropriate CM facility.

(d) If the CM recommendation is disapproved, the SCO will determine if a transfer for other management reasons should be approved. The SCO will document its decision in OBIS. If a transfer is approved, the SCO will notify the Bureau of Sentence Structure and Transportation for future transfer of the inmate to an appropriate non-CM facility.

(5) Transfers While Inmate is in CM Status.

(a) If an inmate in close management is reassigned to another level of close management which requires transfer to another institution, the time spent awaiting transfer will be taken into consideration when setting the schedule of reviews by the ICT at the receiving institution.

(b) To transfer an inmate in close management status to another close management facility, the following will occur:

1. The ICT from the sending institution will recommend the appropriate level of close management based upon the criteria and facts for placement prior to the transfer.

2. Transfers will be limited to those inmates in close management:

a. Who are being recommended for a close management level that the sending institution is not capable of providing, based on institutional mission or close management stratification issues, or

b. Situations that involve special reviews. Inmates with protection or threat reviews involving inmates housed at the same CM facility will be handled within the CM unit and, unless exceptional circumstances exist, will not be transferred from one CM institution to another based solely on these reviews, or

c. Situations that require an inmate to be moved to a higher level facility.

(c) The recommendation by the ICT to transfer a close management inmate will be decided by the SCO. If approved, the SCO will submit notification to the Bureau of Sentence Structure and Transportation for transfer of the inmate. The receiving institution shall then place the inmate directly into the approved close management status without completing an additional evaluation.

(d) If the transfer recommendation is disapproved, the SCO will provide written notification to the ICT of the requesting institution of its decision not to transfer.

(e) After the review is complete, the SCO will document its decision in OBIS.

(6) Close Management Facilities.

(a) The number of inmates housed in a close management cell will not exceed the number of bunks in the cell.

(b) The only exception to paragraph (6)(a) is during an emergency situation as declared by the warden or duty warden. The emergency will be made known to the regional director and to the emergency action center in the central office. If the exception exists in excess of 24 hours, the warden or duty warden must get specific authorization from the regional director to continue to house inmates beyond the 24 hour period in such conditions.

(c) Prior to placing inmates in the same cell, the inmate will be interviewed by the housing supervisor and a review will be initiated to determine if any of the inmates in the close management unit are a threat to the inmate being placed, or if the inmate being placed is a threat to other inmates in the unit.

(d) If the inmate cannot be placed for these reasons, the housing supervisor will place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved. The case will be immediately forwarded to the ICT for review. The ICT will review the case, interview the inmate, and forward recommendations to the SCO. The SCO will review the case and may interview the inmate and make a final decision on the inmate's placement.

(e) Water Supply to CM Units. All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to then flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it on staff or other inmates, or mixing it with another substance for an unauthorized purpose (inmate mixes water with soap or shampoo and applies to the floor or himself or herself to hinder cell extraction). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the Daily Record of Special Housing, Form DC6-229. Form DC6-229 is incorporated by reference in subsection (19) of this rule.

(f) Prior to placement of an inmate in a close management cell, the cell will be thoroughly inspected by the housing officer to ensure that it is in proper order. The housing officer shall document the cell's condition on Form DC6-221, Cell

Inspection. After such time, the inmate housed in that cell will be responsible for the condition of the cell. Form DC6-221 is incorporated by reference in subsection (19) of this rule.

(g) The close management cells will be physically separate from other confinement cells whenever possible given the physical design of the facility and the number of inmates housed in a close management cell shall not exceed the number of bunks in the cell. Whenever such location is not possible, physical barriers shall be placed to preclude the cross association of those in close management with those in other statuses. Close management cells shall be built to permit verbal communication and unobstructed observation by the staff.

(h) Inmates shall be weighed upon entering close management, at least once a week while in close management, and upon leaving close management. The weight of the inmate shall be documented on Form DC6-229, Daily Record of Special Housing.

(7) Individualized Service Plan (ISP).

(a) The multi-disciplinary services team will develop an ISP, Form DC4-643A, when deemed necessary by mental health staff. Form DC4-643A is incorporated by reference in subsection (19) of this rule.

(b) The ISP will be developed based on the inmate's needs assessment and will take into consideration the inmate's behavioral risk, as determined by the MDST in accordance with subsection (8) of this rule.

(c) The ISP will incorporate mental health, programs, and other services required to address identified problems and to prevent the development or exacerbation of mental and other adjustment problems.

(d) An ISP shall be established within 14 days of CM placement of each inmate who suffers from mental impairment, or who is at significant risk for developing such impairment, as determined by mental health staff.

(e) If an ISP exists at the time of CM placement, it shall be updated within 14 days of CM placement to reflect current problems, goals, services, and providers. The ISP shall also be updated within 14 days of an inmate's transfer between CM institutions.

(f) The MDST shall review, and if indicated, revise the ISP as needed, but not less frequently than the following:

1. Within three working days of the inmate's involvement in a critical event.
2. Within 30 days of establishing or updating an ISP.
3. 120 days after the initial (30) day review.
4. Every 180 days after the 120 day review, until mental health staff determines that ongoing mental health care is no longer necessary, at which time the ISP will be closed.

(g) The ISP shall be signed by each member of the MDST.

(8) Behavioral Risk Assessment.

(a) The MDST shall determine behavioral risk of each CM team decision inmate by completing the Behavioral Risk Assessment (BRA), Form DC4-729. Form DC4-729 is incorporated by reference in subsection (19) of this rule.

(b) Behavioral risk shall be determined as follows:

1. Within three working days of the inmate's involvement in a critical event.

2. Within 14 days of CM placement.

3. Within 120 days of the initial (14 day) assessment; and every 180 days thereafter.

(c) The BRA shall be completed at the above intervals regardless of S-grade or housing assignment, including, for example, when the CM inmate is housed outside the CM unit in order to access necessary medical or mental health care.

(d) Security shall consider results from the behavioral risk assessment and other information relevant to staff and inmate safety and institutional security in determining the level of restraints required during out-of-cell activities such as individual or group counseling.

(e) The ICT shall consider results from the behavioral risk assessment and other information relevant to institutional adjustment, staff and inmate safety, and institutional security when making recommendations for modification of the inmate's CM status.

(f) The SCO shall consider results from all behavioral risk assessments and all results from mental health evaluations that have been completed since the inmate's last formal assessment and evaluation, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security in its review of ICT recommendations made after CM placement.

(9) Mental Health Services.

(a) Chapter 33-404, F.A.C., Mental Health Services, shall apply to CM inmates except where otherwise specified herein.

(b) CM inmates shall be allowed out of their cells to receive mental health services as specified in an ISP unless, within the past 4 hours, the inmate has displayed hostile, threatening, or other behavior that could present a danger to others. Security staff shall determine the level of restraint required while CM inmates access services outside their cells.

(10) Conditions and Privileges in CM Units.

(a) Clothing – Inmates in close management shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229 and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to him or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the

garment shall be left in the cell and this action shall be documented on Form DC6-229, Daily Record of Special Housing. Under no circumstances shall an inmate be left without a means to cover him or herself.

(b) Bedding and linen – Bedding and linen for inmates in close management shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor or the senior correctional officer must approve the action initially. Such exceptions shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to action no later than the next working day following the action.

(c) Personal Property – Inmates shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes and health and comfort items unless there is an indication of a security problem. Close management inmates at all levels shall be allowed to possess a "walkman" type radio with approved headphones as is allowed for general population inmates. Exceptions or removal of any item will be documented on the Form DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding or personal property are removed in order to prevent the inmate from inflicting injury to him or herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. Form DC6-220 is incorporated by reference in Rule 33-602.220, F.A.C.

(d) Comfort Items – Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on the Daily Record of Special Housing, Form DC6-229, which must be reviewed by the chief of security. When any personal property is removed, an Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be

completed by security staff and signed by the inmate. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, and feminine hygiene products for women, and toilet tissue.

(e) Personal Hygiene – Inmates in close management shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. At a minimum each inmate in close management shall shower three times per week and on days that the inmate works.

2. Male inmates shall be required to shave at least three times per week. The possession and use of shaving powder in close management is prohibited. An inmate housed in close management who is medically exempt from using shaving razors will be clipper-shaved at least three times per week.

3. Hair care shall be the same as that provided to and required of the general population inmates.

(f) Diet and Meals – All inmates in close management shall receive normal institutional meals as are available to the general inmate population except that if any item on the regular menu might create a security problem in the close management area, then another item of comparable quality shall be substituted. An alternative meal (special management meal) may be provided for any inmate in close management who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal will be in strict accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service is to be documented by security staff on the Daily Record of Special Housing, Form DC6-229.

(g) Canteen Items.

1. Inmates in CMI and II, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once per week unless restricted by disciplinary action. Inmates in CMI and II will be allowed to purchase up to five non-food items and five food items. In making this determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once each week unless restricted by disciplinary action. Inmates in CMIII will be allowed to purchase up to five non-food items and ten food items. In making the determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three packages of cookies count as three items, not one item.

3. Any disciplinary reports received by an inmate in which there is a guilty finding and placement in disciplinary confinement or suspension of canteen privileges between the time that he or she requests canteen food items and the delivery of those items will result in disapproval of the requested items.

4. CM inmates who submit an order for canteen items and then refuse delivery shall be subject to disciplinary action and loss of canteen privileges.

(h) Religious Accommodations – Inmates in close management status shall be allowed to participate in religious ceremonies that can be accomplished at cell-side (for example, communion). Additionally, close management inmates shall be allowed to possess religious publications as defined in Rule 33-503.001, F.A.C. ~~literature~~ and have access to a spiritual advisor or clergy visit with citizen clergy persons at a time and location approved by the warden. Religious publications shall not count toward the limit on personal book possession set forth in paragraph (10)(I) but do fall under the storage space provisions of Rule 33-602.201, F.A.C.

(i) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate's cell, and access to visits with certified inmate law clerks ~~research aides~~. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes from the canteen for this purpose, within the stated time frames. ~~Typewriters or typing services are not considered required items and will not be permitted in close management cells.~~ Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/ reader). An inmate who is provided an auxiliary aid shall also be allowed access to a certified inmate law clerk ~~research aide~~ for the purpose of preparing legal documents, legal mail, and filing grievances.

(j) Correspondence – Inmates in close management shall have the same opportunities for correspondence that are available to the general inmate population.

(k) Writing utensils – Inmates in close management shall possess only security pens. Other types of pens or pencils shall be confiscated and stored until the inmate is released from close management status. If a security pen is not available, the inmate shall be allowed to sign out a regular pen from the confinement unit officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances. Inmates shall

be allowed to purchase security pens within the specified time frames. An inmate who has been provided a "writer/reader" will be allowed access to such for the purpose of reading and preparing correspondence.

(l) Reading materials – Reading materials, ~~including scriptural or devotional materials and books that are in compliance with admissibility requirements~~, are allowed in close management units unless there is an indication of a threat to the safety, security, or sanitation of the institution. An inmate shall be limited to possession of three personal soft cover books. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials will be documented on Form DC6-229, Daily Record of Special Housing. If items are removed in order to prevent the inmate from inflicting injury to him or herself or others or to prevent the destruction of property or equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. An inmate who receives services from the Bureau of Braille and Talking Book library will be allowed to have his tape player, devotional or scriptural material tapes, and other books on tape which are in compliance with Rule 33-501.401, F.A.C.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the close management officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Special Housing, Form DC6-229. However, an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule, or if the inmate has pending a disciplinary hearing for a major rule violation as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Daily Record of Special Housing, Form DC6-229. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise

and take into account the particular inmate's limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) At a minimum, wellness services for close management inmates at all levels shall be provided through cell-front tutoring, wellness puzzles, and the wellness education course.

(11) Programs and Privileges in Close Management Units.

(a) While in a close management unit, an inmate's movement within the institution and contacts with other individuals will be restricted. Privileges will also be limited depending on the specific close management level. If an inmate transfers to a less restrictive level due to satisfactory adjustment, the adjustment period required for any privilege shall be waived. Upon placement in CM, inmates shall receive a copy of the Close Management Housing Unit Instructions, Form NII-046. Form NII-046 is incorporated by reference in subsection (19) of this rule.

(b) CMI. Privileges for an inmate assigned to CMI are as follows:

1. Participation in available approved programs, including in-cell educational opportunities, that the inmate can perform within the cell unless precluded by safety or security concerns;

2. Check out three soft-back books from the library at least once per week and possess no more than three soft back library books at any given time. An inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to check out three books in braille or on tape per week and possess no more than three books at any given time, even though the actual number of tapes may be more than three per book. Books checked out from the library shall not count toward the limit on personal book possession set forth in paragraph (10)(l);

3. Conduct routine inmate bank transactions;

4. Inmates may subscribe to, purchase, or receive no more than one periodical which is printed and distributed more frequently than weekly and four other periodicals which are printed and distributed weekly or less frequently than weekly. ~~Subscribe to one magazine and newspaper and possess no more than four issues of each at any given time;~~ an inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to receive up to four issues of a periodical magazine;

5. Make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 30 days after 30 days in close management status and having no major rule violations during this period as well as emergency telephone calls and telephone calls to an attorney as explained in Rule 33-602.205, F.A.C.;

6. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMI inmates shall be eligible to receive one two-hour non-contact personal visit by appointment:

a. After completing 30 days in close management status and having no major rule violations during this period.

b. If found guilty of any major rule violations while assigned to CMI, the inmate is eligible to be considered for visits 30 days following release from disciplinary confinement or the disciplinary hearing, if a penalty other than disciplinary confinement was imposed.

c. The inmate is eligible to receive one two-hour non-contact personal visit by appointment after each subsequent 30 day period with no major rule violations while in the status unless security or safety concerns would preclude a visit.

d. All visits for CMI inmates will be non-contact visits.

(c) CMII. In addition to the programs provided for CMI inmates and those privileges outlined in subparagraphs (11)(b)1.-4. of this rule, the following privileges are authorized:

1. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMII inmates will be eligible to receive one two-hour non-contact personal visit by appointment:

a. After completing 30 days in close management status and having no major rule violations during this period.

b. If found guilty of any major rule violations while assigned to CMII, the inmate is eligible to be considered for a visit 30 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed.

c. The inmate is eligible to receive personal visits by appointment after each subsequent 14 day period with no major rule violations while in the status unless security and safety concerns would preclude a visit.

d. All visits for inmates in CMII will be non-contact visits.

2. CMII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 14 days after 30 days in close management status and having no major rule violations during this period as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

3. CMII inmates, following 30 days in close management status and having no major rule violations during this period, shall be allowed access to the day room area for social purposes to include watching television programs for up to two days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 p.m. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop. CMII inmates will be restrained during the above-described dayroom access unless determined by the senior correctional officer that the inmate can safely participate without restraints.

4. Participation in educational and program opportunities shall be in-cell or out of cell as determined by security and programs staff.

(d) CMIII. In addition to the programs provided above for CMI inmates, and those privileges outlined in subparagraphs (11)(b)1.-4. of this rule, the following privileges are authorized:

1. CMIII inmates will be entitled to:

a. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMIII inmates shall be eligible to receive one two-hour contact personal visit by appointment after completing 30 days in close management status and having no major rule violations during this period.

b. CMIII inmates shall be subject to placement on non-contact status as outlined in Rule 33-601.735, F.A.C.

c. If found guilty of a major rule violation while assigned to CMIII, the inmate is eligible to be considered for visits 14 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed.

d. The inmate is eligible to receive one two-hour contact personal visit by appointment after each subsequent 14 day period with no major rule violations during this period unless security or safety concern would preclude a visit. The warden will determine the level of supervision and restraint required.

2. CMIII inmates, following 30 days in close management status and having no major rule violations during this period shall be allowed access to the day room area for social purposes to include watching television programs for up to five days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 p.m. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop. CMIII inmates shall not be restrained for dayroom activities unless security or safety concerns require otherwise.

3. CMIII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every seven days after 30 days in close management status and having no major rule violations during this period as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

4. CMIII inmates shall be provided with at least the same opportunities for educational and program participation as provided to CMII inmates.

(12) Suspension of Privileges. The ICT shall suspend an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of

privileges will be documented on the Daily Record of Special Housing, Form DC6-229. Privileges suspended by the ICT in excess of 30 days will require the review and approval of the SCO.

(13) Work Assignments.

(a) The decision to make work assignments and the type of assignments made will be determined by the ICT. Inmates shall be provided the opportunity for work assignment consideration as determined by the ICT except when precluded by doctor's orders for medical reasons.

(b) CMI inmates are restricted from all outside cell work activities. CMII inmates are only eligible for work assignments on restricted labor squads or in CMI, II, or death row housing units. CMIII inmates are eligible for work assignments either inside or outside the close management unit, including restricted labor squads, work assignments within other close management units, and work assignments usually designated for open population inmates.

(c) Outside work assignments shall be performed during day light hours.

(14) Restraint and Escort Requirements.

(a) CMI.

1. Prior to opening a cell for any purpose, including exercise, health care or disciplinary call-outs, telephone calls, recreation, and visiting, the inmate shall be handcuffed behind his or her back. If documented medical conditions require that the inmate be handcuffed in front, waist chains will be used in addition to the handcuffs and the escort officers shall be particularly vigilant.

2. A minimum of two officers shall be physically present at the cell whenever the cell door is opened.

3. Prior to escorting an inmate from a cell the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit or designated adjacent exercise area, leg irons and other restraint devices shall be applied.

(b) CMII. The same restraints and escort requirements as provided for CMI inmates above apply to CMII inmates with the exception that the senior correctional officer shall be authorized to approve unrestrained participation in group and individual counseling, dayroom access, and inside work assignments.

(c) CMIII. Unless precluded by specific safety and security concerns, CMIII inmates shall be escorted within the unit and to exercise areas attached to the unit as well as to all program and privilege activity participation without restraints. The warden shall base any determination to require restraints on the security and safety needs of his or her individual institution and CM unit.

(d) Due to the unique mission of close management units, it is understood that more than one inmate may be out of his or her cell within the unit at any one time. However, whenever inmates are being escorted in restraints, there shall be one officer with each inmate and the inmates shall be kept at a

distance from each other which would preclude any unauthorized physical contact. Extreme care shall be exercised when escorting restrained inmates in areas where unrestrained inmates are present. When possible, unrestrained inmates will be returned to their cells, removed from the wing or, at a minimum, closely supervised by additional staff until the escort of restrained inmates is completed.

(15) Contact by Staff. The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in Rule 33-602.220, F.A.C. The staff member shall also document his or her visit on the Daily Record of Special Housing, Form DC6-229, if there is any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) At least every 30 minutes by a correctional officer, but on an irregular schedule.

(b) Daily by the housing supervisor.

(c) Daily by the officer-in-charge on duty for all shifts except in case of riot or other institutional emergency.

(d) Daily by medical staff.

(e) Weekly by the chief of security (when on duty at the facility) except in case of riot or other institutional emergency.

(f) Weekly by the chaplain. More frequent visits shall be made upon request of the inmate if the chaplain's schedule permits.

(g) Weekly by mental health staff.

(h) Weekly by the warden and assistant wardens.

(i) At least once a week by a classification officer.

(16) Review of Close Management.

(a) An ICT member shall review inmates in close management at least once every week for the first 60 days and once every 30 days thereafter. For the purposes of this review the ICT member shall be the warden, assistant warden for operations or programs, a chief of security, or classification supervisor. The purpose of this review shall be toward reducing the inmate's status to the lowest management level or returning the inmate to general population as soon as the facts of the case indicate that this can be done safely, and, if applicable, review the inmate's disciplinary confinement status as outlined in subsection 33-602.222(8), F.A.C. If, upon completion of the ICT member's weekly or 30 day review, an ICT review for modification of the close management team decision, release to general population, or release from disciplinary confinement status is indicated, the ICT member shall notify the classification supervisor. The classification supervisor shall ensure that the case is placed on the docket for ICT review. During the review, the ICT shall consider the results of the behavioral risk assessments and mental health

evaluations that have been completed prior to the review, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security.

(b) All services provided by any mental health or program staff member shall be recorded on the Daily Record of Special Housing, Form DC6-229, which shall be kept in the CM unit.

(c) When an inmate has not been released to general population and is in any close management status for six months, the classification officer shall interview the inmate and shall prepare a formal assessment and evaluation on the Report of Close Management. Such reports shall include a brief paragraph detailing the basis for the CM team decision, what has transpired during the six-month period, and whether the inmate should be released, maintained at the current level, or modified to another level of management. The case shall be forwarded to the classification supervisor who shall docket the case for ICT review.

(d) The ICT shall review the report of close management prepared by the classification officer, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security, and insert any other information regarding the inmate's status. If applicable, the ICT shall review the inmate's disciplinary confinement status in accordance with subsection 33-602.222(8), F.A.C. The inmate shall be present for an interview unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process, or the inmate waives his or her right to be present at the close management hearing, the Close Management Waiver, Form DC6-265, shall be completed. In such cases, the review will be completed without the inmate. The absence, removal or presence of the inmate will be documented on Form DC6-233C. The ICT's CM and, if applicable, disciplinary confinement status recommendations shall be documented in OBIS and the Report of Close Management, Form DC6-233C. If it is determined that no justifiable safety and security issues exists for the inmate to remain in close management the ICT shall forward their recommendation for release to the SCO for review. For an inmate to remain in close management the ICT shall justify the safety and security issues or circumstances that can only be met by maintaining the inmate at the current level or modifying the inmate to another level of management.

(e) The SCO shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from close management status is appropriate. The SCO shall review all reports prepared by the ICT concerning an inmate's close management and, if applicable, disciplinary confinement status, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security. The SCO shall interview the inmate

unless exceptional circumstances exist or the inmate is approved for release to general population. If it is determined that no justifiable safety and security issues exist for the inmate to remain in close management the SCO shall cause the inmate to be immediately released. For an inmate to remain in close management, the SCO shall determine based on the reports and documentation that there are safety and security issues or circumstances for maintaining the inmate at the current level or at a modified level of management. If applicable and in accordance with subsection 33-602.222(8), F.A.C., the SCO shall determine whether the inmate is to continue or be removed from disciplinary confinement status. The SCO's decisions shall be documented in OBIS and the Report of Close Management, Form DC6-233C. The SCO shall advise the inmate of its decision.

(f) Reviews required by this section shall be completed regardless of the inmate's housing assignment, including when a CM inmate is housed outside the CM unit in order to access medical or mental health care.

(g) ~~Before an inmate who has been convicted, regardless of whether adjudication is withheld, of any assault or battery that constitutes a felony on a staff member is released from CM, written authorization must be obtained by the SCO from the Secretary, Deputy Secretary, or Assistant Secretary of for Institutions, or Deputy Assistant Secretary of Institutions, if any of the following apply:~~

1. The inmate has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member;

2. The inmate has an active detainer as a result of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member; or

3. The inmate is confined under the Interstate Corrections Compact and has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member in the state from which he transferred.

(17) Close Management Records.

(a) A Report of Close Management, Form DC6-233C, shall be kept for each inmate placed in close management.

(b) A Daily Record of Special Housing, Form DC6-229, shall be maintained for each inmate as long as he is in close management. Form DC6-229 shall be utilized to document any activities, including cell searches, items removed, showers, outdoor exercise, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or

removed shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. Staff shall re-assess the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The close management unit officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the housing area for 30 days. After each 30 day review of the inmate by a member of the ICT, Form DC6-229 shall be forwarded to classification to be filed in the institutional inmate record.

(c) A Daily Record of Special Housing – Supplemental, Form DC6-229B, shall be completed and attached to the current Form DC6-229 whenever additional written documentation is required concerning an event or incident related to the specific inmate.

(d) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each close management unit. Each staff person shall sign the record when entering and leaving the close management unit. Prior to leaving the close management unit, each staff member shall indicate any specific problems. No other unit activities will be recorded on Form DC6-228. Upon completion, Form DC6-228 shall be maintained in the housing area and forwarded to the chief of security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule.

(e) A Housing Unit Log, Form DC6-209, shall be maintained in each close management unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(18) Staffing Issues.

(a) Officers assigned to a close management unit shall be reviewed every 18 months by the chief of security to determine whether a rotation is necessary. The chief of security shall review personnel records, to include performance appraisals, incident reports, uses of force, and any other documentation relevant to the officer's assignment and job performance; interview the officer and the officer's supervisors for the period of review; and shall make a recommendation to the warden as to the necessity of a rotation. The warden shall review the recommendation, request additional information, if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. Any officer assigned to a close management post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden and regional director of any officer involved in eight or more use of force incidents in an 18 month period. The regional director shall review the circumstances for possible reassignment.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC6-128, Close Management Referral Assessment, effective date _____ 4-8-04.

(b) Form DC4-643A, Individualized Service Plan, effective date 8-23-07.

(c) Form DC6-221, Cell Inspection, effective date 12-16-01.

(d) Form DC6-228, Inspection of Special Housing Record, effective date 2-12-01.

(e) Form DC6-229, Daily Record of Special Housing, effective date 4-27-08.

(f) Form DC6-229B, Daily Record of Special Housing – Supplemental, effective date 4-27-08.

(g) Form DC6-233C, Report of Close Management, effective date 4-8-04.

(h) Form DC6-265, Close Management Waiver, effective date 2-1-01.

(i) Form DC4-729, Behavioral Risk Assessment, effective date 4-8-04.

(j) Form DC6-209, Housing Unit Log, effective date 4-8-04.

(k) Form NI1-046, Close Management Housing Unit Instructions, effective date 3-10-05.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, 4-27-08, _____.

Editorial Note: Formerly 33-601.801-.813, substantially amended February 1, 2001.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.901
 RULE TITLE: Confidential Records

PURPOSE AND EFFECT: The proposed rule amendment deletes those provisions related to medical and substance abuse files as those sections are being moved to a new Rule 33-401.701, F.A.C., Medical and Substance Abuse Clinical Files.

SUBJECT AREA TO BE ADDRESSED: Confidential Records.

RULEMAKING AUTHORITY: 20.315, 944.09, 945.10 FS.
 LAW IMPLEMENTED: 119.07, 944.09, 945.10, 945.25 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.901 Confidential Records.

(1) Inmate and offender access to records or information.

(a) No change.

(b) Inmate and offender access to their own medical or substance abuse clinical files is addressed in Rule 33-401.701, F.A.C records.

1. Definitions.

a. "Medical record" as used in this rule includes the inmate's medical, mental health, and dental files maintained by the department.

b. "Protected health information" or "PHI" as used in this rule means individually identifiable health information about an inmate or offender.

c. "Psychotherapy notes" as used in this rule means notes recorded by a mental health professional documenting or analyzing the contents of conversation during a private or group session. The term does not include medication prescription and monitoring, session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

d. "Substance abuse clinical record" as used in this rule means the department inmate file containing all written documents and records, including department forms compiled to detail an inmate's substance abuse history, substance abuse screening, assessment, intervention, and other substance abuse services, including the results of urinalysis testing done for treatment, program participation, and admission and discharge summaries.

e. "Substance abuse progress notes" as used in this rule means notes recorded by a substance abuse health care professional documenting or analyzing the contents of conversation during a private or group session. The term does not include session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

~~2. An inmate shall be allowed to have access to his own medical record and, if such exists, his own substance abuse clinical record. An inmate desiring access to his own medical record shall submit a written request to the health services administrator or his designee; an inmate desiring access to his own substance abuse clinical record shall submit a written request to the substance abuse program manager or his designee.~~

~~3. The department does not maintain medical records or substance abuse clinical records on offenders under community supervision. Access to records maintained by treatment providers under contract with the department should be requested by contacting the treatment provider.~~

~~4.a. Inmates shall have no access to psychotherapy notes or substance abuse progress notes maintained in the department's records.~~

~~b. Inmates and offenders shall have no access to health information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.~~

~~5. The request for access shall be denied in whole or in part due to any of the following reasons:~~

~~a. The request is for records or information identified in subparagraph 4. above.~~

~~b. The request is for PHI that was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would with reasonable likelihood reveal the source of the information.~~

~~c. The request is for information not maintained or no longer maintained by the department in its files.~~

~~d. There has been a determination by a licensed or certified health care professional that:~~

~~I. The requested access is reasonably likely to endanger the life or physical safety of the inmate or another person;~~

~~II. The requested access is to PHI that makes reference to another person (other than a health care provider) and such access is reasonably likely to cause substantial harm to such other person; or~~

~~III. The access is requested by a personal representative of the inmate and such access is likely to cause substantial harm to the inmate.~~

~~6. All requests shall be granted, including providing access or copies or both, or denied, in whole or in part, by the health services administrator or his designee or substance abuse program manager or his designee in writing within 30 days of the date of receipt of the request, except that where the requested records are not maintained on-site, the department shall provide or deny access, in whole or in part, within 60 days from receipt of the request. If the department is unable to grant or deny, in whole or in part, the request for access within the 30 or 60 day time periods, the department is authorized to extend the time for such action an additional 30 days by~~

~~providing the inmate a written statement that the time period has been extended for 30 days and the reason(s) for the extension. This extension is available only one time.~~

~~7. Denials must provide:~~

~~a. The basis for the denial;~~

~~b. Information on where the requested information is maintained if sub-subparagraph 5.e. applies, and the department knows where the information is maintained;~~

~~e. Notification that the inmate may request a review of the denial by submitting a written request to the health services administrator or his designee in the case of medical records, or the substance abuse program manager or his designee in the case of substance abuse clinical records; and~~

~~d. That the inmate may grieve the denial through the inmate grievance process pursuant to Chapter 33-103, F.A.C.~~

~~8. Upon written request of the inmate to the staff member designated above, denials based on sub-subparagraph 5.d. shall be reviewed by a licensed or certified health care professional who is designated by the health services administrator or his designee or substance abuse program manager or his designee, and who did not participate in the original decision to deny the request. Review of the denial must be completed within a reasonable time after receipt of the request for review. Immediately upon determination on review, the inmate shall be notified in writing of the decision. The determination on review shall be followed by the department.~~

~~9. Where a request for access to an inmate's medical record or substance abuse clinical record is denied in part, the department shall provide access to the requested record after excluding the information for which access was denied.~~

~~(c) Copies will be provided upon receipt of payment as provided in subsection (2) of this rule, except that when providing the inmate a copy of the requested information would jeopardize either the health, safety, security, custody of the inmate or of other inmates; or the safety of any officer, employee, or other person at the correctional institution or a person responsible for the transporting of the inmate, no copies shall be provided. A denial of copies on this basis shall not be subject to review under subparagraph (b)8. above.~~

~~(2) No change.~~

~~(3) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule or in Rule 33-401.701, F.A.C.:~~

~~(a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or~~

~~offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only when necessary to ensure that the inmate's or offender's overall health care needs are met, or upon a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in accordance with Rule 33-401.701, F.A.C. Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is November 27, 2007. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.~~

~~(b) through (8) No change.~~

~~(9) Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:~~

~~(a) With the prior written consent of the inmate or offender. The written consent shall include the following information:~~

~~1. The specific name or general designation of the program or person permitted to make the disclosure;~~

~~2. The name or title of the individual or the name of the organization to which disclosure is to be made;~~

~~3. The name of the inmate or offender;~~

~~4. The purpose of the disclosure;~~

~~5. How much and what kind of information is to be disclosed;~~

~~6. The signature of the inmate or offender; or, when required for an inmate or offender who is incompetent or deceased, the signature of a person authorized to sign in lieu of the inmate or offender;~~

~~7. The date on which the consent is signed;~~

~~8. A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it.~~

~~9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.~~

If a request for inmate medical records is submitted upon consent given by the patient inmate/offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in order to obtain medical records held by the department.

(b) Pursuant to 42 C.F.R. Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:

1. The disclosure is made only to those individuals within the criminal justice system who have a need for the information in connection with their duty to monitor the inmate or offender's progress; and

2. The inmate or offender has signed Form DC4-711B meeting the requirements of paragraph (9)(a) except for the revocation provision in subparagraph (9)(a)8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:

a. The anticipated length of the treatment;

b. The type of criminal proceeding involved, the need for the information in connection with the final disposition of that proceeding, and when the final disposition will occur; and

c. Such other factors as the program, the inmate or offender, and the persons who will receive the disclosure consider pertinent. The written consent shall state that it is revocable upon the passage of a specified amount of time or the occurrence of a specified, ascertainable event. The time or occurrence upon which consent becomes revocable shall be no later than the final disposition of the action in connection with which consent was given.

(c) A disclosure may not be made on the basis of a consent which:

1. Has expired;

2. On its face substantially fails to conform to any of the requirements set forth in paragraph (9)(a) above;

3. Is known to have been revoked; or

4. Is known, or through a reasonable effort could be known, by the person holding the records to be materially false.

(d) Each disclosure made with the inmate or offender written consent shall be accompanied by the following written statement:

This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to

whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

(e) Whether or not the inmate or offender has given written consent, 42 C.F.R. Part 2 permits disclosure of information as follows:

1. To medical personnel to the extent necessary to meet a medical emergency and for continuity of care;

2. To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel shall not identify, directly or indirectly, any individual inmate or offender in any report of such research, audit, or evaluation, or otherwise disclose inmate or offender identities in any manner.

3. To communicate within a program or between a program and an entity having direct administrative control over that program;

4. To law enforcement officers concerning crimes on program premises or against program personnel, or when a threat to commit such a crime has been made;

5. Reports of suspected child abuse and neglect; and

6. If authorized by a court order.

(10) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health, including substance abuse information, regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the information or discuss the medical, mental health or substance abuse condition of the inmate or offender with any person except persons directly necessary to the performance of the employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health or substance abuse treatment team shall not disseminate inmate medical or substance abuse information or discuss the medical or mental health or substance abuse condition of an inmate with any person except other members of the healthcare transfer team, medical, mental health or substance abuse staff, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall acknowledge receipt and review of Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC2-813 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-9-06.

~~(11) Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall maintain as confidential all health or substance abuse information that he sees or hears while performing his duties and responsibilities, and shall not disseminate the information or discuss the medical or substance abuse information with any person except health care staff or substance abuse program staff. Failure to keep health or substance abuse information confidential and private shall subject the inmate to disciplinary action. Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall acknowledge receipt and review of Form DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC1-206 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-8-03.~~

Rulemaking Specific Authority 20.315, 944.09, 945.10 FS. Law Implemented 119.07, 944.09, 945.10, 945.25 FS., ~~42 USCS 290 ee 3, 45 CFR Parts 160 and 164.~~ History—New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, 7-8-03, 2-9-06, 11-27-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend section 5.1 of the Water Use Permit Information Manual Part B, "Basis of Review" to specify when water use permittees are required to submit the Flow Meter Accuracy Verification Form, LEG-R.021.01(4/09), and incorporate the revised Basis of Review by reference. The effect will be to require the submittal of the Flow Meter Accuracy Verification Form, required every 5 years, during a specific month depending upon the county in which the permitted water withdrawal facilities are located.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting Compliance Forms.

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

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, Office of General Counsel, 2379 Broad St., Brooksville, FL 34606-6899; (352)796-7211, x4660; 1(800)423-1476 (FL only).

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-3.037 Rules, Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to incorporate by reference a revised appendix to the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District, which will add the Southern Solvents Superfund Site located in Hillsborough County to the list of sites under the agreement.

SUBJECT AREA TO BE ADDRESSED: Well Construction Regulation – Agreements Incorporated by Reference.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.309 FS.

LAW IMPLEMENTED: 373.046, 373.103, 373.308, 373.309, 373.323, 373.324, 373.333 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: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, Office of General Counsel, 2379 Broad St., Brooksville, FL 34606-6899; (352)796-7211, x4660; 1(800)423-1476

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-21.011	Policy and Purpose
40D-21.031	Elements of the Plan
40D-21.051	Definitions
40D-21.211	Monitoring Conditions
40D-21.221	Evaluating Water Conditions
40D-21.231	Declaring a Water Shortage
40D-21.251	Water Shortage Phases
40D-21.275	Implementing a Water Shortage Declaration
40D-21.281	Modifying or Rescinding a Water Shortage Declaration.
40D-21.331	Declaring a Water Shortage Emergency
40D-21.371	Water Use Restrictions in a Water Shortage Emergency
40D-21.391	Implementing a Water Shortage Emergency Declaration
40D-21.401	Monitoring
40D-21.421	Enforcement
40D-21.441	Public Supply Water Shortage Mitigation Plans.
40D-21.511	General
40D-21.531	Source Classifications
40D-21.541	Use Classifications
40D-21.571	Method of Withdrawal Classifications
40D-21.601	General
40D-21.621	Phase I: Moderate Water Shortage
40D-21.631	Phase II: Severe Water Shortage
40D-21.641	Phase III: Extreme Water Shortage
40D-21.651	Phase IV: Critical Water Shortage

PURPOSE AND EFFECT: The rulemaking is to update the District's water shortage plan codified in Chapter 40D-21, F.A.C., based on the experience gained since declaration of the current water shortage by the District in January 2007.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to the District's water shortage plan codified in Chapter 40D-21, F.A.C. Amendments may address noticing of the declaration of a water shortage and associated water use restrictions, the hydrologic indicators to be used to assess whether to declare a water shortage or to change phases of a declared water shortage, the number and effect of water shortage phases and drought levels, the water use restrictions to be implemented during drought levels and phases of a water shortage, and other matters as appropriate to make the water shortage plan more effective.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.175, 373.275 FS.

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

DATE AND TIME: April 29, 2010, 1:00 p.m.

PLACE: Southwest Florida Management District Tampa Service Office, Governing Board Room, 7601 Hwy 301 North, Tampa, FL 33637-6759

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2009050), For additional information contact Lois Sorensen, Demand Management Program Manager, Tampa Regulation, 7601 Hwy 301 North, Tampa, FL 33637-6759, (813)985-7481, ext 2298
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-30.101	License Requirements
61-30.102	Examination
61-30.201	Fees
61-30.301	Delinquent License
61-30.302	Inactive, Active Status
61-30.401	License Renewal
61-30.501	Education Required for Initial Licensure
61-30.502	Department Approval of Education Providers
61-30.503	Obligations of Education Providers
61-30.504	Approval of Courses
61-30.505	Continuing Education Requirements for Reactivation of an Inactive License
61-30.506	Continuing Education Requirements for Biennial Renewal
61-30.602	Disciplinary Guidelines
61-30.603	Notice of Noncompliance
61-30.604	Citations
61-30.605	Mediation

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to implement the new regulations for Home Inspectors, enacted in Chapter 468, F.S.

SUBJECT AREA TO BE ADDRESSED: Licensing and regulation of home inspectors in Florida under Section 468.83, F.S.

RULEMAKING AUTHORITY: 455.02(2), 455.213(6), 455.217(1)(d), 455.219(1), (2), 455.224(2), 455.225(3), 455.227(3), 455.235(1), 455.271(2), (3), (6)(b), (7), (8), 455.2124(2), 455.2177(1)(d), 455.2123, 455.2178(5), 455.2179(1), (3), 455.2273, 468.832, 468.8312(1), 468.8313(4), (6), 468.8314, 468.8315(2), 468.8316(1), (2), 468.8317(2), (3), 468.8319, 468.832 FS.

LAW IMPLEMENTED: 455.02, 455.212, 455.213, 455.217, 455.219, 455.224, 455.225, 455.227, 455.235, 455.271, 455.2124, 455.2177, 455.2178, 455.2179, 455.2273, 468.8312, 468.8313, 468.8314, 468.8315, 468.8316, 468.8317, 468.8319, 468.832 FS.

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

DATE AND TIME: Wednesday, May 5, 2010, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Professions, Board Meeting Room, 1940 North Monroe Street, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, Home Inspector Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Morrison, Executive Director, Home Inspector Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-31.101	License Requirements
61-31.102	Examination
61-31.201	Fees
61-31.301	Delinquent License
61-31.302	Inactive, Active Status
61-31.401	License Renewal
61-31.501	Department Approval of Education Providers
61-31.502	Obligations of Education Providers

61-31.503	Continuing Education Requirements for Reactivation of an Inactive License
61-31.504	Continuing Education Requirements for Biennial Renewal
61-31.505	Approval of Courses
61-31.602	Disciplinary Guidelines
61-31.603	Notice of Noncompliance
61-31.604	Citations
61-31.605	Mediation

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to implement the new regulations for mold related services enacted in Chapter 468, F.S.

SUBJECT AREA TO BE ADDRESSED: Licensing and regulation of mold assessors and remediators in Florida under Section 648.84, F.S.

RULEMAKING AUTHORITY: 455.02(2), 455.213(6), 455.217(1)(b), (c), 455.219(1), (2), 455.224(2), 455.225(3), 455.227(3), 455.2123, 455.2235(1), 455.271(2), (3), (6)(b), (7), (8), 455.2124(2), 455.217(5), 455.2177(1), 455.2178(5), 455.2179(1), (3), 455.2273(3), 468.8412(1), 468.8413(5), 468.8414(2)(b), 468.8415(2), 468.8416(1), (2), (6)(b), 468.8417(2), (3), 468.8419, 468.842 FS.

LAW IMPLEMENTED: 455.02, 455.212, 455.213, 455.217, 455.224, 455.225, 455.227, 455.2124, 455.2235, 455.271, 455.2177, 455.2178, 455.2179, 455.2273, 468.8412, 468.8413, 468.8414, 468.8415, 468.8416, 468.8417, 468.8419, 468.842 FS.

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

DATE AND TIME: Wednesday, May 5, 2010, 1:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Professions, Board Meeting Room, 1940 North Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, Mold Related Services Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Morrison, Executive Director, Mold Related Services Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.015
 RULE TITLE: Notices of Satisfactory Course Completion

PURPOSE AND EFFECT: To clarify and update language.
 SUBJECT AREA TO BE ADDRESSED: Notices of Satisfactory Course Completion.

RULEMAKING AUTHORITY: 455.2123, 475.05 FS.
 LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-9.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The rule amendment is to update the disciplinary guidelines pursuant to SB 1986/456.072(1)(i-II).

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 456.013(9), 457.104 FS.
 LAW IMPLEMENTED: 456.072, 456.079, 457.109 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: Kaye

Howerton, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2011 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

RULEMAKING AUTHORITY: 420.507, 420.508 FS.
 LAW IMPLEMENTED: 420.509 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: April 29, 2010, 1:00 p.m.

PLACE: Renaissance Orlando Airport Hotel, 5445 Forbes Place, Orlando, FL 32812, (407)240-1000. The workshop will be accessible via telephone at 1(888)808-6959, Conference code: 1374197

Pursuant to the provisions of 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: Len Stirrat, Florida Housing Finance Corporation, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Len Stirrat, Multifamily Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments

67-48.0205

67-48.022

67-48.023

67-48.027

67-48.028

67-48.029

67-48.030

67-48.031

Sale, Transfer or Refinancing of a HOME Development
HOME Disbursements Procedures and Loan Servicing
Housing Credits General Program Procedures and Requirements
Tax-Exempt Bond-Financed Developments
Carryover Allocation Provisions
Extended Use Agreement
Sale or Transfer of a Housing Credit Development
Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2011 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2009 Qualified Allocation Plan (QAP).

RULEMAKING AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: April 29, 2010, 1:00 p.m.

PLACE: Renaissance Orlando Airport Hotel, 5445 Forbes Place, Orlando, FL 32812, (407)240-1000. The workshop will be accessible via telephone at 1(888)808-6959, Conference code: 1374197

Pursuant to the provisions of 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: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Tatreau, Director of Multifamily Development Programs
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
69K-1.001 List of Approved Forms;
 Incorporation by Reference

PURPOSE AND EFFECT: Section 497.456(13), F.S., authorizes the Department to adopt rules, including: (i) forms to be used in filing claims against the Preneed Funeral Contract Consumer Protection Trust Fund (CPTF); (ii) procedures to be used for filing claims against the CPTF; (iii) information and supporting documentation that must be provided by claimants to support claims against the CPTF; (iv) procedures for the investigation of claims against the CPTF; and (v) criteria to be used in determining whether a claim is allowable and in what amount.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment adopts four new forms that shall be used to file claims against the CPTF.

RULEMAKING AUTHORITY: 497.103(5)(b), 497.456(13) FS.

LAW IMPLEMENTED: 497.456 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: April 26, 2010, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle S.E., 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: LaTonya Bryant-Parker at (850)413-3083 or LaTonya.Bryant-Parker@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, IF AVAILABLE, IS: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039 or doug.shropshire@myfloridacfo.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE AND ON THE DEPARTMENT’S WEBSITE AT <http://www.myfloridacfo.com/LegalServices/RuleHearing/>.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-167.024 Rate Filings for Inland Marine
 Insurance

PURPOSE AND EFFECT: To make the rule comply with statutory changes to Section 627.021, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Rate filings.

RULEMAKING AUTHORITY: 627.607, 627.062, 627.0651 FS.

LAW IMPLEMENTED: 627.607, 627.062, 627.0651 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: April 27, 2010, 9:30 a.m.

PLACE: 142 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: Richard Koon, Office of Insurance Regulation, E-mail Richard.Koon@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Koon, Office of Insurance Regulation, E-mail Richard.Koon@flor.com

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
1S-2.042 Third-Party Voter Registration
 Organizations

PURPOSE AND EFFECT: To incorporate a revised Third-Party Voter Registration Organization Registration Form, DS-DE 119. The revised form requires the registered

agent of the third-party voter registration organization to accept the appointment as registered agent by signing the form. The proposed rule also renumbers the other forms incorporated by reference in the rule.

SUMMARY: The proposed rule assigns new form numbers for the current rule's incorporated forms and requires the registered agent of a third-party voter registration organization to sign the organization's registration form accepting the appointment as registered agent.

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.

RULEMAKING AUTHORITY: 20.10(3), 97.012(15), 97.0575(1), (4), (8) FS.

LAW IMPLEMENTED: 97.012(15), (36), 97.053, 97.0575 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: May 3, 2010, 1:00 p.m.

PLACE: Room 307, R. A. Gray Building, 500 S. Bronough 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: Eddie Phillips, Executive Assistant, Office of General Counsel, Department of State, telephone: (850)245-6536; email: elphillips@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary J. Holland, Assistant General Counsel, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6536; email: gjholland@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.042 Third-Party Voter Registration Organizations.

(1) Forms. The following forms are hereby incorporated by reference and available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division's webpage at: <http://election.dos.state.fl.us/forms/index.shtml>:

(a) Form DS-DE ~~119+06~~ (eff. ~~___02/20102009~~), entitled "Third-Party Voter Registration Organization Registration Form."

(b) Form DS-DE ~~120+07~~ (eff. ~~___02/20102009~~), entitled "Quarterly Report Form for Organized Voter Registration Drives by Third-Party Voter Registration Organization."

(c) Form DS-DE ~~121+08~~ (eff. ~~___02/20102009~~), entitled "Form for Complaint Against Third-Party Voter Registration Organization."

(2) Definitions. For purposes of Section 97.0575, F.S., the following definitions apply:

(a) "Affiliate organization" of a third-party voter registration organization means any person, as defined in Section 1.01(3), F.S., that is associated with the third-party voter registration organization as a subordinate, subsidiary, member, branch, chapter, as a central or parent organization, or through direct or indirect ownership or control. Ownership or control means substantial and effective, though not necessarily predominant, ownership or control.

(b) "Force majeure" means any event or occurrence of societal significance beyond the reasonable control and without the fault of the third-party voter registration organization which could not have been prevented, avoided, or overcome by the exercise of reasonable care, diligence, or foresight of the third-party voter registration organization, including, but not limited to, civil disturbances or acts of war; extraordinarily severe weather, such as hurricanes, floods, or tornadoes; or shortages of food, electric power, or fuel.

(c) "Impossibility of performance" means an actual impossibility or impracticability of compliance as the result of a condition or circumstance which the third-party voter registration organization did not create and could not reasonably have anticipated.

(d) "Organized voter registration drive" means any voter registration activity that is coordinated with, or directed by, a third-party voter registration organization and where one or more persons solicit or collect voter registration applications on behalf of the third-party voter registration organization.

(3) Registration. A third-party voter registration organization shall complete and file Form DS-DE 106 with the Division prior to conducting any voter registration activities. A third-party voter registration organization shall also use Form DS-DE ~~119+06~~ to update or withdraw its registration.

(4) Voter Registration Drive Quarterly Report. A third-party voter registration organization shall use Form DS-DE ~~120+07~~ to file quarterly reports with the Division as required by Section 97.0575(1), F.S. The quarterly reports shall be filed no later than April 15, July 15, October 15, and January 15 to cover the preceding calendar quarter, respectively. If a due date falls on a Saturday, Sunday, or legal holiday, the report is due on the next day which is not a Saturday, Sunday, or legal holiday.

(5) Complaints and Fines.

(a) Any person claiming to have provided a completed voter registration application to a third-party voter registration organization but whose name does not appear as an active voter on the voter registration rolls shall use Form DS-DE 121408 to file the complaint with the Division.

(b) Any other person may report allegations of elections fraud, which includes irregularities or fraud involving voter registration, by filing a written complaint with the Division using Form DS-DE 34, entitled "Elections Fraud Complaint," incorporated by reference in Rule 1S-2.025, F.A.C.

(c) If the Division determines that a fine should be imposed on a third-party voter registration organization, the Division shall serve an administrative complaint pursuant to Rule 28-106.2015, F.A.C., upon the third-party voter registration organization by personal delivery or certified mail, return receipt requested. A third-party voter registration organization upon which the Division serves an administrative complaint may request a hearing in accordance with Sections 120.569 and 120.57, F.S., and subsection 28-106.2015(5), F.A.C.

Rulemaking Specific Authority 20.10(3), 97.012(15), 97.0575(1), (4), (8) FS. Law Implemented 97.012(15), (36), 97.053, 97.0575 FS. History--New 2-26-09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary J. Holland

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Donald L. Palmer, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.036
RULE TITLE: Arts and Cultural Grants

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent guidelines and administrative forms for the General Program Support Program and the Specific Cultural Project Program. The guidelines for both programs clarify eligibility criteria, allowable costs, application procedures, matching funds, reporting requirements, an updated Rural Economic Development Initiative (REDI) listing, and updated application form. The grant report form adds information pertaining to the Florida Single Audit Act (FSAA) and incorporates the State Grant Expenditure Log.

SUMMARY: The proposed rule incorporates the latest General Program Support Program and Specific Cultural Project Program guidelines and administrative forms. Amendments to the guidelines include eligibility criteria, allowable costs,

application procedures, matching funds, reporting requirements, and an updated Rural Economic Development Initiative (REDI) listing.

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.

RULEMAKING AUTHORITY: 265.284(3)(j), 265.286(1), (11) FS.

LAW IMPLEMENTED: 265.284, 265.286, 286.011, 286.012 FS.

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

DATE AND TIME: Monday, May 3, 2010, 9:30 a.m.
PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.036 Arts and Cultural Grants.

(1) This rule provides the requirements for grant programs administered by the Division of Cultural Affairs (Division). Each program is governed by guidelines which contain eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms. All grant awards are subject to the approval of the Secretary of State.

(2) All grant applicants must meet the requirements set forth in the ~~2011-2012 October 2009~~ 2011-2012 guidelines for the following programs, which are available from the Division at www.Florida-arts.org and are hereby incorporated by reference:

(a) Cultural and Museum Grants Program. Provides general program support for local arts agencies, state service organizations, and organizations that have general program activity in any of the art and cultural disciplines in Section 265.283(7), F.S.

(b) Specific Cultural Projects Program. Provides funding for arts in education, underserved cultural community development, culture builds Florida, and other nonprofit public or private organizations having specific cultural project activity in any of the arts and cultural disciplines in Section 265.283(7), F.S.

(3) The following application forms ~~is are~~ available from the Division at www.Florida-arts.org and are hereby incorporated by reference: Cultural and Museums Grants Program and Specific Cultural Projects Program Application (Form CA2E145), effective 6/10 ~~10/09~~.

~~(a) Cultural and Museums Grants Program Application (Form CA2E145), effective 10/09;~~

~~(b) Specific Cultural Projects Program Application (Form CA2E146), effective 10/09;~~

(4) The following forms are used in the administration of all grant programs in this rule and are hereby incorporated by reference and available at www.Florida-arts.org:

(a) Grant Report Form and State Funds Expenditure Log (Form CA2E004), effective 6/10 ~~10/09~~;

~~(b) State Funds Expenditure Log (Form CA2E136), effective 10/09;~~

~~(b)(e)~~ Grant Amendment Request (Form CA2E002), effective 6/10 ~~10/09~~;

~~(c)(d)~~ Grant Award Agreement (Form CA2E142), effective 6/10 ~~10/09~~;

Rulemaking Authority 265.286(11) FS. Law Implemented 265.286 FS. History—New 10-27-09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010; Vol. 36, No. 10

DEPARTMENT OF REVENUE

RULE NO.: 12-6.0015 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: Section 1, Chapter 2009-237, L.O.F., requires agencies to identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida’s taxes. Social security numbers that are obtained for tax administration purposes continue to remain confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. The Department has updated the information regarding the collection of social security numbers as unique identifiers for tax administration purposes. The purpose of the proposed amendments to Rule 12-6.0015, F.A.C. (Public Use Forms), is to adopt, by reference, changes that will update the privacy

notice statement on Form DR-835, Power of Attorney and Declaration of Representative, used by taxpayers to grant a representative authority to perform certain acts on behalf of the taxpayer and to receive and inspect confidential information from the Department.

SUMMARY: The proposed amendments to Rule 12-6.0015, F.A.C. (Public Use Forms), update the privacy statement regarding the collection, use, and release of social security numbers required by Chapter 2009-237, L.O.F., on Form DR-835, Power of Attorney and Declaration of Representative. 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.

RULEMAKING AUTHORITY: 213.06(1), 213.21(1) FS.

LAW IMPLEMENTED: 72.011, 119.071(5), 120.54(5), 120.569, 120.57, 213.21 FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12-6.0015 Public Use Forms.

The following form is employed by the Department in its dealings with the public. This form is hereby incorporated by reference in this rule. Copies of this form are available, without cost, by using one or more of the following methods: 1) downloading the form from the Department’s Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway,

Tallahassee, Florida 32304. Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
DR-835	Power of Attorney and Declaration of Representative (R. 09/09 06/08)	<u>01/09</u>

Rulemaking Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 72.011, 119.071(5), 120.54(5), 120.569, 120.57, 213.21 FS. History–New 3-6-03, Amended 4-5-07, 1-27-09,_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on January 15, 2010 (Vol. 36, No. 2, pp. 112-113). No comments have been received by the Department.

DEPARTMENT OF REVENUE

RULE NO.:	RULE TITLE:
12-16.005	Requirements for Consent Agreements

PURPOSE AND EFFECT: Section 213.23, F.S., authorizes the Executive Director, or his or her designee, to enter into consent agreements with a taxpayer to extend the period during which an assessment may be issued or a claim for refund may be filed. When both the Department and the taxpayer provide written consent, a tax assessment may be issued or a claim for a tax refund may be made at any time prior to the expiration of the period agreed upon. The purpose of the proposed amendments to Rule 12-16.005, F.A.C. (Requirements for Consent Agreements), is to eliminate confusion over the language that appears to require that the agreement be signed by the Department prior to being signed by the taxpayer.

SUMMARY: The proposed amendments to Rule 12-16.005, F.A.C. (Requirements for Consent Agreements), clarify the Department’s procedures for signing written agreements to extend the period during which an assessment may be issued or a claim for refund may be filed.

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

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

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.23 FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12-16.005 Requirements for Consent Agreements.

(1) through (3) No change.

(4) A consent agreement or an extension of a consent agreement shall ~~first~~ be signed and dated on behalf of the Department by a person with delegated authority to enter into a consent agreement or an extension of a consent agreement under Rule 12-16.004, F.A.C.

(5) No change.

(6)(a) A consent agreement or an extension of a consent agreement is effective when it has been signed and dated by both the taxpayer or authorized representative and on behalf of the Department by a person with the delegated authority received by the Department, unless the agreement as originally signed by the Department has been subsequently altered by the taxpayer.

(b) The Department will use the later of the date the agreement or extension is signed and dated by the taxpayer or the Department to determine whether the agreement is timely.

(c) No change.

(7) A consent agreement or an extension of a consent agreement, signed and dated by both the taxpayer or authorized representative and on behalf of the Department by a person with delegated authority, is binding and sufficient when transmitted by electronic means or facsimile.

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 213.23 FS. History–New 12-28-88, Amended 12-2-03,_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on December 31, 2009 (Vol. 35, No. 52, p. 6693). No comments have been received by the Department.

DEPARTMENT OF REVENUE

RULE NO.: 12-18.004
 RULE TITLE: Submission of Information and Claims for Compensation

PURPOSE AND EFFECT: Section 1, Chapter 2009-237, L.O.F., requires agencies to identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida’s taxes. Social security numbers that are obtained for tax administration purposes continue to remain confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. The Department has updated the information regarding the collection of social security numbers as unique identifiers for tax administration purposes. The purpose of the proposed amendments to Rule 12-18.004, F.A.C. (Submission of Information and Claims for Compensation), is to adopt, by reference, changes that will update the privacy notice statement on Form DR-55 (Application for Compensation for Tax Information), used by the Department in the compensation for tax information.

SUMMARY: The proposed amendments to Rule 12-18.004, F.A.C. (Submission of Information and Claims for Compensation), update the privacy statement regarding the collection, use, and release of social security numbers required by Chapter 2009-237, L.O.F., on Form DR-55 (Application for Compensation for Tax Information).

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.

RULEMAKING AUTHORITY: 213.06(1), 213.30(1) FS.

LAW IMPLEMENTED: 92.525(2), 119.071(5), 213.30 FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12-18.004 Submission of Information and Claims for Compensation.

(1) through (2) No change.

(3)(a) The Department designates Form DR-55, Application for Compensation for Tax Information, as the form to be used by claimants for this purpose. Form DR-55, Application for Compensation for Tax Information (R. 09/09 03/09, Effective _____ ~~(06/09)~~), is hereby incorporated, by reference, in this rule.

(b) No change.

Rulemaking Authority 213.06(1), 213.30(1) FS. Law Implemented 92.525(2), 119.071(5), 213.30 FS. History--New 6-21-88, Amended 11-14-91, 10-19-99, 10-1-03, 10-30-06, 6-1-09, _____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on January 15, 2010 (Vol. 36, No. 2, p. 113). No comments have been received by the Department.

DEPARTMENT OF REVENUE

RULE NO.: 12-19.005
 RULE TITLE: Confidentiality of Reports;
 Disclosure of Information

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-19.005, F.A.C. (Confidentiality of Reports; Disclosure of Information), is to clarify the Department's procedures regarding the confidentiality and disclosure provisions for reports of large currency transactions filed with the Department and to update the information on requesting copies of a large currency transaction report filed with the Department.

SUMMARY: The proposed amendments to Rule 12-19.005, F.A.C. (Confidentiality of Reports; Disclosure of Information): (1) clarify that when the Department receives a written request for a report of large currency transactions from a federal, state, or local law enforcement agency or a prosecutorial agency, the Office of Financial Regulation, or the Department of Financial Services, the Department is authorized to provide the report, or the information contained within it, to the requesting agency; (2) update the information on where these agencies may submit a written request for reports of large currency transactions that are filed with the Department; and (3) remove the provision regarding the access to reports of large currency transactions by agents or employees of the Department that is redundant of subsection 12-22.003(1), F.A.C.

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

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

RULEMAKING AUTHORITY: 896.102(3) FS.

LAW IMPLEMENTED: 213.053(9), 250.535(1)(e), 896.102 FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12-19.005 Confidentiality of Reports; Disclosure of Information.

(1) Reports of large currency transactions and the information contained in them are confidential and are not subject to disclosure to the public. ~~Access to the reports filed with the Department of Revenue is restricted to those agents and employees of the Department of Revenue who have a need to know the information contained in the reports.~~ However, the reports of large currency transactions filed with the Department, or the information contained within the reports, are documents and information shall be subject to disclosure pursuant to subpoena, as provided in Section 213.053(9)(~~8~~), F.S.

(2)(a) ~~In addition, when Notwithstanding the provisions of subsection (1), the Department receives a written request for a report is authorized to provide copies of any reports~~ of large currency transactions filed with the Department from as specified under Section 896.102(2), F.S., to a federal, state or a local law enforcement agency or a prosecutorial agency, ~~and to the Office of Financial Regulation, or the Department of Financial Services, the Department is authorized to provide the report, or the information contained within the report, to the requesting agency~~ Banking and Finance. Written requests for reports of large currency transactions are to be addressed to the Florida Department of Revenue, Criminal Investigations Process Owner, 5050 W. Tennessee Street, Building G, Capital Center Complex, Tallahassee, Florida 32399-0100.

(b) For purposes of this rule chapter, law enforcement agency shall mean a lawfully established federal, state, or local public agency that is responsible for the prevention and detection of crime and the enforcement of penal, traffic, regulatory, game, immigration, postal, customs, or controlled substance laws.

(c) ~~Requests for reports by authorized entities may be obtained by written request to the Investigation Manager, Compliance Enforcement Investigations Process, Florida Department of Revenue, 5050 W. Tennessee Street, Building G, Capital Center Complex, Tallahassee, Florida 32399-0100.~~ For additional information regarding reports of large currency transactions, contact the Criminal Investigations Process Owner at (850)922-2673.

(3) The custodian of the reports of large currency transactions which are filed with the Department of Revenue ~~is shall be~~ the Criminal ~~Investigation~~ Investigations Process Owner. Subpoenas seeking disclosure of documents and

information filed with the Department; that do not fall under the disclosure provision of Section 896.102, F.S., should be served to the custodian of the reports.

(4) Federal tax information obtained from the Internal Revenue Service under Information Sharing Agreements shall not be disclosed under this rule chapter.

Rulemaking Specific Authority 896.102(3) FS. Law Implemented 213.053(9)(~~8~~), 250.535(1)(e), 896.102 FS. History—New 2-18-88, Amended 12-18-88, 1-2-95,_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on January 8, 2010 (Vol. 36, No. 1, pp. 5-6). No comments have been received by the Department.

DEPARTMENT OF REVENUE

RULE NO.: 12-24.003
 RULE TITLE: Requirements to File or to Pay Taxes by Electronic Means

PURPOSE AND EFFECT: Section 443.163(1), F.S., requires any person who prepared and reported the unemployment compensation tax returns (Form UCT-6, Employer’s Quarterly Reports) for 100 or more employers in any quarter during the preceding state fiscal year to file the tax returns by electronic means. The purpose of the proposed amendments to Rule 12-24.003, F.A.C. (Requirements to File or to Pay Taxes by Electronic Means), is to clarify the electronic reporting requirements for unemployment tax agents who prepare and report unemployment tax for 100 or more employers.

SUMMARY: The proposed amendments to Rule 12-24.003, F.A.C. (Requirements to File or to Pay Taxes by Electronic Means), clarify, consistent with Section 443.163(1), F.S., that any unemployment tax agent who prepared and reported Form UCT-6 (Employer’s Quarterly Report) for 100 or more employers in any calendar quarter during the preceding state fiscal year is required to file the reports electronically with the Department.

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.

RULEMAKING AUTHORITY: 202.26(3)(a), 206.485(1), 213.06(1), 213.755(8), (9), 220.21(2), (3) FS.

LAW IMPLEMENTED: 202.30, 206.485, 213.755, 220.21(2), (3), 443.1317, 443.163 FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12-24.003 Requirements to File or to Pay Taxes by Electronic Means.

(1) through (2) No change.

(3) The following taxpayers must file tax returns by electronic means:

(a) through (b) No change.

(c) Any unemployment tax agent who prepared ~~Prepared~~ and reported Form UCT-6 (Employer’s Quarterly Report) for 100 or more employers ~~employees~~ in any calendar quarter during ~~in~~ the preceding state fiscal year.

(4) through (5) No change.

Rulemaking Authority 202.26(3)(a), 206.485(1), 213.06(1), 213.755(8), (9), 220.21(2), (3) FS. Law Implemented 202.30, 206.485, 213.755, 220.21(2), (3), 443.1317, 443.163 FS. History—New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02, 10-5-03, 6-1-09,_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on February 19, 2010 (Vol. 36, No. 7, p. 781). No comments have been received by the Department.

DEPARTMENT OF REVENUE

RULE NO.: 12-24.011
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: Section 1, Chapter 2009-237, L.O.F., requires agencies to identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida’s taxes. Social security numbers that are obtained for tax administration purposes continue to remain confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. The Department has updated the information regarding the collection of social security numbers as unique identifiers for tax administration purposes. The purpose of proposed amendments to Rule 12-24.011, F.A.C. (Public Use Forms), is to adopt, by reference, changes that will update the privacy notice statement on Form DR-600 (Enrollment and Authorization for e-Services Program), used by the Department in the administration of the e-Services Program for paying taxes and filing returns electronically.

SUMMARY: The proposed amendments to Rule 12-24.011, F.A.C. (Public Use Forms), update the privacy statement regarding the collection, use, and release of social security numbers required by Chapter 2009-237, L.O.F., on Form DR-600 (Enrollment and Authorization for e-Services Program).

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.

RULEMAKING AUTHORITY: 202.26(3)(a), 206.485(1), 213.06(1), 213.755(8), (9), 220.21(2), (3) FS.

LAW IMPLEMENTED: 119.071(5), 202.30, 206.485, 213.755, 220.21(2), (3), 443.1317, 443.163 FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12-24.011 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department for the purposes of the e-Services Program and are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-600	Enrollment and Authorization for e-Services Program (R. 10/09 <u>11/08</u>)	_____ <u>06/09</u>

(3) No change.

Rulemaking Authority 202.26(3)(a), 206.485(1), 213.06(1), 213.755(8), (9), 220.21(2), (3) FS. Law Implemented 119.071(5), 202.30, 206.485, 213.755, 220.21(2), (3), 443.1317, 443.163 FS. History–New 6-1-09, Amended _____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on January 15, 2010 (Vol. 36, No. 2, pp. 113-114). No comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.002	Practitioners of the Healing Arts
12A-1.015	Industrial Gases
12A-1.020	Licensed Practitioners; Drugs, Medical Products and Supplies
12A-1.021	Prosthetic and Orthopedic Appliances
12A-1.0215	Veterinary Sales and Services
12A-1.097	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed changes to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), is to update, consistent with current statutory provisions, the application of tax to drugs, medicines, and medical products, supplies, and devices used in the treatment of human disease, illness, or injury, and in the treatment of animals.

When adopted, the proposed substantial rewording of Rule 12A-1.020, F.A.C. (Licensed Practitioners; Drugs, Medical Products and Supplies), will provide for the administration of sales tax for the following items used to treat human disease, illness, or injury:

- Drugs, medical products, supplies, or devices
- Common household remedies
- Cosmetics, toilet articles, and hygiene products
- Chemical compounds and test kits
- Eyeglasses and lenses
- Orthopedic, therapeutic, or corrective shoes
- Prescribed parts and attachments to assist a person with special needs

When adopted, the proposed amendments to Rule 12A-1.021, F.A.C. (Prosthetic and Orthopedic Appliances), will update the list of tax-exempt prosthetic or orthopedic appliances and provide how to purchase materials and supplies that will be incorporated into tax-exempt prosthetic or orthopedic appliances without paying tax at the time of purchase.

When adopted, proposed new Rule 12A-1.0215, F.A.C. (Veterinary Sales and Services), will provide for the application of tax to items used in the practice of veterinary medicine, including medical products, supplies, and devices, and substances possessing curative or remedial properties.

When adopted, the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), will adopt, by reference, changes to Form DR-46NT, Nontaxable Medical and General Grocery List, necessary to reflect the provisions of substantially reworded Rule 12A-1.020, F.A.C., revised Rule 12A-1.021, F.A.C., and new Rule 12A-1.0215, F.A.C.

SUMMARY: The proposed repeal of Rule 12A-1.002, F.A.C. (Practitioners of the Healing Arts), removes provisions regarding licensed practitioners that are included in the proposed substantial rewording of Rule 12A-1.020, F.A.C., or in proposed new Rule 12A-1.0215, F.A.C.

The proposed repeal of Rule 12A-1.015, F.A.C. (Industrial Gases), removes the provisions regarding the application of tax to certain gases that are redundant of other administrative rules. Provisions for compressed medical gases and medical oxygen are included in the proposed substantial rewording of Rule 12A-1.020, F.A.C., and proposed new Rule 12A-1.0215, F.A.C.

The proposed substantial rewording of Rule 12A-1.020, F.A.C.: (1) updates the title of the rule to “Licensed Practitioners”; Drugs, Medical Products and Supplies); (2) defines the terms “licensed practitioner” and “drug or medicinal drug” for purposes of the rule; (3) provides that

hospitals, healthcare entities, and licensed practitioners are required to pay tax on taxable items or services consumed in providing medical services; (4) provides for the exemption for prescription drugs and medical gases and opaque drugs; (5) provides for the exemption for common household remedies recommended and generally sold for internal or external use in the cure, mitigation, treatment, or prevention of illness or disease in human beings and the taxability of cosmetics, toilet articles, and hygiene products; (6) provides that, unless specifically exempt, medical products, supplies, and devices are subject to tax; (7) provides that medical products, supplies, or devices are exempt when dispensed pursuant to a written prescription; (8) provides that medical products, supplies, or devices bearing the prescription labeling required under federal or state law and that are intended to be used one time only are not subject to tax; (9) provides for the exemption for medical products, supplies, or devices that are temporarily or permanently incorporated into a patient; (10) provides that medical trays required by federal or state law to be dispensed only by prescription and that are intended to be used one time only are not subject to tax; (11) provides a suggested exemption certificate to be used to purchase non-taxable medical products, supplies, or devices; (12) provides for the taxability of chemical compounds and test kits, including a list of taxable and a list of nontaxable chemical compounds and test kits; (13) provides for the exemption for parts or other items added to tangible personal property so that a handicapped person may use an item; (14) provides for the exemption for orthopedic or corrective shoes, eyeglasses, lenses, and stock lenses; (15) provides a suggested exemption certificate to buy certain stock lenses without paying tax at the time of purchase; and (16) provides the recordkeeping requirements for the sale or purchase of medical products, supplies, and devices.

The proposed amendments to Rule 12A-1.021, F.A.C. (Prosthetic and Orthopedic Appliances): (1) clarify that the term “duly licensed practitioner” includes physicians, osteopathic physicians, chiropractic physicians, podiatric physicians, or dentists duly licensed under Florida law; (2) update the list of prosthetic and orthopedic appliances to include only those items that are specifically exempt under Section 212.08(2), F.S., or are certified by the Department of Health as tax-exempt prosthetic or orthopedic appliances, as required in Section 212.08(2)(b)1., F.S.; (3) provide that materials and supplies that are incorporated into and become a component part of a prosthetic or orthopedic appliance or device dispensed by a licensed prosthetist or orthotist pursuant to a prescription written by a licensed practitioner are not subject to sales or use tax; (4) provide that expendable materials and supplies used for such purposes are subject to tax; (5) provide a suggested exemption certificate to be extended to the seller when purchasing such materials and supplies and when the exemption certificate is required; (6) provide the recordkeeping requirements for such exemption

certificates; and (7) remove provisions for the exemption provided in Section 212.08(2)(j), F.S., for prescribed parts and attachments added to tangible personal property to assist a person with special needs that will be provided in Rule 12A-1.020, F.A.C., as substantially revised.

The proposed creation of Rule 12A-1.0215, F.A.C. (Veterinary Sales and Services), provides: (1) that professional services provided by veterinarians are not subject to tax; (2) that charges for hospitalization of animals are not subject to tax; (3) that charges for boarding and grooming are not subject to tax, but items consumed in providing those services are subject to tax; (4) that prescription drugs, medical gases, and opaque drugs are not subject to tax when required by federal or state law to be dispensed by prescription only; (5) for the taxability of items used by veterinarians for treatment of animals and a list of items that are specifically exempt when purchased by veterinarians; (6) that medical products, supplies, or devices bearing the prescription labeling required under federal law that are intended to be used one time only are not subject to tax; (7) that medical products, supplies, or devices that are temporarily or permanently incorporated into an animal are exempt; (8) that medical trays required by federal or state law to be dispensed only by prescription and that are intended to be used one time only are not subject to tax; (9) when commonly recognized substances possessing curative or remedial properties purchased by veterinarians are exempt; (10) a suggested exemption certificate to be extended to the seller to purchase items exempt from tax; (11) how to purchase items for purposes of resale to clients without paying tax at the time of purchase; and (12) recordkeeping requirements for veterinarians.

The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, changes to Form DR-46NT, Nontaxable Medical and General Grocery List, to include updated lists of chemical compounds, test kits, common household remedies, prosthetic and orthopedic appliances, optical goods, other medical items, general grocery items, bakery products, seeds, and fertilizers that provide information on whether the item is subject to tax.

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.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 212.02(14), (19), 212.05, 212.06, 212.07(1), 212.08(2), 212.085, 212.13, 212.18(2), (3), 213.37, 465.186, 465.187 FS.

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

DATE AND TIME: May 3, 2010, 1:30 p.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.002 Practitioners of the Healing Arts.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14), (19), 212.05(1), 212.08(2), (7) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.02, Repealed

12A-1.015 Industrial Gases.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), 212.05, 212.08(2), (6), (7)(o) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.15, Repealed

(Substantial Rewording of Rule 12A-1.020 follows. See Florida Administrative Code for present text.)

12A-1.020 Licensed Practitioners; Drugs, ~~Medicine~~ and Medical Products and Supplies.

(1) SCOPE.

(a) Section 212.08(2), F.S., provides an exemption for certain items used in the practice of medicine by hospitals and healthcare entities or by physicians, dentists, and other licensed practitioners. This rule is intended to clarify the application of tax to items sold to hospitals and healthcare entities or to physicians, dentists, and other licensed practitioners for use in their practice of medicine. This rule is also intended to clarify the exemption for chemical compounds and test kits, common household remedies, drugs, eyeglasses and lenses, medical gases, and medical products, supplies, and devices.

(b) Rule 12A-1.021, F.A.C. (Prosthetic and Orthopedic Appliances), is intended to clarify the exemption provided in Section 212.08(2), F.S., for prosthetic and orthopedic appliances.

(c) Rule 12A-1.0215, F.A.C. (Veterinary Sales and Services), is intended to clarify the application of tax to items used in the practice of veterinary medicine, for the exemptions

provided for substances possessing curative or remedial properties, and for medical products, supplies, and devices used in the treatment of animals.

(2) LICENSED PRACTITIONERS.

(a) For purposes of this rule, a “licensed practitioner” is any person who is duly licensed and authorized by laws of the State of Florida to administer, prescribe, or dispense, as appropriate, a drug or device for medical purposes.

(b) Hospitals, healthcare entities, and licensed practitioners are required to pay tax at the time of purchase on taxable items or services used or consumed in providing medical services. See Rule 12A-1.038, F.A.C., for purchases by hospitals or healthcare entities that hold a valid Consumer’s Certificate of Exemption issued by the Department.

(3) DRUGS.

(a) Drugs and medicinal drugs used in connection with medical treatment are exempt. The term “drug” or “medicinal drug” means those substances or preparations commonly known as “prescription” or “legend” drugs that are required by federal or state law to be dispensed only by a prescription.

(b) Opaque drugs, including X-ray opaques, and radiopaque, such as the various opaque dyes and barium sulphate, that are used in connection with medical X-rays for the treatment of human bodies are exempt.

(4) MEDICAL GASES.

(a) Compressed medical gases and medical oxygen in compliance with the provisions of Rule 64F-12.007, F.A.C., are exempt.

(b) The charge for filling or refilling tanks containing compressed air or nitrox to be used for scuba diving is subject to tax.

(5) COMMON HOUSEHOLD REMEDIES; COSMETICS; TOILET ARTICLES; HYGIENE PRODUCTS.

(a)1. Common household remedies recommended and generally sold for internal or external use in the cure, mitigation, treatment, or prevention of illness or disease in human beings, according to a list prescribed and approved by the Department of Health and certified to the Department of Revenue, are exempt. This list is contained in Form DR-46NT, Nontaxable Medical and General Grocery List (incorporated by reference in Rule 12A-1.097, F.A.C.).

2. Common household items that are not intended to cure, mitigate, treat, or prevent illness or disease in human beings are subject to tax. For example, disinfectants used for the sterilization of glass, containers, utensils, or equipment are subject to tax; products used for the purification of air or for deodorants are subject to tax; chlorine used for the treatment of water in swimming pools is subject to tax.

(b) The exemption provided for common household remedies does not include cosmetics or toilet articles, even when the cosmetic or toilet article contains medicinal ingredients. Cosmetics and toilet articles, including those that

contain medicinal ingredients, are subject to tax, except when dispensed pursuant to a prescription written by a licensed practitioner.

1. For purposes of this rule, “cosmetics” means any article intended to be rubbed, poured, sprinkled, sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance. The term includes articles intended for use as a compound of any such articles, such as cold creams, suntan products, makeup, and body lotions.

2. For purposes of this rule, “toilet articles” means any article advertised or held out for sale for grooming purposes and those articles which are customarily used for grooming purposes, regardless of the name by which they may be known, such as soaps, toothpastes, hair sprays, shaving products, colognes, perfumes, shampoos, deodorants, and mouthwashes.

(c) Personal hygiene products, except when dispensed pursuant to a prescription written by a licensed practitioner, are subject to tax.

(d) Contraceptive products, except when dispensed pursuant to a prescription written by a licensed practitioner, are subject to tax.

(e) Taxpayers who have a question regarding the taxable status of a product may submit a written description of the product, including the product name, ingredients, and recommended uses, to the Department. This request should be addressed to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443.

(6) MEDICAL PRODUCTS, SUPPLIES, OR DEVICES.

(a) “Medical products, supplies, or devices” are any products, supplies, or devices that are intended or designed to be used for a medical purpose to treat, prevent, or diagnose human disease, illness, or injury. The purpose is assigned to a product, supply, or device by its label or its general instructions for use.

(b) Unless specifically exempt, products, supplies, or devices sold to hospitals and healthcare entities or to licensed practitioners are subject to tax. Examples of items that do not qualify for exemption are: absorbent cotton; gloves, gowns, uniforms, masks, drapes, or towels; infusion pumps; reusable knives, needles, or scissors; scales; ear syringes; tongue depressors; specimen bags; instruments, equipment, and machines and their parts and accessories; microscopes; examination tables; hospital beds; X-ray machines; X-ray films and developing solutions; computerized axial tomography (CAT) machines; and magnetic resonance imaging (MRI) machines. This is not intended to be an exhaustive list.

(c)1. Medical products, supplies, or devices sold to hospitals, healthcare entities, or licensed practitioners are exempt when:

a. The medical product, supply, or device must be dispensed under federal or state law only by the prescription or order of a licensed practitioner; and

b. The medical product, supply, or device is intended for use on a single patient and is not intended to be reusable.

2. Medical trays and surgical or procedure kits containing medical products, supplies, or devices that are labeled to be dispensed only by the prescription or order of a licensed practitioner and are intended for use on a single patient are exempt, even when the medical tray or kit contains one or more items that, when sold separately, would be subject to tax.

3. No exemption certificate or Annual Resale Certificate is required to be obtained by the selling dealer from the purchasing hospital, healthcare entity, or licensed practitioner to document exempt sales of medical products, supplies, or devices that are labeled to be dispensed only by the prescription or order of a licensed practitioner. However, selling dealers are required to maintain documents in their records evidencing that the medical product, supply, or device sold to a hospital, healthcare entity, or licensed practitioner is labeled to be dispensed only by the prescription or order of a licensed practitioner.

(d)1. Medical products, supplies, and devices used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of a patient(s) that are temporarily or permanently incorporated into a patient(s) by a licensed practitioner are exempt.

2. A licensed practitioner, or an authorized representative of the licensed practitioner, may extend an exemption certificate to the selling dealer certifying that the purchased medical products, supplies, or devices will be temporarily or permanently incorporated into a patient(s) for the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of a patient(s). For example, a licensed dentist may purchase gold, silver, amalgam, or other dental restorative materials used for dental fillings exempt from tax by extending an exemption certificate to the supplier when those materials are not labeled "Rx only." A suggested exemption certificate is provided in subsection (11).

3. Any person that is not a licensed practitioner must register with the Department as a dealer, as provided in Rule 12A-1.060, F.A.C., to sell medical products, supplies, or devices in Florida. Registered dealers may purchase products, supplies, or devices for the purposes of resale, or materials to manufacture, compound, process, or fabricate such items for sale, by extending a copy of its Annual Resale Certificate to the selling dealer, as provided in Rule 12A-1.039, F.A.C.

4. No exemption certificate or Annual Resale Certificate is required to make purchases of medical products, supplies, or devices exempt from tax when:

a. The item is listed as an item exempt from tax in Form DR-46NT, Nontaxable Medical Items and General Grocery List; or

b. The label of the medical product, supply, or device indicates that it must be dispensed under federal or state law by the prescription or order of a licensed practitioner and that it is intended for use on a single patient.

(e) Medical products, supplies, and devices are exempt when dispensed to a patient according to an individual prescription written by a licensed practitioner.

(7) CHEMICAL COMPOUNDS AND TEST KITS.

(a) The sale of chemical compounds and test kits used for the diagnosis or treatment of human disease, illness, or injury is exempt. The following is a nonexhaustive list of chemical compounds and test kits that are not subject to tax:

1. Allergy test kits that use human blood to test for the most common allergens;

2. Anemia meters and test kits;

3. Antibodies to Hepatitis C test kits;

4. Bilirubin test kits (blood or urine);

5. Blood analyzers, blood collection tubes, lancets, capillaries, test strips, tubes containing chemical compounds, and test kits to test human blood for levels of albumin, cholesterol, HDL, LDL, triglycerides, glucose, ketones, or other detectors of illness, disease, or injury;

6. Blood sugar (glucose) test kits, reagent strips, test tapes, and other test kit refills;

7. Blood pressure monitors, kits, and parts;

8. Breast self-exam kit;

9. Fecal occult blood tests (colorectal tests);

10. Hemoglobin test kits;

11. Human Immunodeficiency Virus (HIV) test kits and systems;

12. Influenza AB test kits;

13. Middle ear monitor;

14. Prostate Specific Antigen (PSA) test kits;

15. Prothrombin (clotting factor) test kits;

16. Thermometers, for human use;

17. Thyroid Stimulating Hormone (TSH) test kits;

18. Urinalysis test kits, reagent strips, tablets, and test tapes to test levels, such as albumin, blood, glucose, leukocytes, nitrite, pH, or protein levels, in human urine as detectors of illness, disease, or injury;

19. Urinary tract infection test kits; and

20. Vaginal acidity (pH) test kits.

(b) Chemical compounds and test kits that are not used to diagnose or treat human disease, illness, or injury are subject to tax. The following is a nonexhaustive list of chemical compounds and test kits that do not test for human illness, disease, or injury and are subject to tax:

1. Blood typing test kits for home use;

2. DNA tests (such as maternity tests, paternity tests, sibling ship tests, twin zygosity tests, ancestry testing, avuncular (grandparent, aunt, and uncle) tests, male lineage tests, or article tests);

- 3. Drug and alcohol (including nicotine) test kits;
- 4. Ethanol breathalyzer tests (alcohol intoxication);
- 5. Folicle stimulating hormone (FSH) test kits;
- 6. Hazard chemicals detection kits;
- 7. Male fertility (semen analysis) test kits;
- 8. Menopause monitors and test kits;
- 9. Ovulation/leteinizing hormone (LH) test kits;
- 10. Personal wellness or body balance check test kits, such as those to measure hormone levels, cortisol levels, melatonin levels, mineral levels, or antioxidant levels; and
- 11. Pregnancy test kits.

(8) PRESCRIBED PARTS AND ATTACHMENTS.

(a) Parts, special attachments, special lettering, and other like items that are added to or attached to tangible personal property to assist a person with special needs are exempt when purchased pursuant to an individual prescription. When purchased without an individual prescription, these items are subject to tax. For example, items installed on motor vehicles to make them adaptable for use by persons with special needs, such as special controls, purchased pursuant to a written prescription are exempt; however, the motor vehicle and the standard or optional equipment available on the motor vehicle are subject to tax.

(b) If tangible personal property is sold with special controls, lettering, or devices, and the additional charge for the added features is separately stated on the sales invoice for the tangible personal property, that charge for the added features is exempt when purchased pursuant to an individual prescription.

(9) ORTHOPEDIC, THERAPEUTIC, OR CORRECTIVE SHOES.

(a) Orthopedic shoes made to specifications prescribed by a podiatrist, orthopedist, or other licensed practitioner for the purpose of treating or preventing illness or disease, or to correct physical incapacity are exempt. Therapeutic shoes and inserts prescribed by a licensed practitioner for purposes of treating diabetic foot disease and provided by a podiatrist, orthotist, prosthetist, or pedorthist are exempt.

(b) Shoes made to order for special fitting problems, such as narrow or large feet, are subject to tax.

(c) When a shoe is modified to specifications prescribed by a podiatrist, orthopedist, or other physician by the insertion of a lift, a wedge, or an arch support for the purpose of treating or preventing illness or disease, or to correct physical incapacity, the charge for the shoe is subject to tax. However, any reasonable separately stated charge for the modification is exempt. If no separate charge is made for the modification, the entire charge is subject to tax.

(d) When a shoe is modified for a more comfortable fit (e.g., heel pad inserted or insole added), for improving the style, or for similar purposes, the total charge for the modification and the shoe is subject to tax.

(10) EYEGLASSES AND LENSES.

(a) Prescription eyeglasses, incidental items, and items that become a part of prescription eyeglasses are exempt. Prescription eyeglasses include lenses, including contact lenses, prescribed for the correction of a patient's refractive effort, for the improvement of a patient's vision, or for protective purposes. Incidental items include frames, component parts, carrying cases, contact lens cases, and other similar items.

(b) The sale of eyeglass lens cleaning solutions, contact lens cleaning solutions, and contact lens disinfectants are subject to tax.

(c) The sale of standard or stock eyeglasses, incidental items, or items that become a part of standard or stock eyeglasses, without a prescription, is subject to tax. Some examples are: frames and component parts, carrying cases, safety glasses, sunglasses, field glasses, opera glasses, and magnifying glasses.

(d) When the purchaser of one-time items that transfer essential optical characteristics to contact lenses has paid at least \$100,000 in tax (sales tax, plus discretionary sales surtax) in any calendar year on such purchases, the purchaser is exempt from tax on purchases of such items for the remainder of that calendar year. Purchasers who hold a valid Sales and Use Tax Direct Pay Permit issued by the Department may make purchases of these items exempt from tax when:

1. The purchaser extends a copy of a valid Sales and Use Tax Direct Pay Permit, as provided in Rule 12A-1.0911, F.A.C., to the selling dealer at the time of purchase; and

2. The purchaser pays to the Department each calendar year \$100,000 in tax due on purchases of one-time items that transfer essential optical characteristics to contact lenses during the calendar year.

(11) SUGGESTED EXEMPTION CERTIFICATE: RECORDKEEPING REQUIREMENTS.

(a) The following is a suggested exemption certificate to be issued to purchase qualified medical products, supplies, or devices exempt from tax at the time of purchase:

EXEMPTION CERTIFICATE
MEDICAL PRODUCTS, SUPPLIES,
DEVICES, OR MATERIALS

I, the undersigned individual, as a practitioner licensed in the State of Florida, or an authorized representative of a licensed practitioner, certify that the medical products, supplies, devices, or other materials purchased on or after (date) from (Selling Dealer's Business Name)

(Check the use that qualifies the product, supply, device, or material for exemption)

() Meet the definition of a medical product, supply, or device and will be dispensed by a licensed practitioner.

() Will be used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of a patient and will be temporarily or permanently incorporated into a patient(s) by a licensed practitioner.

I understand that if I use the medical product, supply, device, or other materials for any nonexempt purpose, I must pay tax on the purchase price of the item directly to the Department of Revenue.

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

Under the penalties of perjury, I declare that I have read the foregoing Certificate and that the facts stated herein are true.

Name of Licensed Practitioner: _____
Florida License Number: _____ Address: _____
Name of Authorized Representative: _____
(Signature of Licensed Practitioner or Authorized Representative)

Title

Date

(b) The selling dealer is only required to obtain one certificate for sales made for the purposes indicated on the certificate and is not required to obtain an exemption certificate for subsequent sales made to the same licensed practitioner or authorized representative. The selling dealer must maintain the required exemption certificates in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(c) Dealers must maintain copies of exemption certificates, Annual Resale Certificates, prescriptions, and any other documentation required under the provisions of this rule until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(d) Electronic storage by the selling dealer of the required certificates, prescriptions, and other documentation will be sufficient compliance with the provisions of this subsection.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.08(2), 212.085, 213.37, 465.186, 465.187 FS. History—Revised 10-7-68, Amended 1-17-71, Revised 6-16-72, Amended 5-27-75, 5-10-77, 6-26-78, 2-26-79, 6-3-80, 12-31-81, 8-28-84, Formerly 12A-1.20, Amended 12-8-87, _____.

12A-1.021 Prosthetic and Orthopedic Appliances.

(1)(a) Prosthetic and orthopedic appliances are exempt. The term “prosthetic and orthopedic appliances” means any apparatus, instrument, device, or equipment used to replace or substitute for any missing part of the body, used to alleviate the malfunction of any part of the body, or used to assist any disabled person in leading a normal life by facilitating such

person's mobility. Such apparatus, instrument, device, or equipment ~~is exempt shall be exempted~~ according to an individual prescription or prescriptions written by a duly licensed practitioner ~~authorized by the laws of the state to prescribe medicinal drugs,~~ or according to a list prescribed and approved by the Department of Health ~~and, which list shall be certified to the Department of Revenue from time to time.~~ For purposes of this rule, a “licensed practitioner” includes a physician, osteopathic physician, chiropractic physician, podiatric physician, or dentist duly licensed under Florida law. ~~The~~ A list of tax-exempt prosthetic and orthopedic appliances is contained in Form DR-46NT (DR 46NT), Nontaxable Medical and General Grocery List (incorporated by reference in Rule 12A-1.097, F.A.C.), dated October 1987, which is incorporated in this rule and made part of this rule by reference, and which has been certified to the Department of Revenue by the Department of Health, is available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a Copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8334.

(b) The prosthetic and orthopedic appliances listed below are specifically exempt:

- Arch, foot, and heel supports, gels, insoles, and cushions
- Supports, excluding shoe liners and pads
- Artificial Limbs
- Artificial Eyes
- Artificial Larynx
- Artificial Heart Valves
- Artificial Arteries
- Artificial Noses and Ears
- Abdominal Belts
- Back Braces
- Batteries, for use in Prosthetic and Orthopedic Appliances
- ~~Bone Cement, Nails, Pins, Plates, Screws and Wax~~
- Braces and Supports Worn on the Body to Correct or Alleviate a Physical Incapacity or Injury
- Canes (all)
- ~~Catheters~~
- ~~Colostomy Bags and Appliances~~
- Crutches, Crutch Tips, and Pads
- Dentures, Denture Repair Kits and; ~~Cushions, etc.~~

- Dialysis Machines and Artificial Kidney Machines, Parts and Accessories
- ~~Eye~~glasses, ~~Eyelid Load~~ Prosthesis
- Fluidic Breathing Assistor
- Hearing Aids (repair parts, batteries, wires, and condensers, etc.)
- Heart Stimulators – External Defibrillators
- ~~Hypodermic Needles, Hypodermic Syringes, Hypodermic Syringe~~
- ~~Tubing and Parts, when used for medical purposes~~
- ~~Human Organs~~
- ~~Lithotripter~~
- Mastectomy Pads
- Ostomy pouch and accessories
- ~~Pacemakers (Cardiac)~~
- Patient Safety Vests
- Portable Resuscitators
- Rupture belts
- Suspensories
- Trusses
- Urine collectors and accessories ~~Urinal Bags~~
- Walking Bars
- Walkers, including walker chairs
- Wheelchairs, including powered models, their parts and repairs

~~*NOTE: Gold, silver and other materials/devices temporarily or permanently incorporated into the human body by physicians or dentists shall be exempt (i.e.: organ implant, dentures, dental bridge work and crowns).~~

~~(2)(e) Taxpayers who have a question concerning the taxable or exempt status of a prosthetic or orthopedic appliance may submit a written request to the Department, containing the name and a description of the appliance and its (appliance name, recommended use, for a determination of taxability of the appliance. The written request should be addressed usage, etc.) to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443 for a determination of taxability.~~

(3)(a) Materials and supplies that are incorporated into and become a component part of a prosthetic or orthopedic appliance or device that will be dispensed by a prosthetist or an orthotist licensed in the State of Florida to a patient pursuant to a prescription written by a licensed practitioner are not subject to sales or use tax. Examples of such items are: sheets of plastic, liquid resins, and fiberglass.

(b) A licensed prosthetist or orthotist, or its authorized representative, may extend an exemption certificate to the selling dealer certifying that materials and supplies purchased will be incorporated into and become a component part of a prosthetic or orthopedic appliance or device that will be

dispensed to a patient pursuant to a prescription written by a licensed practitioner. No exemption certificate is required when:

1. The item is listed as an item exempt from tax in Form DR-46NT, Nontaxable Medical Items and General Grocery List; or,

2. The label of the material or supply indicates that it must be dispensed under federal or state law by the prescription or order of a licensed practitioner and that it is intended for use on a single patient.

(c) Expendable materials, supplies, and other items that do not become a component part of, or accompany, a prosthetic or orthopedic appliance dispensed to a patient are subject to tax. Examples of such items are: sandpaper, molds used on more than one patient, and tools used by a prosthetist or an orthotist.

(d) The following is a suggested exemption certificate to be issued to purchase materials and supplies purchased that will be incorporated into and become a component part of a prosthetic or orthopedic appliance or device at the time of purchase exempt from tax:

EXEMPTION CERTIFICATE
MATERIALS AND SUPPLIES THAT BECOME A
COMPONENT PART OF A PRESCRIBED PROSTHETIC
OR ORTHOPEDIC APPLIANCE

I, the undersigned individual, as a practitioner licensed in the State of Florida, or an authorized representative of a licensed prosthetist or a licensed orthotist, certify that the materials and supplies purchased on or after (date) from _____ (Selling Dealer's Business Name) will be incorporated into and become a component part of a prosthetic or orthopedic appliance or device that will be dispensed pursuant to a prescription written by a licensed practitioner.

I understand that if I use the materials or supplies for any nonexempt purpose, I must pay tax on the purchase price of the item directly to the Department of Revenue.

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

Under the penalties of perjury, I declare that I have read the foregoing Certificate and that the facts stated herein are true.

Name of Licensed Prosthetist or Orthotist _____

Florida License Number: _____ Address: _____

Name of Authorized Representative: _____

(Signature of Licensed Prosthetist or Orthotist or Authorized Representative)

Title

Date

(e) The selling dealer is only required to obtain one certificate for sales made for the purposes indicated on the certificate and is not required to obtain an exemption certificate for subsequent sales made to the same licensed prosthetist or orthotist or authorized representative. The selling dealer must maintain the required exemption certificates in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(f) Dealers must maintain copies of exemption certificates required under the provisions of this rule until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S. Electronic storage of the required certificates will be sufficient compliance with the provisions of this rule.

~~(2)(a) Parts, special attachments, special lettering and other like items that are added to or attached to tangible personal property so that a handicapped person can use them are taxable, unless such items are purchased by a person pursuant to an individual prescription or prescriptions as prescribed in paragraph (a) of subsection (1). For example: items installed on motor vehicles to make them adaptable for use by handicapped persons, such as special controls for paralytics or amputees, when purchased by a person pursuant to a written prescription, are exempt. However, standard or optional equipment, as well as the motor vehicle, is taxable.~~

~~(b) If tangible personal property is sold with special controls, lettering or devices, and the additional charge for the added features is separately stated on the sales invoice for the tangible personal property, that portion of the sales receipts attributable to the added features is taxable, unless purchased pursuant to an individual prescription or prescriptions. For example, a television set sold with a closed captioned device built-in, the portion of the price attributable to the closed captioned device, if separately stated on the sales invoice and purchased by a person pursuant to a written prescription, may be deducted from the selling price before computing tax.~~

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.06(1), 212.07(1), 212.08(2), 212.085, 213.37 FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 6-9-76, 6-26-78, 12-31-81, Formerly 12A-1.21, Amended 12-8-87, _____.

12A-1.0215 Veterinary Sales and Services.

(1) VETERINARY SERVICES.

(a) Services, such as examinations, treatment, or vaccinations of animals rendered by veterinarians are not subject to tax.

(b) Charges for hospitalization as part of the veterinarian's treatment for a diagnosed health disorder are not subject to tax.

(2) BOARDING AND GROOMING.

(a) Charges for boarding animals or for grooming animals are not subject to tax.

(b) Items purchased for use in providing boarding or grooming are subject to tax. For example, cat food, dog food, nail care items, clippers, shears, brushes, combs, soaps, detergents, deodorizers, and colognes are subject to tax. Disinfectants used to clean kennels, cages, equipment, or other items used for boarding or grooming animals are subject to tax.

(3) DRUGS AND MEDICAL GASES.

(a) Drugs, medicinal drugs, and veterinary prescription drugs used in connection with medical treatment of animals are exempt. The term "drug" or "medicinal drug" means those substances or preparations commonly known as "prescription" or "legend" drugs that are required by federal or state law to be dispensed only by a prescription. The term "veterinary prescription drugs" means those drugs intended solely for veterinary use for which the label of the drug bears the statement: "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

(b) Opaque drugs, including X-ray opaques, and radiopaque, such as the various opaque dyes and barium sulphate, that are used in connection with medical X-rays for the treatment of animals are exempt.

(c) Compressed medical gases or medical oxygen in compliance with the provisions of Rule 64F-12.007, F.A.C., are exempt.

(4) ITEMS PURCHASED FOR TREATMENT.

(a) Veterinarians are required to pay tax at the time of purchase on taxable items and services used or consumed in rendering veterinary services. Some examples of taxable items used or consumed by veterinarians in their practice are: gloves, gowns, uniforms, masks, drapes, or towels; infusion pumps; reusable knives, needles, or scissors; scales; ear syringes; specimen bags; instruments, equipment, and machines, and their parts and accessories; microscopes; examination tables; X-ray machines; X-ray films and developing solutions; computerized axial tomography (CAT) machines; magnetic resonance imaging (MRI) machines; tags; identification chips; disposable medical restraint collars and muzzles; and chemical compounds and test kits used for the diagnosis or treatment of animals' disease, illness, or injury. This is not intended to be an exhaustive list.

(b) The following items sold to veterinary clinics or hospitals or licensed veterinarians are exempt:

1. Antiseptics;
2. Absorbent cotton;
3. Gauze for bandages;
4. Hypodermic needles and syringes;
5. Lotions;
6. Vitamins; and
7. Worm remedies.

(c) 1. Medical products, supplies, or devices sold to veterinary clinics or hospitals or licensed veterinarians are exempt when:

a. The medical product, supply, or device must be dispensed under federal or state law only by the prescription or order of a licensed practitioner; and

b. The medical product, supply, or device is intended for single use and is not intended to be reusable.

2. Medical trays and surgical or procedure kits containing medical products, supplies, or devices that are labeled to be dispensed only by the prescription or order of a licensed practitioner and are intended for a single use are exempt, even when the medical tray or kit contains one or more items that, when sold separately, would be subject to tax.

3. No exemption certificate is required to be obtained by the selling dealer from the purchasing veterinary clinic or hospital or licensed veterinarian to document tax-exempt sales of medical products, supplies, or devices that are labeled to be dispensed only by the prescription or order of a licensed practitioner. However, selling dealers are required to maintain documents in their records evidencing that the medical product, supply, or device sold to a veterinary clinic or hospital or licensed veterinarian is labeled to be dispensed only by the prescription or order of a licensed practitioner.

(d) Medical products, supplies, and devices used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of an animal(s) that are temporarily or permanently incorporated into an animal(s) are exempt. Such medical products, supplies, and devices may be purchased tax-exempt when the licensed veterinarian, or an authorized representative of the licensed veterinarian, extends an exemption certificate to the selling dealer certifying that the purchased medical products, supplies, or devices will be temporarily or permanently incorporated into an animal(s) for the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of an animal(s). A suggested exemption certificate is provided in paragraph (f).

(e)1. Commonly recognized substances possessing curative or remedial properties are exempt when:

a. Purchased by a licensed veterinarian who orders and dispenses the substance as treatment for a diagnosed health disorder of an animal; and

b. The substance is applied to, or consumed by, animals for the alleviation of pain or the cure or prevention of sickness, disease, or suffering.

2. Charges to a client by a veterinarian for substances possessing curative or remedial properties that are not required by federal or state law to be dispensed only by a prescription are subject to tax.

3. Examples: Transdermal medications, sprays, or powders designed to prevent or treat flea or tick infestation are exempt when they are purchased by and ordered and dispensed by a licensed veterinarian as part of treatment of a diagnosed health disorder of an animal.

4. Pet foods that are not required by federal or state law to be dispensed only by a prescription are subject to tax.

5. Commonly recognized substances possessing curative or remedial properties may be purchased exempt from tax when the licensed veterinarian, or an authorized representative of the licensed veterinarian, extends an exemption certificate to the selling dealer certifying that the purchased substance possessing curative or remedial properties will be ordered and dispensed and applied to, or consumed by, an animal(s) for the alleviation of pain or the cure or prevention of sickness, disease, or suffering of an animal(s). A suggested exemption certificate is provided in paragraph (f).

(f) The following is a suggested exemption certificate:

EXEMPTION CERTIFICATE

**MEDICAL PRODUCTS, SUPPLIES, AND DEVICES
SUBSTANCES POSSESSING CURATIVE OR REMEDIAL
PROPERTIES**

I, the undersigned individual, as a veterinarian licensed in the State of Florida, or an authorized representative of a licensed veterinarian, certify that the items indicated below, purchased on or after _____ (date) from _____ (Selling Dealer's Business Name), are for the exempt purpose indicated below. The option checked below applies to this purchase:

() Medical products, supplies, or devices that will be temporarily or permanently incorporated into an animal for use in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of an animal(s).

() Substances possessing curative or remedial properties that will be ordered and dispensed and applied to, or consumed by, an animal as treatment for the alleviation of pain or the cure or prevention of sickness, disease, or suffering of an animal(s).

I understand that if I use the medical product or supply or substance for any nonexempt purpose, I must pay tax on the purchase price of the item directly to the Department of Revenue.

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

Under the penalties of perjury, I declare that I have read the foregoing Certificate and that the facts stated herein are true.

Licensed Veterinarian's Name: _____

Veterinarian's Address: _____

Veterinarian's Florida Licensed No.: _____

Veterinarian's Authorized Representative: _____

(Signature of Veterinarian or Authorized Representative)

Title

Date

(5) ITEMS PURCHASED FOR RESALE.

(a) Veterinarians who sell, lease, or rent items of tangible personal property, such as pet carriers, crates, kennels, houses, cages, clothing, bedding, toys, collars, leashes, leads, tie-outs, feeders, bowls, dishes, gates, or doors, are required to register as a dealer and collect and remit the applicable tax to the Department. This is not intended to be an exhaustive list.

(b) As a registered dealer, the veterinarian may provide a copy of the dealer's Annual Resale Certificate to purchase taxable items of tangible personal property for resale in lieu of paying tax to the selling vendor, as provided in Rule 12A-1.039, F.A.C.

(6) RECORDKEEPING REQUIREMENTS.

(a) Veterinarians must maintain copies of records indicating the prescription or orders for and the dispensing of drugs, medicines, medical products, supplies, and devices, and substances possessing curative or remedial properties in their records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(b) Electronic storage by the veterinarian of the orders or prescriptions will be sufficient compliance with the provisions of this subsection.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14), (19), 212.05, 212.07(1), 212.08(2), 212.085, 212.18(3), 465.186, 465.187 FS. History--New

12A-1.097 Public Use Forms.

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

(a) through (b) No change.

Form Number	Title	Effective Date
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(2) through (14) No change.

(15) DR-46NT	Nontaxable Medical and General Grocery List	
	<u>(R. 07/10 r. 02/92)</u>	<u>08/92</u>

(16) through (23) No change.

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2),

(7) FS. History--New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 06-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10,_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on March 11, 2005 (Vol. 31, No. 10, pp. 931-946), April 11, 2008 (Vol. 34, No. 15, pp. 1965-1972), and December 31, 2009 (Vol. 35, No. 52, pp. 6693-6695). Rule development workshops were held on March 29, 2005, May 19, 2008, and January 27, 2010, in Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida, to allow members of the public to ask questions and make comments regarding the proposed rule changes. In response, changes were made to address public comment and concerns.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.060	Registration
12A-1.061	Rentals, Leases, and Licenses to Use Transient Accommodations
12A-1.097	Public Use Forms

PURPOSE AND EFFECT: Section 1, Chapter 2009-237, L.O.F., requires agencies to identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida's taxes. Social security numbers that are obtained for tax administration purposes continue to remain confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. The Department has updated the information regarding the collection of social security numbers as unique identifiers for tax administration purposes on its applications for registration for sales and use tax purposes. The purpose of the proposed amendments to Rule 12A-1.060, F.A.C. (Registration), Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), and Rule 12A-1.097, F.A.C.

(Public Use Forms), is to update the privacy notice statement on applications for registration with the Department or to remove the request for a social security number from the form. SUMMARY: The proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), update the privacy statement regarding the collection, use, and release of social security numbers required by Chapter 2009-237, L.O.F., on applications to register with the Department for tax purposes or on applications for certain tax exemptions under the Florida Enterprise Zone Program or the Florida Neighborhood Revitalization Program.

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.

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

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.0596(1), (2), 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (2), (4), (5), 212.12(1), (2), (5), (6), (7), (9), (12), (13), 212.13, 212.14(4), (5), 212.16(1), (2), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 213.756, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.060 Registration.

(1) through (2) No change.

(3) REGISTRATION OF TRANSIENT ACCOMMODATIONS.

(a) through (d) No change.

(e)1. through 5. No change.

6. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida's taxes. Social security numbers obtained for tax administration purposes are confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. Collection of an individual's social security number is authorized under state and federal law. Visit the Department's Internet site at www.myflorida.com/dor and select "Privacy Notice" for more information regarding the state and federal law governing the collection, use, or release of social security numbers, including authorized exceptions.

(4) through (6) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 119.071(5), 212.03(1), (2), 212.04(4), 212.0596(1), (2), 212.06(2), 212.12(2), (5), (6), 212.14(4), 212.16(1), (2), 212.18(3) FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00, 6-19-01, 10-2-01(1), 10-2-01(1), 8-1-02, 4-17-03, 6-12-03, 6-4-08, 9-1-09, _____.

12A-1.061 Rentals, Leases, and Licenses to Use Transient Accommodations.

(1) through (6) No change.

(7) REGISTRATION.

(a) No change.

(b)1. through 5. No change.

6. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida's taxes. Social security numbers obtained for tax administration purposes are confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. Collection of an individual's social security number is authorized under state and federal law. Visit the Department's Internet site at www.myflorida.com/dor and select "Privacy Notice" for more information regarding the state and federal law governing the collection, use, or release of social security numbers, including authorized exceptions.

(8) through (19) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 119.071(5), 212.02(2), (10)(a)-(g), (16), 212.03(1), (2), (3), (4), (5), (7), 212.031, 212.04(4), 212.08(6), (7)(i), (m), 212.11(1), (2), 212.12(7), (9), (12), 212.13(2), 212.18(2), (3), 213.37, 213.756 FS. History-Revised 10-7-68, 1-7-70, Amended

1-17-71, Revised 6-16-72, Amended 7-19-72, 4-19-74, 12-11-74, 5-27-75, 10-18-78, 4-11-80, 7-20-82, 1-29-83, 6-11-85, Formerly 12A-1.61, Amended 10-16-89, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 7-1-99, 3-4-01(4), 3-4-01(2), (5), (14), 10-2-01, 8-1-02, 9-1-09,_____.

12A-1.097 Public Use Forms.

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

(a) No change.

(b) Forms (certifications) specifically denoted by an asterisk (*) are issued by the Department upon final approval of the appropriate application. Defaced copies of certifications, for purposes of example, may be obtained by written request directed to:

Florida Department of Revenue
 Taxpayer Services
 5050 W. Tennessee St., Bldg. L
 1379 Blountstown Highway
 Tallahassee, Florida 32399-0112 32304.

Form Number	Title	Effective Date
(2)(a) DR-1	Application to Collect and/or Report Tax In Florida (R. 09/09 04/06)	___ 04/06
(b) No change.		
(3) through (5) No change.		
(6)(a) through (f) No change.		
(g) DR-15JEZ	Application for the Exemption of Electrical Energy Used in an Enterprise Zone Effective July 1, 1995 (R. 08/09 04/04)	___ 06/04
(h) through (i) No change.		
(j) DR-15ZC	Application for Florida Enterprise Zone Jobs Credit for Sales Tax (R. 10/09 06/08)	___ 09/09
(k) through (m) No change.		
(7) No change.		
(8) DR-17A	Certificate of Cash Deposit/Cash Bond (R. 03/10 06/07)	___ 06/08
(9) through (10) No change.		
(11) DR-26RP	Florida Neighborhood Revitalization Program (R. 10/09 04/06)	___ 04/07
(12) DR-29	Application for Release or Refund of Security (R. 03/10 06/07)	___ 06/08
(13) through (23) No change.		

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316,

443.171(2), (7) FS. History–New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10,_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on January 15, 2010 (Vol. 36, No. 2, p. 114). No comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.060
 RULE TITLE: Registration

PURPOSE AND EFFECT: All In One Consultants, LLC, has filed a petition challenging the validity of the provisions of subparagraphs 12A-1.060(6)(a)1. and 2., F.A.C. All In One Consultants, LLC v. Department of Revenue (DOAH Case No. 09-3012RX). In the rule challenge, All In One Consultants alleged that the Department did not have statutory authority to promulgate a rule defining “person,” a term defined in section 212.02(12), F.S., and therefore the rule provision constituted an invalid exercise of delegated legislative authority under Section 120.52(8), F.S. The Department has agreed to remove the definition from the rule. The purpose of this rulemaking is to remove the definition of the term “person” contained within subparagraphs (6)(a)1. and 2. of Rule 12A-1.060, F.A.C. (Registration).

SUMMARY: The proposed amendments to Rule 12A-1.060, F.A.C. (Registration), remove the definition of “person” from subparagraphs (a)1. and 2. of subsection (6), Cash Deposits, Surety Bonds, or Letters of Credit.

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.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.03(1), (2), 212.04(4), 212.0596(1), (2), 212.06(2), 212.12(2), (5), (6), 212.14(4), 212.16(1), (2), 212.18(3) FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.060 Registration.

(1) through (5) No change.

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

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

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

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

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

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

3. through 4. renumbered 1. through 2. No change.

(b) through (g) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (2), 212.04(4), 212.0596(1), (2), 212.06(2), 212.12(2), (5), (6), 212.14(4), 212.16(1), (2), 212.18(3) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00, 6-19-01, 10-2-01(1), 10-2-01(1), 8-1-02, 4-17-03, 6-12-03, 6-4-08, 9-1-09, _____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on December 31, 2009 (Vol. 35, No. 52, p. 6695). No comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:

RULE TITLES:

12A-19.071

Department of Revenue Electronic Database

12A-19.100

Public Use Forms

PURPOSE AND EFFECT: The Geographic Names Information System Feature Identifier (GNIS Feature ID) has superseded the Federal Information Processing Standards 55 (FIPS 55) database place code as the federal and national standard geographical feature record identifier.

Effective October 3, 2009, the Department's Address/Jurisdiction Database, maintained by the Department for purposes of assigning communications service addresses and insurance policies and premiums to local taxing jurisdictions, contains a combination of both GNIS Feature ID place codes and FIPS 55 place codes. The FIPS 55 place code will remain as a field in the database. Local taxing jurisdictions submit address/jurisdiction changes to the Department using the Guide for Address Change Requests. This guide contains the required record layout using the specified place codes.

Providers of communications services address/jurisdiction database and vendors of such databases may request that the Department certify their database for accuracy of the address/jurisdictions contained within the database. To apply, service providers and database vendors must submit Form DR-700012 (Application for Certification of Communications Services Database) and their database in the required record layout using the specified place codes. The required database layout contains a combination of Federal Information

Processing Standards (FIPS) 55 place codes and the Geographic Names Information System (GNIS) Feature Identifier place codes.

The purpose of the proposed amendments to Rule 12A-19.071, F.A.C. (Department of Revenue Electronic Database), and to Rule 12A-19.100, F.A.C. (Public Use Forms), is to adopt, by reference, updates to Form DR-700012 and to the Guide for Address Change Requests necessary to the Department's Address/Jurisdiction Database to include the GNIS Feature Identifier place codes.

SUMMARY: The proposed amendments to Rule 12A-19.071, F.A.C. (Department of Revenue Electronic Database), and to Rule 12A-19.100, F.A.C. (Public Use Forms), adopt changes to the Guide for Address Change Requests to the Department's Address/Jurisdiction Database, and to Form DR-700012 (Application for Certification of Communications Services Database), necessary to include the Geographic Names Information System Feature Identifier places codes.

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.

RULEMAKING AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (b), (c), (d), (e), (g), (j), 202.27(7) FS.

LAW IMPLEMENTED: 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(2), (6), 202.23, 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-19.071 Department of Revenue Electronic Database.

(1) No change.

(2)(a) No change.

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (~~October 4, 2009~~ ~~February 7, 2007~~, hereby incorporated by reference, effective ~~_____12/07~~). Only local taxing jurisdictions that are registered users of the Department's electronic change submission process can access the Guide for Address Change Requests. Authorized local jurisdiction contact persons may access the login screen for registered users at <http://geotax.state.fl.us>. Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on Form DR-700022, Notification of Jurisdiction Change for Local Communications Services and Local Insurance Premium Tax (incorporated by reference in Rule 12A-19.100, F.A.C.).

(c) through (e) No change.

(3) No change.

Rulemaking Specific Authority 202.26(3)(b), (g) FS. Law Implemented 202.22(2), 202.23 FS. History--New 11-14-05, Amended 12-20-07,_____.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax, and in the administration of the Department's electronic Address/Jurisdiction Database created pursuant to Sections 175.1015 and 185.085, F.S. These forms are hereby incorporated by reference in this rule.

(b) No change.

(2) No change.

Form Number	Title	Effective Date
(3) DR-700012	Application for Certification of Communications Services Database (R. 10/09 01/08)	_____ 01/09

(4) through (12) No change.

Rulemaking Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS. Law Implemented 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History--New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08, 1-27-09, 1-11-10,_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on December 31, 2009 (Vol. 35, No. 52, pp. 6695-6696). No comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-19.100
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: Section 1, Chapter 2009-237, L.O.F., requires agencies to identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida's taxes. Social security numbers that are obtained for tax administration purposes continue to remain confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. The Department has updated the information regarding the collection of social security numbers as unique identifiers for tax administration purposes. The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to adopt, by reference, changes that will update the privacy notice statement on Form DR-700019 (Communications Services Use Tax Return).

SUMMARY: The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), update the privacy statement regarding the collection, use, and release of social security numbers required by Chapter 2009-237, L.O.F., on Form DR-700019 (Communications Services Use Tax Return).

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.

RULEMAKING AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax, and in the administration of the Department's electronic Address/Jurisdiction Database created pursuant to Sections 175.1015 and 185.085, F.S. These forms are hereby incorporated by reference in this rule.

(b) No change.

(2) through (4) No change.

Form Number	Title	Effective Date
(5) DR-700019	Communications Services Use Tax Return	
	<u>(R. 10/09 N-12/02)</u>	<u>07/03</u>

(6) through (12) No change.

Rulemaking Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS. Law Implemented 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08, 1-27-09, 1-11-10_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on January 15, 2010 (Vol. 36, No. 2, p. 115). No comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-4.003
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: Section 1, Chapter 2009-237, L.O.F., requires agencies to identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida’s taxes. Social security numbers that are obtained for tax administration purposes continue to remain confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. The Department has updated the information regarding the collection of social security numbers as unique identifiers for tax administration purposes. The purpose of the proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), is to adopt, by reference, changes that will update the privacy notice statement on Form DR-228 (Documentary Stamp Tax Return for Nonregistered Taxpayers’ Unrecorded Documents).
SUMMARY: The proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), update the privacy statement regarding the collection, use, and release of social security numbers required by Chapter 2009-237, L.O.F., on Form DR-228 (Documentary Stamp Tax Return for Nonregistered Taxpayers’ Unrecorded Documents).

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

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

RULEMAKING AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 119.071(5), 201.01, 201.02(1), 201.022, 201.031(1), 201.07, 201.08(1)(a), 201.133 FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.
PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-4.003 Public Use Forms.

(1) The following public-use forms and instructions are employed by the Department of Revenue in its administration of the documentary stamp tax, and are hereby incorporated in this rule by reference. Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department’s Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304. Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) No change.		
(3) DR-228	Documentary Stamp Tax Return for Nonregistered Taxpayers’ Unrecorded Documents (R. <u>10/09 12/04</u>)	___ 06/05
(4) No change.		

Rulemaking Authority 201.11, 213.06(1) FS. Law Implemented 119.071(5), 201.01, 201.02(1), 201.022, 201.031(1), 201.07, 201.08(1)(a), 201.133 FS. History—Revised 8-18-73, Formerly 12A-4.03, Amended 9-26-77, 12-11-78, Formerly 12B-4.03, Amended 12-5-89, 2-16-93, 10-20-93, 12-30-97, 5-4-03, 6-28-05, 1-1-08, 4-14-09, 1-11-10,_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on January 15, 2010 (Vol. 36, No. 2, pp. 115-116). No comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-5.150
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: Section 1, Chapter 2009-237, L.O.F., requires agencies to identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida’s taxes. Social security numbers that are obtained for tax administration purposes continue to remain confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. The Department has updated the information regarding the collection of social security numbers as unique identifiers for tax administration purposes. The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to adopt, by reference, changes that will update the privacy notice statement on forms used by the Department in the administration of taxes imposed on fuels and pollutants.

SUMMARY: The proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), update the privacy statement regarding the collection, use, and release of social security numbers required by Chapter 2009-237, L.O.F., on forms used by the Department in the administration of the taxes imposed on fuels and pollutants.

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.

RULEMAKING AUTHORITY: 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8), 526.206 FS.

LAW IMPLEMENTED: 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.
PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-5.150 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department and are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) No change.		
(3) DR-156	Florida Fuel Tax Application (R. 10/09 04/05)	___ 04/07
(4) DR-156R	Renewal Application for Florida Fuel/Pollutant License (R. 10/09 10/05)	___ 05/06
(5) DR 156T	Florida Temporary Fuel Tax Application (R. 10/09 03/09)	___ 06/09
(6) through (10) No change.		
(11) DR-166	Florida Pollutant Tax Application (R. 10/09 03/09)	___ 04/09
(12) DR-176	Application for Air Carrier Fuel Tax License (R. 10/09 03/09)	___ 04/09
(13) through (14) No change.		
(15) DR-185	Application for Fuel Tax Refund Permit (R. 10/09 07/07)	___ 07/07

(16) through (41) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8), 526.206 FS. Law Implemented 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, 1-1-08, 1-27-09, 4-14-09, 6-1-09, 6-1-09(5), 1-11-10,_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on January 15, 2010 (Vol. 36, No. 2, p. 116). No comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.:	RULE TITLE
12B-8.0016	Department of Revenue Electronic Database

PURPOSE AND EFFECT: The Geographic Names Information System Feature Identifier (GNIS Feature ID) has superseded the Federal Information Processing Standards 55 (FIPS 55) database place code as the federal and national standard geographical feature record identifier.

Effective October 3, 2009, the Department’s Address/Jurisdiction Database, maintained by the Department for purposes of assigning communications service addresses and insurance policies and premiums to local taxing jurisdictions, contains a combination of both GNIS Feature ID place codes and FIPS 55 place codes. The FIPS 55 place code will remain as a field in the database. Local taxing jurisdictions submit address/jurisdiction changes to the Department using the Guide for Address Change Requests. This guide contains the required record layout using the specified place codes.

The purpose of the proposed amendments to Rule 12B-8.0016, F.A.C. (Department of Revenue Electronic Database), is to adopt, by reference, updates to the Guide for Address Change Requests necessary to the Department’s Address/Jurisdiction Database to include the GNIS Feature Identifier place codes.

SUMMARY: The proposed amendments to Rule 12B-8.0016, F.A.C. (Department of Revenue Electronic Database), adopt changes to the Guide for Address Change Requests to the Department’s Address/Jurisdiction Database necessary to include the Geographic Names Information System Feature Identifier places codes.

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.

RULEMAKING AUTHORITY: 175.1015(5), 185.085(5) FS.

LAW IMPLEMENTED: 175.1015, 185.085 FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.0016 Department of Revenue Electronic Database.

(1) No change.

(2)(a) No change.

(b) Local taxing jurisdictions must submit information requesting changes to the database electronically following the on-line Guide for Address Change Requests (October 4, 2009 February 7, 2007, incorporated by reference in Rule 12A-19.071, F.A.C.). Only local taxing jurisdictions that are registered users of the Department’s electronic change submission process can access the Guide for Address Change Requests. Authorized local jurisdiction contact persons may access the login screen for registered users at <http://geotax.state.fl.us>. Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to submit changes through alternative electronic media. The information must also be submitted on Form DR-700022, Notification of Jurisdiction Change for Local Communications Services and Local Insurance Premium Tax (incorporated by reference in Rule 12A-19.100, F.A.C.), with the exception of Special Fire Control Districts, which must use Form DR-350907, Local Insurance Premium Tax Special Fire Control Districts Notification of Jurisdiction Change (R. 10/06, hereby incorporated by reference, effective 12/07).

(c) through (e) No change.

(3) through (4) No change.

Rulemaking Specific Authority 175.1015(5), 185.085(5) FS. Law Implemented 175.1015, 185.085 FS. History–New 12-20-07, Amended _____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on December 31, 2009 (Vol. 35, No. 52, p. 6697). No comments have been received by the Department.

DEPARTMENT OF REVENUE**Corporate, Estate and Intangible Tax**

RULE NO.: 12C-1.013 **RULE TITLE:** Adjusted Federal Income Defined

PURPOSE AND EFFECT: Chapter 2009-18, L.O.F., and Chapter 2009-192, L.O.F., amend Section 220.13(1)(e), F.S., to require adjustments for the special 50 percent bonus depreciation, and section 179, I.R.C., expense in excess of \$128,000. In addition, Chapter 2009-192, L.O.F., amends Section 220.13(1)(e), F.S., to address the deferral of cancellation of indebtedness income. These provisions were added to the Internal Revenue Code by the American Recovery and Reinvestment Act of 2009, Public Law 111-5, and the Economic Stimulus Act of 2008, Public Law 110-185. The proposed amendments to Rule 12C-1.013, F.A.C. (Adjusted Federal Income Defined), are necessary to update the provisions for adjustments to federal income for Florida income tax purposes and to establish procedures for reporting the additions and claiming the subtractions required by Section 220.13(1)(e), F.S., and to provide procedures for filing amended Florida corporate income tax returns for the 2007 and 2008 tax years.

SUMMARY: The proposed amendments: (1) provide the additions that taxpayers are required to make for the amount of the federal deduction claimed under I.R.C. section 179 that exceeds \$128,000, the amount of special 50 percent bonus depreciation, and the amount of deferral of cancellation of indebtedness; (2) provide the subtractions that are available in each of seven tax years beginning with the year an addition is made under Section 220.13(1)(e), F.S.; (3) require taxpayers to maintain a schedule reflecting all adjustments made under Section 220.13(1)(e), F.S.; (4) provide that these adjustments do not affect the basis of the property; (5) require taxpayers who filed their Florida corporate income tax returns in a manner other than provided in Chapter 2009-18, L.O.F., to amend their Florida tax return; (6) provide that penalty and interest that are a direct result of the changes in Chapter 2009-18, L.O.F., will be compromised or waived when an amended Florida corporate income tax return is filed; (7) provide when the subtractions under Section 220.13(1)(e), F.S., are not to be included in a taxpayer's Florida corporate income tax return; and (8) provide when the deductions allowed under section 179, I.R.C., and for special 50 percent bonus depreciation are not required to be included in a taxpayer's Florida corporate income tax return.

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.

RULEMAKING AUTHORITY: 213.06(1), 220.51 FS., s. 4, Ch. 2009-18, s. 3, Ch. 2009-192, L.O.F.

LAW IMPLEMENTED: 220.02(3), 220.03(5), 220.13, 220.131(1), 220.43(1), (3) FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.013 Adjusted Federal Income Defined.

(1) through (13) No change.

(14) Adjustments for excess s. 179, I.R.C., expense, special 50 percent bonus depreciation (s. 168(k), I.R.C.), and deferred cancellation of indebtedness income.

(a) Additions Required:

1. For tax years that begin in 2008 and 2009, taxpayers are required to add back the amount of the federal deduction claimed under s. 179, I.R.C., that exceeds \$128,000. All amounts in excess of \$128,000 are required to be added back, including amounts carried over from previous tax years under s. 179(b)(3)(B), I.R.C. The increased overall investment limitation contained in s. 179(b)(2), I.R.C., is the same for Florida as it is for federal income tax purposes.

2. Taxpayers are required to add back the amount of the federal deduction claimed as special 50 percent bonus depreciation under s. 168(k), I.R.C., for assets placed in service after December 31, 2007, and before January 1, 2010.

3. For indebtedness acquired after December 31, 2008, and before January 1, 2010, taxpayers are required to add back the gross amount of cancellation of indebtedness income that is deferred under s. 108(i), I.R.C. (relating to business indebtedness discharged by the reacquisition of a debt instrument). The deferral of the deduction for original issue discount in debt for debt exchanges required by s. 108(i)(2), I.R.C., is also required for Florida corporate income tax purposes.

(b) Subtractions allowed for special 50 percent bonus depreciation and s. 179, I.R.C., expense previously added back:

1. In each of the seven tax years commencing with the year the addition is made under Section 220.13(1)(e), F.S., taxpayers may subtract one-seventh of the amount of excess s. 179, I.R.C., expense and one-seventh of the special 50 percent bonus depreciation that is added back under Section 220.13(1)(e), F.S.

2. The total amount that may be subtracted over the seven-year period should equal, but may not exceed, the amounts of s. 179, I.R.C., expense and special 50 percent bonus depreciation that have been added back to Florida taxable income under Section 220.13(1)(e), F.S.

3. Subtractions may be transferred to the surviving company in a merger or acquisition. Otherwise, if a taxpayer ceases to do business during the seven-year period, it may not accelerate, transfer, or otherwise utilize a subtraction.

(c) Subtractions for cancellation of indebtedness deferred under s. 108(i), I.R.C.:

1. Taxpayers may subtract the income required to be added back under Section 220.13(1)(e)3., F.S., when the deferred cancellation of indebtedness income is recognized for federal income tax purposes. The subtraction may not exceed the amount of income from deferred cancellation of indebtedness that is added back under Section 220.13(1)(e)3., F.S.

2. Cancellation of indebtedness income is included in the tax base, but it is excluded from the apportionment formula by all taxpayers under Section 220.15(5)(a), F.S.

(d) A schedule reflecting all of the adjustments made under Section 220.13(1)(e), F.S., must be created and maintained. Taxpayers must also report any additions on Schedule I, Additions and/or Adjustments to Federal Taxable Income, of the Florida Corporate Income/Franchise and/or Emergency Excise Tax Return (Form F-1120, incorporated by reference in Rule 12C-1.051, F.A.C.) and any subtractions on Schedule II (Subtractions from Federal Taxable Income), of the return for the current tax year. Partnerships filing a Florida Partnership Information Return (Form F-1065, incorporated by reference in Rule 12C-1.051, F.A.C.) are required to make the adjustments required by Section 220.13(1)(e)1. and 3., F.S., on Part I (Florida Adjustment to Partnership Income), of the return. The additions and subtractions under Section 220.13(1)(e)1. and 3., F.S., must be reported in Part I of Form F-1065. Partnerships must report the amount of expenses claimed under s. 179, I.R.C., to their partners, so that their partners can compute the amount under subparagraph (14)(a)1.

(e) Basis of Property. The adjustments required by Section 220.13(1)(e)1. and 2., F.S. (relating to excess s. 179, I.R.C., expense and special 50 percent bonus depreciation), do not affect the basis of the underlying property. The basis of the property for Florida corporate income tax purposes is the same as the basis of the property for federal income tax purposes. If

the property is sold or otherwise disposed of, the gain or loss for Florida corporate income tax purposes is the same as the gain or loss for federal income tax purposes and is included in federal taxable income apportioned to Florida. Differences in the apportionment fraction from one year to the next are disregarded. The applicable depreciation conventions, methods, and recovery periods are computed in the same manner as they are computed in determining federal taxable income.

(f) Example: On its calendar-year 2009 federal income tax return, Taxpayer claimed \$250,000 in s. 179, I.R.C., expense, of which \$25,000 was a carryover from 2006 allowed under s. 179(b)(3)(B), I.R.C. Taxpayer also claimed \$300,000 in special 50 percent bonus depreciation under I.R.C. s. 168(k) and \$50,000 of depreciation under I.R.C. s. 168(b) for assets placed in service during the 2009 calendar year. Taxpayer is required to add back \$122,000 (\$250,000 minus \$128,000) of s. 179, I.R.C., expense and \$300,000 of the special 50 percent bonus depreciation in computing its Florida taxable income. Taxpayer is not required to add back the amount of regular depreciation (non-special 50 percent bonus depreciation) it claimed under s. 168(b), I.R.C., on its 2009 federal income tax return. On its 2009 Florida corporate income tax return, the taxpayer may also claim subtractions for one-seventh of the amount of special 50 percent bonus depreciation required to be added back (\$300,000 divided by seven equals \$42,857.14) and one-seventh of the amount of s. 179, I.R.C., expense required to be added back (\$122,000 divided by seven equals \$17,428.57). In each of the subsequent six tax years, the Taxpayer may subtract \$42,857.14 and \$17,428.57. At the end of these years, the subtractions should equal the amount(s) required to be added back. If Taxpayer disposes of the property, the gain or loss is the same for Florida as it is for federal income tax purposes. Any differences resulting from additions to Florida income are recovered solely through the subtraction process, even though the underlying property may be disposed of or fully depreciated.

(g) Example: In 2009, Taxpayer purchased its own indebtedness, a \$10,000 bond it had previously sold for face value. Taxpayer was able to reacquire its bond for \$7,000 and elected to defer recognition of the \$3,000 of cancellation of indebtedness income under s. 108(i), I.R.C. Under Section 220.13(1)(e), F.S., Taxpayer would add back the deferred cancellation of indebtedness income (\$3,000) to Florida income. In 2014 through 2018 (five years from 2009), the Taxpayer is required under s. 108(i), I.R.C., to recognize the \$3,000 of cancellation of indebtedness income it deferred in 2009. Therefore, Taxpayer would be allowed under Section 220.13(1)(e), F.S., to subtract the cancellation of indebtedness income as it is recognized for federal tax purposes (provided that this income was added back in computing Florida net income in 2009). When Taxpayer recognizes the \$600 of cancellation of indebtedness income in 2014 for federal tax purposes, a Florida subtraction is allowed in 2014 for the same

amount, \$600. The addition and subtractions to income associated with the cancellation of indebtedness income are excluded from the sales factor of the apportionment formula.

(h) Example: In 2009, Taxpayer issued new indebtedness in order to acquire its previously issued indebtedness. Taxpayer issued a 10-year, \$10,000 bond, for \$9,000, which was used to purchase a \$15,000 bond it had previously sold for face value. The Taxpayer makes an election under s. 108(i), I.R.C., to defer recognition of cancellation of indebtedness income. Taxpayer is prevented by s. 108(i)(2)(A), I.R.C., from amortizing the \$1,000 original issue discount on the new \$10,000 bond. Under Section 220.13(1)(e), F.S., Taxpayer would add back the deferred cancellation of indebtedness income of \$5,000 to Florida income and would also be prohibited from amortizing the \$1,000 original issue discount. When Taxpayer recognizes the \$5,000 (\$1,000 per year) in cancellation of indebtedness income for federal tax purposes, a Florida subtraction is allowed for the same amount (provided that this income was added back in computing Florida net income). The deduction for the \$1,000 original issue discount will be recognized for Florida corporate income tax purposes when it is allowed as a deduction for federal tax purposes.

(i) Amended returns and Section 220.13(1)(a)14. and 15., F.S. The original law (Chapter 2009-18, L.O.F.), which created Section 220.13(1)(e), F.S., repealed Section 220.13(1)(a)14. and 15., F.S., and made these changes retroactive to January 1, 2008. Taxpayers that filed their Florida corporate income tax returns and reported additions to tax for special 50 percent bonus depreciation and s. 179, I.R.C., expense under Sections 220.13(1)(a)14. and 15., F.S., or pursuant to Emergency Rule 12CER08-31, F.A.C., are required to amend their Florida corporate income tax return(s) to conform to the new law, Chapter 2009-18, L.O.F. To the extent that any tax is due and paid on a 2007 or 2008 amended return(s) as a result of the differences between the additions and subtractions required by Sections 220.13(1)(a)14., and 15., F.S., and the adjustments required by Section 220.13(1)(e), F.S., additional interest or penalty will be compromised or waived. The provisions of this rule do not relieve a taxpayer of its obligation to file a Florida corporate income tax return and report the adjustments required by Section 220.13(1)(e), F.S.

(j) The subtractions allowed by Section 220.13(1)(e), F.S., are the means by which the additions required by Section 220.13(1)(e), F.S., are reconciled and recovered. If a taxpayer does not claim a deduction for special 50 percent bonus depreciation, does not claim a deduction for s. 179, I.R.C., expense in excess of \$128,000, or does not elect to defer cancellation of indebtedness income pursuant to s. 108(i), I.R.C., on the related federal income tax return(s), no add back is required or subtraction allowed for Florida corporate income tax purposes. Similarly, if a taxpayer did not add back special 50 percent bonus depreciation, or did not add back excess s. 179, I.R.C., expense, or deferred cancellation of indebtedness

income because, for example, it was not subject to the Florida corporate income tax in that year, no subtraction is allowed for Florida corporate income tax purposes.

(k) Bonus depreciation claimed for assets placed in service prior to January 1, 2008, is not required to be added back under Section 220.13(1)(e), F.S. Section 179, I.R.C., expense claimed in tax years beginning before January 1, 2008, is not required to be added back. No subtraction is allowed for special 50 percent bonus depreciation, s. 179, I.R.C., expense, or deferred cancellation of indebtedness income unless it has been added back in computing Florida taxable income under Section 220.13(1)(e), F.S.

(14) through (20) renumbered (15) through (21) No change.

Rulemaking Authority 213.06(1), 220.51 FS., s. 4, Ch. 2009-18, s. 3, Ch. 2009-192, L.O.F. Law Implemented 220.02(3), 220.03(5), 220.13, 220.131(1), 220.43(1), (3) FS. History—New 10-20-72, Amended 1-19-73, 10-20-73, 10-8-74, 4-21-75, 5-10-78, 11-13-78, 12-18-83, Formerly 12C-1.13, Amended 12-21-88, 12-7-92, 5-17-94, 10-19-94, 3-18-96, 10-2-01, 4-14-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on December 31, 2009 (Vol. 35, No. 52, pp. 6697-6698). No comments have been received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: RULE TITLE:

12C-1.051 Forms

PURPOSE AND EFFECT: Section 1, Chapter 2009-237, L.O.F., requires agencies to identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida's taxes. Social security numbers that are obtained for tax administration purposes continue to remain confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. The Department has updated the information regarding the collection of social security numbers as unique identifiers for tax administration purposes. The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt,

by reference, changes that will update the privacy notice statement on forms used by the Department in the administration of the corporate income tax.

SUMMARY: The proposed amendments to Rule 12C-1.051, F.A.C. (Forms), update the privacy statement regarding the collection, use, and release of social security numbers required by Chapter 2009-237, L.O.F., on forms used by the Department in the administration of the corporate income tax.

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.

RULEMAKING AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 119.071(5), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-703	Dealer Questionnaire (R. 01/10 02/00)	___ 03/00

(3) through (9) No change.

(10)(a) F-1156Z Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (R. 01/10 01/09) ___ 01/09

(b) F-1156ZN Instructions for Completing Form F-1156Z Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (R. 01/10 01/09) ___ 01/09

(11) through (14) No change.

Rulemaking Authority 213.06(1), 220.51 FS. Law Implemented 119.071(5), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History--New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, _____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on January 15, 2010 (Vol. 36, No. 2, pp. 116-117). No comments have been received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-3.008
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: Section 1, Chapter 2009-237, L.O.F., requires agencies to identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida's taxes. Social security numbers that are obtained for tax administration purposes continue to remain confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. The Department has updated the information regarding the collection of social security numbers as unique identifiers for tax administration purposes. The purpose of the proposed amendments to Rule 12C-3.008, F.A.C. (Public Use Forms), is

to adopt, by reference, changes that will update the privacy notice statement on forms used by the Department in the administration of the estate tax.

SUMMARY: The proposed amendments to Rule 12C-3.008, F.A.C. (Public Use Forms), update the privacy statement regarding the collection, use, and release of social security numbers required by Chapter 2009-237, L.O.F., on forms used by the Department in the administration of the estate tax.

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.

RULEMAKING AUTHORITY: 198.08, 198.32(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), 119.071(5), 198.08, 198.13, 198.22, 198.23, 198.26, 198.32(2), 198.33(1), 198.38, 198.39, 213.37, 837.06 FS.

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

DATE AND TIME: May 3, 2010, 3:00 p.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-3.008 Public Use Forms.

(1)(a) The following public-use forms and instructions are employed by the Department in its administration of the Florida estate tax and are hereby adopted by reference.

(b) No change.

Form Number	Title	Effective Date
(2) DR-308	Request and Certificate for Waiver and Release of Florida Estate Tax Lien (R. 10/09 04/09)	___ 04/09
(3) DR-310	Domicile Statement (R. 10/09 12/07)	___ 04/09

(4) through (5) No change.

(6) F-706 Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens (R. 10/09 04/09) ___ 04/09

Rulemaking Authority 198.08, 198.32(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 119.071(5), 198.08, 198.13, 198.22, 198.23, 198.26, 198.32(2), 198.33(1), 198.38, 198.39, 213.37, 837.06 FS. History—New 9-26-77, Formerly 12C-3.08, Amended 1-11-93, 8-25-94, 1-22-01, 5-4-03, 10-30-06, 11-6-07, 4-14-09,_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on January 15, 2010 (Vol. 36, No. 2, p. 117). No comments have been received by the Department.

DEPARTMENT OF TRANSPORTATION

RULE NOS.: RULE TITLES:

14-98.003

Policy

14-98.005

Application and Award Procedures

PURPOSE AND EFFECT: Rules 14-98.003 and 14-98.005, F.A.C., are being amended to require the completion of online grant training before any reimbursements will be processed, and to allow concept papers and grant agreements to be submitted electronically.

SUMMARY: Online computer training and the electronic submission of grant agreements are being included in the rules.

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

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

RULEMAKING AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(25) 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-98.003 Policy.

(1) through (3) No change.

(4) Online Training. Before any grant reimbursement will be processed, every subgrantee shall successfully complete online grant training and submit the certificate of completion to the Department within thirty (30) days of grant award.

~~(5)(4)~~ Monitoring and Evaluation. The Office will perform such activities as may be necessary to monitor compliance with state and federal laws, rules, and regulations, to evaluate the fiscal and programmatic effectiveness of the activities, and to confirm the status of fiscal and program activities.

~~(6)(5)~~ Annual Report. The Office shall prepare an Annual Report that summarizes how the activities which took place during the previous FFY contributed to meeting the program's highway safety goals.

~~(7)(6)~~ Public Awareness. The Office will promote public awareness of traffic safety issues affecting the state by distributing educational and public awareness materials through law enforcement agencies, public health departments, and other traffic safety organizations.

Rulemaking Specific Authority 334.044(2) FS. Law Implemented 334.044(25) FS. History--New 12-30-84, Formerly 9B-32.03, 9B-32.003, Amended 11-19-89, Formerly 9G-15.003, Amended 12-7-93, 4-16-02,_____.

14-98.005 Application and Award Procedures.

(1) through (4) No change.

(5) The Office will provide, upon request, the Highway Safety Concept Paper, Form 500-065-17, Rev. 12/08, as well as information on how to prepare a concept paper for highway safety funding to any potential applicant. Concept papers will be accepted annually from January 1 through March 31 for the upcoming fiscal year. Concept papers must be post marked or received electronically no later than March 31 to be considered for funding. The Office will formally acknowledge receipt of all concept papers.

(6) through (8) No change.

(9) Applicants shall electronically forward to the Office one copy of the completed agreement with and a minimum of three (3) electronic signature pages. Hard copies of the agreement with original pen and ink signatures will also be accepted, containing all original signatures, to the Office.

(10) through (11) No change.

Rulemaking Specific Authority 334.044(2) FS. Law Implemented 334.044(25) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.05, 9B-32.005, 11-19-89, Formerly 9G-15.005, Amended 12-7-93, 11-29-94, 1-17-99, 4-16-02, 8-6-02, 11-2-03, 8-24-04, 1-17-06, 3-22-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marianne A. Trussell, Chief Safety Officer, Safety Office

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 26, 2010

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 CITRUS

RULE NO.: 20-48.005
 RULE TITLE: Program Requirements

PURPOSE AND EFFECT: Amendment updating rules to reflect new location information of the Florida Department of Citrus.

SUMMARY: Official location information of the Florida Department of Citrus.

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.

RULEMAKING AUTHORITY: 601.15 FS.

LAW IMPLEMENTED: 601.15 FS.

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

DATE AND TIME: May 19, 2010, 9:00 a.m.

PLACE: Department of Citrus Building, 605 E. Main Street, Bartow, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or awiggins@citrus.state.fl.us or www.fdocgrower.com under Legal

THE FULL TEXT OF THE PROPOSED RULE IS:

20-48.005 Program Requirements.

A Targeted VAP may be established in one of two ways:

(1) through (2) No change.

(3) Upon establishing a promotional agreement with a retailer, the shipper will notify the Department of Citrus by submitting the appropriate Targeted VAP Agreement Form, incorporated herein by reference:

(a) No change.

(b) Targeted VAP Agreement Form CIT/MKTG/153/EFF. 10/20/99 for a media/demo promotion, incorporated herein by reference, to the Department of Citrus ~~Bartow Lakeland~~ office VAP Administrator. All promotions established by participant require 10 days lead time.

Rulemaking Specific Authority 601.15 FS. Law Implemented 601.15 FS. History—New 11-17-97, Amended 12-6-98, 2-3-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, Executive Director
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2010

DEPARTMENT OF CITRUS

RULE NO.: 20-68.002
 RULE TITLE: Inspection of Official Tables
 PURPOSE AND EFFECT: Amendment updating rules to reflect new location information of the Florida Department of Citrus.

SUMMARY: Official location information of the Florida Department of Citrus.

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.

RULEMAKING AUTHORITY: 601.10(1), (7), 601.11, 601.25 FS.

LAW IMPLEMENTED: 601.02(4), (5), 601.10(7), 601.11, 601.25 FS.

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

DATE AND TIME: May 19, 2010, 9:00 a.m.
 PLACE: Department of Citrus Building, 605 E. Main Street, Bartow, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or awiggins@citrus.state.fl.us or www.fdocgrower.com under Legal

THE FULL TEXT OF THE PROPOSED RULE IS:

20-68.002 Inspection of Official Tables.

An official copy of the table adopted by Rule 20-68.001, F.A.C., is on file in the office of the Secretary of State and at the headquarters office of the Florida Department of Citrus, ~~Bartow Lakeland~~, Florida, and may be inspected by any interested person during business hours.

Rulemaking Specific Authority 601.10(1),(7), 601.11, 601.25 FS. Law Implemented 601.02(4),(5), 601.10(7), 601.11, 601.25 FS. History—Formerly 105-1.36(2), Revised 1-1-75, Formerly 20-68.02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, Executive Director
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2010

DEPARTMENT OF CITRUS

RULE NOS.: 20-100.001
 RULE TITLES: Statement of Agency Organization and Operation
 20-100.003 Management and Indexing of Final Orders
 20-100.004 Official Forms Used by Agency

PURPOSE AND EFFECT: Amendment updating rules to reflect new location information of the Florida Department of Citrus.

SUMMARY: Official location information of the Florida Department of Citrus.

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.

RULEMAKING AUTHORITY: 120.54(5), 120.53, 601.10(1), (15) FS.

LAW IMPLEMENTED: 120.54(5), 120.53, 601.10(15) FS.

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

DATE AND TIME: May 19, 2010, 9:00 a.m.
 PLACE: Department of Citrus Building, 605 E. Main Street, Bartow, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or awiggins@citrus.state.fl.us or www.fdocgrower.com under Legal

THE FULL TEXT OF THE PROPOSED RULES IS:

20-100.001 Statement of Agency Organization and Operation.

The Department of Citrus operates under the specific authority of Chapter 601, Florida Statutes. A Statement of Agency Organization and Operation is available to any person upon request by contacting the Agency Clerk at the Department of Citrus headquarters office 605 E. Main Street 4115 East Memorial Boulevard, Post Office Box 9010 148, Bartow Lakeland, Florida 33831-0910 33802-0148, phone (863)537-3999 (941)499-2500.

Rulemaking Specific Authority 120.54(5) FS. Law Implemented 120.54(5) FS. History--Adopted 12-18-74, Effective 12-31-74, Formerly 20-100.01, Amended 2-2-98,_____.

20-100.003 Management and Indexing of Final Orders.

(1) through (4) No change.

(5) The Agency Clerk of the Florida Citrus Commission shall be responsible for publishing, maintaining and indexing of final orders and shall assist the public in obtaining information pertaining to final orders, between 8 a.m. and 5 p.m., Monday – Friday except on holidays, at the headquarters of the Department of Citrus, at 605 E. Main Street 4115 E. Memorial Blvd. in Bartow Lakeland, Florida.

Rulemaking Specific Authority 120.53 FS. Law Implemented 120.53 FS. History--New 6-15-92, Formerly 20-102.007, Amended 2-2-98,_____.

20-100.004 Official Forms Used by Agency.

In its licensing, regulatory, taxation, marketing and other operational functions the Florida Department of Citrus requires use of the forms listed below. All of these forms are available for inspection by any interested party during regular business hours at the headquarters office located at 605 E. Main Street, 4115 East Memorial Boulevard, Bartow Lakeland, Florida or may be received upon request by writing the Florida Department of Citrus, P. O. Box 9010 148, Bartow Lakeland, Florida 33831-9010 33802-0148 or by telephone (863)537-3999 (863)499-2500.

(1) through (52) No change.

Rulemaking Specific Authority 601.10(1), (15) FS. Law Implemented 601.10(15) FS. History--New 1-1-75, Amended 8-31-83, 2-26-84, Formerly 20-102.05, Amended 12-20-95, Formerly 20-102.005, Amended and Transferred 12-6-98, Amended 5-28-00, 9-20-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Kenneth O. Keck, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2010

WATER MANAGEMENT DISTRICTS**Suwannee River Water Management District**

RULE NO.: RULE TITLE:

40B-400.475 General Permit for Minor Activities
PURPOSE AND EFFECT: The purpose of the proposed rule is to update this section of Chapter 40B-400, F.A.C., to correct the language in paragraph 40B-400.475(1)(b), F.A.C.

SUMMARY: This proposed rule will correct language in paragraph 40B-400.475(1)(b), F.A.C.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 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: Linda Welch, Rules & Contracts Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-400.475 General Permit for Minor Activities.

(1) A general permit is hereby granted for the construction, alteration, maintenance, operation, abandonment and removal of the following minor systems:

(a) No change.

(b) Piling supported structures of less than 500 square feet over wetlands or other surface waters in an, which are not designated Outstanding Florida Waters;

(c) through (6) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jon Dinges, Deputy Clerk, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.010
 RULE TITLE: Approved Advertising and Promotional Gifts

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to reformat and clarify the rules addressing certain exceptions to the statutory ban on assistance to vendors of alcoholic beverages from any manufacturer, distributor, importer, primary American source of supply, brand owner or brand registrant, or any broker, sales agent, or sales person thereof.

SUMMARY: The subject area to be addressed in this rule is the implementation of the statutory ban, found in Section 561.42, Florida Statutes, on assistance to vendors from manufacturers and distributors of alcoholic beverages.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs was prepared. The agency has determined that this rule will not have an impact on small business.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

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.

RULEMAKING AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Monday, April 19, 2010, 9:30 a.m. – 5:00 p.m. or until business concludes

PLACE: Department of Business and Professional Regulation, Northwood Center, Board Room, 1940 North Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Patricia Nelson at (850)488-0062. If you are 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: Patricia Nelson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.010 Approved Advertising and Promotional Gifts.

(1) Industry members are prohibited from furnishing, giving, renting, or lending, to a vendor, any equipment, fixtures, furniture, furnishings, signs, supplies, credit, money, rebates, accumulated rebates, fees of any kind including slotting fees, services, property, or other thing of value of any description not included in the exceptions specified in Title 61, F.A.C., or specifically authorized by Florida Statutes, to vendors or their employees or agents acting within their scope of employment. In addition, vendors and their employees or agents acting within the scope of employment are prohibited from accepting such forms of assistance. This prohibition against assisting any vendor includes engaging in cooperative advertising – participating in or paying for any advertising in cooperation with a vendor. The division hereby adopts the “Approved Advertising and Promotional Gifts Chart,” herein incorporated by reference and effective 6/5/97. This chart, produced by the division, provides for the description, special conditions, and restrictions on items which shall not be considered unlawful gifts, loans of money or property, or rebates for purposes of Section 561.42, F.S. This chart is available from the Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, FL 32399-1020.

(2) As used in Rules 61A-1.010 through 61A-1.0108, F.A.C., “industry member” means manufacturer; distributor; importer; primary American source of supply; brand owner or registrant; and any broker, sales agent, or sales person of any of the aforementioned licensees. Any other gifts, loans of money or property, or rebates not included in the “Approved Advertising and Promotional Gifts Chart”, or specifically authorized by Florida Statutes, shall not be provided to a vendor.

(3) For purposes of Rules 61A-1.010 through 61A-1.0108, F.A.C., a licensee is categorized based on its license, type of beverages it is dealing in, conduct, and the form of assistance being provided. For example, a wine distributor who is selling a malt beverage product must comply with the malt beverage restrictions in Rules 61A-1.010 through 61A-1.0108, F.A.C., and Section 561.42, F.S. Manufacturers and distributors shall keep and maintain records for a 3-year period on their licensed premises, or other division approved location, of all product displays, equipment and supplies, samples, consumer coupon promotions, participation in retailer association activities, and

~~the acquisition or production cost and selling cost of merchandise items given, sold, or loaned to vendors. These records shall show:~~

- ~~(a) The name and address of the vendor;~~
- ~~(b) The vendor's license number;~~
- ~~(c) The date furnished;~~
- ~~(d) A description of the item;~~
- ~~(e) The manufacturer's or distributor's cost of the item (determined by the original purchaser's invoice price). This information is not required if no value restrictions exist; and~~
- ~~(f) The charges to the retailer for the item, if applicable.~~

~~(4) Pursuant to Florida Statutes Section 561.42(8), vendors shall keep and maintain any record for a 3-year period on their licensed premises, or other division approved location, of any credits or other forms of assistance provided to the vendor under subsection (3) of this rule.~~

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-1.10, Formerly, 7A-1.010, Amended 6-5-97, Formerly 61A-1.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia Nelson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charlie Liem, Interim Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:	RULE TITLES:
61A-1.01027	Merchandise Exception
61A-1.01028	Recordkeeping

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to reformat and clarify the rules addressing certain exceptions to the statutory ban on assistance to vendors of alcoholic beverages from any manufacturer, distributor, importer, primary American source of supply, brand owner or brand registrant, or any broker, sales agent, or sales person thereof.

SUMMARY: The subject area to be addressed in this rule is the implementation of the statutory ban, found in Section 561.42, Florida Statutes, on assistance to vendors from manufacturers and distributors of alcoholic beverages.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been

prepared by the agency. The only regulatory requirement that imposes costs upon small business is the recordkeeping requirement, which may affect small vendors. The effect is minimal and is necessary to implement the statutory regulation.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

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.

RULEMAKING AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Monday, April 19, 2010, 9:30 a.m. – 5:00 p.m. or until business concludes

PLACE: Department of Business and Professional Regulation, Northwood Center, Board Room, 1940 North Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Patricia Nelson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062. If you are 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: Patricia Nelson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULES IS:

61A-1.01027 Merchandise Exception.

If an industry member is a bona fide producer, wholesaler, or retailer of other merchandise, such as groceries or pharmaceuticals, that industry member may sell that merchandise to vendors under the following conditions:

(1) The merchandise is sold at fair market value, either wholesale or retail;

(2) The merchandise is not sold in combination with alcoholic beverages except as provided in Rule 61A-1.0108, F.A.C.;

(3) The industry member's cost for acquiring the merchandise appears in that industry member's invoices or other records;

(4) The sale of merchandise is itemized separately from the sale of alcoholic beverages; and

(5) No equipment or vehicles may be sold as merchandise.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New _____.

61A-1.01028 Recordkeeping.

(1) Industry members must keep and maintain records for a three-year period on their licensed premises, or other division-approved location, of all product displays, equipment and supplies, participation in retailer association activities, the acquisition or production cost and selling cost of specialties or any items given, sold, or loaned to vendors, or any other form of assistance limited as to quantity, frequency, or value by Rules 61A-1.010 through 61A-1.0108, F.A.C., or Section 561.42, F.S. The records may be in any format so long as they are available and legible to division personnel when the records are requested for review. A copy of any record produced in compliance with this rule shall be given to the vendor. The copy shall be in a format accessible and readable by the vendor, i.e. not provided in an electronic format that would require proprietary software unavailable to the vendor. These records must show:

(a) The name and address of the vendor, vendor’s employee or agent receiving the assistance;

(b) The vendor’s license number;

(c) The date furnished, given, rented, loaned, or sold;

(d) The description and quantity of assistance furnished, given, rented, loaned, or sold;

(e) The cost of the industry member’s assistance determined by the original purchaser’s invoice price. This information is not required if no value restrictions exist;

(f) The charges to the vendor for the assistance, if any; and

(g) The name, license number, and address of the industry member providing the credit, cash, or other form of assistance.

(2) Pursuant to Section 561.42(8), F.S., vendors shall keep and maintain any record provided to the vendor under subsection (1) of this rule for a three-year period on their licensed premises, or other division approved location, of any credits, or any other form of assistance limited as to quantity, frequency, or value by Rules 61A-1.010 through 61A-1.0108, F.A.C., or Section 561.42, F.S.

These records must show:

(a) The name and address of the industry member providing the credit, cash, or other form of assistance.

(b) A description of the form of assistance received and quantity received, if applicable.

Rulemaking authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Patricia Nelson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charlie Liem, Interim Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:

61D-6.009 Veterinarians

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement requirements of Florida Statutes pertaining to the procedures for euthanizing greyhounds.

SUMMARY: The proposed rule amendment establishes procedures for use of needles and record keeping in association with euthanizing greyhounds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs 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.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

RULEMAKING AUTHORITY: 550.0251(3), 550.2415(6)(b), (12) FS.

LAW IMPLEMENTED: 550.0251, 550.2415(6)(b) 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: May 6, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-6.009 Veterinarians.

(1) through (10) No change.

(11) Any veterinarian who euthanizes a greyhound shall:

(a) Use only one-time disposable syringes in compliance with paragraph (3)(a) of this rule; and

(b) Maintain all records required by paragraph (4)(a) of this rule.

Rulemaking Specific Authority 120.80(4)(a), 550.155(1), 550.0251(3), (11), 550.2415(6)(b), ~~(12) (13)~~ FS. Law Implemented ~~120.80(4)(a), 550.0251, 550.155,~~ 550.2415(6)(b) FS. History—New 10-20-96, Amended 12-15-97, 4-12-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Milton Champion, Director, Division of Pari-Mutuel Wagering
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charlie Liem, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 19, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.034
 RULE TITLE: Certification of Cell Tower Specialty Contractors

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to clarify procedures for certification of cell tower specialty contractors.

SUMMARY: Promulgation and adoption of the new rule will clarify procedures for certification of cell tower specialty contractors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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.

RULEMAKING AUTHORITY: 455.213, 487.113(6), 489.108 FS.

LAW IMPLEMENTED: 489.105(3)(a), 489.113(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.034 Certification of Cell Tower Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for certification of cell tower specialty contractors.

(2) Definition. A “cell tower specialty contractor” is qualified and certified by the board to perform any work involving the construction, repair and alteration of communication or cell towers, including construction of accessory use structures not exceeding three stories in height which house communications equipment.

(3) An applicant for a cell tower specialty contractor certification shall pass the general contractor examination and shall demonstrate experience in the construction, repair and alteration of communication or cell towers and accessory use structures.

(4) The additional certification procedures and fees for certified cell tower specialty contractors shall be the same as those provided for the certification of other contractors as defined and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, and 489.116, F.S.

(5) Nothing in this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications.

(6) Certified Cell Tower Contractors must maintain applicable worker’s compensation and general liability insurance as required by state and federal laws.

Rulemaking Authority 455.213, 489.108, 489.113(6) FS. Law Implemented 489.105(3)(q), 489.113(6) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

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:
62-306.100	Scope and Intent
62-306.200	Definitions
62-306.300	General Requirements
62-306.400	Eligibility for Generation of Credits
62-306.500	Credit Generation and Validation
62-306.600	Use of Credits and Credit Adjustments
62-306.700	Water Quality Credit Trade Tracking
62-306.800	Compliance with Trade Provisions
62-306.900	Forms

PURPOSE AND EFFECT: This rule establishes a pilot water quality credit trading program in the Lower St. Johns River Basin, as directed by Section 403.067, F.S. The rule addresses the process to determine how credits are generated, quantified, and validated; limitations on the use of credits, including eligible pollutants, minimum water quality requirements, and any adjustments for uncertainty or location; the timing, duration, and transfer of credits; the information needed to track credits, trades, and prices paid; and the mechanisms for determining compliance with trade provisions.

SUMMARY: The pilot Water Quality Credit Trading rule provides entities the option of meeting their required pollutant load reductions under the Lower St. Johns River Basin Management Action Plan (BMAP) in a more effective, cost efficient manner by purchasing credits from other sources that have reduced their load by more than is required under the BMAP. Under the pilot program, at least one of the trading parties must have an individual wastewater or stormwater permit, and credits are only generated when a source's load is reduced below the baseline allocation established for the entity. For trades where the seller and buyer discharge to different WBIDs, the amount of credits proposed to be traded is adjusted by the applicable Location Factors to provide reasonable assurance that the proposed trade does not result in localized adverse impacts to the river. Sellers of water quality credits are responsible for achieving the load reductions on which the credits are based and for complying with the terms of their permit, if applicable, and any trading agreements into which they may have entered. Buyers of water quality credits are responsible for complying with all terms of their permit. In the event that credits purchased are determined to be invalid, the invalidation of credits shall be addressed pursuant to paragraph 403.067(8)(g), F.S. This rulemaking has been given OGC case number 08-2058.

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.062, 403.067 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: Thursday, April 29, 2010, 9:00 a.m.

PLACE: Room 609, Bob Martinez Center, 2600 Blairstone Road, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Bureau of Personnel Services, (850)245-2511. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Shaw, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, Florida 32399-2400, (850)245-8429, eric.shaw@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-306.100 Scope and Intent.

(1) This chapter establishes the requirements for a pilot program for water quality credit trading among the pollutant sources to the Lower St. Johns River (LSJR) Basin pursuant to Section 403.067, F.S.

(2) The generation, registration, and trading of water quality credits provided for in this chapter are intended to provide flexibility among pollutant sources to meet the requirements of the LSJR Basin Management Action Plan (BMAP), as adopted by Secretarial Order on October 14, 2008. Copies of the LSJR BMAP may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/watersheds>, or by writing to the Florida Department of Environmental Protection, Bureau of Assessment and Restoration Support, 2600 Blair Stone Road, MS 3560, Tallahassee, FL 32399-2400.

(3) The LSJR BMAP provides for the implementation of Total Maximum Daily Loads (TMDL) for Total Nitrogen and Total Phosphorus adopted by the Department in subsections 62-304.415(1) and (2), Florida Administrative Code (F.A.C.). The following parts of the LSJR BMAP, which are hereby incorporated by reference, will be used to implement the trading program in the LSJR Basin:

(a) Figure 1, which identifies and delineates the watershed boundaries of the LSJR in which trading may occur;

(b) Point and nonpoint source baseline allocations (Tables 9-14) or management practices for sources that may generate, use, or trade credits in the plan area; and

(c) Tables 22 and 23, which provide Location Factors.

(4) This chapter does not address aggregation of wasteload allocations by an entity with multiple wastewater facilities. Aggregate load allocations will be implemented via an aggregate permit that limits the total allocated nutrient TMDL load for the entity.

Rulemaking Authority 403.067 FS. Law Implemented 403.067 FS. History–New _____.

62-306.200 Definitions.

(1) “Act” means the Florida Watershed Restoration Act, as codified under Section 403.067, F.S.

(2) “Baseline” means the pollutant-specific point source discharge or nonpoint source load allowable under the TMDL or BMAP.

(3) “Best management practices (BMPs)” means a practice or combination of practices adopted by rule by the Department of Agriculture and Consumer Services, the Department of Environmental Protection, or the applicable Water Management District as the most effective and practicable means for improving water quality, taking into account economic and technological considerations.

(4) “Clean Water Act” means the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, 33 U.S.C. §1251 et seq.

(5) “Credit” means the pollutant-specific point source load reduction or nonpoint source load reduction that is generated and may be used or traded as water quality credits (WQCs). A credit may only be generated when pollutants loads are reduced below the baseline load allowable under the TMDL or BMAP. Credits shall be in either the units of pounds per year or kilograms per year.

(6) “Department” means the Florida Department of Environmental Protection.

(7) “Estimated credits” means load reductions from nonpoint sources that are used for credit trading but which cannot be reasonably measured through direct monitoring.

(8) “Location Factors” (LFs) means the WBID-specific numbers, as listed in the LSJR BMAP Tables 22 and 23, representing the relative impact a given unit of nitrogen or phosphorus discharged at a WBID has on water quality in the worst case WBID compared to the same amount of nitrogen or phosphorus discharged directly to the worst case WBID. LFs are used in trades to provide reasonable assurance that the seller’s credits are functionally equivalent in protecting the water quality of the water body or water segment.

(9) “Lower St. Johns River (LSJR)” means the main stem of the St. Johns River that flows between the mouth of the Ocklawaha River and the mouth of the St. Johns River.

(10) “Measured credits” means load reductions from point sources that are used for credit trading that can be directly monitored using effluent samples.

(11) “Nonpoint source” means those sources of pollutants that discharge to surface or ground water in response to rainfall events, and which are not defined as point sources and do not have a point source permit.

(12) “NPDES permit” means a surface water discharge permit issued by the Department under Section 403.0885, F.S., or by the U.S. Environmental Protection Agency pursuant to the National Pollutant Discharge Elimination System (NPDES) under Section 402 of the Clean Water Act.

(13) “Permit” means an authorization to discharge into surface waters issued by the Department pursuant to Chapter 403, F.S.

(14) “Person” means a person as defined by Section 403.031(5), F.S.

(15) “Point source” means a point source as defined by subsection 62-620.200(37), F.A.C.

(16) “TMDL” means the total maximum daily load for nutrients for the LSJR River adopted in subsections 62-304.415(1) and (2), F.A.C.

(17) “Trading Registry” means the water quality credit database created and maintained by the Department for the purpose of registering the generation and trading of water quality credits (WQCs).

(18) “Uncertainty Factor” (UF) means the ratio of the estimated number of pounds or kilograms of reduction by a nonpoint source to the number of pounds or kilograms of credit that will be authorized. The UF reflects the uncertainty associated with estimates of nonpoint source pollutant reductions.

(19) “Water Quality Credit Trading” means the exchange of credits between point and nonpoint sources in the LSJR Basin to achieve or maintain the TMDL.

(20) “WBID” means the unique waterbody identification number that was used to divide the Lower St. Johns River Basin into water assessment polygons, as shown in LSJR BMAP Figure 1.

(21) “Worst case WBIDs” means the WBIDs in the marine and freshwater portions of the river where adverse impacts due to nutrient loadings were greatest, and which controlled the allowable nutrient loading to the LSJR.

Rulemaking Authority 403.067 FS. Law Implemented 403.067 FS. History–New _____.

62-306.300 General Requirements.

(1) The generation and trading of water quality credits must be consistent with federal law and regulation.

(2) To be eligible to generate and trade credits between point and nonpoint sources, the following must be met:

(a) Credits generated by a point source must be confirmed by effluent monitoring for the pollutant subject to the trade. This monitoring must be undertaken throughout the effective period of the trade.

(b) Credits generated by a nonpoint source can either be measured where treatment methods allow influent and effluent water quality to be measured, or can be estimated for the type of operation. However, if credits are estimated, the applicant must provide reasonable assurance that the estimate is scientifically defensible, and any applicable uncertainty factor shall be applied.

(c) At least one of the trading parties must have an individual wastewater or stormwater permit. The activities necessary to generate credits must be authorized under the appropriate point source stormwater or wastewater NPDES permit. The permit application shall describe the activities necessary to provide the Department with reasonable assurance that the load reductions required to generate the credits will be implemented and monitored.

(d) Wastewater or stormwater facilities that purchase or sell credits must revise their existing NPDES permit or acquire a new NPDES permit if necessary, to authorize the use or sale of such credits. The NPDES permit shall reflect the amount by which the permitted load has been adjusted by the purchase or sale of credits.

(e) Credits are only generated when a source's load is reduced below the baseline established for the entity, which is the wasteload allocation for point sources. For a trade involving credits generated by a nonpoint source, the loading from the nonpoint source must be less than that expected following implementation of applicable BMPs and any additional reductions required for the nonpoint source category under the BMAP.

(f) Credits must be used in the same calendar year in which they are generated.

(3) No facility or activity may generate or use water quality credits until such time as all required permits have been obtained. Facilities that meet their TMDL obligations via trading must provide reasonable assurance that their discharge, including any trades, will not cause or contribute to violations of water quality standards. Credits generated under this part shall not be used to offset violations of a discharge permit or to comply with any applicable technology-based effluent limits (TBELs).

(4) Water quality credit trades cannot result in an increased nutrient load above the LSJR TMDLs.

(5) Nothing in this rule is intended to limit any actions by federal, state, or local agencies, affected persons, or citizens pursuant to other rules or regulations.

Rulemaking Authority 403.067 FS. Law Implemented 403.067 FS. History--New _____.

62-306.400 Eligibility for Generation of Credits.

(1) For discharge or load reductions to be generated and registered as credits, a credit generator shall meet each of the following conditions:

(a) The pollutant load reduction shall continue to be generated after the effective date of this chapter.

(b) Reasonable assurance shall be provided that discharge or load reductions will result in credits.

(c) Applicable control devices or best management practices must be fully implemented and properly maintained throughout the period of the trade.

(2) Activities that are eligible to generate credits include:

(a) Installation or modification of water pollution control equipment.

(b) Operational changes or the modification of a process or process equipment that reduce the quantity of water discharged through reuse, recycling, water conservation, or other measures and thereby reduce the load of nutrients discharged.

(c) Implementation of structural nonpoint source management controls.

(d) Installation, operation and maintenance of drainage projects designed to control stormwater as part of a city or county drainage improvements.

(e) Other similar pollution controls or management practices approved by the Department.

(3) Activities that are not eligible to generate credits include:

(a) A reduction in nutrient loading that is required under a regulatory program. However, reductions beyond those required under a regulatory program shall be eligible to generate credits.

(b) A change in land use, including taking agricultural lands out of production and changes in crops grown, unless the change results in post development pollutant loading being equal to or less than loading under natural conditions for the property.

(c) Implementation of BMPs that are required under the LSJR BMAP.

Rulemaking Authority 403.067 FS. Law Implemented 403.067 FS. History--New _____.

62-305.500 Credit Generation and Validation.

(1) Point Sources.

(a) The baseline for point sources, including both wastewater and stormwater dischargers, shall be the source's wasteload allocation under the LSJR BMAP, unless a lower water quality-based effluent limitation has been established for the discharge.

(b) Credits shall only be generated by point sources after the entity provides reasonable assurance that it can meet an effluent loading limit that is lower than its baseline allocation and the source's applicable permit limits are revised to reflect the reduced load.

(2) Nonpoint Sources.

(a) The baseline for nonpoint sources shall be the source's load allocation specified under the LSJR BMAP or, for nonpoint sources that are covered under categorical load allocations, shall be the load expected following implementation of applicable BMPs and the additional reductions required for agricultural sources.

(b) Credits shall only be generated by nonpoint sources if the source reaches an agreement with a permitted point source and the activity generating the credits is incorporated into the point source's permit.

Rulemaking Authority 403.067 FS. Law Implemented 403.067 FS. History--New _____.

62-305.600 Use of Credits and Credit Adjustments.

(1) Wastewater Facilities.

(a) The use of credits must be authorized in the buyer's permit. At the time of permit application, the buyer must submit an affidavit, signed by the buyer and seller, disclosing the term of the trade, the number of credits traded, the date when the credits will be generated, the unit price, and the amount of any state funding used to generate the credits traded.

(b) The Fact Sheet or Statement of Basis for the buyer's permit shall note that the permit authorizes a trade and identify the source of the credits purchased.

(c) If the buyer subsequently decides to change the source of credits during the permit cycle, the buyer must submit a new affidavit pursuant to paragraph (1)(a) and apply for a permit revision. The Department will evaluate the permit revision and determine whether there is reasonable assurance that the seller has credits available.

(2) Municipal Separate Storm Sewer Systems (MS4s) and Nonpoint Sources.

(a) The buyer must submit an affidavit, signed by the buyer and seller, disclosing the term of the trade, the number of credits traded, the date when the credits will be generated, the unit price, and the amount of any state funding used to generate the credits traded. The Department will determine whether there is reasonable assurance that the seller has credits available. The Department shall notify the buyer within thirty days if the buyer has not provided reasonable assurance that the seller has credits available.

(b) If the buyer subsequently decides to change the source of credits, the buyer must submit a new affidavit pursuant to paragraph (2)(a) so that the Department can evaluate whether the buyer has provided reasonable assurance that the seller has credits available. The Department shall notify the NPS within thirty days if the NPS has not provided reasonable assurance that the seller has credits available.

(3) If the seller of credits is a nonpoint source, the buyer must provide information about the nonpoint source activity that will generate the credits, including the baseline loading for the type of operation, a description of the management

activities that will generate the reduction, and calculations, signed and sealed by a Professional Engineer, supporting the credit generation.

(a) If the credits to be traded are based on measured credits, the point source permittee must propose monitoring locations and submit monthly discharge monitoring reports to validate the generation of the credits.

(b) If the credits purchased are estimated, the permittee must:

1. Provide information describing the basis for the estimates, including references or models used, calculations showing the amount of credits generated, and any needed adjustment factors to address uncertainty pursuant to subsection (4);

2. Keep detailed records demonstrating they are in compliance with any applicable BMP requirements; and

3. Agree to be subject to inspections at the nonpoint source activity.

(4) Use of Location Factors.

(a) For trades where the seller and buyer discharge to different WBIDs, the amount of credits proposed to be traded shall be adjusted by the applicable Location Factors to provide reasonable assurance that the proposed trade does not result in localized adverse impacts to the water body or water segment.

(b) The number of credits needed for a proposed trade shall be calculated as follows: Number of Credits Needed = (Number of Pounds or Kilograms Needed) x (LF for Buyer's WBID/LF for Seller's WBID).

(c) This formula may not be used to reduce the number of credits needed below the number of pounds or kilograms needed.

(5) Use of Nonpoint Source Uncertainty Factors Ratios.

(a) For proposed trades involving estimated credits for nonpoint sources, the Department shall use default Uncertainty Factor ("UF") ratios of 2:1 for urban stormwater (if 2 pounds or kilograms of removal are estimated, 1 pound of credit will be created) and 3:1 for agricultural runoff. However, an applicant may propose a lower UF ratio if justified by site-specific considerations.

(b) Any site-specific UF must be based on best professional judgment taking into account the scientific support for the estimate, the level of confidence that the BMP will be properly designed, installed, maintained, and the potential for failure of the BMP.

Rulemaking Authority 403.067 FS. Law Implemented 403.067 FS. History--New _____.

62-306.700 Water Quality Credit Trade Tracking.

(1) The Department shall track all credits generated or trades authorized in permits, and shall post information about trades and available credits on the Department's website at <http://www.dep.state.fl.us/water/watersheds>.

(2) Information tracked related to credit generators and sellers shall include:

(a) The generator or seller's name, street address, location, receiving water (WBID), and the pollutant being traded;

(b) The generator or seller's baseline, permit number for permit authorizing the credit generation, the new permit limit authorizing a reduced discharge level, and the amount of credits generated;

(c) A description of the actions that generated credits and whether the credits are measured or estimated;

(d) Effective date of the permit, the date when credits will start to be generated, and the duration of the credits;

(e) The amount of credits traded to date and any adjustments for location or uncertainty; and

(f) The unit price of the credits, including the amount of any public funding used to generate the credits.

(3) Information tracked related to buyers of credits shall include:

(a) The buyer's name, location, permit number, receiving water (WBID), and pollutant being traded;

(b) The description of the source of the credits, including permit number of seller if applicable, the amount of credits purchased;

(c) The new permit limit authorizing an increased discharge level, effective date of the permit, and the date when credits will be available for use; and

(d) The unit price of the credits, including the amount of any public funding used to generate the credits.

Rulemaking Authority 403.067 FS. Law Implemented 403.067 FS. History—New _____.

62-306.800 Compliance with Trade Provisions.

(1) If the credits traded are measured credits, the permittee shall report to the Department the quantity of the Total Nitrogen or Total Phosphorus discharged on a monthly basis on Discharge Monitoring Report (DMR) form, incorporated in subsection 62-620.910(10), F.A.C., to demonstrate compliance with the effluent limitations, and monitoring and reporting requirements specified in their NPDES permit. DMR forms and instructions may be obtained from the Department's internet website at <http://www.dep.state.fl.us/water/wastewater/forms.htm> or at the Department District Offices.

(2) If the credits traded are estimated credits, the permittee shall submit a quarterly report to the Department providing the following information:

(a) The name and location of the site;

(b) The pollutants controlled;

(c) The control devices installed or management practices implemented and date completed;

(d) The linear feet or acres for which controls or management practices have been completed; and

(e) A calculation of the quantity of each pollutant controlled using the same methods and procedures used to determine the load reductions and credits.

(3) Liability.

(a) Sellers of water quality credits are responsible for achieving the load reductions on which the credits are based and complying with the terms of their permit, if applicable, and any trading agreements into which they may have entered.

(b) Buyers of water quality credits are responsible for complying with all terms of their permit. In the event that credits purchased are determined to be invalid, the invalidation of credits shall be addressed pursuant to paragraph 403.067(8)(g), F.S.

Rulemaking Authority 403.067 FS. Law Implemented 403.067 FS. History—New _____.

62-306.900 Forms.

The affidavit used by the Department for Water Quality Credit Trading, "Water Quality Credit Trading Affidavit" [Effective Date], is adopted and incorporated by reference in this section. Copies of the form may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/tmdl>, the Northeast District Office, or by writing to the Florida Department of Environmental Protection, Bureau of Assessment and Restoration Support, 2600 Blair Stone Road (MS3560), Tallahassee, FL 32399.

Rulemaking Authority 403.067 FS. Law Implemented 403.067 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Daryll Joyner, Chief, Bureau of Standards and Special Projects
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2008

DEPARTMENT OF HEALTH

Board of Massage

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

PURPOSE AND EFFECT: To adopt and incorporate by reference a new application for licensure.

SUMMARY: The rule amendment adopts and incorporates a new application for licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-25.004 Endorsements.

(1) The Department shall issue a license by endorsement to a person who:

(a) No change.

(b) Submits a completed application on form DH-MQA 1115, "Application For Licensure," (Rev. ~~10/09 7/08~~), adopted and incorporated by reference in Rule 64B7-25.001, F.A.C. ~~The form and the attached instructions are incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at http://www.doh.state.fl.us/mqa/massage/ma_lic_req.html; and~~

(c) through (h) No change.

(2) No change.

Rulemaking Authority 456.013(2), 480.035(7), 480.041(4)(c) FS. Law Implemented 456.013(2), 480.041(4)(c) FS. History--New 11-27-79, Amended 7-9-80, 8-29-83, 10-9-85, Formerly 21L-25.04, Amended 6-12-88, 8-15-89, 2-11-93, Formerly 21L-25.004, Amended 9-15-94, 1-9-95, 8-18-96, 1-29-97, Formerly 61G11-25.004, Amended 6-22-99, 12-6-06, 3-31-08, 6-15-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.001 RULE TITLE: General Regulations; Definitions

PURPOSE AND EFFECT: The Department proposes to amend the rule section to update revise and modify the definitions for terms used in Chapter 499, Florida Statutes and

Chapter 64F-12, Florida Administrative Code. The proposed changes will also include updating statute and rule citations in this section. Some of the revisions will be in response to possible objections from the Joint Administrative Procedure Committee.

SUMMARY: The rule promulgation will delete the definition for the terms: "Affiliated group"; "Propagation of a drug"; "Specified drug"; Wholesale distribution"; and "Written agreement". The rule promulgation will add definitions for the terms: "Broker"; "Limited quantities" and "Principal address." The rule promulgation, in response to possible objections from The Joint Administrative Procedure Committee (JAPC), clarifies the definition of the state "good manufacturing practices" term for drugs and devices. The rule promulgation also materially revises the following terms in this section: "Directly from the manufacturer"; "Established safe and effective indications"; "Intracompany transfer"; "Legend Device or Restricted Device"; "Readily available" and "readily retrievable"; "Sale"; "Separate and distinct cosmetic product"; "Separate and distinct device product"; "Separate and distinct drug product"; "Specific unit of a prescription drug"; and "Verifiable account".

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.

RULEMAKING AUTHORITY: 499.003(31), 499.024, 499.025(5), 499.01(6), 499.0121(6), 499.0122(2), 499.012(5), (12), 499.013(3), 499.01(2)(g), 499.014(5), 499.03(4), 499.05, 499.701 FS.

LAW IMPLEMENTED: 499.002, 499.003, 499.004, 499.005, 499.0051, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.04, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.055, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.701, 499.71, 499.75 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: Rebecca Poston, R.Ph., Executive Director, Board of Pharmacy-Drugs Devices and Cosmetics, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.001 General Regulations; Definitions.

(1) A word or phrase defined in 21 U.S.C. ss. 301 et seq. or federal regulations promulgated thereunder in Title 21 Code of Federal Regulations (C.F.R.), (as of 10/1/03) which are incorporated by reference herein, shall have the same meaning as in those provisions unless specifically defined otherwise in Chapter 499, F.S., or Rule Chapter 64F-12, F.A.C.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0121(6), ~~499.0122(1)~~, 499.028(1), 499.029(3), and 499.61, F.S., the following definitions apply, to Chapter 499, F.S., and to Rule Chapter 64F-12, F.A.C.:

(a) "Administer" – means the obtaining and giving of a single dose of drugs by a legally authorized person to a patient for his consumption.

~~(b) "Affiliated group" – means the definition set forth in Section 1504 of the Internal Revenue Code, (as of April 24, 2003) which is incorporated by reference herein, which is composed of chain drug entities, including at least 50 retail pharmacies, warehouses, or repackagers, which are members of the same affiliated group, if the affiliated group:~~

~~1. Discloses to the department the names of all its members; and~~

~~2. Agrees in writing to provide records on prescription drug purchases by members of the affiliated group not later than 48 hours after the department requests such records, regardless of the location where the records are stored.~~

~~For an affiliated group to qualify under Section 499.0121(6)(f)1., F.S., such affiliated group must also meet all the conditions specified by Section 499.0121(6)(f), F.S.~~

(b)(e) "Authorized absence" – means, for purposes of Section 499.012(16)(4)(d), F.S., the management or owner of a permitted wholesale establishment has approved in writing in a document that is available for inspection under Section 499.051, F.S., at the time of the inspection, the absence of the designated representative for a period not to exceed 60 calendar days for situations such as: the birth of the employee's child and to care for the newborn child; the placement of a child with the employee for adoption or foster care; the employee is needed to care for a family member (child, spouse or parent) with a serious health condition; or the employee's own serious health condition makes the employee unable to perform the functions of the designated representative.

(c)(d) "Authorized recipient" – means a person permitted by or otherwise authorized by Chapter 499, F.S., to purchase, receive or possess prescription drugs; a pharmacy licensed by Chapter 465, F.S., except a Class I Institutional Pharmacy since it is only authorized to possess dispensed prescription drugs and medical oxygen for administration to its patients; a practitioner licensed by Florida law to purchase and receive prescription drugs; or a person who is authorized by the law where the delivery occurs to purchase, receive or possess prescription drugs. A licensed ship captain or first officer for a vessel engaged in international trade or in trade between ports

of the United States and any merchant vessel belonging to the U.S. Government is an authorized recipient for prescription drugs intended solely for emergency medical purposes, provided the prescription drugs are delivered by the wholesaler directly to the ship.

~~(d)(e) "Broker" – means: a person who does not take physical possession of a prescription drug who participates in the wholesale distribution of the prescription drug by buying, purchasing or taking ownership of the drug and who offers to sell, sells or transfers ownership of the drug to any person who is not the consumer or patient, means a person participating in the wholesale distribution of a prescription drug that buys and sells the drug but does not take physical possession such that the drug is "sold to" the broker and "shipped to" a third party.~~

(e)(f) "Change in Ownership" – means a majority (more than 50%) of the ownership or controlling interest changes. A change in ownership occurs when there has been any change in a partnership amounting to more than 50% of the ownership or controlling interest. For a publicly traded corporation, the changing of officers or directors is not a change in ownership nor is the change in ownership of a parent company provided that such change does not result in more than a 50% change in the ownership or controlling interest of any permitted establishment.

(f)(g) "Chief Executive Officer" – means the owner or the highest ranking official of a corporation, company, or business.

(g)(h) "Directly from the manufacturer" – means:

1. For the purposes of the pedigree document as defined at by Section 499.01212(2)(a) 499.003(31)(b), F.S., the manufacturer of the specific unit of the prescription drug invoiced and sent that specific unit of the prescription drug directly to the purchasing wholesale distributor or its wholly owned subsidiary; or

~~2. For the purposes of Section 499.0121(6)(d)5., F.S., the manufacturer of the prescription drug ships the specific unit of the prescription drug directly to the person authorized by Section 499.0121(6)(d)5., F.S., to receive the specific unit of the prescription drug.~~

(h)(i) "Electronic signature" – means a method of signing an electronic message that identifies a particular person as the source of the message and indicates the person's approval of the information contained in the message.

(i)(j) "Established safe and effective indications" – means any indications that are ~~has been~~ approved as safe and effective by the FDA, which are ~~is~~ generally recognized as safe and effective under conditions established by the FDA, or which are ~~is~~ otherwise in compliance with FDA's regulations.

(j)(k) "FDA" – means the United States Food and Drug Administration.

(k)(l) "Intracompany transfer" – means, any transaction or transfer between any parent, division or subsidiary wholly owned by a corporate entity, pursuant to Section

~~499.003(31)(b), F.S., a distribution of a specific unit of a prescription drug between two establishments wholly owned and operated by the same business entity.~~

~~(l)(m)~~ “Legend Device, Prescription Device or Restricted Device” – means any device which can be dispensed only by the prescription or order of a licensed practitioner and which device on its label bears either the words: “Caution: Federal Law restricts this device to sale by or on the order of a _____,” the blank to be filled with the word “physician,” “dentist,” “veterinarian,” or with the descriptive designation of any practitioner licensed by law to use or prescribe the device; “Caution: Federal Law prohibits dispensing without prescription; “Rx Only;” or “Caution: Florida Law prohibits dispensing without prescription.”

(m) “Limited quantities”, for purposes of the licensure exemption described at Section 499.01(2)(c)3., F.S., for research and development being performed for a specific prescription drug a limited quantity is the amount of an active pharmaceutical ingredient required to perform the research and development for a period no longer than 30 days. No more than two transactions for receipt of an active pharmaceutical ingredient for a specific prescription drug may occur within a 30 day period.

~~(n) “Pedigree” – means a document that satisfies the requirements of Section 499.012(2)(a) or (b), 499.003(31)(a) or (b), F.S., as applicable, and the applicable rule requirements of subsection 64F-12.012(3), F.A.C., and any forms adopted therein.~~

(o) “Point of origin” – means the location from which the manufacturer transfers title, and the location from which the manufacturer transfers possession, if different, of the specific unit of the prescription drug being transferred or sold.

(p) “Practitioner” means a person who is duly licensed and authorized by laws of the state to administer, prescribe, or dispense, as appropriate, a drug or device for medical purposes.

(q) “Principal Address” means for all establishments permitted by or required by law to be permitted by the Department, the full physical address of the establishment. For purposes of invoicing a purchaser of drugs, devices or cosmetics, a post office box number can be used as an additional address, in addition to the full physical address on the invoice.

~~(r)(q)~~ “Product” – anything produced or made either naturally or artificially.

~~(r) “Propagation” of a drug — means, as used under the definition of “manufacture” at Section 499.003(27), F.S., for purposes of permitting under Section 499.013, F.S., the holder or holders of a New Drug Application (NDA), an Abbreviated New Drug Application (ANDA), a Biologics License Application (BLA) or a New Animal Drug Application (NADA), provided that such application has become effective or is otherwise approved consistent with Section 499.023, F.S.; a private label distributor for whom the private label~~

~~distributor’s prescription drugs are originally manufactured and labeled for the distributor and have not been repackaged; or the distribution point for the manufacturer, contract manufacturer or private label distributor whether the establishment is a member of the manufacturer’s affiliated group or is a contract distribution site.~~

(s) “Provides prescription services to the public” – means, for the purposes of the retail pharmacy prescription drug wholesale distributor ~~wholesaler~~ permit, holding the pharmacy out to the public through prominently displayed pharmacy signs on the exterior of the building and having adequate inventory on hand to fill a variety of prescriptions for a variety of medical conditions that would be required by the public generally.

(t) “Readily available” ~~or and~~ “readily retrievable” means that records, either hard copy or computerized, are organized in such a manner that they can be quickly and easily retrieved during an inspection; individual records can be produced within minutes of the request (unless the permitted address is not within the state in which case a 48 hour timeframe is available for producing records). Required records that are kept by automatic data processing systems or other electronic or mechanized recordkeeping systems are kept in such a manner so that they can be separated out from all other records in a reasonable time.

(u) “Repackaging or otherwise changing the container, wrapper, or labeling to further the distribution” means:

1. Altering a packaging component that is or may be in direct contact with the drug, device, or cosmetic. For example, repackaging from bottles of 1000 to bottles of 100.

2. Altering a manufacturer’s package for sale under a label different from the manufacturer. For example, a kit that contains an injectable vaccine from manufacturer A; a syringe from manufacturer B; alcohol from manufacturer C; and sterile gauze from manufacturer D packaged together and marketed as an immunization kit under a label of manufacturer Z.

3. Altering a package of multiple-units, which the manufacturer intended to be distributed as one unit, for sale or transfer to a person engaged in the further distribution of the product. This does not include:

a. Selling or transferring an individual unit which is a fully labeled self-contained package that is shipped by the manufacturer in multiple units, or

b. Selling or transferring a fully labeled individual unit, by adding the package insert, by a person authorized to distribute prescription drugs to an institutional pharmacy permit, health care practitioner or emergency medical service provider for the purpose of administration and not for dispensing or further distribution.

(v) “Rx” – means prescription.

(w) “Sale” – includes any transfer of title or ownership whether by barter, exchange, or gift.

(x) “Separate and distinct cosmetic ~~product~~” – means as used in Section 499.015(1), F.S., a cosmetic product for that establishment which is, or will be sold, distributed, or given away. The adding of color, flavor, or scents does not make a separate and distinct cosmetic product for each variation.

(y) “Separate and distinct device ~~product~~” – means as used in Section 499.015(1), F.S., a device product in its finished form for that manufacturer which is, or will be sold, distributed, or given away. The function or use of the device determines whether a device is separate and distinct.

(z) “Separate and distinct drug ~~product~~” – means as used in Section 499.015(1), F.S., a drug product in the finished form and strength for that manufacturer which is, or will be sold, distributed or given away.

(aa) “Specific unit of ~~the~~ a prescription drug” – means the individual saleable unit of a specific prescription drug being transferred or sold, which is capable of being serialized to contain its own serial number, which drug is identified by name, strength, dosage form, container size, and lot number.

(bb) “~~Specified drug~~” – means ~~all dosage forms, strengths and container sizes of the following prescription drugs:~~

1. ~~Bextra (valdecoxib);~~
2. ~~Celebrex (celecoxib);~~
3. ~~Combivir (lamivudine/zidovudine);~~
4. ~~Crixivan (indinavir sulfate);~~
5. ~~Diflucan (fluconazole);~~
6. ~~Epivir (lamivudine);~~
7. ~~Epogen (epoetin alfa);~~
8. ~~Gamimune (globulin, immune);~~
9. ~~Gammagard (globulin, immune);~~
10. ~~Immune globulin;~~
11. ~~Lamisil (terbinafine);~~
12. ~~Lipitor (atorvastatin calcium);~~
13. ~~Lupron (leuprolide acetate);~~
14. ~~Neupogen (filgrastim);~~
15. ~~Nutropin AQ (somatropin, e coli derived);~~
16. ~~Panglobulin (globulin, immune);~~
17. ~~Procrit (epoetin alfa);~~
18. ~~Retrovir (zidovudine);~~
19. ~~Risperdal (risperidone);~~
20. ~~Rocephin (ceftriaxone sodium);~~
21. ~~Serostim (somatropin, mammalian derived);~~
22. ~~Sustiva (efavirenz);~~
23. ~~Trizivir (abacavir sulfate/lamivudine/zidovudine);~~
24. ~~Venoglobulin (globulin, immune);~~
25. ~~Viagra (sildenafil citrate);~~
26. ~~Videx (didanosine);~~
27. ~~Viracept (nelfinavir mesylate);~~
28. ~~Viramune (nevirapine);~~
29. ~~Zerit (stavudine);~~
30. ~~Ziagen (abacavir sulfate);~~

31. ~~Zocor (simvastatin);~~
32. ~~Zofran (ondansetron);~~
33. ~~Zoladex (goserelin acetate); and~~
34. ~~Zyprexa (olanzapine).~~

(bb)(ee) “State “Current Good Manufacturing Practices” or State “Good Manufacturing Practices” means current good manufacturing practices and quality system regulations as prescribed as of ~~4/1/09~~ ~~4/1/04~~ in Title 21 Code of Federal Regulations; :

1. For drugs, the following, parts and sections:

21 CFR part 210 including the following sections: Section 210.1, Section 210.2, Section 210.3, 21 CFR part 211, including the following sections: Subpart A; Section 211.1, Section 211.3, Subpart B; Section 211.22, Section 211.25, Section 211.28, Section 211.34, Subpart C; Section 211.42, Section 211.44, Section 211.46, Section 211.48, Section 211.50, Section 211.52, Section 211.56, Section 211.58, Subpart D; Section 211.63, Section 211.65., Section 211.67, Section 211.68, Section 211.72, Subpart E;

Section 211.80, Section 211.82, Section 211.84, Section 211.86, Section 211.87, Section 211.89, Section 211.94, Subpart F; Section 211.100, Section 211.101, Section 211.103, Section 211.105, Section 211.110, Section 211.111, Section 211.113, Section 211.115, Subpart G; Section 211.122, Section 211.125, Section 211.130, Section 211.132, Section 211.134, Section 211.137, Subpart H; Section 211.142, Section 211.150, Subpart I; Section 211.160, Section 211.165, Section 211.166, Section 211.167, Section 211.170, Section 211.173, Section 211.176, Subpart J; Section 211.180, Section 211.182, Section 211.184, Section 211.186, Section 211.188, Section 211.192, Section 211.194, Section 211.198, Subpart K; Section 211.204, Section 211.208.

21 CFR part 600, concerning biological products that are drugs, including the following sections: Subpart A; Section 600.2, Section 600.3, Subpart B; Section 600.10, Section 600.11, Section 600.12, Section 600.13, Section 600.14, Section 600.15, Subpart D; Section 600.80, Section 600.81, 21 CFR part 606, concerning biological or blood products that are drugs, including the following sections: Subpart A; Section 606.3, Subpart B; Section 606.20, Subpart C; Section 606.40, Subpart D; Section 606.60, Section 606.65, Subpart F; Section 606.100, Section 606.110, Subpart G; Section 606.120, Section 606.121, Section 606.122, Subpart H; Section 606.140, Section 606.151, Subpart I; Section 606.160, Section 606.165, Section 606.170, Section 606.171, 21 CFR part 610, concerning biological products that are drugs, including the following sections: Subpart A; Section 610.1, Section 610.2, Subpart B; Section 610.9, Section 610.10, Section 610.11, Section 610.11-A, Section 610.12, Section 610.13, Section 610.14, Section 610.15, Section 610.16, Section 610.17, Section 610.18, Subpart C; Section 610.20, Section 610.21, Subpart D; Section 610.30, Subpart E; Section 610.40, Section 610.41, Section 610.42, Section 610.44, Section 610.46, Section

610.47, Section 610.48, Subpart F; Section 610.50, Section 610.53, Subpart G; Section 610.60, Section 610.61, Section 610.62, Section 610.63, Section 610.64, Section 610.65, Section 610.67, Section 610.68, 21 CFR Part 640 concerning additional standards for human blood and blood products, including the following sections: Subpart A: Section 640.1, Section 640.2, Section 640.3, Section 640.4, Section 640.5, Section 640.6, Subpart B: Section 640.10, Section 640.11, Section 640.12, Section 640.13, Section 640.14, Section 640.15, Section 640.16, Section 640.17, Subpart C: Section 640.20, Section 640.21, Section 640.22, Section 640.23, Section 640.24, Section 640.25, Section 640.27, Subpart D: Section 640.30, Section 640.31, Section 640.32, Section 640.33, Section 640.32, Subpart E (Reserved); Subpart F: Section 640.50, Section 640.51, Section 640.52, Section 640.53, Section 640.54, Section 640.55, Section 640.56, Subpart G: Section 640.60, Section 640.61, Section 640.62, Section 640.63, Section 640.64, Section 640.65, Section 640.66, Section 640.67, Section 640.68, Section 640.69, Section 640.70, Section 640.71, Section 640.72, Section 640.73, Section 640.74, Section 640.76, Subpart H: Section 640.80, Section 640.81, Section 640.82, Section 640.83, Section 640.84, Subpart I: Section 640.90, Section 640.91, Section 640.92, Section 640.93, Section 640.94, Subpart J: Section 640.100, Section 640.101, Section 640.102, Section 640.103, Section 640.104, Subpart L: Section 640.120,

2. For devices, 21 CFR Part 820, including the following sections: Subpart A; Section 820.1, Section 820.3, Section 820.5, Subpart B; Section 820.20, Section 820.22, Section 820.25, Subpart C; Section 820.30, Subpart D; Section 820.40, Subpart E; Section 820.50, Subpart F; Section 820.60, Section 820.65, Subpart G; Section 820.70, Section 820.72, Section 820.75, Subpart H; Section 820.80, Section 820.86, Subpart I; Section 820.90, Subpart J; Section 820.100, Subpart K; Section 820.120, Section 820.130, Subpart L; Section 820.140, Section 820.150, Section 820.160, Section 820.170, Subpart M; Section 820.180, Section 820.181, Section 820.184, Section 820.186, Section 820.198, Subpart N; Section 820.200, Subpart O; Section 820.250,

The above referenced Federal Regulation sections, in effect as of April 1, 2009 4/1/01 in Title 21 Code of Federal Regulations, Parts 210, 211, 600-610, and 820, and the federal guidelines which are adopted incorporated by reference herein and made a part of this rule, and the requirements of this chapter. In addition to the above described sections of the Code of Federal Regulations, for the manufacture of active pharmaceutical ingredients for drugs, the Department adopts by reference and makes a part of this rule the U.S. Food and Drug Administration, "Q7A Good Manufacturing Practice Guidance for Active Pharmaceutical Ingredients" guide, dated August 2001 as a guide for good manufacturing practices.

3. For cosmetics, current ~~Current~~ good manufacturing practices for cosmetics means the guidelines for manufacturing cosmetics as set forth in Rule 64F-12.010, F.A.C.

~~(cc)~~(dd) "Unapproved new drug" – means any drug which has not been approved or otherwise authorized for use under the federal act, 21 U.S.C. ss. 301 et seq., and the regulations promulgated thereunder or which does not have a Notice of Claimed Investigational Exemption on file with the United States Food and Drug Administration.

~~(dd)~~(ee) "Usual course of business as common carriers" – means for purposes of commercial airlines, the purchase, receipt, distribution and storage of prescription drugs for emergency medical reasons, which includes:

1. The transportation of a prescription drug aboard a commercial aircraft where the drug is required by 14 CFR s. 121.803 (and appendix A to 14 CFR part 121), to be on board the aircraft as part of an approved emergency medical kit; and,

2. The purchase of the prescription drug by the commercial airline, and receipt of the prescription drug by the commercial airline at an establishment operated by the airline, provided that, the prescription drug is sold and provided to the commercial airline by a person and establishment that is licensed to engage in wholesale distribution of prescription drugs. The recordkeeping requirements of subsections 64F-12.012(1), (2), F.A.C., apply to all distributions of prescription drugs under this sub-subparagraph. In all such distributions to commercial airlines, the recipient's license number shall be the registration number assigned to the carrier by the Federal Aviation Administration.

~~(ee)~~(ff) "Valid client-veterinarian relationship" – means one in which (1) a veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal and the need for medical treatment, and the client (the owner or other caretaker of the animal or animals) has agreed to follow the instructions of the veterinarian; (2) there is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s); and (3) the veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy. Such a relationship can exist only when the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of examination of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) are kept.

~~(ff)~~(gg) "Verifiable account" – means a number issued by the manufacturer to a prescription drug wholesale distributor, whether in state or out of state, wholesaler when the wholesale distributor wholesaler sets up an account with the manufacturer for the purchase of a prescription drug from that manufacturer that uniquely identifies the wholesale distributor wholesaler and that is to be used on a recurring basis.

~~(hh) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient as set forth in Section 499.012(1)(a), F.S.~~

~~(gg)(ii) "Wholesale Distributor/Wholesaler" – means a person who engages in the wholesale distribution of a prescription drug.~~

~~(jj) "Written agreement" means any type of written correspondence or documentation to establish an account for ongoing sales of prescription drugs by the manufacturer to that wholesaler.~~

~~Rulemaking Specific Authority 499.003(31), 499.024, 499.025(5), 499.01(6), 499.0121(6), 499.0122(2), 499.012(5)(12), 499.013(3), 499.01(2)(g), 499.014(5), 499.03(4), 499.05, 499.701 FS. Law Implemented 499.002, 499.003, 499.004, 499.005, 499.0051, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.04, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.055, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.701, 499.71, 499.75 FS. History–New 1-1-77, History–New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03, 1-1-04, 1-29-04, 5-29-05, 1-19-06, 2-14-06, 8-6-06, 12-27-07, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rebecca Poston, R.Ph.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Ana Viamonte Ros

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-149.303
PURPOSE AND EFFECT: To adopt the standard disclosure form required to be used in the Cover Florida Health Care Access Program established pursuant to Section 408.9091, Florida Statutes.

SUMMARY: This rule adopts the standard disclosure form required by the Cover Florida Health Care Access Program established pursuant to Section 408.9091, Florida Statutes. Form OIR-B2-2004 (New 3/2010) is required to be provided to consumers purchasing Cover Florida Plan Coverage. The form provides important disclosures concerning terms of renewal, termination of coverage, portability, grace period, reinstatement, premium changes, preexisting conditions, cost sharing requirements and provides a schedule of services that are not covered and specific plan exclusions.

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.

RULEMAKING AUTHORITY: 624.308, 408.9091(11) FS.

LAW IMPLEMENTED: 624.307(1), 408.9091(4) FS.

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

DATE AND TIME: Monday, May 3, 2010, 1:00 p.m.

PLACE: 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: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-149.303 Cover Florida Plan Disclosure Form.

As required by Section 408.9091(4)(a)9., Florida Statutes, Plan enrollment material must include the standard disclosure form OIR-B2-2004 (New 3/2010) "Cover Florida Plan Disclosure Form" which is hereby adopted and incorporated by reference and is available and may be printed from the Office's website: www.flor.com.

Rulemaking Authority 624.308, 408.9091(11) FS. Law Implemented 624.307(1), 408.9091(4) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
1S-2.039 FVRS Voter Registration Processes
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 44, November 6, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.: RULE TITLES:
5F-8.0011 Standards Adopted
5F-8.016 Regulation of Water Parks
 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. 36, No. 5, February 5, 2010 issue of the Florida Administrative Weekly.

5F-8.0011 Standards Adopted.

The following standards, materials and practices are hereby adopted and incorporated by reference and are available for public inspection during regular business hours at the Florida Department of Agriculture and Consumer Services, Division of Standards, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650.

(1) ASTM International Committee F-24 on Amusement Rides and Devices Designation:

(a) through (b) No change.

(c) F 846-92 (~~reapproved 2003~~) (~~2009~~) “Standard Guide for Testing Performance of Amusement Rides and Devices.”

(d) through (f) No change.

(g) F 1193-06 “Standard Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices.”

(h) through (j) No change.

(k) F 2137-04 (2009) “Standard Practice for Measuring the Dynamic Characteristics of Amusement Rides and Devices.”

(l) through (m) No change.

(n) F 2375-09 (2009) “Standard Practice for Design, Manufacture, Installation and Testing of Climbing Nets and Netting/Mesh Used in Amusement Rides, Devices, Play Areas, and Attractions.”

(o) through (p) No change.

(q) F 2461-09 (2009) “Standard Practice for Manufacture, Construction, Operations, and Maintenance ~~and Water Quality of Interactive Aquatic Play Equipment.~~”

(2) through (5) No change.

Rulemaking Authority 616.165, 616.242(4) FS. Law Implemented 616.242(4) FS. History–New 2-14-99, Amended 10-2-07,_____.

5F-8.016 Regulation of Water Parks.

(1) through (5) No change.

(6) Operations.

(a) The owner/manager shall operate each water related amusement ride in accordance with its operations manual and manufacturer requirements.

(b) Owners or attendants shall instruct all patrons as to safe operation procedures.

(c) Owners or attendants shall enforce the all rules for safe operations patron safety set out in the owner’s operations manual and in manufacturer’s requirements.

(7) through (8) No change.

Rulemaking Authority 616.165, 616.242(4)(c), FS. Law Implemented 616.242(4), FS. History–New 12-6-93, Amended 2-14-99,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-4.02451 Performance Standards, Skills, and
 Competencies for the Endorsement
 in English for Speakers of Other
 Languages

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. 36, No. 6, February 12, 2010 issue of the Florida Administrative Weekly.

Section 1.1.e in the publication Florida Teacher Standards for ESOL Endorsement 2010 as incorporated by reference in Rule 6A-4.02451 has been amended to read:

Domain 1: Culture (Cross-Cultural Communications)

Standard 1: Culture as a factor in ELLs’ Learning

Teachers will know and apply understanding of theories related to the effect of culture in language learning and school achievement for ELLs from diverse backgrounds. Teachers will identify and understand the nature and role of culture, cultural groups, and individual cultural identities.

Performance indicators

1.1.a – 1.1.d No change

1.1.e. Understand and apply knowledge about home/school connections to build partnerships with ELLs’ families (e.g., Parent Leadership Councils).

1.1.f No change.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Affairs

RULE NOS.:	RULE TITLES:
9B-43.0031	Definitions
9B-43.0041	Application Process and Administrative Requirements
9B-43.0045	Specific Requirements for Competitive Categories
9B-43.0051	Grant Administration and Project Implementation
9B-43.0081	Nonrecurring CDBG Funding

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 36, No. 7, February 19, 2010, issue of the Florida Administrative Weekly.

The changes are to the proposed rule and the application manual incorporated by reference in the rule. Application manual changes include revisions, in the Housing category, to activity goal points and clarification for when sewer/ water hookups are a complementary or primary activity and, in the Neighborhood Revitalization category, a requirement that water and sewer hookups occur in a service area where other activities are occurring. Some changes are in response to comments received at a public hearing held on March 16, 2010 in Tallahassee. Other changes are technical corrections for incorrect citations, typographical errors, and other non-substantive changes.

9B-43.0031 Definitions.

The Florida Small Cities Community Development Block Grant (CDBG) Program is governed by definitions provided in the Housing and Community Development Act of 1974, as amended, and Title 24 C.F.R. 570, Subparts A.C. I. J. K. M and Appendix A, both incorporated herein by reference for use throughout this chapter, as effective on ~~00-00-00~~. These and other documents referenced in this rule are available either on the Department’s CDBG program website pages or upon request from the CDBG program office. The following additional definitions are provided for clarification.

- (1) No change.
- (2) “Administrative costs” include the payment of all reasonable costs of management, coordination, monitoring, and evaluation, and similar costs and carrying charges, related to the planning and execution of community development activities which are funded in whole or in part under the Florida Small Cities Community Development Block Grant Program. Administrative costs shall include all costs of administration, including general administration, planning and urban design, and project administration costs. Excluded from administrative costs are:

(a) Architectural, engineering and associated construction observation ~~costs where State law or 24 C.F.R. Part 85, as effective on 00-00-00, requires sealed construction documents to obtain a building permit;~~

- (b) through (c) No change.
- (3) No change.
- (4) through (13) No change.
- (14) “Income” means annual income as defined by the U.S. Department of Housing and Urban Development as set forth in 24 CFR Section 5.609, incorporated herein by reference, as effective on ~~00-00-00~~.

(15) through (26) No change.

(27) One hundred year floodplain or “100 year floodplain” means the area subject to a one percent or greater chance of flooding in any given year as specified in 24 C.F.R. Section 55.2(b)(1), incorporated herein by reference, as effective on _____, and used throughout this chapter.

(28) through (35) No change.

(36) “Section 3” means Section 3 of the Housing and Community Development Act of ~~1974~~ 1968, as amended, and the implementing regulation, 24 C.F.R. Part 135, incorporated herein by reference, as effective on _____, relating to employment and other economic opportunities for lower income persons.

(37) through (39) No change.

Rulemaking Authority 290.048 FS. Law Implemented 290.042, 290.043 FS. History–New 5-23-06, Amended_____.

9B-43.0041 Application Process and Administrative Requirements.

- (1) through (2) No change.
- (3) Citizen Participation Requirements.
- (a) The applicant shall demonstrate that the citizen participation requirements required by this rule, sections 104(a)(1) and (2) and 106(d)(5)(C) of Title I of the Housing and Community Development Act of 1974, and Section 290.046(5), F.S., with public notice provided in accordance with subsection 9B-43.0031(35) Rule 9B-43.003, F.A.C., have been satisfied. Each applicant shall certify that it is following a Citizen Participation Plan pursuant to Section 104(a)(3) of Title I of the Housing and Community Development Act of 1974. The local government must inform and involve its citizens in the project planning and selection, and decision-making process regarding all CDBG-funded projects. These requirements are:

- 1. through 4. No change.
- 5. Both public hearings shall be given proper public notice as defined in subsection 9B-43.0031(35), F.A.C. Rule 9B-43.002 Program Definitions (35), herein. The advertisement for the second public hearing on the application shall not occur until after the date of the first public hearing; and

6. No change.

(b) No change.

(4) Application Preparation and Submission.

(a) through (b) No change.

(c) Application Forms. Application forms are in the application manuals, CDBG-A-1 Application for Funding, effective as of _____, hereby incorporated into this rule by reference, ~~effective as of 00-00-00~~, and which ~~is~~ are available from the Department of Community Affairs at the address specified in the NOFA. CDBG-A-1 includes the individual applications for the different program categories of CDBG funding:

1. through 4. No change.

(d) No change.

(e) No change.

1. through 2. No change.

3. For each additional engineering service as defined in subsection 9B-43.0031(3), F.A.C., and for preliminary engineering, the local government shall negotiate a reasonable fee for the service following procurement procedures in 24 C.F.R. 85.36, incorporated herein by reference, as effective on ~~00-00-00~~.

4. through 5. No change.

(f) through (h) No change.

(5) National Objective and Public Benefit Documentation.

(a) No change.

1. through 3. No change.

4. Applications must demonstrate they meet the criteria specified in 24 CFR 570.483 for complying with a national objective and per 24 CFR 570.483, ~~that they meeting~~ public benefit standards ~~as outlined in 24 CFR 483~~, and that they address community need as outlined in Sections 290.046(3)(a)-(d), F.S. Each annual action plan will identify which national objective(s) will be considered for funding.

5. No change.

(b) Public Benefit Achievement. Determination of benefit to persons of low to moderate income is established through the following methods:

1. No change.

2. Random Sample Survey Methodology – A sample-based survey of the beneficiaries must use the “Household Income Verification Certification Form,” ~~included located~~ in the Application Manual, which must correspond with the random sampling requirements established by HUD in Notice CPD-05-06, issued on July 26, 2005, and incorporated herein by reference ~~as effective on 5-23-06~~.

a. through b. No change.

3. through 6. No change.

(6) Beneficiaries of Public Improvements.

(a) through (b) No change.

(c) For activities where hookups or connections are required as a condition for beneficiary access to a CDBG funded public improvement, hookup or connection fees shall not be charged to very-low, low or moderate-income beneficiaries. Further, none of the project construction costs shall be charged to very-low, low or moderate income beneficiaries. All very low, low and moderate income beneficiaries in a Neighborhood Revitalization project service area with hookups as an activity shall be hooked up unless they, or the property owner in the case of rental property, provide written notice that they do not desire a hookup. If such written notice cannot be obtained, the household income survey form shall note such refusal to provide written notice.

(d) through (f) No change.

(7) Interlocal Agreements for Applicants with Activities Outside Their Jurisdiction.

(a) Prior to application submission, a written interlocal agreement shall be executed by all local governments in whose jurisdictions the CDBG activities will be undertaken. The interlocal agreement must authorize the applying local government to undertake the activities outside its jurisdiction, giving the concurrence of the other local government(s) with the activity and committing resources by one or both local governments, or some other entity which has provided written assurance, to maintain the activity. Such an interlocal agreement must be submitted with the application for funding.

(b) through (f) No change.

(8) through (9) No change.

(10) Application Scoring. Once an application is submitted to the Department, no aspect of the application may be revised to improve the score or broaden the scope of the project.

(a) No change.

(b) Community-wide Needs Scores (CWNS) for All Categories. The Department shall calculate the community-wide needs score from the most recent and uniformly available federal and State data for all jurisdictions eligible to apply. Current decennial U.S. Census data shall be used unless otherwise noted. Data shall be further defined as:

1. through 4. No change.

5. Method of Calculation. ~~All eligible local governments shall be compared on the factors identified in paragraph 9B 43.0041(10)(a), F.A.C. Eligible local governments shall be compared on each factor with all other applicants in their population group as designated in paragraph 9B 43.0041(1)(e), F.A.C. Calculating each applicant's score shall include the following steps:~~

a. Prior to calculating actual CWN scores, the Department prepares a spreadsheet that reflects the above information (numbers of persons below poverty, 1.01+ housing units and LMI population) for each eligible applicant. Eligible local governments are then compared by the three factors identified above.

Eligible applicants are compared by these factors with all other applicants in their population group:

LMI Population

- 1 – 499
- 500 – 1,249
- \$750,000
- 1,250 – 3,999
- 4,000 – 10,549
- 10,550 and above

Population groupings are based on HUD modified census figures summarizing low and moderate income population.

Calculating each applicant’s score includes the following steps: The highest statistic in each population group for each factor is the basis for relative comparison of all other eligible local governments in the population group. For each eligible local government, the percentage calculated is then multiplied by the maximum number of points available for that particular factor. The score for factors are summed for each eligible local government to determine the community-wide needs score.

The highest statistic in each population group for each factor identified in paragraph 9B-43.0041(10)(a), F.A.C., shall be the basis for relative comparison of all other eligible local governments in the population group.

statistic on factor _____

_____ = percentage to be used as factor multiplier
highest statistic on factor population group

- b. through c. No change.
- (c) through (h) No change.
- (11) No change.

Rulemaking Authority 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History—New 5-23-06, Amended 2-26-07, _____.

9B-43.0045 Specific Requirements for Competitive Categories.

(1) Program Requirements for Neighborhood Revitalization.

- (a) through (b) No change.
- (c) Service Area Requirements.

1. An activity conducted in a primarily residential service area will be considered to benefit low-and moderate-income persons when at least 51 percent of the residents of that service area are low- and moderate-income persons. Such a service area must contain all households that will benefit from the activity. All activities shall meet the national objective of LMI benefit as specified in 24 C.F.R. 570.483(b), as effective on _____ ~~00-00-00~~. Sewer and water hookups shall only be performed in a service area in conjunction other activities. When all construction is limited to direct benefit activities (e.g., water or sewer hookups), no service area is needed because all households benefitting from the activity must be LMI.

- 2. through 5. No change.

- (2) Program Requirements for Housing.
 - (a) through (b) No change.
 - (c) Low and Moderate Income Benefit for Housing.

- 1. No change.
- 2. Activities involving rehabilitation or acquisition of property to provide housing shall be considered to directly benefit low and moderate income persons only to the extent that such housing shall, upon completion, be occupied by low and moderate income persons, and for rental units the units must be occupied by low and moderate income persons at affordable rents pursuant to 24 C.F.R. 92.252, incorporated herein by reference, as effective on _____.

3. Water or sewer hookups may ~~only~~ be performed under this category as a complementary activity in conjunction with rehabilitation of a home. Water or sewer hookups must be performed under this category if there are no other activities besides the hookups other than related activities on the property required for the hookups, such as abandonment of a septic tank or modification of plumbing.

(d) The applicant shall adopt and implement procedures to fulfill regulatory and statutory requirements relating to Lead-Based Paint pursuant to 24 C.F.R. 570.487, 24 C.F.R. ~~35 36 and 37~~, Subparts B, J and R, incorporated herein by reference, ~~all~~ as effective on ~~March 28, 2002~~ _____. ~~and Section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Section 1251 et seq.)~~. The recipient is required to:

- 1. through 6. No change.

(e) Rehabilitation of all housing units addressed in any way with CDBG funds must be in compliance with the current Florida Building Code for Existing Buildings, as well as implementing local Building Codes and local Maintenance Codes. If housing units must be replaced, construction of new units must be in full compliance with the current Florida Building Code.

(f) When CDBG funds are expended to acquire property through a voluntary process for the purpose of assisting low and moderate-income households to relocate out of a 100 year floodplain, the following shall apply:

- 1. Future development of the property acquired shall be prohibited but uses which do not increase the property’s impervious surface are allowed;
- 2. through 5. No change.

(3) Program Requirements for Commercial Revitalization. Applications submitted under this category shall be designed to preserve ~~conserve~~ and revitalize commercial areas, which serve primarily low and moderate income persons.

- (a) through (b) No change.

(c) Service Area Requirements. Activities in Commercial Revitalization projects are considered to serve the entire jurisdiction in which they are to be undertaken, unless the applicant can justify a smaller service area (e.g., a CRA in a portion of a county). The applicant shall document, using census data or a survey, that least 51 percent of beneficiaries in

the service area are low and moderate-income persons. A survey shall comply with the requirements specified in ~~paragraph~~ ~~subparagraph~~ 9B-43.0041(5)(b)2-, F.A.C.

(d) Requirements for Rehabilitation of Commercial Buildings. If CDBG funds will be used for rehabilitation of commercial buildings, the local government must prepare, receive Departmental approval, and then adopt procedures for providing rehabilitation assistance to building units occupied by businesses through the Rehabilitation of Commercial Buildings activity before requesting funds for that activity. The procedures shall include at a minimum, but not be limited to, the following:

1. through 5. No change.

6. Provide that businesses residing in a building rehabilitated with CDBG funds shall comply with the provisions of 24 CFR 8. (HUD's implementing regulation of Section 504 of the Rehabilitative Act of 1973 (29 U.S.C. Section 794), incorporated herein by reference. as it relates to employment discrimination and facility accessibility;

7. through 10. No change.

11. The façade ~~only~~ of a vacant building may be addressed only if it is part of an overall building façade renovation effort in a contiguous area.

12. No change.

13. CDBG funds for Commercial Revitalization activities shall not be used as grants or loans for working capital, inventory or supplies, or for interior repairs and renovations, except for repairs necessary to correct code violations or removal of architectural barriers to handicap access and correction of architectural barriers to handicap access in public buildings located in the project area pursuant to the requirements of 24 C.F.R. Part 8, adopted herein by reference. as effective _____.

(4) Program Requirements for Economic Development.

(a) Applications submitted under this category shall be for the creation or retention of jobs, of which at least 51 percent are for low and moderate income persons. A governmental entity cannot be a Participating Party.

(b) Prohibited Uses of Funds.

1. Funds shall not be used for working capital, inventory or supplies ~~or to refinance existing debt.~~

2. Direct assistance to a non-public entity shall not be in the form of a grant.

3. through 5. No change.

6. Funds cannot be used for a loan to a non-public entity which is determined not to be appropriate as defined in 24 C.F.R. 570.482(e), as effective on ~~March 28, 2002.~~

(c) Eligibility Requirements for Loans.

1. Determining Eligibility for loans to non-public entities. All Economic Development applications submitted to the Department shall be screened to determine if the amount of any

loan assistance to a private, for-profit entity; a private, non-profit entity; a neighborhood based organization; a local development organization; or other ~~not for non-profit~~ entities is appropriate to carry out the Economic Development project. A financial underwriting analysis of the project shall be conducted to determine that the minimum amount of assistance is being requested, that the terms and interest rates are appropriate given the entity's debt service capacity, and that the entity has the ability to meet the proposed debt service, given historical financial statements, data and reasonable projections of revenues and operating expenses, if applicable.

2. No change.

3. If based on the Department's review of the financial underwriting analysis for the assistance, the funds requested exceeds the funds necessary, the application request shall be reduced by the Department.

4. The local government shall provide to the Department a financial underwriting analysis and other Participating Party documentation not required at the time of application. The underwriting analysis must meet the requirements of 24 C.F.R. Section 570.482(e), as effective on ~~March 28, 2002,~~ and Appendix A. The underwriting analysis must be prepared by a certified public accountant, a commercial lending underwriter, a financial professional employed by the local government or the Participating Party, or some other financial or economic development professional, and shall verify:

a. through f. No change.

5. through 6. No change.

(d) through (h) No change.

(5) No change.

Rulemaking Authority 290.048 FS. Law Implemented 290.043, 290.044, 290.046 FS. History--New _____.

9B-43.0051 Grant Administration and Project Implementation.

(1) Environmental Review. CDBG subgrant recipients must comply with the procedures set forth in 24 CFR Part 58, Environmental Review Procedures for Title I Community Development Block Grant Programs, incorporated herein by reference, and 40 CFR Section 1500-~~1508 45-8,~~ National Environmental Policy Act Regulations, incorporated herein by reference. both as effective on ~~00-00-00.~~

(2) Procurement. CDBG funds shall be used to obtain commodities and services only in accordance with written procurement procedures adopted by the recipient and shall comply with the provisions of 24 C.F.R. Section 85.36, incorporated herein by reference. as effective on ~~00-00-00,~~ and for covered professional services contracts, Section 287.055, F.S. (Consultants Competitive Negotiation Act).

(a) Any procurement which requires public notice in a newspaper based on the local CDBG procurement policy shall be published in a daily newspaper of general circulation in a

nearby federal Office of Management and Budget (OMB) designated metropolitan statistical area (MSA). Alternatively, a local government may substitute such notice with any solicitation procedure which generates at least three responsible and responsive bids or proposals which can be considered. Such procedure shall allow at least 12 days for receipt of the proposals or bids.

(b) through (c) No change.

(d) Under Section 290.047(5), F.S., a local government is permitted to contract with the same entity for more than one service, provided that the local government can document that the entity is either (i) the sole source or (ii) was determined, through the Request for Proposals process, to be the proposer most advantageous to the local government. ~~Different~~ Unlike services, such as program administration and engineering services, shall not be combined in a single contract except for design-build contracts procured in accordance with Section 287.055, F.S. If separate procurements result in one firm selected for application and administration services, those services may be combined into one contract provided there are separate scopes of work and a separate fee for each service.

(e) through (h) No change.

(3) through (6) No change.

(7) Audit Requirements.

(a) The annual financial audit report ~~shall~~ should be accompanied by management letters and the recipient's response to all findings, including corrective actions to be taken. A Single Audit under OMB Circular A-133, incorporated herein by reference, as effective on _____ 00-00-00, or an attestation statement that a Single Audit is not required, must be received from a local government with either an open or administratively closed contract by the June 30 deadline date, or a penalty will be assessed. A 25 point penalty will be assessed for audits not received by the June 30 deadline. A 10 point penalty will be assessed for attestation statements not received by the June 30 deadline. The penalty will expire two years from the date that the audit or attestation statement was received.

(b) through (f) No change.

(8) Displacement and Relocation.

(a) No change.

(b) If the CDBG ~~project funded activity~~ involves the acquisition of real property by the local government, regardless of whether such acquisition is funded from the CDBG grant, or causes displacement of persons or businesses, the local government shall comply with 49 CFR 24 (the implementing regulation of the federal "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970)", incorporated herein by reference, as effective on _____ 00-00-00 federal "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," as amended shall apply. For activities resulting in displacement of persons or businesses that do not involve the acquisition of real property, and thus not

subject to the "Uniform Act," the local government's local written policy shall identify the assistance it elects to provide for such persons or businesses.

(c) No change.

(9) through (11) No change.

(12) Direct Benefit. The eligibility of households receiving direct benefit, including water or sewer hookups, shall be established no earlier than one year before the work is performed. Eligibility documentation shall include third party documentation ~~verification~~ of household income and source(s) regardless of the value of the direct benefit.

Rulemaking Authority 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History—New 5-23-06, Amended 2-26-07, _____.

9B-43.0081 Nonrecurring CDBG Funding.

(1) No change.

(2) The objective of nonrecurring disaster funding is to address disaster relief, long-term recovery, ~~and~~ to restore housing and infrastructure, and other activities allowed under the applicable Federal Register notice, particularly that which affects persons who are of low and moderate income that suffered damage or loss as a result of the disaster. Funds may be made available to both Urban Entitlements and participants of the Florida Small Cities CDBG Program, federally designated Indian Tribes and nonprofit organizations.

(3) through (9) No change.

(10) Amendments. All proposed subgrant agreement amendments must be approved by the Department.

(a) Documentation Required. All proposed subgrant agreement amendments must be approved by the Department.

1. through 6. No change.

~~7. Signature of the Chief Elected Official on Form DCA 07-02, Request for Amendment, provided by the Department upon request, which is hereby incorporated by reference, or documentation from the local governing body authorizing the proposed amendment.~~

(11) No change.

Rulemaking Authority 290.048 FS. Law Implemented 290.043 FS. History—New _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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. 35, No. 52, December 31, 2009 issue of the Florida Administrative Weekly.

Section 7.3 8. of Part B, Basis of Review of the Water Use Permit Information, which is incorporated by reference in Rule 40D-2.091, F.A.C., is changed to address concerns from the Joint Administrative Procedures Committee. The change provides that compliance with certain permitting criteria by applicants and permittees in the Northern Tampa Bay Water Use Caution Area are subject to the Comprehensive Plan set forth in Rule 40D-80.073, F.A.C., as specified by the Plan.

Section 7.3 8. Of Part B of the Basis of Review of the Water Use Permit Information Manual, incorporated by reference in paragraph 40D-2.091(1)(a), F.A.C., will now reads as follows:

Water Use Permit Information Manual
Part B. Basis of Review

7.0 WATER USE CAUTION AREAS

7.3 NORTHERN TAMPA BAY WATER USE CAUTION AREA

1. through 7. No change.

8. Compliance with the Comprehensive Plan.

Compliance by permittees with the standard permitting criteria for wetlands, lakes, streams, springs and aquifer levels set forth in Sections 4.2, 4.3.A and 4.5 of Part B, Basis of Review, Water Use Permit Information Manual incorporated in Rule 40D-2.091, F.A.C., shall be as specified in the Comprehensive Plan set forth in Rule 40D-80.073, F.A.C. In all other respects, permittees shall be governed by the criteria set forth in Rule 40D-2.301, F.A.C.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-80.073	Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, and the Hillsborough River Strategy

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 35, No. 52, December 31, 2009 issue of the Florida Administrative Weekly.

Changes are made to address concerns from the Joint Administrative Procedures Committee. The changes include language to provide that the recovery and mitigation actions to be undertaken by the permittee for the eleven wellfields described in the proposed rule are generally applicable requirements for all permittees with groundwater withdrawals of 90 MGD or greater in the Northern Tampa Bay Water Use

Caution Area. The changes also renumber existing subsections and incorporate by reference a funding agreement referenced in the District’s current rules. The changes are shown below.

40D-80.073 Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, and the Hillsborough River Strategy.

(1) Overview.

This rule sets forth the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (the “Comprehensive Plan”). The Comprehensive Plan addresses water use permittees whose withdrawals are located within the Northern Tampa Bay Water Use Caution Area (“NTBWUCA”). Within the NTBWUCA, certain wetlands, lakes, streams, springs and aquifer levels have been impacted by lower groundwater levels resulting from groundwater withdrawals. Within the area of surficial aquifer impacts as generally depicted in Figure 80-1, the Central System Facilities, as described below, account for the majority of groundwater withdrawals. For this reason, the Central System Facilities are the primary focus of the Comprehensive Plan as other users’ water withdrawals result in relatively minimal water resource impacts within the area generally depicted on Figure 80-1. The objective of this Comprehensive Plan is to achieve recovery of MFL waterbodies and avoidance and mitigation of unacceptable adverse impacts to wetlands, lakes, streams, springs and aquifer levels. The provisions of the Comprehensive Plan specifically applicable to permittees with groundwater withdrawals of 90 MGD or greater (“90 MGD Facilities”), including Tampa Bay Water’s Central System Facilities, are contained in subsections 40D-80.073(2) and (3), F.A.C., below. All other water use permittees are addressed in subsections 40D-80.073(4) and (8), F.A.C., below. Other provisions applicable to permittees are included in subsections 40D-80.073(5), (6), and (7), F.A.C. The Comprehensive Plan is effective through December 31, 2020.

(2) 90 MGD Facilities, including Tampa Bay Water’s Central System Facilities.

(a) From the 1930’s through the 1990’s eleven wellfields were developed within the ~~NTBWUCA Northern Tampa Bay Water Use Caution Area~~. Those wellfields are Cosme-Odesa, Eldridge-Wilde, Section 21, South Pasco, Cypress Creek, Cross Bar Ranch, Starkey, Morris Bridge, Northwest Hillsborough Regional, Cypress Bridge and North Pasco, and are collectively hereinafter referred to as the Central System Facilities. The Central System Facilities are operating under Water Use Permit No. 2011771 (the “Consolidated Permit”). Groundwater withdrawals from the Central System Facilities have caused lowered aquifer levels in and near the Central System Facilities. In 1974, pursuant to Chapter 373, F.S., the District established a permitting system to assure that such use is consistent with the overall objectives of the District and is not harmful to the water resources of the area.

(b) Pursuant to Chapter 96-339, Laws of Florida, the District established Minimum Flows and Levels for priority waters within Pasco, Hillsborough and Pinellas Counties which became effective in 2000. Those Minimum Flows and Levels are contained within Chapter 40D-8, F.A.C. The District determined that groundwater withdrawals have contributed to existing water levels and flows in many of these priority waters being below the established Minimum Flows or Levels. To address unacceptable adverse impacts caused by the Central System Facilities, the District implemented a recovery strategy, ~~and mitigation plan~~ (“~~Recovery and Mitigation Plan~~”), the first phase of which occurred between 1998 and 2010 and resulted in the phased reduction of the permitted withdrawal rate of the Central System Facilities from 158 Million Gallons per Day (MGD) in 1998 to 121 MGD in 2003, and to 90 MGD on a 12-month moving average basis in 2008. The recovery strategy included the District and Tampa Bay Water and its Member Governments entering into the Northern Tampa Bay New Water Supply and Ground Water Withdrawal Reduction Agreement (the “Agreement”) in 1998. The Agreement has constituted that portion of the first phase of the District’s recovery strategy that is specifically applicable to the Central System Facilities. The Agreement has governed the development of new water supplies, reduction of groundwater withdrawals, litigation and administrative hearings between the District, Tampa Bay Water and its Member Governments. The Agreement also governed the District’s financial assistance to Tampa Bay Water to develop the new water supplies and achieve the reduction of groundwater withdrawals from the Central System Facilities. The Agreement expires on December 31, 2010. Consistent with the Agreement, Tampa Bay Water has constructed an enhanced surface water system, which includes a surface water treatment facility (which treats surface water flows from the Alafia River, the Tampa Bypass Canal and the Hillsborough River), an offstream reservoir, the Brandon Urban Dispersed Wellfield, a seawater desalination facility, and an integrated regional delivery system. Further, Tampa Bay Water has reported that the Member Governments have exceeded the 17 MGD reduction in water demand through conservation contemplated under the Agreement. Water supplied by these facilities and conservation allowed Tampa Bay Water to meet the required phased reductions in groundwater withdrawals.

(c) Although the ~~recovery strategy~~ ~~Recovery and Mitigation Plan~~ has had the effect of increasing water levels and flows and improving the condition of many wetlands, lakes, streams, springs and aquifer levels due to the reduction of groundwater withdrawals from the Central System Facilities, compliance with the criteria of Rule 40D-2.301, F.A.C., has not been demonstrated.

(d) Since the Central System Facilities supply potable water to Pinellas, Pasco, and Hillsborough counties and evaluation of the effect of the reduced withdrawal rate has not been completed, the District has determined it is in the public

interest and consistent with the objectives of the District to develop ~~this Comprehensive Plan~~ ~~a second phase of the Recovery and Mitigation Plan~~. This section sets forth the regulatory portion of the second phase of the recovery strategy and addresses ~~mitigation~~ ~~Recovery and Mitigation Plan~~.

(e) The provisions of subsection 40D-80.073(2), F.A.C., ~~are~~ ~~This Recovery and Mitigation Plan~~ is a comprehensive approach to address unacceptable adverse impacts and Minimum Flows and Levels impacts to wetlands, lakes, streams, springs and aquifer levels caused by groundwater withdrawals ~~from 90 MGD Facilities, including~~ the Central System Facilities. This Plan sets forth the criteria to address recovery to Minimum Flows and Levels as well as avoidance and mitigation of unacceptable adverse environmental impacts as described in Sections 4.2, 4.3, and 4.5 in Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in Rule 40D-2.091, F.A.C. ~~The Comprehensive Plan~~ ~~This Recovery and Mitigation Plan~~ allows renewal of ~~permits for 90 MGD Facilities, including~~ the Consolidated Permit based, in part, on continued environmental assessment and mitigation, and further development of a plan to avoid or mitigate unacceptable adverse impacts to wetlands, lakes, streams, springs and aquifer levels attributable to groundwater withdrawals from ~~90 MGD Facilities, including~~ the Central System Facilities.

(f) ~~90 MGD Facilities, including the~~ Central System Facilities, ~~Withdrawals and Duration – 90 MGD Facilities, including~~ ~~t~~the Central System Facilities, shall be limited in the renewal of ~~their permits, including~~ the Consolidated Permit as follows:

1. Total annual average daily withdrawal shall not exceed a rate of 90 MGD on a 12-month moving average basis, except as provided in 2., below. ~~Any permittee of 90 MGD Facilities, including~~ Tampa Bay Water, shall undertake its best efforts to maintain the total withdrawal rate at or below 90 MGD so that the impacts of sustained withdrawals at that rate can be assessed during the second phase of the Recovery and Mitigation Plan. The duration of the ~~permit for 90 MGD Facilities, including the~~ Consolidated Permit, shall be for a period of 10 years. Withdrawals from ~~90 MGD Facilities, including~~ the Central System Facilities, shall be optimized to minimize environmental stresses in or near the wellfields as provided in the Operations Plan described in paragraph (g), below.

2. During the course of this Recovery and Mitigation Plan, ~~Tampa Bay Water will be performing a renovation project on~~ the C.W. Bill Young Regional Reservoir (the “Reservoir”) ~~will be renovated~~. During the period of the renovation project, ~~permittees’, including~~ Tampa Bay Water’s, withdrawals from ~~90 MGD Facilities, including~~ the Central System Facilities, are limited to a total annual average daily withdrawal rate of 90 MGD on a 12-month moving average basis, except as provided below:

a. The period during which withdrawals may be greater than 90 MGD on a 12-month moving average basis (“Exception Period”) begins when:

(i) Permittees of 90 MGD Facilities, including Tampa Bay Water, ~~demonstrate~~ demonstrates the date that the Reservoir cannot produce water supply and the renovation project has begun, and

(ii) No change.

(iii) Permittees of 90 MGD Facilities, including Tampa Bay Water, ~~demonstrate~~ demonstrates there are not sufficient surface water, desalination and other interconnected sources available that would allow withdrawals pursuant to permits for 90 MGD Facilities, including the Consolidated Permit, ~~withdrawals~~ to remain at or below 90 MGD on a 12-month moving average basis, and

(iv) Permittees of 90 MGD Facilities, including Tampa Bay Water and its member governments, demonstrate that they have complied with any Board or Executive water shortage or emergency order relating to water supply.

b. No change.

c. During the Exception Period, permittees of 90 MGD Facilities, including Tampa Bay Water, shall maximize ~~their~~ its authorized use of alternative water supply sources, including the Alafia River and Hillsborough River/Tampa Bypass Canal system, the desalination plant and other available interconnected sources in order to minimize groundwater withdrawals from 90 MGD Facilities, including the Central System Facilities. A monthly report demonstrating the maximized use of these sources shall be submitted to the District.

d. During the Exception Period, permittees of 90 MGD Facilities, including Tampa Bay Water and its Member Governments, shall comply with any Board or Executive water shortage or emergency order relating to Permittees of 90 MGD Facilities, including Tampa Bay Water’s or a Member Government’s water supply.

e. The District shall notify a permittee of 90 MGD Facilities, including Tampa Bay Water, of the beginning and ending dates of the Exception Period.

f. No change.

g. Permittees of 90 MGD Facilities, including Tampa Bay Water, shall use ~~their~~ its best efforts to minimize the period of the renovation project and reduce the duration of the Exception Period.

(g) Operations Plan

1. Optimization of 90 MGD Facilities, including Tampa Bay Water’s Central System Facilities, is critical to the success of ~~this the second~~ phase of the ~~Comprehensive Recovery and Mitigation~~ Plan. To this end, permittees of 90 MGD Facilities, including Tampa Bay Water, shall continue to implement and refine ~~an the~~ Operations Plan which was submitted to the District as part of the first phase of the ~~recovery strategy~~ Recovery and Mitigation Plan. Permittees of 90 MGD

Facilities, including Tampa Bay Water, shall submit to the District an updated Operations Plan with ~~the~~ renewal applications application, including renewal of the Consolidated Permit, that describes how the permittee, including Tampa Bay Water, will operate its water supply system with the intent to increase groundwater levels and minimize environmental stresses caused by 90 MGD Facilities, including the Central System Facilities. To fully evaluate optimization, it is essential for permittees, including Tampa Bay Water, to operate the 90 MGD Facilities, including the Central System Facilities, at or below 90 MGD on a 12 month moving average basis for a sustained period of time that encompasses a wide spectrum of climatic conditions, therefore the focus of the Operations Plan during ~~this the second~~ phase of the ~~Comprehensive Recovery and Mitigation~~ Plan is the operation of the 90 MGD Facilities, including the Central System Facilities. Included in the Operations Plan is the optimized Regional Operations Plan (“OROP”) which is an optimization model, input data sets, constraint data sets, and other models used to establish boundary conditions. The OROP shall continue to be used to define and control how wellfield withdrawal points from 90 MGD Facilities, including the Central System Facilities, will be operated to avoid or minimize environmental stress. Throughout the term of the renewed permits for 90 MGD Facilities, including the Consolidated Permit, any proposed change to the optimization formulation or operations protocol or OROP models included in permits for 90 MGD Facilities, including the Consolidated Permit renewal application, will require prior District approval. Permittees of 90 MGD Facilities, including Tampa Bay Water, shall submit to the District an Operations Plan report by July 10 of years 2012, 2014, 2016, 2018 and in conjunction with the applications application to renew permits for 90 MGD Facilities, including the Consolidated Permit. The report shall document updates to the Operations Plan submitted with renewal applications for 90 MGD Facilities, including the Consolidated Permit renewal application, provide a work plan that encompasses the upcoming two years, include activities approved in permittee’s budgets, including Tampa Bay Water’s budget, for the upcoming year that starts October 1 and provide summary information and data on Operations Plan activities during the preceding reporting period.

2. The Operations Plan shall:

a. Define how the permittee, including Tampa Bay Water, will operate 90 MGD Facilities, including the Central System Facilities;

b. Provide the protocol under which the permittee, including Tampa Bay Water will select among 90 MGD Facilities, including the Central System Facilities, to meet demand;

c. Provide the protocol under which the permittee, including Tampa Bay Water, will rotate among 90 MGD Facilities, including the Central System Facilities, to avoid or minimize environmental stresses;

d. Rely upon groundwater ~~ground water~~ elevation target levels in the aquifer systems as a surrogate for water levels in wetlands and lakes, and flows in streams and springs at a specified set of existing and proposed monitor wells, to gauge environmental stresses in and around 90 MGD Facilities, including the Central System Facilities, the wellfields wherein increased groundwater ~~ground water~~ elevations will denote reduced environmental stresses;

e. Include procedures for analyzing relationships between the distribution and rate of withdrawal at 90 MGD Facilities, including the Central System Facilities, the well fields, flow rates in rivers and streams; and the associated Floridan, and surficial aquifer system levels, using available models;

f. Include procedures for selecting optimal scenarios for the distribution and rate of groundwater ~~ground water~~ withdrawals from 90 MGD Facilities, including the Central System Facilities, the well fields using available mathematically-based optimization software, based on projected demand and operating system constraints, such that groundwater ~~ground water~~ levels in the surficial aquifer system are maximized according to a specified weighting/ranking system as a surrogate for water levels in wetlands and lakes and flow in rivers and streams.

g. through i. No change.

(h) Environmental Management Plan, Phase 1 Mitigation Plan, and ~~Consolidated~~ Permit Recovery Assessment Plan – An essential component of this the second phase of the Comprehensive Recovery and Mitigation Plan is Tampa Bay Water's continued assessment of unacceptable adverse environmental impacts related to groundwater withdrawals from the Central System Facilities. During the recovery strategy period, first phase of the Recovery and Mitigation Plan, Tampa Bay Water developed an Environmental Management Plan ("EMP") and a Phase 1 Mitigation Plan. Under this ~~second~~ phase of the Comprehensive Recovery and Mitigation Plan, Tampa Bay Water shall continue to implement the EMP and the Phase 1 Mitigation Plan, and permittees of 90 MGD Facilities, including Tampa Bay Water shall develop a ~~Consolidated~~ Permit Recovery Assessment Plan, all as described below.

1. The EMP Environmental Management Plan ("EMP") that was developed for the Central System Facilities during under the recovery strategy period first phase of the Recovery and Mitigation Plan addresses the monitoring of water resources and environmental systems in the vicinity of the Central System Facilities, assesses water resources and environmental systems for impact by groundwater withdrawals from the Central System Facilities, and coordinates with Tampa Bay Water's Operations Plan to facilitate wellfield

operational changes to address persistent water level impacts attributed to Central System Facility withdrawals. A revised EMP shall be submitted with the renewal application for the Consolidated Permit and shall be implemented throughout the duration of the renewed Consolidated Permit. EMPs shall be submitted with renewal applications for all other 90 MGD Facilities. A new or a ~~The~~ revised EMP shall, as applicable:

a. Identify and propose a list or a revised list of monitoring sites within the areas potentially affected by the 90 MGD Facilities or the Central System Facilities and unaffected control/reference sites;

b. Define and describe the monitoring and data collection methods and reports utilized for documenting the hydrologic and biologic conditions of surface water bodies in and near the 90 MGD Facilities or Central System Facilities; and

c. Describe the process used to determine impacts to water bodies in and near the 90 MGD Facilities or Central System Facilities and the procedures used to attempt corrective action through Operations Plan changes.

2. ~~The~~ Phase 1 Mitigation Plans Plan that was developed for 90 MGD Facilities, including the Central System Facilities, during the recovery strategy period, under the first phase of the Recovery and Mitigation Plan assessed and prioritized, as candidate sites for mitigation, those lakes and wetlands that were predicted to not fully recover following the reduction in groundwater withdrawals from 90 MGD Facilities, including the Central System Facilities, to a long-term average of 90 MGD. Conceptual mitigation projects were developed for the highest priority water bodies and permittees of 90 MGD Facilities, including Tampa Bay Water, have has been evaluating and implementing these projects, where feasible. Evaluation and implementation of these conceptual Phase 1 Mitigation Plan projects, where feasible, shall be continued throughout the duration of the renewed permits for 90 MGD Facilities, including the Consolidated Permit. In addition, each permittee, including Tampa Bay Water, shall revise the list of candidate water bodies to include any sites monitored through the EMP that are impacted by the 90 MGD Facilities, or Central System Facilities withdrawals, as applicable, and are predicted to not fully recover at a long-term average withdrawal rate of 90 MGD from the 90 MGD Facilities, or Central System Facilities, as applicable.

3. The ~~Consolidated~~ Permit Recovery Assessment Plan will evaluate the recovery of water resource and environmental systems attributable to reduction of the groundwater withdrawals from the 90 MGD Facilities or Central System Facilities, as applicable, to a long-term average of 90 MGD, identify any remaining unacceptable adverse impacts caused by the 90 MGD Facilities or Central System Facilities withdrawals, as applicable, at a long-term average rate of 90 MGD, and will identify and evaluate potential options to address any remaining unacceptable adverse impacts at the time of the renewal of 90 MGD Facilities permits or the

Consolidated Permit renewal in 2020. The remaining unacceptable adverse impacts will be determined through an update of the assessment of impact previously performed as part of the Phase 1 Mitigation effort. As part of this effort, permittees of 90 MGD Facilities, including Tampa Bay Water, shall:

a. Work cooperatively with the District throughout this ~~second~~ phase of the Comprehensive Recovery and Mitigation Plan to discuss the ongoing development of the ~~Consolidated~~ Permit Recovery Assessment Plan.

b. Submit status reports to the District on a frequency to be defined in the renewed permit for 90 MGD Facilities and the Consolidated Permit demonstrating ongoing progress of the development of the ~~Consolidated~~ Permit Recovery Assessment Plan throughout the duration of this ~~second~~ phase of the Comprehensive Recovery and Mitigation Plan.

c. Submit the final results of the ~~Consolidated~~ Permit Recovery Assessment Plan with the application for the second renewal of 90 MGD Facilities, including the Consolidated Permit, in 2020.

4. Nothing contained in this rule shall be construed to require permittees of 90 MGD Facilities, including Tampa Bay Water, to be responsible for more than its proportionate share of impacts to a Minimum Flow and Levels waterbody that fails to meet, due to impacts from groundwater ~~ground water~~ withdrawals, the established minimum flow or level.

(i) Water Conservation – Water conservation as a means to reduce demand for withdrawals is a key element of the Comprehensive Recovery and Mitigation Plan. The issuance of Wholesale Water Use Permits for Member Governments of permittees of 90 MGD Facilities whose withdrawals and use are not covered by other water use permits is essential to this element. Until Wholesale Water Use Permits are obtained by the Member Governments of permittees of 90 MGD Facilities, as required by Chapter 40D-2, F.A.C., each permittee of 90 MGD Facilities, including Tampa Bay Water, shall report on the permittee’s Authority’s, as applicable, and the Member Governments’ per capita rates, water losses, reclaimed water use, residential water use, and the following measures to reduce water demand. During the term of the renewed permit, permittees of 90 MGD Facilities, including Tampa Bay Water, shall only be responsible for reporting data for any Member Government that does not have a water use permit or a wholesale water use permit that requires such reporting. In the year following the year in which a Member Government is required by permit to report this data, the permittees of 90 MGD Facilities, including Tampa Bay Water, shall no longer be required to submit the data on behalf of the Member Government. This Report shall detail the evaluation of the below-listed measures, the findings and conclusions, and the schedule for implementing selected measures.

1. Toilet rebate/replacement.
2. Fixture retrofit.

3. Clothes washer rebate/replacement.
4. Dishwasher rebate/replacement.
5. Irrigation and landscape evaluation.
6. Irrigation/landscape rebate.
7. Cisterns/rain water harvesting rebate.
8. Industrial/commercial/institutional audits and repair.
9. Florida-Friendly landscape principles.
10. Water Conservation Education.
11. Water-conserving rate structures and drought rates.
12. Multi-family residential metering.

In addition to the above, permittees of 90 MGD Facilities, including Tampa Bay Water, shall report the quantity of water distributed from each source and the recipients and non-Member Government information required by the Public Supply Annual Report.

(3) Recovery Management – The reductions in groundwater withdrawals required for the Central System Facilities were the principal means of achieving the objective of the first phase of the recovery strategy ~~Recovery and Mitigation Plan~~. The use of sound decision protocols to determine groundwater withdrawal distribution and assessment of the remaining impacts at or below 90 MGD on a 12-month moving average basis are necessary components of the Comprehensive Plan ~~this second phase of the Recovery and Mitigation Plan~~. The Floridan Aquifer Recovery Management Levels set forth in Table 80-1 below shall be used as long-term guidelines for allocating groundwater withdrawals within the Operations Plan. The Floridan Aquifer Recovery Management Levels are based on the hydrogeologic properties and environmental conditions in the Northern Tampa Bay Area, and are set to advise and guide in determining planned groundwater withdrawal rates, but not as the sole basis by which the District will approve or disapprove the Operations Plan and any amendments or updates.

Table 80-1 No change.

(4) No change.

(5) Supplemental Hydration of Wetlands and Lakes.

In addition to the reduction of groundwater withdrawals, the development of new water supplies and wellfield operational changes addressed by the Comprehensive Plan, supplemental hydration of wetlands and lakes that are unacceptably adversely impacted or are below their established Minimum Levels through the use of groundwater ~~ground water~~ in appropriate circumstances will contribute to the attainment of the objective of the Comprehensive Plan. The circumstances under which supplemental hydration using groundwater ~~ground water~~ will be considered an appropriate recovery mechanism are set forth in Section 4.3 A.1.a.ii.(4) and 4.3 A.1.b. of the Basis of Review for Water Use Permit Applications, which is incorporated by reference in Rule 40D-2.091, F.A.C., and is available upon request to the District.

(6) No change.

(7) 2020 Evaluation of the Comprehensive Plan.

The District shall review the information available during 2020 to determine whether it is sufficient to fully assess remaining impacts from Tampa Bay Water’s Central System Facilities at a withdrawal rate of 90 MGD on a 12-month moving average basis. This information will be considered when developing a strategy for the second renewal of the Consolidated Permit and ~~another a third~~ phase of the Comprehensive Plan. Additionally, the District will determine whether another ~~the third~~ phase of the Comprehensive Plan is necessary to address other permittees.

(8) Hillsborough River Strategy.

Beginning November 25, 2007, the Minimum Flow for the Lower Hillsborough River shall be as provided in subsection 40D-8.041(1), F.A.C., to be achieved on the time schedule as set forth below. The District and the City of Tampa (City) shall measure the delivery of water to the base of the dam relative to their respective elements as described below. The City shall report this information to the District monthly on the 15th day of the following month. In addition, the City shall submit a quarterly written report of all activities and all progress towards timely completion of its elements of the recovery strategy. Such reports will be submitted to the District within 15 calendar days after each calendar year quarter.

(a) The District and the City have entered into the Joint Funding Agreement Between The Southwest Florida Water Management District and The City of Tampa For Implementation of Recovery Projects To Meet Minimum Flows of the Lower Hillsborough River, dated October 19, 2007, (the “Funding Agreement”), which is incorporated herein by reference. A copy of the Funding Agreement is available from the District upon request. The Funding Agreement and subsection 40D-80.073(8), F.A.C., constitute the District’s recovery strategy for the Lower Hillsborough River required by Section 373.0421(2), F.S., and shall not compromise public health, safety and welfare.

(b) 1. through 2. No change.

3. Sulphur Springs Project.

a. By October 1, 2009, and as specified in the Funding Agreement incorporated in paragraph (8)(a) above, the City shall complete the modification of the lower weir to provide to the base of the dam all available flow from Sulphur Springs not needed to maintain the minimum flow for manatees as set forth in paragraph 40D-8.041(2)(b), F.A.C.

b. No change.

c. By October 1, 2012, and as specified in the Funding Agreement incorporated in paragraph (8)(a) above, the City is to provide to the base of the dam all available flow, from Sulphur Springs not needed to maintain the minimum flow for Sulphur Springs as set forth in paragraph 40D-8.041(2)(a), F.A.C.

(i) through (ii) No change.

d. No change.

4. Blue Sink Analysis – By October 1, 2010, and as specified in the Agreement incorporated in paragraph (8)(a) above, the City in cooperation with the District shall complete a thorough cost/benefit analysis to divert all available flow from Blue Sink in north Tampa to a location to help meet the minimum flow or to the base of the City’s dam.

5. Transmission Pipeline Evaluation – By October 1, 2010, and as specified in the Funding Agreement incorporated in paragraph (8)(a) above, the City shall complete a thorough design development evaluation to construct a water transmission pipeline from the TBC middle pool to the City’s David L. Tippin Water Treatment Facility, including a spur to just below the City’s dam.

6. Blue Sink Project – By October 1, 2011, and as specified in the Funding Agreement incorporated in paragraph (8)(a) above, the City will provide all available flow from Blue Sink project to help meet the minimum flow provided that all required permits are approved, and it is determined that the project is feasible. Once developed, all water from this source shall be used to the extent that flow is available to help meet the minimum flow for the Lower Hillsborough River.

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

a. through e. No change.

8. through 9. No change.

(c) The City and the District shall, as specified in the Funding Agreement incorporated in paragraph (8)(a) above, cooperate in the evaluation of options for storage of water (“Storage Projects”) such as aquifer storage and recovery (ASR), and additional source options (e.g., diversions from Morris Bridge Sink greater than those described in subparagraph 40D-80.073(8)(b)8., F.A.C.), in sufficient permissible quantities, that upon discharge to the base of the dam, together with the other sources of flow described in paragraph 40D-80.073(8)(b), F.A.C., will meet the minimum flows beginning October 1, 2017, or earlier.

Figure 80-1 No change

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-4.025

RULE TITLE:
Assistive Care Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 36, No. 5, February 5, 2010 issue of the Florida Administrative Weekly.

The amendment to Rule 59G-4.025, F.A.C., Assistive Care Services, incorporates by reference in rule the Florida Medicaid Assistive Care Services Coverage and Limitations Handbook, July 2009. The following changes have been made to the handbook.

Page 1-1 Legal Authority. Paragraph two is changed to read as follows: "The Florida Medicaid Assistive Care Services Program is authorized by Chapter 409; Section 409.906(25), Florida Statutes (F.S.), and Rule 59G-4.025, Florida Administrative Code (F.A.C.)."

Page 1-5 Assistive Care Provider Responsibilities.

Number 9 is changed to read as follows: "Provide all ACS recipients with a personal needs allowance (PNA) in an amount equal to that set by Rule 65A-2.036, F.A.C."

Number 12 is changed to read as follows: "Comply with the requirements of Rule Division 59G, F.A.C., the Florida Medicaid Provider General Handbook; the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, and the Assistive Care Services Coverage and Limitations Handbook."

APPENDIX C

Page C-1 ACTIVITIES. Paragraph is changed to read as follows: "The activities on this form match those listed on the Department of Elder Affairs Health Assessment Instrument, DOEA Form 701B, and the service components on the Certification for Medical Necessity for Assistive Care Services, AHCA-Med Serv Form 035. If the individual does not need any help with an activity, check "Independent."

Page C-3 MANAGING MONEY. Paragraph is changed to read as follows: "Assistance includes: Facility staff manages resident's funds as Representative Payee or Power of Attorney. Such assistance must comply with Section 429.24, Florida Statutes.

Example of an expected outcome for managing money: Resident's funds will be spent as desired by the resident."

Page C-4 Completion of Service Plan. The second bullet is changed to read as follows:

The service plan must be signed by the resident except:

- If the resident has a representative or designee established pursuant to Section 429.02, Florida Statutes, that person may sign the form on the resident's behalf.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.340
 RULE TITLE: Visual Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 36, No. 5, February 5, 2010 issue of the Florida Administrative Weekly.

The amendment to Rule 59G-4.340, F.A.C., incorporates by reference the Florida Medicaid Visual Services Coverage and Limitations Handbook, updated January 2010. The following revision has been made to the handbook.

Page 1-2 of the Visual Services handbook has been changed as follows:

- Provider Qualifications
- Licensure

To enroll as a Medicaid visual service provider, the applicant must be currently licensed to practice as an:

- Ophthalmologist under Chapter 458, F.S.;
- Optometrist under Chapter 463, F.S.; or
- Optician as defined under Chapter 484, Part 1, F.S.

Note: See Chapter 2 in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, for additional information regarding out-of-state providers and services. All Medicaid Provider Handbooks are available on the Medicaid Web Portal at <http://mymedicaid-florida.com>. Select Public Information for Providers, Provider Support, and Provider Handbooks.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.083
 RULE TITLE: Developmental Disabilities Waiver Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 9, March 5, 2010 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will have an impact on small business. A SERC has been prepared by the Agency. There are approximately 10,000 providers of Developmental Disabilities Home and Community-Based Waiver that will be required to comply with the changes in the Coverage and Limitations Handbook that is incorporated by reference. The changes are the result of recommendations made by a work group of advocates, waiver service providers, and staff from the Agency for Persons with Disabilities and the Agency for Health Care Administration. The changes will benefit effected providers by reducing the reporting requirements by service.

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-10.003	Participant Eligibility Requirements
60BB-10.007	Position Requirements
60BB-10.009	Reapplying for Temporary Cash Assistance Due to an Unanticipated Emergency

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 36, No. 5, February 5, 2010 issue of the Florida Administrative Weekly.

60BB-10.003 Participant Eligibility Requirements.

To be eligible for consideration for participation in the TANF subsidized employment project, the individual must:

- (1) through (2) No change.
- (3) Be an individual who meets the following requirements:
 - (a) through (c) No change.
 - (d) Be a pregnant woman ~~in the ninth month of pregnancy, or in the third trimester of pregnancy if her physician restricts her from work,~~ or a parent or caretaker relative of an unmarried dependent child under age 18, or a full time student who is under the age of 19 and who resides in the home; and

(e) No change.

60BB-10.007 Position Requirements.

(1) To qualify for the employment subsidy, the position must:

- (a) No change.
- (b) Meet the same health, safety, and nondiscrimination standards established under federal, state, or local laws that otherwise apply to other individuals engaged in similar activities who are not participants in the subsidized employment program; ~~and~~
- (c) Comply with 45 C.F.R. Section 261.70. A subsidized employment position cannot be created if another individual is on layoff from the same or any substantially equivalent job, or if the employer has terminated the employment of any regular employee or caused an involuntary reduction in its work force in order to fill the vacancy with a subsidized worker; ~~and-~~

(d) Provide the same wages, benefits, and working conditions as are provided to other employees who are performing a substantially equivalent job.

- (2) No change.
- (3) In no case will a position be subsidized for more than 12 months.

60BB-10.009 Reapplying for Temporary Cash Assistance Due to an Unanticipated Emergency.

If an individual placed with an employer as a part of the subsidized employment program who agreed not to apply for temporary cash assistance within six months of receiving a short-term non-recurring diversion service beginning the program, unless an unanticipated emergency situation arises, applies for temporary cash assistance within that six month period, the participant must be referred to the regional workforce board at application for temporary cash assistance to complete the work registration process. Consistent with subsection 65A-4.212(3), F.A.C., the regional workforce board's subsidized employment program staff must determine if a demonstrated emergency exists by completing Form AWI 0001(b), *Subsidized Employment Diversion Services Emergency Determination* (effective 12/09), incorporated by reference and available at: <http://www.floridajobs.org/workforce/bactowork/forms.html>. If the regional workforce board determines that an emergency exists ~~exists~~ the regional workforce board designee must so indicate on Form AWI SEP 0001(b). If a demonstrated emergency exists, the individual will not be required to repay the value of short-term non-recurring diversion services; however, the individual must complete the work registration process participant must follow the process established in Chapter 65A, F.A.C. If the regional workforce board determines that the family does not meet emergency criteria and the work registration process is completed, the Department of Children and Families will complete the eligibility determination process using information provided by the regional workforce board to calculate the repayment value of any short-term non-recurring diversion services provided to the family. The repayment amount shall be deducted from any temporary cash assistance benefit for which the family is otherwise eligible and may be prorated over eight months.

The Rulemaking Authority for Rules 60BB-10.001 through 60BB-10.009 is changed as follows: Section 445.004(5)(c), Florida Statutes.

RULEMAKING AUTHORITY: 445.004(5)(c) FS.

LAW IMPLEMENTED: 445.004, 445.024(1)(b), (c) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Landsberg, Deputy General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:	RULE TITLES:
61A-1.0101	Product Displays Exception
61A-1.01010	Expendable Retailer Advertising Specialties Exception

- 61A-1.01011 Durable Retailer Advertising Specialties Exception
- 61A-1.01012 Consumer Advertising Specialties Exception
- 61A-1.01013 Inside Signs Advertising Brands Exception
- 61A-1.01014 Brand Images
- 61A-1.01015 Advertising Vendor Locations Where Brand Sold Exception
- 61A-1.01018 Trade Shows and Conventions Exception
- 61A-1.0102 Private Labels
- 61A-1.01021 Split or Mixed Cases Exceptions
- 61A-1.01022 Combination Packages
- 61A-1.01024 Alcoholic Beverage Samples Exception
- 61A-1.0103 Consumer Premium Offers Exception
- 61A-1.0104 Consumer Sweepstakes, Drawings, or Contests Exception
- 61A-1.0105 Vendor's Property Included in Contests or Sweepstakes Exception
- 61A-1.0106 Vendor-Sponsored Tournaments Exception
- 61A-1.0107 Returns of Damaged Products
- 61A-1.0108 Returns of Undamaged Products

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

61A-1.0101 Product Displays Exception.

(1) ~~Industry members, manufacturers and distributors~~ may give, loan, or sell alcoholic beverage product displays to vendors, for use on a vendor's licensed premises, to include wine racks, bins, barrels, casks, shelving, or similar product display items which are separated from a vendor's ordinary shelves and used primarily to hold and display factory sealed products of the provider for sale to customers at room temperature or cold. Such displays shall not have, or be used to provide, ~~a any secondary function, other than advertising, which would such as that function to provided by equipment, including refrigeration; furniture; or other fixtures.~~

(2) ~~Industry members, manufacturers and distributors~~ may transport, install, assemble and disassemble their own product displays on a vendor's licensed premises. Industry members may require the vendor to purchase a minimum amount of the product advertised on the display in a quantity necessary for the completion of the display.

(3) The value of any product display, excluding transportation, installation, and disassembly costs, shall not exceed \$300 per brand, and the total value of all product displays at any one time on any one vendor's licensed premises

shall not exceed \$300 per brand. ~~Industry members, manufacturers and distributors~~ shall not pool or combine dollar limitations in order to provide a vendor a product display valued in excess of \$300 per brand.

(4) The product display shall bear product or industry member information that is conspicuous and permanently inscribed or securely affixed to the product display. The vendor's name, business name, website address, logo, and address may be part of the product display.

(5) Payments of slotting fees for alcoholic beverages shall not be made to vendors. A slotting fee is defined as any form of assistance given by an industry member manufacturer or distributor to a vendor to purchase or rent additional, particular, favorable, or dedicated display, shelf, cooler, storage or warehouse space for alcoholic beverages.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.01010 Expendable Retailer Advertising Specialties Exception.

(1) When the specialties advertise wine or spirituous beverages, wine or spirituous beverages industry members manufacturers and distributors of wine or spirits may give or sell, and when the specialties advertise malt beverages, malt beverages industry members manufacturers and distributors of malt beverages may sell, at a cost not less than the actual cost of the industry member who purchased them, expendable retailer advertising specialties of nominal value such as coasters; paper, plastic or styrofoam cups; foam scrapers; placemats; back bar mats; menu cards; meal checks; paper napkins; trays; thermometers; alcoholic beverage lists; and similar specialties. Alcoholic beverage lists, menus, and menu cards shall not contain any information other than advertising, alcoholic beverages, and prices. If a manufacturer or distributor provides a vendor with glassware, pitchers, carafes or similar containers made of other materials, such containers are not expendable retailer advertising specialties, and shall be sold at a cost not less than the actual cost of the industry member who purchased them.

(2) The specialties may advertise a brand or industry member. The vendor's name, business name, website address, logo, and business address may be printed on these specialties items, which shall be intended for use by the vendor or consumers on the vendor's licensed premises.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.01011 Durable Retailer Advertising Specialties Exception.

~~When the specialties advertise malt beverages, manufacturers and distributors of malt beverages may sell, at a cost not less than the actual cost of the industry member who purchased them, without limitation in total value of such specialties~~

~~provided to a vendor, durable retailer advertising specialties including pool table lights, mirrors, clocks, calendars, and similar specialties bearing substantial advertising material. Durable retailer advertising specialties have a secondary value or purpose, which makes them more than inside signs, but shall not include product displays, equipment, furnishings, or furniture. If the durable retailer advertising specialties are loaned or rented, then the manufacturer or distributor may service such specialties. Such specialties shall only be intended for use on a vendor's licensed premises.~~

(1) Durable retailer advertising specialties shall bear permanently inscribed, substantial advertising intended to promote the brand or industry member being advertised, and differ from inside signs in that they have a secondary function. Such secondary function is limited to passive functions only, such as providing illumination, reflection, the time, the date, or similar limited functions.

(a) Durable retailer advertising specialties include pool table lights, picnic-table umbrellas, mirrors, clocks, calendars and similar specialties.

(b) Durable retailer advertising specialties do not include, product displays, equipment (refrigerators, grills), furniture (tables, chairs), other furnishings (wallpaper, deck awnings), or other fixtures (sinks, dishwashers) and similar items which exceed the passive function limitation. Additional examples of items that are not durable retailer advertising specialties are entertainment equipment (televisions, radios, computers), sports equipment (footballs, soccer goals), amusement or leisure equipment (table games, dart boards) and recreational equipment (tents, bicycles, canoes).

(2) Wine or spirituous beverages industry members may give or sell durable retailer advertising specialties to a vendor, for use only on a vendor's licensed premises, when such specialties advertise wine or spirituous beverages.

(3) Malt beverages industry members may rent, loan or sell durable retailer advertising specialties to a vendor, for use only on vendor's licensed premises, when such specialties advertise malt beverages.

(a) When an industry member sells such specialties to a vendor it shall be at a cost not less than the actual cost of the industry member who purchased them.

(b) Without limitation in total value, such specialties may be loaned or rented without charge for an indefinite duration and the industry member may maintain and service such specialties.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New _____.

61A-1.01012 Consumer Advertising Specialties Exception.

(1) When the specialties advertise wine or spirituous beverages, wine or spirituous beverages industry members ~~manufacturers and distributors of wine or spirits~~ may give or

sell to a vendor consumer advertising specialties of nominal value bearing substantial brand or industry member advertising designed to be carried away by the consumer, including trading stamps, nonalcoholic mixers, pouring racks, ashtrays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, T-shirts, caps, visors, and similar specialties.

(2) When the specialties advertise malt beverages, malt beverage industry members ~~manufacturers and distributors of malt beverages~~ may sell to a vendor consumer advertising specialties of nominal value bearing substantial brand advertising designed to be carried away by the consumer, including trading stamps, nonalcoholic mixers, pouring racks, ashtrays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, T-shirts, caps, visors, and similar specialties to vendors at no less than the actual cost of the industry member who initially purchased them, unless the manufacturer or distributor gives the items directly to consumers on the vendor's licensed premises.

(3) Industry members ~~Manufacturers and distributors~~ shall not provide assistance to a vendor for allowing the industry member ~~manufacturer or distributor~~ to give specialties directly to consumers on the vendor's licensed premises.

(4) The vendor's name, business name, website address, logo, and business address may be printed on these specialties ~~items~~.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New _____.

61A-1.01013 Inside Signs Advertising Brands Exception.

(1) Industry members ~~Manufacturers and distributors~~ may give, sell, lend, or furnish inside signs advertising brands to vendors such as neon or electric signs, window painting and decalcomanias, posters, placards, and other advertising material authorized by Sections 561.42(1), (11), and (12), F.S., to be displayed or used in the interior of a vendor's licensed premises. The signs must advertise brands sold by the vendor.

(2) The signs may include the vendor's name, business name, website address, logo and business address; however, identification of vendors shall be relatively inconspicuous in relation to the entire advertisement. The only additional information permitted on the sign is price or a space for the price of the alcoholic beverage product advertised on the signs.

(3) Vendors shall not have more than one neon or electric sign per manufacturer's brand in its window or windows.

(4) Items that provide a secondary function, such as providing the time, the date, reflection, or reading light, shall be considered durable retailer advertising specialties.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New _____.

61A-1.01014 Brand Images.

(1) ~~Industry members~~ A manufacturer or distributor may provide to any vendors without conditions copy-ready images of alcoholic beverage brands, brand logos, industry member logos, responsibility messages, or products in any format.

(2) "Copy-ready" images are those images ready to be reproduced for immediate use in advertising.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.01015 Advertising Vendor Locations Where Brand Sold Exception.

(1) If an advertisement includes two or more unaffiliated vendors, ~~industry members~~ manufacturers and distributors may use vendors' names and addresses in brand advertisements to indicate vendors from whom consumers can purchase the advertised brands. Unaffiliated vendors are those vendors not affiliated through having common ownership, being members of the same pool buying group, or being members of the same advertising cooperative. The advertisement shall identify vendors relatively inconspicuously in relation to the entire advertisement. Such advertising is not considered cooperative advertising as long as no vendor shares in the cost of the advertising.

(2) ~~Industry members~~ Manufacturers and distributors shall not underwrite any vendor's publications or events through the purchase of advertising or sponsorships.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.01018 Trade Shows and Conventions Exception.

(1) ~~Industry members~~ Manufacturers and distributors may participate in non-profit vendor association trade shows and conventions. Participation may include:

- (a) Displaying products;
- (b) Renting display space at normal trade show rates;
- (c) Paying normal registration fees;
- (d) Purchasing tickets to functions;
- (e) Providing samples to attendees;
- (f) Conducting tastings for attendees;
- (g) Providing hospitality independent of sponsored activities by the association or any member vendors; and

(h) Purchasing advertisements in publications distributed during conventions and trade shows. Payments for all such advertisements shall not exceed \$300 per year to any non-profit vendor association.

(2) ~~Industry members~~ A malt beverage manufacturer or distributor may provide any expendable retailer advertising specialties, durable retailer advertising specialties, or consumer advertising specialties to a non-profit vendor association. ~~Where the specialties advertise malt beverages, such~~

specialties may only be provided pursuant to the conditions and limitations of Rules 61A-1.01010, 61A-1.01011, and 61A-1.01012, F.A.C.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.0102 Private Labels.

(1) Beer, wine, and spirituous liquors may be manufactured under a vendor's trademark. The vendor may be the exclusive outlet for the product if the vendor maintains ownership of the trademark. The vendor shall not set the price of private label products with the manufacturer or distributor. Pricing shall be independently established by the manufacturer and the distributor.

(2) When a vendor's business name is the same as the brand name, the vendor may display an outside sign so long as the purpose of the sign is clearly to promote the business name and not the alcoholic beverage brand.

(3) The vendor may be paid royalties and other contractual payments if the right to the trademark is sold by the vendor.

Rulemaking Authority 561.11, 561.42, 563.045(4), 564.045(6), 565.095(6) FS. Law Implemented 561.08, 561.42 563.045(1), 564.045(5), 565.095(5) FS. History--New_____.

61A-1.01021 Split or Mixed Cases Exception.

Distributors may offer a split or mixed case containing more than one brand or more than one size of the same brand of alcoholic beverage to vendors. Distributors must have, and uniformly follow, a written policy applying to all vendors if an add-on fee is charged for any split or mixed cases.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.01022 Combination Packages.

~~Industry members~~ Manufacturers and distributors may package and distributors may offer and sell to vendors, non-alcoholic beverages or products combined packaged with alcoholic beverages in an integrated package that is ready for sale to the consumer.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.01024 Alcoholic Beverage Samples Exception.

(1) A distributor may give a sample of distilled spirituous beverages ~~spirits~~, wine, or malt beverages to a vendor if that vendor has not purchased the brand or received a sample of the brand within the preceding twelve months. However, if ownership of a distributor or vendor is transferred to a new entity, the distributor is eligible to give, and the vendor is eligible to receive, new samples.

(2) Samples of malt beverages shall not exceed three gallons per brand to each licensed premises; samples of wine shall not exceed three liters per brand to each licensed premises; and samples of spirituous beverages ~~spirits~~ shall not exceed three liters per brand to each licensed premises.

(3) If a particular product is not available in a size within the quantity limitations of this section, a distributor may furnish to a vendor the next larger size.

(4) Any withdrawal of tax paid samples from the inventory of a distributor as permitted herein must be substantiated by an invoice to a licensed vendor. The invoice shall include:

- (a) Distributor's name and address.
- (b) Date invoice was prepared.
- (c) Identification of the product as a sample.
- (d) Identification of salesman.
- (e) Name and address and license number of the vendor.
- (f) Brand name.
- (g) Number of containers and size of containers used in sampling.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.0103 Consumer Premium Offers Exception.

(1) Premium offer means value-added merchandise, travel, or services held out to consumers in exchange for their purchase of an alcoholic product, sometimes referred to as "product gift" or "gift with sales promotion."

(2) ~~Industry members~~ ~~Manufacturers and distributors~~ may furnish premium offers on products to consumers with proof of purchase and may provide vendors with point-of-sale advertising and order forms.

(3) ~~The p~~ Premium offers shall be made available to all vendors who wish to participate. The premium offers shall be offered in quantities reasonably calculated to accommodate the individual vendor's level of sales during the promotion period. The premium ~~offers~~ shall not be placed on any vendor's licensed premises for display.

(4) The vendor's name, business name, website address, logo, and business address may be printed on these premiums items.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.0104 Consumer Sweepstakes, Drawings, or Contests Exception.

(1) ~~Industry members~~ ~~Manufacturers and distributors~~ may provide entry forms, rules, advertising materials, and a box or other similar container in which to collect completed entry forms to vendors. These advertising materials must be offered to all vendors who wish to participate in quantities reasonably calculated to accommodate the individual vendor's level of sales during the promotion period. The prize or giveaway shall not be placed on any vendor's licensed premises for display.

(2) Sweepstakes, drawings, and contests shall not require proof of purchase to enter and shall be open for the general public to participate; however, no vendor or vendor's employee or agent shall be eligible to participate or win. A means of entry may be provided with a purchased alcoholic beverage, so long as an alternative means of entry not requiring a purchase is made available.

(3) Vendors shall not collect completed entry forms, and the selection of winners shall not occur at a vendor's place of business. Any completed entry forms deposited on the vendor's licensed premises shall be collected by the industry member ~~manufacturer or distributor~~. Live or electronic contests sponsored by industry members ~~manufacturers or distributors~~ shall not be held at a vendor's place of business.

Rulemaking authority 561.11 FS. Law Implemented 561.08, 561.42 FS, History--New_____.

61A-1.0105 Vendor's Property Included in Contests or Sweepstakes Exception.

(1) ~~Industry members~~ ~~Manufacturers and distributors~~ may administer consumer contests and sweepstakes that include a vendor's property as the prize. However, the contest or sweepstakes shall not be a joint venture with a vendor. Any contest or sweepstakes prizes purchased by the industry member ~~manufacturer or distributor~~ shall be purchased at a cost which is not more than the cost charged to the general public. Any room rental fee paid by the industry member ~~manufacturer or distributor~~ to the vendor shall be no more than the vendor's normal rate.

(2) ~~Industry members~~ ~~Manufacturers and distributors~~ may use the names and pictures of the vendor's properties related to prizes awarded to consumers. Any reference to a vendor, other than the identification of the specific property included in the contest or sweepstakes, shall be relatively inconspicuous in relation to the total advertisement or entry form.

Rulemaking Authority 561.11 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.0106 Vendor-Sponsored Tournaments Exception. ~~Industry members~~ ~~Manufacturers and distributors~~ may participate in vendor-sponsored tournaments and contests but must pay no more than normal entry fees. Industry members ~~Manufacturers and distributors~~ shall not advertise, co-sponsor, underwrite, or contribute in time, money, gifts or provide any other assistance prohibited by Section 561.42(1), F.S.

Rulemaking authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.0107 Returns of Damaged Products.

(1) Vendors who make a request for return of ~~may return~~ ~~damaged products to distributors~~. ~~Vendors shall notify distributors of damaged products received from the distributor within fifteen ten days after delivery~~ may receive in order to

~~obtain a credit or exchange of product, cash, or a credit against outstanding indebtedness. Products are damaged if they exhibit product deterioration, leaking containers, damaged labels or missing or mutilated tamper evident closures. Damaged products shall be verified by the distributor's representative prior to issuing a credit or exchange. Damaged products shall be exchanged in exact quantities with products of near or equal value made by the same manufacturer and in the same size containers unless a credit or cash is issued at the time of the return with supporting documentation. Products damaged by vendors or vendors' customers shall not be returned to the distributor for cash, credit or exchange and will be the vendor's liability.~~

~~(2) Distributors shall maintain records of vendor requests for return of damaged products with reference made to the original invoice showing the delivery date and any credit memo issued. Distributors shall make and keep a transaction record of all exchanges detailing the date, the licensed vendor, business name and address, the vendor's license number, and the product exchanged for products, cash, or credit.~~

~~(3) No return of the product shall be permitted if the vendor's request is made more than fifteen ten days after the delivery date, except in the following circumstances: unless the division has granted permission on DBPR form 4000A-015, Application to Return Alcoholic Beverages, incorporated herein by reference and effective _____. This form may be obtained from the Department's website at <http://www.myflorida.com/dbpr/abt/index.html>.~~

~~(a) Recall. When a manufacturer has issued a product recall that affects multiple unaffiliated vendors, as defined in Rule 61A-1.01015, F.A.C., the recalled product may be returned for exchange, cash, or credit as provided in subsection (1) of this rule.~~

~~(b) Product Deterioration. When a product has deteriorated due to manufacturing or packaging problems, the product may be returned for exchange, cash, or credit as provided in subsection (1) of this rule. No product may be returned due to deterioration that could have occurred because of vendor conduct; because of any event that occurred on the vendor's premises; or because of any event that occurred after the product was transferred to the vendor.~~

~~(4) If product is returned in excess of fifteen days after receipt using the exception listed in paragraph (3)(a) of this rule, documentation of the recall must be maintained with the record made by the distributor pursuant to subsection (1) of this rule. If product is returned in excess of fifteen days after receipt using the exception listed in paragraph (3)(b) of this rule, the product must be inspected and verified by the distributor and the division prior to the return. Documentation of the verification must be added to the record made by the distributor pursuant to subsection (1) of this rule. All records must be made available to the division upon request.~~

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New _____.

61A-1.0108 Returns of Undamaged Products.

~~(1) Distributors shall not make consignment sales to vendors. Vendors who make a request for return of undamaged products within ten five days after delivery may receive shall be entitled to cash or a credit against outstanding indebtedness within ten days after the request and at the same time the distributor picks up the products. Distributors must make and keep a transaction record of all exchanges detailing the request, the date, the licensed vendor, business name and address, the vendor's license number, and the product returned for cash, or credit. The distributor shall document the request on the credit or refund memo. The five day requirement excludes days that either the vendor or the distributor are closed for business.~~

~~(2) No return of the product shall be permitted if the vendor's request is made more than ten five days after the delivery date, except in the following circumstances: unless the division has granted permission on DBPR form 4000A-015, Application to Return Alcoholic Beverages, incorporated herein by reference and effective _____.~~

~~(a) Products which may no longer be lawfully sold. Any situation where, due to a change in regulation or administrative procedure over which the vendor or employee/agent of the vendor has no control, i.e. a particular brand or size is no longer permitted to be sold, may be corrected through return of the product for cash or credit against outstanding indebtedness.~~

~~(b) Termination of business. Any time a vendor terminates operations products on hand at the time of termination may be returned for cash or credit against outstanding indebtedness. This does not include a temporary seasonal shutdown.~~

~~(c) Change in product. Any time a vendor's inventory of product has been changed in formula, proof, label, or container, the product may be returned for equal quantities of the new version of the product. This does not include the return or exchange of products for which there is only a limited or seasonal demand, such as holiday decanters and certain distinctive bottles.~~

~~(d) Discontinued products. Any time the production or importation of a product is discontinued, a vendor's inventory of the discontinued product may be returned for cash or credit against outstanding indebtedness.~~

~~(e) Seasonal dealers. Any time a vendor who is only open for a portion of the year, has product remaining at closure that will spoil in the off-season, those products may be returned for cash or credit against existing indebtedness.~~

~~(3) If product is returned in excess of ten days after receipt using the exceptions listed in paragraphs (2)(a) through (e) of this rule, documentation of the qualifying event must be maintained with the record made by the distributor pursuant to subsection (1) of this rule. All records must be made available to the division upon request.~~

(4) Distributors shall not make consignment sales to vendors. Vendors shall not attempt the return or exchange of product because the product is overstocked or slow-moving.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.002	Application Requirements
61D-14.005	Occupational License Requirements for Individual Persons
61D-14.006	Occupational License Application Requirements for Business Entities
61D-14.008	Occupational License Renewal Application

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. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

61D-14.002 Application Requirements.

(1) through (a) No change.

(b) Be filed on Form DBPR PMW-3400, Permitholder Application for Annual Slot Machine License, effective _____, adopted herein by reference, which form is also listed in Rule 61D-15.001, F.A.C., and can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035; and incorporated by Rule 61D-15.001, F.A.C.;

(c) through (g)1. No change.

2. Form DBPR PMW-3460, Request for Release of Information and Authorization to Release Information, effective _____, adopted herein by reference, which form is also listed in Rule 61D-15.001, F.A.C., and can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, and incorporated by Rule 61D-15.001, F.A.C.; authorizing the division and FDLE to obtain any record held by a financial or public institution.

(h) through (k) No change.

(l) Include a complete Form DBPR PMW-3470, Surety Bond for Florida Slot Machine Licensee, effective _____, adopted herein by reference, which form is also listed in Rule 61D-15.001, F.A.C., and can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035 and incorporated by Rule 61D-15.001, F.A.C. This form provides proof of a bond,

in the amount of at least 2 million dollars (\$2,000,000.00) payable to the Governor of the State of Florida and his or her successors in office. The bond required by this section must:

1. through 2. No change.

3. State that upon the principal's failure to comply with Chapter 551, F.S., and Chapter 61D-14, F.A.C., including ~~but not limited to the principal's~~ failure to promptly pay all gaming fees and taxes when due and demanded, the Director of the Division of Pari-Mutuel Wagering of the Department of Business and Professional Regulation (DBPR) may make demand upon the surety for the payment of the amount of the default to also include any fines or administrative penalties imposed as a result of a default by said principal up to but not to exceed the amount of its liability as defined by this bond;

4. through 6. No change.

7. Include the signatures of the Corporate President, Secretary, and attorney in fact (as required) and Florida Registered Agent Resident Agent licensed in the State of Florida, and the printed name and address of that Registered Resident Agent.

(m) through (n) No change.

(o) Include a copy of each policy required by Sections 551.104(4)(i);

(p) Provide a list summarizing all administrative, civil, or criminal proceedings initiated by any governmental agency or entity, including all judgments or final decisions entered in such proceedings, that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054, 550.1815, and 551.104, F.S., as well as additionally provide, when specifically requested by the division, copies of any complaint, pleading, and any final order, judgment, or other final disposition in any such administrative, civil, or criminal proceeding. Include a copy of:

~~1. All administrative, civil, or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency and all judgments entered as the result of any completed proceedings that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054, 550.1815, and 551.104, F.S.; and~~

~~2. Each complaint, pleading, and any final order, judgment, or other final judicial disposition for each administrative, civil, or criminal proceeding disclosed.~~

(q) through (4)(b) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented ~~49.07,~~ 551.103(1)(a), (b), (f), (g), 551.104(4), (10), 551.106(1), 551.118 FS. History—New 6-25-06, Amended_____.

61D-14.005 Occupational License Requirements for Individual Persons.

(1) through (a) No change.

1. Will be a security, ~~surveillance~~, or supervisory employee who requires access to the slot gaming floor of a slot machine facility, or a surveillance employee;

2. through (c) No change.

(2) As part of the initial application for or renewal of a slot machine occupational license provided in Section 551.107, F.S., an applicant shall submit the following information on Form DBPR PMW-3410, Slot Machine Individual Occupational License Application, effective _____, or Form DBPR PMW-3415, Slot Machine Individual Occupational License Renewal Application, effective _____, adopted herein by reference, which forms are also listed in Rule 61D-15.001, F.A.C., and can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035; and incorporated by Rule 61D-15.001, F.A.C.:

(a) through (3)(c)2. No change.

3. Any period of unemployment in excess of one month in the previous ten years.

(d) No change.

(e) A Form DBPR PMW-3460, Authorization for Release of Information, adopted by reference in Rule 61D-14.002, F.A.C., and incorporated by Rule 61D-15.001, F.A.C., signed by the individual.

(4) No change.

(a) A duly completed original Form DBPR PMW-3410, Slot Machine Individual Occupational License Application, adopted by reference in subsection (2) above, and incorporated by Rule 61D-15.001, F.A.C., in accordance with subsection (3);

(b) through (7) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(b), 551.107(4)(a), 551.108 FS. History—New 6-25-06, Amended 12-6-06, _____.

61D-14.006 Occupational License Application Requirements for Business Entities.

(1) through (c)5. No change.

(2) An application for a business slot machine occupational license shall be made on Form DBPR PMW-3420, Slot Machine Business Entity Occupational License Application, effective _____, adopted herein by reference, which form is also listed in Rule 61D-15.001, F.A.C., and can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, which is adopted and incorporated by Rule 61D-15.001, F.A.C.

(3) Failure to include the following information as required by Form DBPR PMW-3420, Slot Machine Business Entity Occupational License Application, adopted by reference

in subsection (2) above, which is adopted and incorporated by Rule 61D-15.001, F.A.C., shall constitute grounds to deny the incomplete license application:

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

2. A Form DBPR PMW-3460, Authorization for Release of Information, adopted by reference in Rule 61D-14.002, F.A.C., and incorporated by Rule 61D-15.001, F.A.C., signed by the individual.

(i) through (k) No change.

1. A list ~~of~~ of the applicable license, permit, or registry required in order to participate in any legal gaming operation, including any license which has been relinquished in lieu of prosecution;

2. No change.

3. A copy of all court ~~and~~ or administrative records regarding any denial, suspension, or revocation of a license, permit, or certification issued by any governmental agency.

(l) through (o)2.a. No change.

b. A copy of all court ~~and~~ or administrative records concerning the charge and final order regarding any crime for which the corporation or officer or director was convicted.

3. No change.

(4) The following exemptions apply if a business entity chooses to submit itself for consideration under the requirements of paragraph (1)(c) above for the division's approval. The following changes and agreement of terms of such submission apply regarding that entity's Form DBPR PMW-3420, Slot Machine Business Entity Occupational License Application, adopted by reference in subsection (2) above, and incorporated by Rule 61D-15.001, F.A.C., and any subsequent enforcement action regarding the business entity or entity employee's conduct:

(a) through (c) No change.

~~(d) The information required on Form DBPR PMW 3430, Business Entity Internal Control Information, adopted and incorporated by Rule 61D-15.001, F.A.C., shall be limited to that business activity conducted within the State of Florida;~~

~~(d)(e)~~ The business entity remains responsible for all required certifications as to accuracy of the information contained on the application for that business entity, notwithstanding the fact the Senior Manager represents the entity on that application; and

~~(e)(f)~~ The entity's Form DBPR PMW-3420, Slot Machine Business Entity Occupational License Application, adopted by reference in subsection (2) above, and incorporated by Rule 61D-15.001, F.A.C., shall be signed by an officer qualified to bind the corporation at the corporate level to contracts and similar agreements. The corporate officer's signature shall attest to the accuracy and completeness of all information submitted on the application, without reservation; and

~~(g) All other requirements for application pursuant to this rule remain unchanged.~~

(5) through (9) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107 FS. History—New 7-30-06, Amended _____.

61D-14.008 Occupational License Renewal Application.

(1) The application for renewal of a slot machine occupational license shall ~~be made under oath and~~ include:

(a) A completed original Form DBPR PMW-3415, Slot Machine Individual Occupational License Renewal Application, adopted by reference in Rule 61D-14.005, F.A.C., or Form DBPR PMW-3425, Slot Machine Business Entity Occupational License Renewal Application, effective _____, adopted herein by reference, which forms are also listed in Rule 61D-15.001, F.A.C., and can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035; and incorporated by Rule 61D-15.001, F.A.C.; and

(b) The fees to be paid as provided in Rule 61D-14.011, F.A.C.; and

(c) through (5)(a) No change.

(b) Longer than one year after expiration of the original license shall be required to make application using Form DBPR PMW-3410, Slot Machine Individual Occupational License Application, adopted by reference in Rule 61D-14.005, F.A.C., and incorporated by Rule 61D-15.001, F.A.C.; and shall provide the information required pursuant to Rule 61D-14.005, F.A.C.

(6) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4) FS. History—New 6-25-06, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-14.0055 Temporary Individual Slot Machine Occupational License

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 44, November 6, 2009 issue of the Florida Administrative Weekly.

61D-14.0055 Temporary Individual Slot Machine Occupational License.

(1) The division shall issue a temporary individual slot machine occupational license, general or professional, when the following conditions are met within 30 days of receipt of the application submitted pursuant to subsection 61D-14.005(2), F.A.C.:

(a) through (4)(b) No change.

Rulemaking Authority 551.103(1), 551.1045, 551.122 FS. Law Implemented 551.1045, 551.107 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-14.020 Excluded Persons

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. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

61D-14.020 Excluded Persons.

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

(3) The excluded person’s name shall be entered on each slot machine licensee’s Exclusion List, and each slot machine licensee shall make every reasonable effort to remove any ensure that the listed individual ~~is excluded~~ from its facility facilities.

(4) through (4)(d) No change.

~~(e) If obtainable, a photograph, and the date of the photo or a photo taken by the slot machine licensee’s surveillance department;~~

~~(e)(f)~~ A brief explanation of why the person has been excluded; and

~~(f)(g)~~ The length of time of exclusion that includes the start date of exclusion.

(5) If obtainable, a photograph of the excluded person shall be kept on file in the surveillance department.

~~(6)(5)~~ If the slot machine licensee withholds winnings from any excluded person, such withheld winnings shall be included in the slot machine licensee’s revenues pursuant to subsection 61D-14.081(5), F.A.C.

~~(7)(6)~~ The slot machine licensee’s agents or employees shall immediately inform the slot machine licensee’s security department whenever an excluded person enters or attempts to enter, or is found present at a slot machine licensee’s facility from which that person has been excluded. The security department shall:

~~(a) Immediately notify the division or FDLE of the presence of the excluded person in any area of the gaming establishment;~~

~~(a)(b)~~ Request such excluded person to not enter or if on the premises to immediately leave; and

~~(b)(e)~~ Notify the appropriate law enforcement agency and the division if such excluded person fails to comply with the request of the licensee, its agents or employees.

~~(7) Permitting a person excluded by a final order of the division to remain at a slot machine licensed facility is a violation of these rules.~~

(8) If a slot machine licensee seeks to remove an individual from the Exclusion List who has excluded himself or herself, the licensee must notify the division at 1400 W. Commercial Blvd., Ft. Lauderdale, FL 33309, at least 14 days prior to the requested removal date. The request shall be delivered on the date of the request to the division. The slot machine licensee shall submit a request to the division that includes the following information on the individual the licensee seeks to remove from the Exclusion List:

(a) through (h) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(g), (i), 551.112, 551.118 FS. History--New 6-25-06, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-14.023 Slot Machine Doors and
Compartment

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. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

61D-14.023 Slot Machine Base Doors.

All slot machine external base cabinet doors shall be permanently sealed or locked. If the facility chooses to lock the external base cabinet door, the facility shall employ a division approved keyed lock for that purpose.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1) FS. History--New 6-25-06, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-14.036 Slot Machine Tournament

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. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

61D-14.036 Slot Machine Tournament.

(1) through (3)(b) No change.

(c) ~~Disable normal mode of play~~ Default to disabled for the tournament mode of play option for those machines selected for tournament play.

(d) through (4)(d) No change.

(e) Not communicate any accounting information to the facility based monitoring system during tournament play.

(5) The facility based monitoring system shall create an electronic entry in the event log for any slot machine entered into tournament mode.

~~(a) Logically remove all games enabled for tournament play from the normal recording sequence for reporting purposes; and~~

~~(b) Record each time a specific slot machine is used for tournament play.~~

(6) No change.

(7) The slot machine licensee shall provide a report of electronic meter readings from its facility based monitoring system to the division for each of its slot machines designated for tournament play immediately before the machine is enabled in the tournament mode of play and after the machine is returned to normal mode of play. ~~is:~~

~~(a) Enabled; and~~

~~(b) Disabled.~~

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1) FS. History--New_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-14.038 Percentage Payout and Odds

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. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

61D-14.038 Percentage Payout and Odds.

(1) through (5)(a) No change.

(b) The actual number of plays since the installation of the game for the game's lifetime;

(c) through (7)(a) No change.

~~(b) Remove the game from play;~~

~~(b)(e)~~ Recompute the slot machine game payout percentage using the FBMS; and

~~(c)(d)~~ Determine whether the recomputation of the payout percentage reveals that the slot machine game falls within or outside of the volatility range.

~~(8) Based on the result of the recomputations required in subsection (6) of this rule, the slot machine licensee shall either:~~

~~(a) Return the slot machine game to play if the recomputed payout percentage is within the volatility range; or~~

~~(b) Contact an independent test laboratory licensed by the state to investigate the slot machine game if the recomputed payout percentage is not within the volatility range. The slot machine licensee shall require the laboratory to investigate the~~

~~slot machine game's operation and provide the licensee with a written recomputation of the payout percentage and a determination that the slot machine game is operating within or outside of its volatility range.~~

(9) If, in two consecutive quarterly reports, a slot machine game fails to remain within its volatility range, the division will verify the slot machine licensee shall remove the slot machine game from play until the slot machine game operating software program is replaced with an operating software program that meets the requirements of the testing in subsection (1) of this rule.

(10) through (c) No change.

(d) Any record regarding software operating program verification by the division ~~programs were replaced~~ pursuant to subsection ~~(9)(8)~~ of this rule.

(11) The records generated under this rule shall be maintained consistent with Rule 61D-14.080, F.A.C.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (h), 551.104(4)(j) FS. History—New 6-25-06, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-14.041 Randomness Requirements and
 Game Play Auditing

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. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

61D-14.041 Randomness Requirements and Game Play Auditing.

(1) through (3) No change.

(4) For purposes of this rule “false hope” or “extra visual encouragement” or “subliminal message” is defined as:

(a) Any system representation of a letter, word, message, symbol, sign, or gaming outcome that can not be seen by the naked eye alone that may encourage continued slot machine play; or

(b) Any letter, word, message, symbol, sign, or gaming outcome that may be detected scientifically through slow motion execution of the program in a frame-by-frame analysis revealing a letter, word, message, symbol, sign, or gaming outcome that is otherwise not immediately discernable by the naked eye during credit play.

(5) ~~No slot machine authorized for play in Florida shall (after selection of the game outcome) display:~~

(a) Any letter, word, message, symbol, sign, or gaming outcome, however briefly, that constitutes false hope or extra visual encouragement or subliminal message of any nature; or

(b) A variable secondary decision after the selection of the game outcome; or

(c) Any letter, word, message, symbol, or sign that indicates the patron is getting close to a win or that the chance to win is improved by another play;

(6) Prior to submitting a game to an independent test laboratory licensed by the state (laboratory) for examination, the manufacturer and/or distributor seeking certification of the machine and/or game shall provide written certification to the laboratory as part of the final game approval documentation that the manufacturer and/or distributor has:

(a) Performed a line-by-line review of all source code not previously certified for use in Florida;

(b) Ensured that the code provides the reviewer with accurate descriptive labeling, header comment blocks, and lists of subroutines sufficient to permit thorough review and analysis;

(c) Certified to the laboratory that all code modules are directly and actively related to the audio and video conduct of game play, record retention, monitoring system operation and/or troubleshooting;

(d) Certified that the game does not violate any of the language in Rule 61D-14.041, F.A.C., and that the game does not display any letter, word, message, sign, symbol, or gaming outcome, however briefly, which constitutes false hope or extra visual encouragement to continue play, or subliminal message of any nature.

(7) As part of the final certification to the division, the laboratory shall provide written certification as part of the final game testing documentation attesting to the fact that as part of its examination of the machine and/or game for compliance with Florida Statutes, the laboratory has:

(a) Performed a line by line review of the source code;

(b) Found that the code provides the laboratory with accurate descriptive labeling, header comment blocks, and lists of subroutines sufficient to permit thorough review and analysis;

(c) Certified that all code modules are directly and actively related to the audio and video conduct of game play, record retention, monitoring system operation and/or troubleshooting;

(d) Not found any unused or unexplained code modules present during the laboratory examination; and

(e) Certified that the machine and/or game complies with the language in Rule 61D-14.041, F.A.C., does not display any letter, word, message, symbol, sign, or gaming outcome, however briefly, which constitutes false hope, extra visual encouragement to continue play, or a subliminal message of any nature.

(4)(8) The laboratory shall include a copy of each of the certifications required under this rule as part of the formal approval documentation certifying the machine and/or game for play in Florida to the division.

~~(5)(9)~~ Any misstatements, omissions or errors in the required certification provided by either the laboratory or the manufacturer and/or distributor is a violation of rules governing slot machine gaming.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (e), (g) FS. History--New 7-5-06, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.044
 RULE TITLE: Identification of Program Storage Media, and Slot Machine Technical Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

61D-14.044 Identification of Program Storage Media, and Slot Machine Technical Requirements.

(1) All program storage media, both writable or non-writable, including EPROMs, Digital Versatile Disc (DVD), Compact Disk – Read Only Memory (CD-ROM), and any other type of program storage media devices shall:

(a) Be marked with information to identify the software and revision level ~~of the information stored in the devices;~~

(b) through (6) No change.

(a) Require a supervisor’s ~~intervention and authorization to correct;~~

(b) Be recorded in a machine an error accounting correction log that shall:

1. Be maintained in each slot machine under that slot machine’s serial number;

2. through (10)(c) No change.

(d) Not be cleared automatically, but shall require division approval of and presence for a full RAM clear that is performed by a slot machine ~~lead technician~~ the facility has determined to be qualified to perform the task or a more senior employee.

(11) through (14) No change.

(a) Sustained loss ~~Loss~~ of communication with the FBMS for longer than 90 minutes;

(b) through (19)(a) No change.

1. Cease further game play;
 2. through (20)(d) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (f), (g) FS. History--New 8-13-06, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.047
 RULE TITLE: Facility Based Monitoring System and Computer Diagnostics

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. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

61D-14.047 Facility Based Monitoring System and Computer Diagnostics.

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

(b) Not permit a configuration setting change that causes an obstruction or interruption to the electronic accounting meters, affect the integrity of the slot machine, or communications without a RAM clear as provided in subsection 61D-14.044~~(11)(8)~~, F.A.C.

(3) For the purposes of this rule, an interface element is any system component external to the operation of a slot machine that assists in the collection and processing of data sent to the FBMS, such as a slot machine interface board (SMIB). All interface elements shall:

(a) through (4)(a) No change.

(b) Secure Encrypt all accounting data communications in accordance with the facility’s internal controls.

(5) through (6)(c) No change.

(7) The FBMS shall create:

~~(a) Not permit the alteration of any accounting or event log information without the approval of a supervisor;~~

~~(b) Create~~ an audit log for any alterations of any accounting or event log information. The audit log must include at least:

~~(a)1.~~ The name of the data element altered;

~~(b)2.~~ The value of the data element:

1.a. Prior to data alteration; and

2.b. After data alteration.

a.3. The time and date of alteration for each data element alteration event; and

b.4. The identification of the:

~~a. The individual who performed the alteration;~~ and

~~b. The supervisor approving the alteration.~~

(8) through (b) No change.

(9) The data contained in the FBMS shall be backed-up ~~or saved daily in some form of back up data records maintained~~ on removable computer storage media. The back-up data records shall be sufficient to reconstruct the entire day’s activity.

(a) In addition to the requirements of Rule 61D-14.080, F.A.C., a readily accessible ~~ready~~ copy of the back-up data records shall be stored for a minimum of 120 days secured in an industry standard two-hour fire and water resistant storage device either on-site or ~~at an off-site location~~.

(b) through (11)(a) No change.

(b) Keep a log of all error conditions ~~Notify the system administrator of any error condition;~~

(c) through (13)(l) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(e), (g), (i), 551.104(4)(f) FS. History—New 8-13-06, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:

61D-14.053 Key Controls

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. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

61D-14.053 Key Controls.

(1) through (4)(c) No change.

(d) The name and designated slot licensee ~~occupational license~~ number of the security person escorting the employee with the key to the secure area as a second signature signing out the key;

(e) The name and designated slot licensee ~~occupational license~~ number of the security person issuing the key;

(f) The name and designated slot licensee ~~occupational license~~ number of the employee and security person, providing the escort, returning the key; and

(g) through (5)(c) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(b), (e), (g), (i), 551.104(4)(h) FS. History—New 6-25-06, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:

61D-14.075 Jackpot and Credit Meter Payouts Not Paid Directly From the Slot Machine

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. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

61D-14.075 Jackpot Payouts Not Paid Directly From the Slot Machine.

(1) through (2)(c)4.b. No change.

(3) Each series of manual jackpot payout slips shall be a ~~three part form that is:~~

(a) A three-part form in a bound booklet from which the original and first duplicate jackpot payout slips may be detached while the second duplicate jackpot payout slip remains in the bound booklet; and ~~Inserted in a locked jackpot payout dispenser system. The jackpot payout dispenser system shall:~~

~~1. Permit all three parts of individual jackpot payout slips in the series to be written upon simultaneously while still in the dispenser; and~~

~~2. Discharge the original and duplicate jackpot payout slips while the triplicate jackpot payout slip remains in a continuous unbroken form in the jackpot payout dispenser system;~~

(b) Maintained so that only those employees responsible for controlling all unused jackpot payout slips ~~identified in sub paragraph (2)(c)3. of this rule:~~

~~1. Control and account for the unused supply of jackpot payout slips; and~~

~~2. Place all jackpot payout slips in the locked jackpot payout dispenser system;~~

~~2.3. Take the completed booklets of the second duplicate. Remove the triplicate copies of those jackpot payout slips to the accounting department for reconciliation, issued from the locked jackpot payout dispenser system; and~~

~~4. Control access to the triplicate copy of the jackpot payout slips at all times.~~

(c) Under constant surveillance coverage over the use and storage of the booklets as provided in the facility's internal controls.

(4) through (5)(c) No change.

(d) The date and time the jackpot occurred; and

(e) The amount to be paid from the cashier's cage; ~~and~~

~~(f) The time of preparation of the jackpot payout form.~~

(6) through (9)(b)2. No change.

a. The slot machine licensee shall notify the surveillance department to provide coverage of the slot machine area involved; remove the designated slot machine involved in the jackpot from play; retain all surveillance records regarding the designated slot machine; notify the division ~~FDLE~~ of the jackpot and broken or tampered division security tape; and secure the designated slot machine until such time as the division representative ~~FDLE investigator~~ may make a determination regarding the jackpot;

b. A An ~~FDLE and~~ division representative shall conduct an investigation, including a verification check of game-related storage media and obtain confirmation that all documents are complete and legible;

c. through (11)(b) No change.

(c) Include all details of each cash/prize jackpot option transaction on Form DBPR PMW-3680, Slot Jackpot Prize/Cash Option Report, effective _____, adopted herein by reference, which form is also listed in Rule 61D-15.001, F.A.C., and can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, which is adopted and incorporated by Rule 61D-15.001, F.A.C.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (g), (i) FS. History--New 6-25-06, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.096	Requirement for Shipment of All Slot Machines and Software Components
61D-14.097	Responsibility for Control of Slot Machine or Slot Machine Component Shipment
61D-14.098	Slot Machine Seal

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. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

61D-14.096 Requirement for Shipment of All Slot Machines and Software Slot Machine Components.

(1) This rule applies to the shipment of any slot machine or software slot machine component, such as EPROMs, flash cards, or CDs/DVDs, as defined in Chapter 551, F.S., and Chapter 61D-14, F.A.C., whether the item or items are being shipped into, out of, or within the State of Florida to a:

- (a) through (e) No change.
- (2) The information and material required to request shipment of any slot machine or software slot machine component shall include the following:

(a) The submission of a completed paper or electronic Form DBPR PMW-3900, Slot Machine and Component Application for Shipment, effective _____, and Form DBPR PMW-3910, Slot Machine and Component Application Shipment Record, effective _____, both adopted herein by reference, and incorporated by Rule 61D-15.001, F.A.C., to the Chief of Slot Operations, Division of Pari-Mutuel Wagering, North Broward Service Center, 1400 W. Commercial Blvd., Ft. Lauderdale, Florida 33309-3787, which forms are also listed in Rule 61D-15.001, F.A.C., and can be obtained at

www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035; and

(b) A pre-certification that equipment being proposed for shipment into the state for use at locations designated in paragraphs (1)(a) through (d) meet all requirements for slot machines and software slot machine components in the State of Florida.

(3) Shipment of any slot machine or software slot machine component shall comply with the following requirements:

(a) No slot machine or software slot machine component that will be shipped through the state pursuant to the requirements of Chapter 551, F.S., can be shipped until the Chief of Slot Operations or his or her designee provides formal signed approval for that shipment. The division shall provide written approval to the shipper by hand-delivery, mail or electronic means such as email or FAX.

- (b) No change.
- (c) All slot machines and software slot machine components must be shipped in the following manner:

1. through 2. No change.
3. All slot machine software components central processing unit (CPU) main boards and erasable programmable read only memory (EPROM) units shall be delivered separately or encased in a separate compartment within a larger freight compartment or freight trailer. Each compartment shall bear a shipping seal. The required shipping seal shall be applied at the shipper's point of origin. Alternatively, the software slot machine or slot machine component may be shipped intact within a locked slot machine the logic compartment locked and rendered inoperable so long as the key to such lock is shipped to the Division of Pari-Mutuel Wagering, Division of Slot Operations, 1400 West Commercial Boulevard, Suite 165, Ft. Lauderdale, Florida 33309 separately from the slot machine or slot machine software component.

- 4. through (e)1. No change.
- 2. Immediate refusal of the entire shipment and the return of the entire shipment to the originating shipment location and notification to FDLE.

(4) No change.

Rulemaking Authority 551.103(1), 551.109(2)(a), (b), 551.122 FS. Law Implemented 551.103(1)(c), (e), (i), 551.109(2)(a), (b) FS. History--New _____.

61D-14.097 Responsibility for Control of Slot Machine or Slot Machine Component Shipment.

- (1) No change.
- (2) Licensed manufacturers and distributors must request approval from the Chief of Slot Operations, Division of Pari-Mutuel Wagering, North Broward Service Center, 1400 W.

Commercial Blvd., Ft. Lauderdale, Florida 33309-3787, or his or her designee for shipment into, out of, or within the State of Florida at least five days in advance of the proposed shipment date to or from an approved destination in Florida.

(3) through (6)(f)3. No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (e), (i), 551.109(2)(a), (b) FS. History--New _____.

61D-14.098 Slot Machine Seal.

(1) When a slot machine is initially received in the State of Florida, the Chief of Slot Operations or his or her designee shall affix a slot machine pre-numbered state identification seal to the slot machine's cabinet. The slot machine seal shall be located on the outside of the slot machine cabinet next to other identification labels on the slot machine cabinet to clearly identify that the machine has been inspected and accepted by division personnel.

(2) through (3)(c)5.b.(III) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (e), (i) FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-15.001 Incorporated and Approved Forms
 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. 36, No. 13, April 2, 2010 issue of the Florida Administrative Weekly.

61D-15.001 Incorporated and Approved Forms.

The following is a list of all forms that have been adopted by reference that are used with now incorporated which are to be used by the Division in its dealing with the slot operators and licensees who conduct slot gaming. A copy of these forms may be obtained at www.myfloridalicense.com/dbpr/pmw ~~www.myflorida.com/dbpr/pmw~~ or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. ~~The effective date of each of these forms is the promulgation date of this rule.~~

FORM NUMBER	FORM TITLE SUBJECT	EFFECTIVE DATE
(1) DBPR PMW-3400	Permit holder Application for Annual Slot Machine License	=====
(2) DBPR PMW-3405	Permit holder Renewal Application for Annual Slot Machine License Renewal	=====
(3) DBPR PMW-3410	Slot Machine Individual Occupational License Application	=====
(4) DBPR PMW-3415	Slot Machine Individual Occupational License Renewal Application	=====
(5) DBPR PMW-3420	Slot Machine Business Entity Occupational License Application	=====

(6) DBPR PMW-3425	Slot Machine Business Entity Occupational License Renewal Application	=====
(7) DBPR PMW-3430	Business Entity Internal Control Information	=====
(8) DBPR PMW-3435	Affidavit of Truth	=====
(9) DBPR PMW-3440	Professional or Business Employee Supplemental Information	=====
(7)(40) DBPR PMW-3450	Slot Machine Occupational License Upgrade Application	=====
(8)(44) DBPR PMW-3460	Information for Release of Information	=====
(9)(42) DBPR PMW-3470	Surety Bond for Florida Slot Machine Licensee	=====
(10)(43) DBPR PMW-3660	Slot Operations Monthly Remittance Report	=====
(11)(44) DBPR PMW-3670	Slot Operations Cumulative Monthly Remittance Report	=====
(12)(45) DBPR PMW-3680	Slot Jackpot Prize/Cash Option Report	7-5-06
(13)(46) DBPR PMW-3900	Slot Machine and Component Application for Shipment	=====
(14)(47) DBPR PMW-3910	Slot Machine and Component Application Shipment Record	=====

Rulemaking Authority 551.103, 551.1045, 551.114, 551.122 FS. Law Implemented 551.103, 551.104, 551.1045, 551.106, 551.107, 551.114, 551.118, 559.79(2) FS. History--New 7-5-06, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-17.014 Guest Lecturers
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above Rule Development, as noticed in Vol. 34, No. 8, February 22, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.: RULE TITLES:
64B3-9.001 Application Fees
64B3-9.002 Initial Licensure Fees
64B3-9.004 Active Status Renewal Licensure Fee

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 8, February 26, 2010 issue of the Florida Administrative Weekly.

The PURPOSE AND EFFECT and SUMMARY statements are being corrected to read as “The Board proposes the rules amendment to clarify the application and licensure fees.”

The correction does not affect the substance of the rules as they appeared in the Florida Administrative Weekly as outlined above.

The person to be contacted regarding this rule is: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-5.001
 RULE TITLE: Disciplinary Guidelines

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly.

The rule notice incorrectly stated that the Board determined that small business would not be affected by this rule. A Statement of Estimated Regulatory Costs was prepared and the Board determined that small business would be affected by this rule. The following is a Summary of the Statement of Estimated Regulatory Costs:

1. The proposed changes will affect any licensed respiratory therapist or applicant who is found to be in violation of any of the newly added sections set forth in the disciplinary guidelines.

2. The costs to be incurred are rule making costs and compliance monitoring when financial, probationary or suspension penalties are imposed upon licensees or applicants.

3. Transactional costs are expected to be incurred by applicants or other entities by the proposed modifications.

4. The new questions are the result of SB 1986 that modified Section 456.0635, Florida Statutes. The proposed rule is expected to impact small business, small counties or small cities since the rule change is being made to implement the new requirements in Section 456.0635, Florida Statutes.

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

The correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

The person to be contacted regarding this rule is: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.303
 RULE TITLE: Assets

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly.

(4) Vehicles. The ~~vehicle asset for determination for~~ ~~whether a vehicle is an asset for food stamps and/or cash assistance benefits will be completed purposes depends on the use of the vehicle, whether the vehicle is licensed or unlicensed, and the vehicle's equity value. The determination must be made~~ in accordance with Section 414.075, F.S., and ~~7 CFR 273.8. Vehicles are excluded as assets in the eligibility determination for food stamps as provided in 7 C.F.R. § 273.8(f)(4).~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.704
 RULE TITLE: Family-Related Medicaid Eligibility Determination Process

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 13, April 2, 2010 issue of the Florida Administrative Weekly.

DATE AND TIME: May 3, 2010, 1:30 p.m.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on March 19, 2010, the Florida Communities Trust, received a petition for waiver from the City of Crystal River (DCA10-WAI-055) relating to the Three Sisters Springs Project (FCT #03-088-FF8). The petitioner seeks a waiver of a portion of subsection 9K-7.003(8), Florida Administrative Code, that prohibits the use of Florida Forever funds as any part of the match in a Florida Communities Trust project. The waiver is being requested pursuant to the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Progress Energy Florida, Inc.'s (PEF), petition for waiver of subsections 25-6.0143(1)(c), (d), and (f), Florida Administrative Code, filed on March 20, 2009, in Docket No.: 090145-EI, was denied by the Commission at its June 16, 2009, Agenda Conference. Order No.: PSC-09-0484-PAA-EI, issued July 6, 2009, memorialized the decision. The rule provides guidance regarding the expenses that can be charged to the Storm Damage Reserve. The petition was denied on the basis that PEF had not demonstrated that the purpose of the underlying statute would be achieved by other means nor that the application of the rule would create a substantial hardship. Notice of the petition was published in the Florida Administrative Weekly on April 29, 2009.

A copy of the Order can be obtained from: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on March 11, 2010, the South Florida Water Management District, received a petition for Variance (Application No.: 100311-7, Permit No.: 06-00076-W) from Seacrest Services Inc., 1937 N. W. 40th Court, Pompano Beach, FL 33064, for a project known as Century Village Deerfield, located in Sections 2-4, Township 48 South, Range 42 East, Broward County. The petition seeks relief from provisions in Chapter 40E-24, F.A.C., pertaining to mandatory year-round landscape irrigation conversation measures, pursuant to Section 120.542, Florida Statutes.

A copy of the Petition for Variance or Waiver may be obtained by contacting: The Environmental Resource Regulation Department, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, e-mail: permits@sfwmd.gov or, by accessing the District's website: www.sfwmd.gov using the Application/Permit Search on the ePermitting page. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn.: District Clerk.

For additional information, contact: Jesus Rodriguez at (561)682-6060 or e-mail: jerodrig@sfwmd.gov.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on February 26, 2010, the Department of Environmental Protection's Central District, received a petition for a variance under Section 120.542, F.S., from Petitioner, Howard Johnson Express Inn, 2801 East New York Ave., Deland, FL 32720. Petitioner requests a variance from the 100 foot setback distance from the edge of a rapid infiltration basin to buildings or to site property lines in subsection 62-610.521(6), F.A.C. Petitioner needs to expand the rapid infiltration basin which have been in existence since 1973 to eliminate an emergency spray field at the site. The petition has been assigned OGC No.: 10-1148. Comments must be received at the address below no later than 14 days from the date of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dennise Judy, Department of Environmental Protection, Central District, 3319 Maguire Blvd., Suite 232, Orlando, FL 32803, (407)894-7555, email: dennise.judy@dep.state.fl.us.

DEPARTMENT OF HEALTH

The Board of Massage Therapy hereby gives notice it has received an amended petition, filed on March 23, 2010, by Joan M. Johns seeking a variance or waiver of paragraph 64B7-25.004(1)(f), F.A.C., which requires an applicant for licensure by endorsement to complete a current curriculum course from a Board approved school covering the Florida Statutes and rules related to massage therapy.

Comments on this petition should be filed with: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

A copy of the Amended Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

The Board of Massage Therapy hereby gives notice that it has received a petition, filed February 26, 2010, by John Edward Mooney, seeking a waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C. with respect to the 12 continuing education hours via live classroom instruction which includes hands-on instruction or demonstration.

Comments on this petition should be filed with: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

A copy of the petition may be obtained by contacting Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

NOTICE IS HEREBY GIVEN THAT on March 23, 2010, the Board of Medicine, received a petition for waiver or variance filed by Pierre J. Fontaine, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for 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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on March 25, 2010, the Agency for Persons with Disabilities, received a petition for Waiver of Bedroom Size.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Percy "Pete" W. Mallison, Agency Clerk, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on March 22, 2010, the Florida Housing Finance Corporation, received a petition for Waiver/Variance from paragraph 67-48.018(1)(c), F.A.C., (Eligible HOME Applicants) from Florida Low Income Housing Associates, Inc. (2009-182H). The petition is seeking a waiver from the provision of the rule that disqualifies an applicant if the proposed development is subject to a land use restriction agreement (LURA) or an extended use agreement.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website: www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on March 22, 2010, the Florida Housing Finance Corporation, received a petition for Waiver/Variance from paragraph 67-48.018(1)(c), F.A.C., (Eligible HOME Applicants) from Florida Low Income Housing Associates, Inc. (2009-204H). The petition is seeking a waiver from the provision of the rule that disqualifies an applicant if the proposed development is subject to a land use restriction agreement (LURA) or an extended use agreement.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website: www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on March 17, 2010, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Summit Housing Partners, LLC.

DATE PETITION WAS FILED: February 15, 2010.
 RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-21.003, F.A.C. (Application and Selection Process for Developments)
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, February 26, 2010, Vol. 36, No. 8.
 THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: March 17, 2010.
 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 (850)488-4197 or e-mail: Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website: www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on March 30, 2010, the Florida Housing Finance Corporation, received a petition for Waiver/Variance from paragraph 67-48.0072(4)(c), F.A.C., (Credit Underwriting and Loan Procedures) from North Central Heights, LLC (2007-041H). The petition is seeking a waiver of the rule and requests that the Corporation grant an extension of sixty (60) days to close the HOME loan.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website: www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT on March 24, 2010, the Petitioner, Transamerica Life Insurance Company, has withdrawn its petition for variance from 69O-125.003, which was noticed on March 19, 2010.

Section VI
Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
 Division of Bond Finance
 Financial Services Commission:
 Office of Insurance Regulation
 Office of Financial Regulation
 Agency for Enterprise Information Technology
 Department of Veterans' Affairs
 Department of Highway Safety and Motor Vehicles
 Department of Law Enforcement
 Department of Revenue
 Administration Commission
 Florida Land and Water Adjudicatory Commission
 Board of Trustees of the Internal Improvement Trust Fund
 Department of Environmental Protection
 DATE AND TIME: April 27, 2010, 9:00 a.m.
 PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.
The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.
The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.
The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the **Office of Insurance Regulation** concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the **Office of Financial Regulation** relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.
The Agency for Enterprise Information Technology will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, administrative procedure matters, and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters for which it is responsible pursuant to law (including duties pursuant to Title 18 of the Florida Statutes and Title 18 of the Florida Administrative Code) and that are duly presented on its agenda, which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services; mineral leases or sales; state or sovereign land leases, sales, exchanges, dedications, and easements; conservation and preservation lands and other land purchases; land planning matters; rulemaking under Title 18 of the Florida Administrative Code and other matters within its authority.

The Department of Environmental Protection will present for consideration those matters required by law to be reviewed by the Governor and Cabinet, sitting as the Siting Board, which may include, but are not limited to siting of power plants and electric and natural gas transmission lines.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/> or by contacting each individual agency.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to provide at least 48 hours' notification before the meeting by contacting the Governor's Cabinet Affairs Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee

DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 12, 2010, 11:00 a.m.

PLACE: Mission San Luis Conference Room, 2100 West Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee will meet to discuss fund raising opportunities, upcoming events and other FOMSL business.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)487-1666 or jbshiver@dos.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: Jessica Shiver at (850)487-1666 or jbshiver@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Jessica Shiver at (850)487-1666 or jbshiver@dos.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Pesticide Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 11, 2010, 9:00 a.m.

PLACE: Austin Cary Memorial Forest, Conference Building, 10625 Northeast Waldo Road, Gainesville, Florida 32609, (352)846-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the council during which there will be a review of pertinent pesticide issues impacting on human health and the environment.

For more information, you may contact: Bureau of Pesticides, 3125 Conner Blvd., Bldg. 6, Mail L-29, Tallahassee, Florida 32399-1650, (850)487-0532.

The **Pest Control Enforcement Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 20, 2010, 9:30 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, AES Conference Room, 3125 Connor Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731, Teleconference: 1(888)808-6959, Conference Code: 9219088#, WebEx Information: <http://doacs.webex.com>, Password: pestcontrol

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

For more information, you may contact: Mr. Michael J. Page, Chief of Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301, (850)921-4177.

The **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: May 6, 2010, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399, (850)487-2130

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: The Pesticide Registration Section at (850)487-2130 or from the PREC Website: http://www.flas.org/pesticide/pesticide_registration.html.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

The **Florida Coordinating Council on Mosquito Control** announces a public meeting to which all persons are invited.

DATE AND TIME: June 15, 2010, 10:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Doyle Conner Building, 1911 Southwest 34 Street, Gainesville, Florida 32608, 1(800)282-5153. Teleconference: 1(888)808-6959, Conference Code: 9219088#, WebEx Information: <https://doacs.webex.com>, Password: mosquito.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

For more information, you may contact: Mr. Michael J. Page, Chief of Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301, (850)921-4177.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry (DOF)** and the Tiger Bay State Forest (TBSF) Management Plan Advisory Group (MPAG) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 14, 2010, 6:00 p.m.

PLACE: Volusia County Extension, Agricultural Center, Auditorium, 3100 E. New York Ave., Deland, FL 32724

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the TBSF MPAG to prepare for a public hearing later in the evening which will provide recommendations to the DOF to help in preparation of a management plan for the TBSF.

PUBLIC HEARING

DATE AND TIME: Wednesday, April 14, 2010, 6:30 p.m.

PLACE: Volusia County Extension, Agricultural Center, Auditorium, 3100 E. New York Ave., Deland, FL 32724

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit comments on management of the TBSF. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to the DOF's TBSF at 4316 West International Speedway, Daytona Beach, FL 32124 to the attention of Steven Graham and should be mailed so as to arrive at the office by the date of the public hearing.

MPAG MEETING

DATE AND TIME: Thursday, April 15, 2010, 9:30 a.m.

PLACE: Volusia County Extension, Agricultural Center, Auditorium, 3100 E. New York Ave., Deland, FL 32724

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the TBSF MPAG to review comments from the public hearing earlier in the evening and provide recommendations to the DOF to help in preparation of a management plan for the TBSF.

A copy of the agenda may be obtained by contacting: TBSF, 4316 West International Speedway, Daytona Beach, FL 32124 or contacting: Steven Graham at (386)226-0250.

Pursuant to the provisions of 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: DOF'S TBSF office at the above listed address. If

you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The **University of South Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 20, 2010, 11:00 a.m. – 12:30 p.m.

PLACE: University of South Florida, 4202 East Fowler Ave., FAH 110, Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review images of artwork by eligible artists considered for Florida's Art in State Buildings Project BR 550 – Music Teaching and Performance Building.

A copy of the agenda may be obtained by contacting: Sheena Simmons, ASB Administrator for Florida's Art in State Buildings Program, University of South Florida, 4202 East Fowler Avenue, CAM 101, Tampa, Florida 33612, (813)974-4333.

Pursuant to the provisions of 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: Sheena Simmons at (813)974-4333. If you are 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 School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 23, 2010, 8:00 a.m.

PLACE: Moore Hall, Room 215, Florida School for the Deaf and the Blind Campus, St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida School for the Deaf and the Blind Endowment Investment Committee.

A copy of the agenda may be obtained by contacting: L. Daniel Hutto, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2210. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1 (800)955-8770 (Voice).

Pursuant to the provisions of 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: L. Daniel Hutto, President at (904)827-2210. If you are 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: L. Daniel Hutto, President, Florida School for the Deaf and the Blind, at the afore mentioned address.

The **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 23, 2010, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, Florida School for the Deaf and the Blind Campus, St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: L. Daniel Hutto, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084, (904)827-2210.

Pursuant to the provisions of 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: L. Daniel Hutto, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084, (904)827-2210. If you are 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: L. Daniel Hutto, President, at the afore mentioned address.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: April 16, 2010, 3:00 p.m. – 5:00 p.m.

PLACE: Department of Community Affairs, Room 260-N, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the preparation of the Annual Action Plan for Federal Fiscal Year 2010 and to review the draft of the Action Plan once it is completed.

SUMMARY: The State of Florida is required to submit an Annual Action Plan to the U. S. Department of Housing and Urban Development (HUD) in order to receive federal funding from that agency. The plan must cover the grant programs funded by HUD. Grant programs included in the Plan are the Florida Small Cities Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Home Investment Partnership (HOME) and Housing Opportunities for Persons with Aids (HOPWA). The Plan must specify the manner in which the funds will be distributed to eligible applicants.

ACTION TO BE TAKEN: At the public meeting to be held on April 16, 2010, staff from the CDBG, ESG, HOME and HOPWA programs will provide an overview of the programs and answer questions. Interested parties are encouraged to attend. A draft of the Action Plan will be available for review and comment on April 16, 2010, the date of the public meeting. It will also be posted to the Department's website: <http://www.floridacommunitydevelopment.org/cdbg/ConsolidatedPlan.cfm>. Comments on the draft will be accepted from April 16, 2010 through May 15, 2010. Written comments on the draft of the Annual Action Plan are encouraged. They may be made at the public meeting or mailed to the address listed.

A copy of the agenda may be obtained by contacting: Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644, email: tammy.anderson@dca.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: Tammy Anderson, Department of Community Affairs at (850)487-3644. If you are 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 Seven announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, May 6, 2010, 5:00 p.m. – 7:00 p.m.

PLACE: Florida State Fairgrounds, Florida Center, 4800 US Highway 301, Tampa, FL (Enter from Dr. Martin Luther King, Jr. Boulevard. Free Parking)

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 improvements from the Project Development and Environment Studies for I-75 from Moccasin Wallow Road in Manatee County to north of Fletcher Avenue in Hillsborough County. The Recommended Build Alternative includes widening I-75 to the inside to provide three general use lanes and two (Southern Study) or three (Northern Study) special use lanes.

WPI Segment Nos.: 419235-2 and 419235-3.

A copy of the agenda may be obtained by contacting: Ming Gao, P.E., Intermodal Systems Development Manager, 11201 N. McKinley Drive, MS #7-500, Tampa, FL 33612-6456.

Pursuant to the provisions of 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: Manuel Santos, E.I., Project Manager, 11201 N. McKinley Drive, MS #7-500, Tampa, FL 33612-6456, 1(800)226-7220 or (813)975-6173. If you are 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: Manuel Santos, E.I., Project Manager at information listed above.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 20, 2010, 2:00 p.m.

PLACE: The Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Audit Committee.

A copy of the agenda may be obtained by contacting: Loveleen Verma, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: James Linn at (850)413-1166. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PUBLIC SERVICE COMMISSION

NOTICE OF RESCHEDULING – The Florida **Public Service Commission** announces its Internal Affairs Meeting for April 20, 2010 re-scheduled from April 19, 2010, to which all interested persons are invited.

DATE AND TIME: April 20, 2010, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Trust for Florida's Children** announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2010, 9:30 a.m. – 12:30 p.m.

PLACE: Contact the Office of Adoption and Child Protection at (850)921-2015 for Conference Call Information

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will focus on general meeting topics and potential opportunities.

A copy of the agenda may be obtained by contacting: Office of Adoption and Child Protection at (850)921-2015.

The **Governor's Office of Policy and Budget** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, April 26, 2010, 10:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 7517473#

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2010 Sunshine Census Statewide Complete Count Committee.

A copy of the agenda may be obtained by contacting: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880.

Pursuant to the provisions of 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: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880. If you are 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 **Office of Drug Control** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, May 18, 2010, 1:30 p.m. – 2:30 p.m.

PLACE: 2105 The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Prescription Drug Monitoring Program Foundation, Inc.

A copy of the agenda may be obtained by contacting: Claude Shipley at (850)414-8820.

Pursuant to the provisions of 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: Claude Shipley at (850)414-8820. If you are 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: Claude Shipley at (850)414-8820.

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Monday, April 19, 2010, 4:00 p.m.; Executive Committee, 2:30 p.m.; Audit Committee, 3:30 p.m.

PLACE: Niceville City Hall, 208 North Partin Drive, Niceville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Council.

A copy of the agenda may be obtained by contacting: Ms. Terry Joseph, Executive Director, West Florida Regional Planning Council, terry.joseph@wfrpc.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Ms. Terry Joseph, Executive Director, West Florida Regional Planning Council, terry.joseph@wfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Terry Joseph, Executive Director, WFRPC, terry.joseph@wfrpc.org or (850)332-7976

The West Florida Regional Planning Council and the District I Local Emergency Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, April 21, 2010, 10:00 a.m. Resource and Training Committee; Exercise Committee, 9:00 a.m.

PLACE: Pall Corporation, 8780 Ely Road, Ellyson Industrial Park, Pensacola, FL. DIRECTIONS: Davis Hwy. to light at Copter Road, turn into Park, go to Ely, turn right. Pall Corp. in middle of block, left side of road.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business of the Committee.

A copy of the agenda may be obtained by contacting: WFRPC at 1(800)266-8914 or (850)332-7976, ext. 210, www.wfrpc.org or Ms. Kathy Ahlen, Regional Planner II, kathy.ahlen@wfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Ms. Kathy Ahlen, kathy.ahlen@wfrpc.org or 1(800)266-8914 or (850)332-7976, ext. 210. If you are 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: Ms. Kathy Ahlen, kathy.ahlen@wfrpc.org or 1(800)266-8914 or (850)332-7976, ext. 210.

The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 20, 2010, 9:30 a.m.

PLACE: City Commission Meeting Room, City Hall, 209 North Thompson Street, Starke, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Bradford County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of 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 business days before the workshop/meeting by contacting: (352)955-2200. If you are 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 North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 20, 2010, 1:15 p.m.

PLACE: Board of County Commissioners Meeting Room, County Courthouse, 55 West Main Street, Lake Butler, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Union County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of 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 business days before the workshop/meeting by contacting: (352)955-2200. If you are 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 North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2010, 10:30 a.m.

PLACE: Board of County Commissioners Meeting Room, County Courthouse, 401 North Cedar Street, Cross City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Dixie County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of 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 business days before the workshop/meeting by contacting: (352)955-2200. If you are 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 North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2010, 1:30 p.m.

PLACE: Board of County Commissioners Meeting Facility, 210 South Main Street, Trenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Gilchrist County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of 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 business days before the workshop/meeting by contacting: (352)955-2200. If you are 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 North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 22, 2010, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of 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 business days before the workshop/meeting

by contacting: (352)955-2200. If you are 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 North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 22, 2010, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of 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 business days before the workshop/meeting by contacting: (352)955-2200. If you are 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 North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 22, 2010, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of 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 business days before the workshop/meeting by contacting: (352)955-2200. If you are 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 **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 21, 2010, 10:00 a.m.
PLACE: ECFRPC-309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, FL 32701 (Visit www.ecfrpc.org for map and directions)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772 or tbyrd@ecfrpc.org. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772. If you are 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 **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 28, 2010, 1:30 p.m.
PLACE: Okeechobee County Administrative Annex, 458 Highway 98 North, Okeechobee, FL 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Transportation Disadvantaged Local Coordinating Board.

A copy of the agenda may be obtained by contacting: Marcia Staszko, Program Director at (863)534-7130, ext. 103, mstaszko@cfrpc.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Marcia Staszko, Program Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 103, mstaszko@cfrpc.org.

The **Tampa Bay Local Emergency Planning Committee, (LEPC) District VIII** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 26, 2010, 10:30 a.m.
PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA) pertaining to facilities with hazardous materials within the Florida LEPC District VIII.

A copy of the agenda may be obtained by contacting: John Meyer, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, ext. 29, www.tbrpc.org/lepc/lepc.shtml.

Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact: Tampa Bay Regional Planning Council at (727)570-5151, within three working days of the meeting.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: John Meyer at (727)570-5151, ext. 29. If you are 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 Meyer at (727)570-5151, ext. 29.

The **District II Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 14, 2010, 10:00 a.m. (ET)

PLACE: Capital Area Chapter of the American Red Cross, 1115 Easterwood Drive, Tallahassee, FL 32311

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting of the District II LEPC.

A copy of the agenda may be obtained by contacting: Chris Rietow, Apalachee Regional Planning Council, 20776 Central Avenue East, Blountstown, FL 32424, (850)488-6211, ext. 102.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: April 22, 2010, 1:00 p.m. (EDT)

PLACE: District Headquarters, 10 miles west of Tallahassee on Highway 90, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – To consider District business.

OTHER MEETINGS HELD ON APRIL 22, 2010:

11:30 p.m. – 12:30 p.m. District Lands Committee – To discuss Land Acquisition Matters

1:15 p.m. Public Hearing on Regulatory Matters.

1:20 p.m. Public Hearing on Land Acquisition Matters.

A copy of the agenda may be obtained by contacting: Robin Tucker, NFWFMD, 81 Water Management Drive, Havana, FL 32333-4712, (850)539-5999 (also available through the Internet at www.nfwfmd.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 72 hours before the workshop/meeting by contacting: Ms. Jean Whitten. If you are 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 **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2010, 1:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 40D-3.037, Rules, Publications and Agreements Incorporated by Reference

AGENDA**Business Items**

- Call to Order and Roll Call – Chair
- Approval of October 14, 2009, Meeting Summary – Chair
- Approval of January 13, 2010, Meeting Summary – Chair

Meeting Items

- 2010 Regional Water Supply Plan – Roy Mazur
- Dover Construction Standards – Tony Gilboy
- Hillsborough County Coordination with Pump Requirements – Tony Gilboy
- Renewal of Manatee and Sarasota Delegation Agreements – Tony Gilboy
- Arkla Terra Superfund Site Discussion – Dave Arnold

Open Discussion**Announcements**

- The Florida Ground Water Association meeting (Convention and Trade Show) is scheduled at Caribe Royale Hotel in Orlando, May 6-8, 2010.

- The next WDAC meeting is scheduled on July 21, 2010, 1:30 p.m., Tampa Service Office, 7601 Highway 301 North, Tampa, FL.

A copy of the agenda may be obtained by contacting: maryellen.fugate@swfwmd.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 2 days before the workshop/meeting by contacting: The District's Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211, ext. 4702 or 1(800)423-1476 (FL Only), ext. 4702, TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District (SWFWMD)** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, April 21, 2010, 9:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: January 2010 Freeze Event Workshop: Workshop invitee discussion of issues relative to the unprecedented freeze event. One or more Governing Board, Basin Board or Advisory Committee members may attend.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (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 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702, TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.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.

For more information, you may contact: Carol.Lynch@water matters.org or 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4605 (Ad Order EXE0030).

The **WRAC** Issues Workshop – River of Grass Project Planning Phase II announces a public meeting to which all persons are invited.

DATE AND TIME: April 22, 2010, 10:00 a.m. – 4:00 p.m.

PLACE: Royal Palm Beach Cultural Center, 151 Civic Center Way, Royal Palm Beach, FL 33411

GENERAL SUBJECT MATTER TO BE CONSIDERED: All interested parties are invited to participate in a Phase II planning workshop for use in identification of alternative plans for the River of Grass Land Acquisition Project. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Joni Warner at (561)682-6537.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 21, 2010, 10:00 a.m.

PLACE: South Florida Water Management District, B-1 Bill Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting to Discuss Regulatory Matters.

All or part of these meetings will be video-conferenced in order to permit maximum participation from the South Florida Water Management District Service Centers located at:

Lower West Coast Service Center
2301 McGregor Blvd.
Fort Myers, FL 33901

Martin/St. Lucie Service Center
780 S. E. Indian Street
Stuart, FL 34997

Orlando Service Center
1707 Orlando Central Parkway, Suite 200
Orlando, FL 32809

The meeting will also be webcast.

A copy of the agenda may be obtained by contacting: seven (7) days prior to the meeting date, you may obtain a copy of the agenda by going to our website at: www.sfwmd.gov.

- Hold mouse over the "Topics" tab, scroll down to "Permits" and click.
- Under "Upcoming Events" on the right hand column, click the "Monthly Regulatory Meetings" link.

For additional information, you may also call our information line at (561)682-6207 or Florida toll-free 1(800)432-2045, ext. 6207.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: District Clerk's Office at (561)682-2087.

REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces a workshop to which all persons are invited.

DATE AND TIME: April 21, 2010, 1:00 p.m.

PLACE: Withlacoochee Regional Planning Council Headquarters, Conference Room, 1241 S. W. 10th Street (SR 200), Ocala, Florida 34474-0323

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, evaluate and reach consensus on recommendations of Phase II of the Authority's Long-Range Water Supply Planning and Implementation Report.

A copy of the agenda may be obtained by contacting: Withlacoochee Regional Water Supply Authority, 1107 Shalimar Drive, Tallahassee, FL 32312 or at www.wrwsa.org under "minutes and notices," "current 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: 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).

For more information, you may contact: Jackson Sullivan at (850)385-0220.

DEPARTMENT OF THE LOTTERY

The **Department of the Lottery** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 20, 2010, 10:00 a.m. (Eastern Time) and continuing from day to day thereafter as may be required

PLACE: Florida Lottery Headquarters, 250 Marriott Drive, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Evaluation Committee to evaluate and score Proposals for RFP 06-09/10, Operational Security Studies and Evaluation Services. Subsequent to the completion of scoring of Proposals, Cost Proposals will be opened, read aloud and recorded.

A copy of the agenda may be obtained by contacting: Rhett Frisbie or Summer Silvestri at (850)487-7710.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Rhett Frisbie or Summer Silvestri at (850)487-7710. If you are 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.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, April 23, 2010, 1:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 8509210813#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Panel on Excellence in Long-Term Care will be meeting to consider applications received for the Gold Seal award designation. Other business as needed may also be discussed.

A copy of the agenda may be obtained by contacting: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308, (850)412-4303.

For more information, you may contact: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308, (850)412-4303.

DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation**, Unemployment Compensation Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 20, 2010, 10:30 a.m. – 12:00 Noon

PLACE: Caldwell Building, Conference Room B49, 107 E. Madison Street, Tallahassee, Florida 32399; or by Conference Call: 1(888)808-6959, Conference Code: 7532872126#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/Events/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Corbett at (850)245-7285. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Architecture and Interior Design** announces a public meeting to which all persons are invited.

DATES AND TIME: May 10-11, 2010, 9:00 a.m.

PLACE: Gaylord Palms, 6000 W Osceola Parkway, Kissimmee, Florida 34746, (407)586-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: May 10, 2010: General Business including disciplinary cases, if time allows to be followed by General Business discussion items – architecture profession, interior design profession, rules, and reports.

May 11, 2010: General Business discussion items continued – architecture profession, interior design profession, rules, reports, and review of applications.

A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 1940 N. Monroe Street, Tallahassee, Florida 32399-0751, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Architecture and Interior Design, 1940 N. Monroe Street, Tallahassee, Florida 32399-0751,

(850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Architecture and Interior Design, 1940 N. Monroe Street, Tallahassee, Florida 32399-0751, (850)487-1395.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: April 27, 2010, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of 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: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are 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: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The **Board of Accountancy** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, May 13, 2010, Probable Cause, 9:00 a.m. – until all business is concluded; Thursday, May 13, 2010, Board Meeting, 1:00 p.m. – until all business is concluded; Friday, May 14, 2010, Board Meeting, 9:00 a.m. – until all business is concluded

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports, rules, and other general business. This is a public meeting.

A copy of the agenda may be obtained by contacting: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607.

Pursuant to the provisions of 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: June Carroll. If you are 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: June Carroll.

The **Florida Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday April 22, 2010, 2:00 p.m.

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for the next meeting will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett at 1(888)862-7010.

Pursuant to the provisions of 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: Janet Garrett at 1(888)862-7010. If you are 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: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32315, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2010, 8:45 a.m. – 1:00 p.m.

PLACE: Lemon Bay Park, 570 Bay Park Boulevard, Englewood, FL 34223

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Council Business for administering the Myakka River as a Wild and Scenic River.

A copy of the agenda may be obtained by contacting: Natalie Balcer, Division of Recreation and Parks, District 4 Administration, 1843 S. Tamiami Tr., Osprey, FL 34229, (941)486-2052.

Pursuant to the provisions of 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: Natalie Balcer, Division of Recreation and Parks, District 4 Administration, 1843 S. Tamiami Tr., Osprey, FL 34229, (941)486-2052. If you are 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 **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, April 23, 2010, 10:00 a.m. (CDT)

PLACE: Florida Department of Transportation, District Three Design Conference Room, 1074 Highway 90 East, Chipley, FL 32438

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft total maximum daily loads (TMDLs) for the impaired waters in the Choctawhatchee River basin, to be adopted in Rule 62-304.325, F.A.C. The TMDLs to be presented at the public workshop are fecal coliform TMDLs

for Alligator Creek (WBID 123), Minnow Creek (WBID 130), Sikes Creek (WBID 142), and Camp Branch (WBID 251). The draft TMDL documents for these impaired waters will be placed on the Department's TMDL website: <http://www.dep.state.fl.us/water/tmdl/> by April 9, 2010 and will be provided upon request to interested parties by mail or via e-mail distribution. The Department will accept written comments on the draft TMDLs through May 10, 2010. Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, email: jan.mandrup-poulsen@dep.state.fl.us. This rule development has been given OGC Case Number: 10-1283.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Evaluation and TMDL Section, MS #3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Pat Waters, Watershed Evaluation and TMDL Section, MS #3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, April 22, 2010, 2:00 p.m.

PLACE: East Port Environmental Campus, Training Room B, 25550 Harbor View Road, Unit 1, Port Charlotte, FL 33980

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft Total Maximum Daily Loads (TMDLs) for the impaired waters in the Caloosahatchee River and Charlotte Harbor basins, to be adopted in Rules 62-304.800 and 62-304.805, F.A.C., respectively. The following TMDLs will be presented at the public workshop: for the Caloosahatchee River Basin, a fecal coliform TMDL for Trout Creek (WBID 3240G), and for the Charlotte Harbor Basin, fecal coliform TMDLs for the North Prong of Alligator Creek (WBID 2071) and Gottfried Creek (WBID 2049). The draft TMDL documents for these impaired waters will be placed on the Department's TMDL website: <http://www.dep.state.fl.us/water/tmdl/> by April 9, 2010 and will be provided upon request to interested parties by mail or via e-mail distribution. The Department will accept written comments on the draft TMDLs through May 10, 2010. Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section,

Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, email: jan.mandrup-poulsen@dep.state.fl.us. These rulemakings have been given the following OGC Case Numbers: OGC 10-1285 for 62-304.800, F.A.C., and OGC 10-1286 for Rule 62-304.805, F.A.C.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Evaluation and TMDL Section, MS #3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Pat Waters, Watershed Evaluation and TMDL Section, MS #3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection, Division of Water Resource Management** announces a workshop to which all persons are invited.

DATE AND TIME: May 4, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: SRWMD Headquarters, Governing Board Room, 9225 CR 49, Live Oak, FL

DATE AND TIME: May 6, 2010, 10:00 a.m. – 3:00 p.m. (CDT)

PLACE: Hagler Auditorium, Pensacola Community College, 1000 College Blvd., Pensacola, FL

DATE AND TIME: May 11, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: DEP, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., Tallahassee, FL

DATE AND TIME: May 13, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: SWFWMD Tampa Service Center, Governing Board Room, 7601 US Hwy. 301, Tampa, FL

DATE AND TIME: May 18, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: DEP Northeast District Office, Conference Room, 7825 Baymeadows Way, Suite B200, Jacksonville, FL

DATE AND TIME: May 19, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: Supervisor of Elections Conference Room, 110 West Kaley Avenue, Orlando, FL

DATE AND TIME: May 25, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: SFWMD Service Center, 1st Floor, Conference Room, 2301 McGregor Blvd., Fort Myers, FL

DATE AND TIME: May 26, 2010, 11:30 a.m. – 4:30 p.m.

PLACE: SFWMD, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present for public comment the statewide stormwater treatment draft rule Chapter 62-347, F.A.C., and Applicant's Handbook.

The Department, in coordination with the water management districts and a technical advisory committee, has developed stormwater quality design and performance standards to update the existing criteria and reflect new research and today's understanding of the impact of nutrient discharges from surface water management systems on water quality. The goal of the rule is to increase the level of nutrient treatment in stormwater discharges and provide statewide consistency by establishing revised stormwater treatment performance standards and best management practices design criteria.

A copy of the agenda may be obtained by contacting: Mary VanTassel, Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS #2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8486 or e-mail: Mary.Vantassel@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from the Department's Web Site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/stormwater/index.htm> (OGC No. 07-0552).

Pursuant to the provisions of 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).

For more information, you may contact: Eric Livingston at above address or email: Eric.Livingston@dep.state.fl.us for technical questions or to submit comments.

DEPARTMENT OF HEALTH

The **Governor's Task Force on Autism Spectrum Disorders** announces a public meeting to which all persons are invited.

DATE AND TIMES: April 16, 2010, 9:00 a.m. – 5:00 p.m., or conclusion; Public comment will be received from 3:00 p.m. – 5:00 p.m.

PLACE: 22nd Floor, The Capitol, 400 South Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be to further discuss items required of the Task Force as listed in Executive Order 09-82.

PLEASE NOTE: All members of the public wishing to give comment are asked to sign up at the public comment table by 3:00 p.m. If you are interested in sharing your testimony with the Task Force during public comment and cannot attend the meeting in person, please submit it in writing: Christine Brenco at email: Christine_Brenco@apd.state.fl.us, and they will be read aloud during the meeting. Please ensure comments read are less than 5 minutes.

Pursuant to the provisions of 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: Christine Brenco at (850)487-3763 or by email: Christine_Brenco@apd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Christine Brenco at (850)487-3763 or by email: Christine_Brenco@apd.state.fl.us.

The **Board of Massage Therapy** announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday, April 29, 2010; Friday, April 30, 2010, 9:00 a.m. or shortly thereafter

PLACE: Marriott Tampa Airport, 4200 George J. Bean Parkway, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161.

Pursuant to the provisions of 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: Paula Mask at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine** – PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 23, 2010, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email: Karen_Miller2@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 10 days before the workshop/meeting by

contacting: Karen Miller at (850)245-4640, ext. 8180 or email: Karen_Miller2@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).

The Florida **Board of Nursing**, Central Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 22, 2010, 3:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number, 1(888)808-6959, Conference Code: 0109310#

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Rick García, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Department of Health, Division of Health Access and Tobacco** announces a public meeting to which all persons are invited.

DATE AND TIME: April 20, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: Room 310A, Prather Building, 2585 Merchants Row Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a strategic planning meeting for the 2010-2015 Florida Tobacco Education and Use Prevention Strategic Plan. The meeting is to discuss the draft plan and to provide input into the plan's objectives and strategies.

A copy of the agenda may be obtained by contacting: Jane Parker at (850)245-4444, ext. 2774, email: Jane_Parker@doh.state.fl.us or, by going to the Department of Health Tobacco website at <http://www.doh.state.fl.us/tobacco/TAC.html> 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 72 hours before the workshop/meeting by contacting: Jane Parker at (850)245-4444, ext. 2774, email:

Jane_Parker@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).

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: Tuesday, April 27, 2010, 9:30 a.m.

PLACE: Department of Children and Families, 1055 US Hwy 17 North, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chapter 39 Local Planning Team meeting to discuss adoption promotion and child abuse prevention.

A copy of the agenda may be obtained by contacting: Diane Dvorak, DCF at (863)534-7100.

Pursuant to the provisions of 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, DCF at (863)534-7100. If you are 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, DCF at (863)534-7100.

The **Department of Children and Families, Division of Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 7, 2010, 7:00 p.m. –9:00 p.m.

PLACE: Youth Co-Op, Inc., 7261 Sheridan Street, Suite 110, Hollywood, Florida 33024

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southeast Region, Refugee Advisory Panel.

Pursuant to the provisions of 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: Miriam Rosario at email: Miriam_Rosario@dcf.state.fl.us or Fax: (561)837-5106. If you are 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: Miriam Rosario at (561)837-5022, email Miraim_Rosario@dcf.state.fl.us or Fax: (561)837-5106; Taddese Fessehaye at email: Taddese_Fessehaye@dcf.state.fl.us.

The **Department of Children and Families, Division of Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 9, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Miami-Dade College, 500 Northeast 2nd Avenue, Room #3208-9, Miami, Florida 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southern Region, Refugee Advisory Panel.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Adria Dilme at email: Adria_Dilme@dcf.state.fl.us or Fax: (305)377-5399; Lourdes Leconte at email: Lourdes_Leconte@dcf.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.

For more information, you may contact: Adria Dilme at (305)377-7518, email: Adria_Dilme@dcf.state.fl.us or Fax: (305)377-5399; Lourdes Leconte at (305)376-1947 or email: Lourdes_Leconte@dcf.state.fl.us; Taddese Fessehaye at email: Taddese_Fessehaye@dcf.state.fl.us.

The **Department of Children and Families, Division of Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 9, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Miami-Dade College, Building 3, Room 208-09, 500 Northeast 2nd Avenue, Miami, Florida 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southern Region, Refugee Task Force.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Adria Dilme at email: Adria_Dilme@dcf.state.fl.us or Fax: (305)377-5399; Lourdes Leconte at email: Lourdes_Leconte@dcf.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.

For more information, you may contact: Adria Dilme at (305)377-7518, email: Adria_Dilme@dcf.state.fl.us or Fax: (305)377-5399; Lourdes Leconte at (305)376-1947 or email: Lourdes_Leconte@dcf.state.fl.us; Taddese Fessehayé at email: Taddese_Fessehayé@dcf.state.fl.us.

The **Department of Children and Families, Division of Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 14, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Orange County Health Department, 832 W. Central Boulevard, Orlando, Florida 32805

GENERAL SUBJECT MATTER TO BE CONSIDERED: Central Region, Refugee Task Force.

Pursuant to the provisions of 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: Pedro Padua at email: Pedro_Padua@dcf.state.fl.us or Fax: (407)245-0584. If you are 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: Pedro Padua at (407)245-1709, ext. 738, email: Pedro_Padua@dcf.state.fl.us, Fax: (407)245-0584; Taddese Fessehayé at email: Taddese_Fessehayé@dcf.state.fl.us.

The **Department of Children and Families, Division of Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 14, 2010, 5:00 p.m. – 7:30 p.m.

PLACE: St. Thomas University Human Rights Institute, 2112 South Congress Avenue, Palm Springs, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southeast Region, Refugee Advisory Panel.

Pursuant to the provisions of 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: Miriam Rosario at email: Miriam_Rosario@dcf.

state.fl.us or Fax: (561)837-5106. If you are 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: Miriam Rosario at (561)837-5022, email: Miriam_Rosario@dcf.state.fl.us or Fax: (561)837-5106; Taddese Fessehayé at email: Taddese_Fessehayé@dcf.state.fl.us.

The **Department of Children and Families, Division of Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, April 17, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Department of Children and Families, 400 W. Robinson Street, South Tower, Conference Room A, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Central Region, Refugee Advisory Panel.

Pursuant to the provisions of 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: Pedro Padua at email: Pedro_Padua@dcf.state.fl.us or Fax: (407)245-0584. If you are 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: Pedro Padua at (407)245-1709, ext. 738, email: Pedro_Padua@dcf.state.fl.us or Fax: (407)245-0584; Taddese Fessehayé at email: Taddese_Fessehayé@dcf.state.fl.us.

The **Agency for Persons with Disabilities**, Area 14, Family Care Council announces a public meeting to which all persons are invited.

DATE AND TIME: May 11, 2010, 12:00 Noon

PLACE: Faith Lutheran Church, 211 Easton Church, Lakeland, FL 33803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Sara Howerton at (863)413-3360.

Pursuant to the provisions of 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: Sara Howerton at (863)413-3360. If you are 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: Sara Howerton at (863)413-3360.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Laurel Villas II, a 78-unit multifamily residential rental development located on or about the northwest corner of the intersection of Euclid Avenue and Garfield Avenue, Deland, Volusia County, Florida 32724. The owner and operator of the development is Laurel Villas Associates II, LLC, 247 N. Westmonte Drive, Altamonte Springs, FL 32714, or such successor in interest in which Picerne Affordable Development, LLC and/or Deland Housing Authority, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Picerne Management Corporation, 247 N. Westmonte Drive, Altamonte Springs, FL 32714. The tax-exempt bond amount is not to exceed \$9,250,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should be addressed to the attention of Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting: Len Stirrat, Multifamily Bond Administrator, 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. If you are 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: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Artspace Lofts, a 50-unit multifamily residential rental development located on or about the intersection of Railroad Avenue and St. Francis Street, Tallahassee, Leon County, Florida 32310. The owner and operator of the development is Artspace Tallahassee, Limited Partnership, 250 Third Avenue North, Suite 500, Minneapolis, MN 55401, or such successor in interest in which Artspace Projects, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Royal American Management, Inc., 1002 West 23rd Street, Suite 400, Panama City, FL 32405. The tax-exempt bond amount is not to exceed \$7,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should

be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Pursuant to the provisions of 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: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation 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: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Bayside Reserve, a 156-unit multifamily residential rental development located on or about N. W. 162nd Avenue and 49th Street, Clearwater, Pinellas County, Florida 33762. The owner and operator of the development is Bayside Reserve I, Ltd., 5309 Transportation Boulevard, Cleveland, OH 44125, or such successor in interest in which NRP Florida Development, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is NRP Management LLC, 5309 Transportation Boulevard, Cleveland, OH 44125. The tax-exempt bond amount is not to exceed \$12,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should

be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Pursuant to the provisions of 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: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation 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: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Biscayne Palm Club, a 114-unit multifamily residential rental development located on or about 15495 S. W. 288th Street, Miami, Miami-Dade County, Florida 33033. The owner and operator of the development is Biscayne Palm Preservation, LP, 60 Columbus Circle, New York, NY 10023 or such successor in interest in which Biscayne Palm Developer, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is: TRG Management Company of Florida, 444 Brickell Avenue, #200, Miami, FL 33131. The tax-exempt bond amount is not to exceed \$3,320,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should

be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Pursuant to the provisions of 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: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation 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: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Campbell Arms Apartments, a 201-unit multifamily residential rental development located on or about 800 N. E. 12th Avenue, Homestead, Miami-Dade County, Florida 33030. The owner and operator of the development is Campbell Arms Preservation Associates Limited Partnership, 40 Court Street, Suite 650, Boston, MA 02108, or such successor in interest in which Preservation of Affordable Housing, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Preservation Housing Management, 3100 Broadway, Suite 1234, Kansas City, MO 64111. The tax-exempt bond amount is not to exceed \$3,700,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed.

Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Pursuant to the provisions of 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: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation 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: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Circle Creek Apartments, a 100-unit multifamily residential rental development located on or about the south side of S. W. 260th Street, approximately 1200 feet west of South Dixie Highway, Miami, Miami-Dade County, Florida 33032. The owner and operator of the development is Circle Creek Apartments, Ltd., 1666 Kennedy Causeway, Suite 505, North Bay Village, FL 33141, or such successor in interest in which Landmark Development Corp., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Pinnacle, An American Management Services Company, 2600 Lake Lucien Drive, Maitland, FL 32751. The tax-exempt bond amount is not to exceed \$9,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Pursuant to the provisions of 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: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation 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: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

The Dunes at Coleman Park, a 350-unit multifamily residential rental development located on or about the northwest corner of 15th Street and Division Avenue, West Palm Beach, Palm Beach County, Florida 33407. The owner and operator of the development is The Dunes at Coleman Park, Ltd., 1666 Kennedy Causeway, Suite 505, North Bay Village, FL 33141, or such successor in interest in which Landmark Development Corp. and/or Baobab Development, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed

development is Pinnacle, An American Management Services Company, 2600 Lake Lucien Drive, Maitland, FL 32751. The tax-exempt bond amount is not to exceed \$42,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Pursuant to the provisions of 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: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation 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: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Garden Trail, a 75-unit multifamily residential rental development located on or about Eldridge Street at the northwest corner of Eldridge Street and North Garden Avenue, Clearwater, Pinellas County, Florida 33755. The owner and operator of the development is SP Garden Trail, LLC, 2430 Estancia Blvd., Suite 101, Clearwater, Florida 33761, or such successor in interest in which Southport Financial Services, Inc., or an affiliate thereof, is a managing member, general

partner and/or controlling stockholder. The prospective manager of the proposed development is Cambridge Management, Inc., 1916 64th Avenue West, Tacoma, Washington 98466. The tax-exempt bond amount is not to exceed \$5,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Pursuant to the provisions of 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: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation 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: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Georgia Ayers Apartments, a 72-unit multifamily residential rental development located on or about 13280 Port Said Road, Opa-Locka, Miami-Dade County, Florida 33054. The owner and operator of the development is: Georgia Ayers Apartments, LLC, 150 S. E. 2nd Avenue, Suite 1302, Miami, FL 33131, or such successor in interest in which Biscayne Housing Group,

LLC, The Carrie Meek Foundation, Inc. and/or Georgia Ayers Development, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is: Royal American Management, Inc., 1002 West 23rd Street, Suite 400, Panama City, FL 32405. The tax-exempt bond amount is not to exceed \$8,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

The Landings at Timberleaf, a 240-unit multifamily residential rental development located on or about 5435 North Timberleaf Boulevard, Orlando, Orange County, Florida 32811. The owner and operator of the development is Timberleaf

Apartments, Ltd., 340 Pemberwick Road, Greenwich, CT 06831, or such successor in interest in which The Richman Group of Florida, Inc. and/or Richelson Enterprises, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is: Richman Property Services, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The tax-exempt bond amount is not to exceed \$11,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Methodist Place, a 200-unit multifamily residential rental development located on or about 400 East Harrison Street, Tampa, Hillsborough County, Florida 33602. The owner and

operator of the development is SP Three Ltd., 1205 West Swann Avenue, Tampa, FL 33606, or such successor in interest in which SP Three Development, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Royal American Management, Inc., 1002 West 23rd Street, Suite 400, Panama City, FL 32405. The tax-exempt bond amount is not to exceed \$8,300,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

New Horizons Apartments, a 100-unit multifamily residential rental development located on or about 690 N. W. 60th Street, Miami, Miami-Dade County, Florida 33127. The owner and

operator of the development is New Horizons Preservation Associates L.P., 40 Court Street, Suite 650, Boston, MA 02108, or such successor in interest in which Preservation of Affordable Housing, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Preservation Housing Management, 3100 Broadway, Suite 1234, Kansas City, MO 64111. The tax-exempt bond amount is not to exceed \$4,975,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Riverwalk II Apartments, a 112-unit multifamily residential rental development located on or about 301 S. E. 6th Avenue, Homestead, Miami-Dade County, Florida 33030. The owner and operator of the development is Riverwalk II Preservation, LP, 60 Columbus Circle, New York, NY 10023 or such successor in interest in which Riverwalk II Developer, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is TRG Management Company of Florida, 444 Brickell Avenue, #200, Miami, FL 33131. The tax-exempt bond amount is not to exceed \$5,450,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2010, 10:00 a.m. (Tallahassee Local Time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

SBC Senior Housing, a 79-unit multifamily residential rental development located on or about the south side of S. W. 142nd Lane, approximately 300 feet west of the intersection of S. W. 110th Avenue and S. W. 142nd Lane, Miami, Miami-Dade County, Florida 33176. The owner and operator of the development is SBC Senior Housing, LLC, 150 S. E. 2nd Avenue, Suite 1302, Miami, FL 33131 or such successor in interest in which Biscayne Housing Group, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Royal American Management, Inc., 1002 West 23rd Street, Suite 400, Panama City, FL 32405. The tax-exempt bond amount is not to exceed \$7,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), April 26, 2010, and should be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Fish and Wildlife Conservation Commission (FWCC)** announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2010, 6:00 p.m. – 8:00 p.m. (CDT)

PLACE: Gulf Coast Community College, Student Union East Conference Center, 5230 West US Hwy. 98, Panama City, Florida 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Fish and Wildlife Conservation Commission (FWC), as part of its deer management strategic plan and in response to input received from the public is considering changes to hunting season timing on public hunting areas to align more closely with recent changes to hunting zones. This meeting is being held to invite members of the public to learn about possible changes and share their views with agency staff on this topic.

A copy of the agenda may be obtained by contacting: Cory R. Morea at (850)410-0656, ext. 17256.

Pursuant to the provisions of 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: Cory R. Morea at (850)410-0656, ext. 17256.

The Florida **Fish and Wildlife Conservation Commission, Division of Law Enforcement** announces a workshop to which all persons are invited.

DATE AND TIME: April 23, 2010, 3:00 p.m. – 5:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Room 272, 620 S. Meridian Street, Tallahassee, FL 32399-1600

GENERAL SUBJECT MATTER TO BE CONSIDERED: The focus of this workshop is to discuss proposed changes to Rule 68A-6.022, Florida Administrative Code, pertaining to Disaster and Critical Incident Plans, and Rule 68A-6.003, Florida Administrative Code, pertaining to requirements for new applicants requesting authorization to possess Class I or Class II wildlife. The issues include, but are not limited to: requiring applicants to meet local building codes and zoning requirements for the construction of the facility and notification by the Florida Fish and Wildlife Conservation Commission to the counties and municipalities of an application for a new authorization to possess Class I or Class II Wildlife.

A copy of the agenda may be obtained by contacting: Captain Linda Harrison at (850)488-6253.

Pursuant to the provisions of 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: Captain Linda Harrison at (850)488-6253.

The **Florida Fish and Wildlife Conservation Commission (FWCC)** announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2010, 6:00 p.m. – 8:00 p.m. (EDT)

PLACE: International Game Fish Association Headquarters, 300 Gulf Stream Way, Dania Beach, Florida 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Fish and Wildlife Conservation Commission (FWC), as part of its deer management strategic plan and in response to input received from the public is considering changes to hunting season timing on public hunting areas to align more closely with recent changes to hunting zones. This meeting is being held to invite members of the public to learn about possible changes and share their views with agency staff on this topic.

A copy of the agenda may be obtained by contacting: Cory R. Morea at (850)410-0656, ext. 17256.

Pursuant to the provisions of 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: Cory R. Morea at (850)410-0656, ext. 17256.

The **Florida Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: April 28-29, 2010, 8:30 a.m.

PLACE: Pat Thomas Law Enforcement Academy, 215 Academy Drive, Havana, Florida 32333

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. The meeting may include fact finding field trips to Commission managed areas or facilities and to other areas to learn about management, and enforcement activities.

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. Bud Vielhauer, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or (850)487-1764.

The **Florida Fish and Wildlife Conservation Commission (FWCC)** announces a public meeting to which all persons are invited.

DATE AND TIME: April 28, 2010, 6:00 p.m. – 8:00 p.m. (EDT)

PLACE: Plant City High School Auditorium, One Raider Place, Plant City, Florida 33563

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Fish and Wildlife Conservation Commission (FWC), as part of its deer management strategic plan and in response to input received from the public is considering changes to hunting season timing on public hunting areas to align more closely with recent changes to hunting zones. This meeting is being held to invite members of the public to learn about possible changes and share their views with agency staff on this topic.

A copy of the agenda may be obtained by contacting: Cory R. Morea at (850)410-0656, ext. 17256.

Pursuant to the provisions of 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: Cory R. Morea at (850)410-0656, ext. 17256.

The **Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement** announces a workshop to which all persons are invited.

DATE AND TIME: May 4, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: North I-10 and US 27, 2725 Graves Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: The focus of this workshop is to discuss current requirements for the operation of fox and/or coyote enclosures in Florida. The workshop will explore the development of additional requirements pertaining to the use of dogs for pursuing fox and/or coyote within a fenced area of land. The issues include, but are not limited to: Defining “enclosure” and addressing size/land area requirement for such enclosures, humane treatment standards, fair chase standards, and mitigation factors to address potential for disease transmission.

A copy of the agenda may be obtained by contacting: Captain Linda Harrison at (850)488-6253.

Pursuant to the provisions of 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: Captain Linda Harrison at (850)488-6253.

NOTICE OF CHANGE – The Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement announces a workshop to which all persons are invited.

DATE AND TIME: May 4, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Holiday Inn – North 1-10 and US 27, 2725 Graves Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice is hereby given that the workshop to discuss the requirements for the operation of fox and/or coyote enclosures in Florida, previously scheduled for April 27, 2010 in Tallahassee, Florida.

DEPARTMENT OF FINANCIAL SERVICES

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: April 27, 2010, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed new Rules 69M-236.001, .002, .003, .004, .005, Florida Administrative Code, published on November 25, 2009 in Vol. 35, No. 47, of the Florida Administrative Weekly, has been changed from March 23, 2010 to a new date of April 27, 2010.

A copy of the agenda may be obtained by contacting: Debra Seymour, Office of Insurance Regulation at email: debra.seymour@florir.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: Debra Seymour, Office of Insurance Regulation at email: debra.seymour@florir.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: Debra Seymour, Office of Insurance Regulation at email: debra.seymour@florir.com.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: April 27, 2010, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 69O-157.302, .303, .304, Florida Administrative Code, published on February 19, 2010 in Vol. 36, No. 7, of the Florida Administrative Weekly.

A copy of the agenda may be obtained by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, email: Gerry.Smith@florir.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: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation at email: Gerry.Smith@florir.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, Life and Health Product Review, Office of Insurance Regulation at email: Gerry.Smith@florir.com.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology**, Chief Information Officers Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 19, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Margie (Rainey) Drury, Florida Department of Legal Affairs, Office of Information Technology, (850)414-3525, margie.rainey@myfloridalegal.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: Margie (Rainey) Drury, Florida Department of Legal Affairs, Office of Information Technology, (850)414-3525, margie.rainey@myfloridalegal.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: Margie (Rainey) Drury.

The **Agency for Enterprise Information Technology (AEIT)** announces a public meeting to which all persons are invited.

DATE AND TIME: April 22, 2010, 9:00 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss revisions to draft Rule Chapter 71A-1, F.A.C., to be known as the Florida Information Technology Resource Security Policies and Standards.

A copy of the agenda may be obtained by contacting: AEIT, 4030 Esplanade Way, Suite 135, Tallahassee, FL 32399-0950, (850)922-7502, contactaeit@eit.myflorida.com; or on the AEIT Website at the following link: <http://www.myflorida.com/myflorida/cabinet/aeit/index.php?pg=pubmeet>

Pursuant to the provisions of 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: AEIT. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

COUNCIL OF STATE GOVERNMENTS

The **Council of State Governments** announces a Common Core State Standards Policy Roundtable to which all persons are invited.

DATE AND TIME: Monday, April 26, 2010, 5:00 p.m.

PLACE: Doubletree Hotel, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Common Core State Standards.

A copy of the agenda may be obtained by contacting Eddie Vandenbroek at email: evandenbroek@csg.org or (850)244-8056.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 3 days before the meeting by contact: Eddie Vandenbroek at (850)244-8056.

FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST

The **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2010, 10:30 a.m.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, FL 32822-5015

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: The Trust Manager, FACC Service Corporation at (850)921-0808.

TREASURE COAST EDUCATION AND RESEARCH DEVELOPMENT AUTHORITY

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 10, 2010, 2:00 p.m.

PLACE: Room 219 West, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint Meeting with the Board of County Commissioners of Saint Lucie County, Florida.

A copy of the agenda may be obtained by contacting: Treasure Coast Education, Research and Development Authority ("Authority") at (772)467-3107.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Authority at (772)467-3107. If you are 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.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Claims Committee of Citizens Property Insurance Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 19, 2010, 1:30 p.m.

PLACE: Conference Call: 1(888)302-3367

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Claims Committee.

A copy of the agenda may be obtained by contacting: Heather Ousley at (904)208-7238 or by visiting our website: <https://www.citizensfla.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: Heather Ousley at (904)208-7238. If you are 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: Heather Ousley at (904)208-7238.

JUSTICE ADMINISTRATIVE COMMISSION

The **Justice Administrative Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: April 16, 2009, 10:00 a.m. (EST)
(Contingent upon the needs of the Commission)

PLACE: Justice Administrative Commission, 227 N. Bronough Street, Suite 2100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the legislative session or other regular commission meeting items, if necessary.

A copy of the agenda may be obtained by contacting: Jessica Kranert at 1(866)355-7902 or email: jessicak@jac.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 3 days before the workshop/meeting by contacting: Jessica Kranert at 1(866)355-7902 or email: jessicak@jac.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jessica Kranert at 1(866)355-7902 or email: jessicak@jac.state.fl.us.

The **Justice Administrative Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2010, 10:00 a.m. (EST)
(Contingent upon the needs of the Commission)

PLACE: Justice Administrative Commission, 227 N. Bronough Street, Suite 2100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the legislative session or other regular commission meeting items, if necessary.

A copy of the agenda may be obtained by contacting: Jessica Kranert at 1(866)355-7902 or email: jessicak@jac.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 3 days before the workshop/meeting by contacting: Jessica Kranert at 1(866)355-7902. If you are 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: Jessica Kranert at 1(866)355-7902 or email: jessicak@jac.state.fl.us.

POLK TRANSPORTATION PLANNING ORGANIZATION

The **Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: April 12, 2010, 1:30 p.m.

PLACE: Neil Combee Administration Building, 330 W. Church Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Transportation Disadvantaged.

A copy of the agenda may be obtained by contacting: Diane Slaybaugh at (863)534-6495.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Diane Slaybaugh at (863)534-6495. If you are 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 Slaybaugh at (863)534-6495.

SOIL AND WATER CONSERVATION DISTRICT

The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2010, 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.

REGION XII TRAINING COUNCIL

The **Region XII Training Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 6, 2010, 8:30 a.m.

PLACE: Clayton Hutchinson Agricultural Center, Exhibit Hall "B", 559 North Military Trail, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: F.D.L.E./C.J.S.T.C. updates: Palm Beach State College/Criminal Justice Institute Assessment Center update; Region XII budget approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola at (561)868-3401.

FLORIDA SURPLUS ASSET FUND TRUST

The Board of Trustees for **Florida Surplus Asset Fund Trust (FLSAFE)** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 30, 2010, 12:30 p.m.

PLACE: Temple Terrace City Hall, First Floor, Council Workroom, 11250 N. 56th Street, Temple Terrace, Florida 33617

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. CALL TO ORDER/ROLL CALL.
2. GUEST INTRODUCTIONS.
3. BUSINESS ADMINISTRATION.
 - a. Minutes of January 29, 2010 board meeting.
 - b. Economic update and portfolio structure.
 - c. First quarter 2010 unaudited financial report.
 - d. 2010 Budget update.
4. STAFF REPORTS.
 - a. Credit rating update.
 - b. Marketing.
 - c. 2009 financial audit.
 - d. Reimbursement: Travel expense of Board members.
 - e. Insurance Policy: Board liability insurance renewal.
 - f. Investment Policy: Addition of highly rated corporate bonds.
5. SET NEXT MEETING DATE/ADJOURNMENT.
 - a. Future meeting dates.

A copy of the agenda may be obtained by contacting: Bill Spivey, VP, Client Services Manager at 1(866)999-1216 or email: bill@flsafe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rita Brizendine at (813)506-6410. If you are 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: Bill Spivey, VP, Client Services Manager at 1(866)999-1216 or email: bill@flsafe.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 BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Terry Black, Petitioner/Unit Owner, In Re: Harbour Pointe Condominium Association, Inc., Docket No.: 2010014717. The petition seeks the agency's opinion as to the applicability of (none stated) as it applies to the petitioner.

Whether the board of directors of Harbour Pointe Condominium Association, Inc. followed parliamentary procedure and its bylaws on two issues.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Valarie Purpura, Petitioner/Unit Owner, In Re: Camden C Condominium Association, Inc., Docket No.: 201014720. The petition seeks the agency's opinion as to the applicability of Section 718.110(13), Florida Statutes, as it applies to the petitioner.

Whether Section 718.110(13), Florida Statutes, applies to owners who do not consent to a 2004 amendment to the Declaration of Camden C Condominium restricting rental of units.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF 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 Eric A. Neilinger on March 15, 2010. The following is a summary of the agency's disposition of the petition:

The Petition was withdrawn by the Petitioner on March 30, 2010.

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.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT the Financial Services Commission, Office of Insurance Regulation has issued an order disposing of the petition for declaratory statement filed by Carlos Lidsky, Esquire, Lidsky, Vaccaro, Montes & Martinez, P.A., on behalf of Mayte Delgado on December 15, 2009. The following is a summary of the agency's disposition of the petition:

Upon consideration thereof and being fully advised in the premises, the Commissioner finds as follows: 1. The OFFICE has jurisdiction over the subject matter and the parties to this matter. 2. U.S. Security Insurance Company (hereinafter referred to as "U.S. SECURITY") is a licensed property and casualty insurer authorized to engage in the business of insurance in this State by virtue of a subsisting Certificate of Authority issued by the OFFICE. 3. Summarized, the Petition alleges the following facts: (a) PETITIONER purchased a private passenger automobile insurance policy from U.S. SECURITY who agreed to finance the policy premium consisting of a down payment and installments. The paperwork lists the agent for the policy as ALL INSURANCE SERVICE,

INC. and the premium finance company as APPCO PREMIUM FINANCE; (b) PETITIONER asserts that she was quoted a price of \$673, but was ultimately charged \$1925, for an additional premium of \$1252. A notice assessing PETITIONER was sent by U.S. SECURITY pursuant to Section 627.7282, Florida Statutes, on February 10, 2000. According to PETITIONER, she was sent a notice of cancellation the following day, February 11, 2000; (c) PETITIONER asserts that U.S. SECURITY cancelled the policy on March 29, 2000 and that U.S. SECURITY refunded the unearned premium to APPCO PREMIUM FINANCE on April 4, 2000. 3. From these alleged facts, PETITIONER makes the following claims: (a) U.S. SECURITY did not, but should have according to PETITIONER, included interest on the unearned premium refund; (b) U.S. SECURITY did not, but should have according to PETITIONER, refund the entire unearned premium of \$186.00. Instead, PETITIONER asserts that U.S. SECURITY only refunded the premium less the agent's unearned commission for a total of \$158.10, representing the "net" unearned premium refund as opposed to the "gross" unearned premium refund of \$186.00; (c) U.S. SECURITY did not, but should have according to PETITIONER, make the unearned premium refund payable to PETITIONER rather than the premium finance company; and (d) U.S. SECURITY should have and failed to, according to PETITIONER, return the unearned premium within forty-five (45) days of cancellation of the policy. 4. The assertions by PETITIONER are part of class action litigation presently pending in Dade County, Florida, as reflected by a copy of the First Amended Complaint attached to the Petition for Declaratory Statement. This lawsuit has been stayed by Order dated May 7, 2008, issued by the Honorable Ronald M. Friedman, Circuit Court Judge. 5. The Order issued by Judge Friedman has stayed the action "pending Plaintiff's contact with the Office of Insurance Regulation, formerly the Department of Insurance in the State of Florida." Clearly, the Petition for Declaratory Statement filed by PETITIONER is an attempt to remove the stay issued by Judge Friedman. 6. In the Petition for Declaratory Statement, PETITIONER essentially requests that the OFFICE mind its own business: Petitioner contends that this Honorable Commission (sic) lacks the statutory authority to meddle in her unearned premium refund claim. Although this Honorable Commission (sic) has jurisdiction over insurance premium "rates" which Petitioner may be charged by her insurer, it does not have jurisdiction to determine whether U.S. SECURITY properly made the unearned premium refunds after it cancelled Petitioner's policy and those of putative class members. (Petition at page 5). 7. PETITIONER is incorrect. The OFFICE has jurisdiction to determine whether U.S. SECURITY properly made unearned premium refunds following cancellation of the policy in the proper set of circumstances. However, the manner in which the Petition is presented is not the proper set of circumstances. 8. The questions presented in this context are not appropriate for

the agency to answer even if it was so inclined in accordance with the provisions of Section 120.565, Florida Statutes. The purpose of a declaratory statement is to address the applicability of a statutory provision or order or rule of an agency in particular circumstances. *Chiles v. Department of State, Division of Elections*, 711 So.2d 151 (Fla. 1st DCA 1998). The purpose is not to have an agency involve itself on one side or the other in pending litigation. As the Court noted in *Novick v. Department of Health, Board of Medicine*, 837 So.2d 1237, 1240 (Fla. 5th DCA 2002): “.....a declaratory statement is not an appropriate remedy where there is pending litigation....” 9. This principle is well-established as noted by the Court in *Suntide Condominium Association, Inc. v. Division of Florida Land Sales*, 504 So.2d 1343, 1345 (Fla. 1st DCA 1987). We do not view the declaratory statement provision as conferring upon an agency the obligation either to give advice as to the jurisdiction of a court to determine matters then pending before the court, or to issue opinions or decisions settling doubts or questions as to the outcome of controversies then pending in a court. We do view it as an abuse of authority for an agency to either permit the use of the declaratory statement process by one party to a controversy as a vehicle for obstructing an opposing party's pursuit of a judicial remedy, or as a means of obtaining, or attempting to obtain, administrative preemption over legal issues then pending in a court proceeding involving the same parties. This principle was reaffirmed in *Padilla v. Liberty Mutual Insurance Company*, 832 So.2d 916 (Fla. 1st DCA 2002), a declaratory statement sought by the same attorney that is representing this PETITIONER. Therefore, the declaratory statement sought by PETITIONER in this instance is not appropriate for issuance by the OFFICE. ACCORDINGLY, it is hereby ORDERED, that the Petition for Declaratory Statement is DISMISSED.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: S. Marc Herskovitz, Esquire Office of Insurance Regulation, Division of Legal Services, 612 Larson Building, Tallahassee, Florida 32399-4206.

Please refer all comments to: S. Marc Herskovitz, Esquire, Office of Insurance Regulation, Division of Legal Services, 612 Larson Building, Tallahassee, Florida 32399-4206.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

INVITATION TO NEGOTIATE

The State Board of Administration (the “SBA”) is soliciting competitive responses from parties offering systems administration services and application design strategies centered on Service Oriented Architecture (SOA) and portal technologies to serve as MYFRS.com systems administrator for the Public Employee Optional Retirement Program. The Invitation to Negotiate (ITN) is available on April 2, 2010, and may be obtained from the SBA’s website at <http://www.sbafla.com> under “Meetings & Notices” and “Vendors.” The SBA reserves the right to reject any and all responses and to cancel the above ITN at any time. The deadline for submitting Notifications of Intent to Respond and Qualifications is 5:00 p.m. (EST), April 12, 2010. Requests and clarification questions on the ITN are due 5:00 p.m. (EST), April 16, 2010. The deadline for submitting responses is 5:00 p.m. (EST), May 3, 2010. The SBA announces the following meeting dates, times, and locations with respect to this ITN. A meeting will be

held on May 7, 2010, to discuss and evaluate the responses received. Interviews, if necessary, will be held May 11-12, 2010. A meeting will be held on May 25, 2010 to select the finalist to serve as the MYFRS.com systems administrator, pending successful contract negotiations. All meetings are open to the public and shall take place at the times and locations shown below:

TIME: All meetings shall begin at 9:00 a.m. (EST) and continue until the meeting is concluded.

PLACE: The meetings shall take place in the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308.

Any changes to the above meeting dates and/or times (including the cancellation of any meeting) will be posted on the SBA's website at <http://www.sbafla.com> at least 7 days prior to the meeting.

Anyone requiring special accommodations to participate in any meeting or anyone wishing further information should contact: Cindy Morea at (850)413-1491, cindy.morea@sbafla.com or by mail: 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308.

EXPRESSWAY AUTHORITIES

NOTICE TO PROFESSIONAL ENGINEERING CONSULTANTS – REQUEST FOR LETTERS OF INTEREST FOR DESIGN CONSULTANT SERVICES FOR S.R. 528 AIRPORT PLAZA CONVERSION TO EXPRESS LANES – PROJECT NO. 528-405, CONTRACT NO. 000697

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design of S.R. 528 (Beachline Expressway) Airport Plaza Conversion to Express Lanes, identified as Project 528-405, in Orange County, Florida. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, based on information provided by the firms, and who have been pre-qualified by FDOT to perform the indicated Types of Work.

MAJOR TYPES OF WORK: Group 3.2, Major Highway Design; Group 3.3, Controlled Access Highway Design; Group 4.2.1, Major Bridge Design – Concrete; Group 4.2.2, Major Bridge Design – Steel; Group 14, Architecture.

ADDITIONAL TYPES OF WORK REQUIRED: The consultant shall also be prequalified, on its own or through Authority-approved subconsultants, in the following work types: Group 6.3, Intelligent Transportation Systems Analysis, Design, and Implementation; Group 7, Traffic Operations Design; Group 8, Surveying and Mapping and Group 9, Soil Exploration, Material Testing, and Foundations.

DESCRIPTION: The services to be provided under the contract will include final geometric and toll plaza design for the widening of S.R. 528 to accommodate replacement of the existing Airport Mainline Plaza with a new split-plaza

configuration equipped with express lanes. Additional elements include: surveying, right-of-way mapping, drainage evaluation and design, permitting, lighting, signalization, signing and pavement markings, maintenance of traffic, utility design and coordination, geotechnical analysis, scheduling and project control, progress reporting and other tasks and associated activities. Concept information for the project can be viewed at <ftp://74.252.102.52/eng-ops/public/>.

The selected consultant and its subconsultants, if any, shall not enter into any other contract with the Authority during the term of the Contract which would create or involve a conflict of interest with the services to be provided.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package and one (1) digital copy of the entire package in “pdf” format. The letter shall be a maximum of five (5) pages exclusive of attachments and resumes. The packages shall include the following:

1. Firms Experience – Details of specific experience for at least three (3) projects, similar to those described above completed by the consultant's Project Manager and other key project team members including the name of client contact person, telephone number, and physical address.
2. Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have at least five (5) years of experience administering similar types of consultant contracts.
3. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles.
4. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above.
5. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

SELECTION/NEGOTIATIONS: The Authority's Evaluation Committee will shortlist a minimum of three (3) firms based on its evaluation and scoring of the Letters of Interest and qualifications information received. Scoring of the submittals will be as follows: Firms Experience – 25 points; Personnel Experience – 30 points; Project Team – 25 points; Prequalification Documentation – 10 points; Office Location – 10 points. At a minimum, the three (3) firms with the highest point totals will be shortlisted.

Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation. The Authority will provide the shortlisted firms with a Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority's Evaluation Committee based on the Technical Proposal and oral presentation. As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time requirements, consultant's projected workload, and consultant's use of Minority/Women Owned Businesses.

CODE OF ETHICS: All consultants selected to work with the Authority are required to comply with the Authority's Code of Ethics, a copy of which may be viewed on the Authority's web site at www.ocea.com.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

**REQUEST FOR LETTERS OF INTEREST
CONSTRUCTION MANAGEMENT CONSULTANT
SERVICES –CONTRACT NO.: 000700**

The Orlando-Orange County Expressway Authority (Authority) requires a Construction Management Consultant (CMC) to provide the services associated with the construction of major roadway and bridge construction projects along S.R. 408, S.R. 417, S.R. 414, S.R. 429 and S.R. 528. Consideration will be given to only those firms who are qualified pursuant to law and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 11, Engineering Contract Administration and Management, Group 10.5.1, Major Bridge CEI-Concrete, and 10.5.2, Major Bridge CEI-Steel.

DESCRIPTION: The CMC will assist staff with providing oversight, management and independent assurance of the services provided by Construction Engineering and Inspection (CEI) consultant hired by the Authority for each project or group of projects. Those services and the CMC's responsibilities related to each include, but are not necessarily limited to:

1. Construction Contract Administration.
The CMC will review and further develop the Authority's Construction Contract Administration Procedure, including the Construction Contract Administration Guide, for use and implementation by each CEI.
2. Geotechnical and Materials.

The CMC will monitor the effectiveness and documentation of the CEI's verification testing procedures and contractor's adherence to their Quality Control Plan including suitability and conformance with the contract. The CMC will also provide referee sampling and testing.

3. Cost and Scheduling.
The CMC will evaluate costs and maintain current specifications and scheduling information. The CMC will review estimates and invoices submitted by the CEI and make recommendations to the Authority.
4. Utility/Environmental Coordination.
The CMC will act as liaison between environmental permitting agencies and the Authority, the GEC, the Engineer of Record, the CEI and the Construction Contractors; provide oversight and make recommendations, as necessary, to the Authority and CEI for utility relocation construction; provide support to the CEI for the investigation, handling and disposal of hazardous materials.
5. Claims/Disputes Evaluation and Resolution.
The CMC will verify that each CEI is familiar with the Authority's Claims/Disputes Resolution Procedure included in the Construction Contract for individual projects; participate as and when requested by the Authority in the Disputes Resolution Process and in any arbitration proceedings arising from unresolved disputes.
6. Independent Assurance of Required Quality Control Procedures.
The CMC will provide independent assurance that the CEI's quality assurance procedures are implemented and properly applied; verify CEI enforcement of quality control procedures when required quality is not being met by the Construction Contractor. The CMC will review contract amendments to contracts with consultants and contractors.
7. Plans Constructability Review.
The CMC will review construction phasing, maintenance of traffic, detour sequencing, equipment clearances, appropriate dimensions and tolerances for projects requested by the Authority.
8. Minor Project Scoping and Document Preparation.
The CMC will assist staff in the identification of minor projects required to fulfill the obligations of the Authority or when required to augment larger projects to meet the intended functionality of the completed system. Work will include preparing a detailed description of the work, preparing sketches required to depict and quantify the work, identifying the units of measure and computation of quantities that identify the work, prepare cost estimates, and hold scope meetings with perspective bidders.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS AND EVALUATION: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package and one

(1) digital copy of the entire package in "pdf" format. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes and shall be divided as follows:

Section 1. Similar Project Experience: Provide CEI and/or CMC project experience on no more than three current/completed projects within the past 5 years. Indicate project name, location, services provided and accurate reference names with phone numbers. All references may be checked.

Section 2. Project Approach: Provide a narrative describing the firm's approach to delivering the CMC services. In addition to the narrative, provide a proposed project organization chart including subconsultant personnel; a matrix summarizing proposed personnel experience on similar projects including registrations/certifications; detailed resumes identifying relevant experience on similar projects. Resumes shall include no more than three client/owner references for all proposed personnel for the past 5 years and availability date for each individual.

Section 3. Prequalification Documentation: Provide copies of FDOT certifications in the work groups identified above and Florida Department of Professional Regulation registration for prime consultant and subconsultants.

Section 4. Current and Projected Workload: Indicate ability of staff proposed for assignment and indicate, as a percentage, the current/projected workload of current staff. Indicate the total number of firm's professional, technical and administrative personnel by discipline, location and office responsible for administering the contract.

Section 5. Project Team – Identify anticipated subconsultants and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;

Section 6. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have or establish an office and key staff located within the Orlando area which includes Orange, Seminole, Lake and Osceola counties.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

The Authority's Evaluation Committee will evaluate and score the Letters of Interest and qualifications information received. Scoring of the submittals will be as follows: Similar Project Experience – 25 points; Project Approach – 30 points; Prequalification Documentation – 10 points; Project Team – 25 points; Office Location – 10 points.

As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time requirements, consultant's projected workload, and consultant's use of Minority/Women Owned Businesses.

CODE OF ETHICS: All consultants selected to work with the Authority are required to comply with the Authority's Code of Ethics, a copy of which may be viewed on the Authority's web site: www.ocea.com.

CONFLICT OF INTEREST: If selected, the consultant, during the term of its agreement with the Authority, will not be eligible to pursue any advertised construction engineering and inspection projects for the Authority as either a prime or subconsultant. Additionally, consultants who are the Engineer of Record for active Authority construction projects not scheduled for completion of construction prior to July 1, 2010, or scheduled for commencement of construction prior to January 1, 2014 in the Authority's current Five-Year Work Plan (dates exclude all S.R. 429 – Wekiva Parkway projects) will not be considered for this contract.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: Minority / Women / Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

DEADLINE FOR SUBMITTAL OF LETTER OF INTEREST:

April 23, 2010, 2:00 p.m., Orlando Local Time

AUTHORITY CONTACT PERSON:

Robert Johnson
Manager of Procurement
(407)690-5000

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807

Re: Construction Management Consultant
Contract No. 000700

ORLANDO-ORANGE COUNTY EXPRESSWAY
AUTHORITY:

Claude Miller

Director of Procurement

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

RFP 2010-02 Single Family Multi-Revenue Bond Program Servicing and Compliance Administration

The Florida Housing Finance Corporation invites all qualified Offerors to submit proposals for consideration in accordance with the terms and conditions set forth in this Request for Proposals (RFP) 2010-02 relating to servicing and compliance administration services for the Single Family Multi-Revenue Bond Program.

Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, May 7, 2010, to the Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact: Sherry Green at (850)488-4197 or email: sherry.green@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Sherry Green, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalRFPs.aspx.

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

**Section XII
Miscellaneous**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Fairplay Electric Cars, LLC, intends to allow the establishment of Alternator & Starter Specialists, Inc., d/b/a Allen's Auto Electric as a dealership for the sale of low-speed vehicles manufactured by Fairplay Electric Cars, LLC (FPEC) at 3293 US Highway 17, Green Cove Springs (Clay County), Florida 32043, on or after March 31, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Alternator & Starter Specialists, Inc. are dealer operator(s): Michael K. Rosenbarker, 3293 US Highway 17, Green Cove Springs, Florida 32043, Kimberly A. Rosenbarker, 3293 US Highway 17, Green Cove Springs, Florida 32043, principal investor(s): Michael K. Rosenbarker, 3293 US Highway 17, Green Cove Springs, Florida 32043, Kimberly A. Rosenbarker, 3293 US Highway 17, Green Cove Springs, Florida 32043.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Keith Andrews, Fairplay Electric Cars, LLC, 743 Horizon Court, Suite 333, Grand Junction, Colorado, 81506.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Propel Imports, LLC, intends to allow the establishment of Go Anywhere Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co., Ltd., (SHEN) at 9050 Navarre Parkway, Navarre (Santa Rosa County), Florida 32566, on or after April 22, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Go Anywhere Scooters, LLC, are dealer operator(s): Jerry Rogers, 9050 Navarre Parkway, Navarre, Florida 32566, principal investor(s): Jerry Rogers, 9050 Navarre Parkway, Navarre, Florida 32566.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ed Rudd, Propel Imports, LLC, 1116 Honey Court, De Pere, Wisconsin 54115.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Propel Imports, LLC, intends to allow the establishment of Paul J. Colgan, d/b/a Colgans Auto Sales as a dealership for the sale of motorcycles manufactured by

Shanghai Shenke Motorcycle Co., Ltd. (SHEN) at 1300 South Orange Blossom Trail, Orlando (Orange County), Florida 32805, on or after April 22, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Paul J. Colgan d/b/a Colgans Auto Sales are dealer operator(s): Paul Colgan, 1300 South Orange Blossom Trail, Orlando, Florida 32805; principal investor(s): Paul Colgan, 1300 South Orange Blossom Trail, Orlando, Florida 32805.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ed Rudd, Propel Imports, LLC, 1116 Honey Court, De Pere, Wisconsin 54115.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc., intends to allow the establishment of Fishers Auction Services, Inc., d/b/a Fisher Auto Equipment Sales as a dealership for the sale of motorcycles manufactured by Jiangmen Qipai Motorcycle, Co. Ltd. (QIPA) at 402 North Ridgewood, Edgewater (Volusia County), Florida 32132, on or after March 25, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Fishers Auction Services Inc. are dealer operator(s): Ray Fisher, 119 Dixwood Avenue, Edgewater, Florida 32132; principal investor(s): Ray Fisher, 402 North Ridgewood, Edgewater, Florida 32132.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on March 19, 2010, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In

deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- | CON# | INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH) |
|-------|--|
| 10061 | Supports Denial, establish a hospice program, Duval County, Compassionate Care Hospice of Florida, Inc., (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida. |
| 10062 | Denial, establish a hospice program, Duval County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, (PRH) same as applicant. |
| 10063 | Supports denial, establish a hospice program, Duval County, Seasons Palliative Care of Florida, Inc. (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida. |
| 10064 | Supports denial, establish a hospice program, Duval County, United Hospice of Florida, Inc. (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida. |
| 10065 | Approval, establish a hospice program, Duval County, Vitas Healthcare Corporation of Florida, (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida. |
| 10066 | Approval, establish a hospice program, Pinellas County, Hernando Pasco Hospice, Inc., (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida. |
| 10067 | Supports Denial, establish a hospice program, Pinellas County, LifePath Hospice, Inc., (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida. |
| 10068 | Denial, establish a hospice program, Pinellas County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH), same as applicant. |
| 10069 | Supports denial, establish a hospice program, Orange County, Catholic Hospice of Central Florida, Inc. (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida. |
| 10070 | Approval, establish a hospice program, Orange County, Florida Hospital HospiceCare (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida. |

- 10071 Denial, establish a hospice program, Orange County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) same as applicant.
- 10072 Supports denial, establish a hospice program, Orange County, United Hospice of Florida, Inc. (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida.

- 10062 Supports Denial, establish a hospice program, Duval County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, (PRH) Community Hospice of Northeast Florida, Inc.
- 10062 Supports Denial, establish a hospice program, Duval County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) United Hospice of Florida, Inc.
- 10062 Supports Denial, establish a hospice program, Duval County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) North Central Florida Hospice, Inc. d/b/a Haven Hospice.
- 10063 Supports denial, establish a hospice program, Duval County, Seasons Palliative Care of Florida, Inc. (PRH) HCR Manor Care Services of Florida, Inc.
- 10063 Supports denial, establish a hospice program, Duval County, Seasons Palliative Care of Florida, Inc. (PRH) Community Hospice of Northeast Florida, Inc.
- 10063 Supports denial, establish a hospice program, Duval County, Seasons Palliative Care of Florida, Inc. (PRH) United Hospice of Florida, Inc.
- 10063 Supports denial, establish a hospice program, Duval County, Seasons Palliative Care of Florida, Inc. (PRH) North Central Florida Hospice, Inc. d/b/a Haven Hospice.
- 10064 Supports denial, establish a hospice program, Duval County, United Hospice of Florida, Inc. (PRH) HCR Manor Care Services of Florida, Inc.
- 10064 Supports denial, establish a hospice program, Duval County, United Hospice of Florida, Inc. (PRH) Community Hospice of Northeast Florida, Inc.
- 10064 Denial, establish a hospice program, Duval County, United Hospice of Florida, Inc. (PRH) same as applicant.
- 10064 Denial, establish a hospice program, Duval County, United Hospice of Florida, Inc. (PRH) North Central Florida Hospice, Inc. d/b/a Haven Hospice.
- 10065 Approval, establish a hospice program Duval County, Vitas Healthcare Corporation of Florida (PRH) HCR Manor Care Services of Florida, Inc.
- 10065 Approval, establish a hospice program Duval County, Vitas Healthcare Corporation of Florida (PRH) Community Hospice of Northeast Florida, Inc.
- 10065 Approval, establish a hospice program Duval County, Vitas Healthcare Corporation of Florida (PRH) United Hospice of Florida, Inc.

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on March 26, 2010, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
- 10061 Supports Denial, establish a hospice program, Duval County, Compassionate Care Hospice of Florida, Inc. (PRH) HCR Manor Care Services of Florida, Inc. d/b/a Odyssey Healthcare of Central Florida.
 - 10061 Supports Denial, establish a hospice program, Duval County, Compassionate Care Hospice of Florida, Inc. (PRH) Community Hospice of Northeast Florida, Inc.
 - 10061 Supports Denial, establish a hospice program, Duval County, Compassionate Care Hospice of Florida, Inc. (PRH) United Hospice of Florida, Inc.
 - 10061 Supports Denial, establish a hospice program, Duval County, Compassionate Care Hospice of Florida, Inc. (PRH) North Central Florida Hospice, Inc. d/b/a Haven Hospice.
 - 10062 Supports Denial, establish a hospice program, Duval County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) HCR Manor Care Services of Florida, Inc.

- 10065 Approval, establish a hospice program Duval County, Vitas Healthcare Corporation of Florida, (PRH) North Central Florida Hospice, Inc. d/b/a Haven Hospice.
- 10066 Approval, establish a hospice program, Pinellas County, HPH South, Inc., (PRH) The Hospice of the Florida Suncoast d/b/a Suncoast Hospice.
- 10068 Supports Denial, establish a hospice program, Pinellas County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) The Hospice of the Florida Suncoast d/b/a Suncoast Hospice.
- 10069 Supports denial, establish a hospice program, Orange County, Catholic Hospice of Central Florida, Inc., (PRH) United Hospice of Florida, Inc.
- 10070 Approval, establish a hospice program, Orange County, Memorial Hospital – Flagler, Inc. d/b/a Florida Hospital HospiceCare (PRH) United Hospice of Florida, Inc.
- 10071 Supports Denial, establish a hospice program, Orange County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) United Hospice of Florida, Inc.
- 10072 Denial, establish a hospice program, Orange County, United Hospice of Florida, Inc. (PRH) same as applicant.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Department of Environmental Protection (Department) gives notice of its intent to grant a modification to variance 0139296-006-EV (0139296-009-EV-VE) to Mosaic Fertilizer, LLC (Mosaic), 13830 Circa Crossing Dr., Lithia, FL 33547, under Sections 373.414(17) and 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(31), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in surface waters. This variance will apply to dissolved oxygen levels in the hypolimnion (the deepest layer) in the man-made lakes proposed in Environmental Resource Permit Modification Application No.: 0139296-008 and

Wetland Resource Permit Modification Application No.: 0139296-007. The files associated with this order are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Bureau of Mining and Minerals Regulation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760.

On January 24, 2007, the Department, issued variance File No.: 0139296-006-EV for the Hopewell Mine to Mosaic pursuant to Sections 373.414(17) and 403.201(1)(a), F.S., from the provisions of Rule 62-302.530, F.A.C., which provides minimum standards for dissolved oxygen levels in surface waters. The variance applies to dissolved oxygen levels in the hypolimnion (the deepest layer) in the man-made lakes identified for the post reclamation land use approved in the Wetland Resource Permit No.: 0139296-004, the Environmental Resource Permit No.: 0139296-005, and the Conceptual Reclamation Plan MOS-HW-CPC.

On September 8, 2008, Mosaic applied for modifications to Wetland Resource Permit No.: 0139296-004, Environmental Resource Permit No.: 0139297-005 and the Conceptual Reclamation Plan designated MOS-HW-CPC. The modifications will relocate reclamation and mitigation and increase the number of lakes within the permitted areas. The man-made lakes will not exceed 25 feet ± 1 foot below normal water elevation (NWL). On December 21, 2009, Mosaic submitted a petition for a variance, under Sections 373.414(17) and 403.201(1)(a), F.S., from the provisions of subsection 62-302.530(31), F.A.C, which provides minimum standards for dissolved oxygen levels in surface waters. The variance will be permanent.

The dissolved oxygen levels in the hypolimnion of the man-made lakes are expected to drop below the mandatory minimum of 5.0 mg/L at times. The low dissolved oxygen levels in the hypolimnion of the man-made lakes, are not expected to result in any on-site or off-site impacts. Oxygen levels in the upper layers of the man-made lakes are expected to meet the requirements of Rule 62-302.530, F.A.C., and be adequate to support healthy fish populations. Once reclamation is completed, these man-made lakes will be connected to reclaimed and/or preserved wetlands and streams. Water exiting the man-made lakes is expected to meet the requirements for dissolved oxygen and other water quality criteria of Rule 62-302.530, F.A.C. There is no practicable means known or available to achieve the required dissolved oxygen levels within the man-made lakes. Therefore, the

Department intends to grant a variance pursuant to Section 403.201(1)(a), F.S., for dissolved oxygen within the hypolimnion in the proposed man-made lakes.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the

Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Sections 373.414(17) and 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the

specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with: Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to Okaloosa County, 1540 Miracle Strip Pkwy., S. E., Ft. Walton Beach, FL 32548, (File No.: 0286020-002-BV) to allow the turbidity mixing zone to exceed 150 meters for work within Gulf Islands National Seashore, Outstanding Florida Waters (OFW). The variance is in conjunction with the County's application to undertake a beach restoration project in Okaloosa County along the shoreline from Department of Environmental Protection Reference Monument R-1 to R-15 (File No.: 0286020-001-JC). Additionally, at the placement site, the Petitioner requested a variance from the antidegradation provisions in sub-subparagraph 62-4.242(2)(a)2.b. and subsections 62-302.700(1), 62-312.080(3), F.A.C., which would establish a maximum allowable turbidity level above background for work within OFW. Therefore, while working within or immediately updrift of the OFW at the dredge site, the Grantee shall not exceed 0 Nephelometric Turbidity Units (NTUs) above corresponding background turbidity levels at the edge of the expanded mixing zone, which extends 1500 meters downdrift from the dredge. While working at the beach placement site, the Grantee shall

not exceed 3.0 Nephelometric Turbidity Units (NTUs) above corresponding background turbidity levels at the edge of the expanded mixing zone, which extends 3000 meters along shore and 1 mile (1610 meters) offshore from the point where water discharged from the dredge pipeline (at the beach placement site) reenters the Gulf of Mexico. The Petitioner also requested relief from sub-subparagraph 62-4.242 (2)(a)2.b., F.A.C., to allow water quality degradation within an OFW to extend beyond a period of thirty (30) days to ninety (90) days, in order to complete the project. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201, (850)488-7708.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, F.S. is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a

motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsections 28-106.111(2) and 62-110.106(3)(a), (4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner

contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with: Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

NOTICE OF INTENT TO ISSUE PROPOSED

MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, 403.501 et seq., Florida Statutes (F.S.), for the Crystal River Energy Complex Units 3, 4 & 5, Power Plant Siting Application No. PA77-09, OGC Case No.: 09-3345. On August 13, 2009, the Department received a petition from Progress Energy Florida to modify the Conditions of Certification for Crystal River Units 3, 4 & 5 pursuant to Section 403.516(1)(c), F.S., for the addition of an independent spent fuel storage installation (ISFSI) to house spent nuclear fuel from Unit 3. The U.S. Nuclear Regulatory Commission regulates the handling and storage of nuclear fuel (including the ISFSI) under the requirements of the federal license issued to PEF. The Department proposes to modify the

Conditions of Certification for construction of a new stormwater pond system and other related structures necessary for the placement of the new ISFSI on the site, and to incorporate Department initiated updates. A copy of the proposed modification may be obtained by contacting: Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., F.S., parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On March 26, 2010, 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 Michael S. Lazzopina, M.D., License #ME 5070. 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.

On March 26, 2010, 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 Stacey Andrea Ayub, R.N., License #RN 2843432. 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.

On March 24, 2010, 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 Casey Rodgers, C.N.A., License #CNA 77656. 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.

HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY

The Hardee County Economic Development Authority will accept grant applications for projects that provide economic development and infrastructure within the geographic boundaries of Hardee County. The Authority shall rank applications to the extent of estimated available program funds based on criteria relating to administrative capacity, public benefit, economic benefits, and public use.

Applications and Program Guidelines are available at: Hardee County Board of County Commissioners Office, 412 W. Orange Street, Room 103, Wauchula, FL 33873, (863)773-9430, Fax: (863)773-0958 or e-mail: bcc@hardee-county.net.

May 3, 2010, through June 4, 2010, 8:00 a.m. to 5:00 p.m.

Please Note: Site of benefiting business for consideration of these funds must be located entirely within Hardee County.

For more information, please call: (863)773-9430.

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

YOU ARE HEREBY NOTIFIED THAT on the 23rd day of April, 2010, 10:00 a.m. (or as soon thereafter as the same may be heard), a public hearing (the "Hearing") will be held at: Offices of Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, with respect to the issuance by the Florida Local Government Finance Commission (the "Issuer") of its Florida Local Government Finance Commission Pooled Commercial Paper Notes (the "Notes") in the principal amount of not exceeding \$10,000,000, all of the proceeds of which will be loaned (the "Port Loan") to the Manatee County Port Authority (the "Port Authority"). The Hearing will be conducted by Counsel to the Issuer.

The Port Authority now owns, operates and maintains a navigable port of entry known as the "Port Manatee" including storage, dockage and terminal facilities, an administrative building, warehouses, docks, jetties, quaywalls, slips, roadways and parkways and other facilities, by means of which general import and export, storage and passenger cruise line businesses are conducted (herein collectively, the "Port Facilities"). The Port Facilities are located in the northwestern portion of the County at Port Manatee whose headquarters are located: 300 Regal Cruise Way, Suite 1, Palmetto, Florida 34221, on approximately 1,150 acres of land being bounded on the East by CSX railroad tracks, on the West by the Gulf of Mexico, on the South by State owned land, and on the North by the Hillsborough County line. The Port Authority owns all improvements to the Port Facilities to be refinanced with the Notes.

The proceeds of the Notes in the amount of \$10,000,000 will be loaned to the Port Authority and applied to refinance an existing loan of the Port Authority, the proceeds of which were used to refinance a portion of the cost of any of the following capital improvements:

Intermodal Transit Warehouse. Construct an intermodal transit warehouse of approximately 145,000 square feet to be located east of Berth 9 and north of South Dock Street at Port Manatee.

Channel and Harbor Dredging. Dredging the Port Manatee basin or harbor and the Port Manatee approach channel from the eastward end of the basin or harbor westward to the intersection of the approach channel with Tampa harbor channel, dredging a vessel turning basin and adjacent to the approach channel, and the construction and

enlargement of the dredged or excavated material disposal facilities at Port Manatee in cooperation with the U.S. Army Corps of Engineers.

The Notes do not constitute a general indebtedness or obligation of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be generally payable from and secured by the loan repayments made by the Port Authority to the Issuer pursuant to the Port Loan. The Port Loan is payable from and secured by revenues of the Port Authority and will also be secured by a covenant of the County to budget and appropriate non-ad valorem revenues whenever the other sources are insufficient or unavailable. The Port Loan will not be or constitute an indebtedness of the Port Authority, the County, the State of Florida or any political subdivision thereof within the meaning of any constitutional, statutory or other limitation of indebtedness.

The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same. Written comments may also be submitted to: Kathy Wall, Vice-Chairman, Florida Local Government Finance Commission, c/o Osceola County, One Courthouse Square, Suite 4600, Kissimmee, Florida 34741, and Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, prior to the hearing.

ALL PERSONS FOR OR AGAINST SAID PROPOSAL CAN BE HEARD AT SAID TIME AND PLACE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE ISSUER WITH RESPECT TO SUCH HEARING OR MEETING, (S)HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF SUCH HEARING OR MEETING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact: Steven E. Miller, Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222, no later than seven days prior to the proceeding at the address given in this notice.

FLORIDA LOCAL GOVERNMENT
FINANCE COMMISSION
/s/ Kathy Wall
Vice-Chairman

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN March 22, 2010
 and March 26, 2010**

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**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
 VEHICLES**

Division of Motor Vehicles

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WATER MANAGEMENT DISTRICTS

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