

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0391
 RULE TITLE: Grading System for State-Approved Supplemental Educational Services Providers

PURPOSE AND EFFECT: The purpose of this rule development is to implement a grading system for state-approved supplemental educational services providers as required by the 2008 amendments to Section 1008.331, Florida Statutes. The effect is a rule that is consistent with Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Supplemental educational services in Title I schools.

SPECIFIC AUTHORITY: 1008.331 FS.

LAW IMPLEMENTED: 1008.331 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: December 16, 2008, 9:00 a.m. – 12:00 noon

PLACE: Orange County Public Schools, 445 West Amelia Street, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samantha Love, Policy Consultant, Bureau of Student Assistance, 325 West Gaines Street, Tallahassee, FL 32399, (850)245-9947

TO REQUEST A RULE DEVELOPMENT WORKSHOP, PLEASE CONTACT: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-72.090
 RULE TITLE: Product Approval by the Commission

PURPOSE AND EFFECT: To address the availability and conditions of self certification of compliance with an updated version of the Florida Building Code when documentation supporting a product approval to a preceding edition of the Code specifically refers to that earlier edition.

SUBJECT AREA TO BE ADDRESSED: Product approval and revisions as a result of an updated edition of the Florida Building Code.

SPECIFIC AUTHORITY: 553.77(1)(i), 553.842(1) FS.

LAW IMPLEMENTED: 553.842(1), (2) FS.

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

DATE AND TIME: December 15, 2008, 10:00 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda

PLACE: Room 310M, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399 AND via communications media technology, specifically a telephone conference call. Please refer to the meeting notice for the Florida Building Commission for call-in information.

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, LFlorida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) or (800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399, (850)487-1824

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-72.180
 RULE TITLE: Equivalence of Standards

PURPOSE AND EFFECT: To review standards for equivalence to those referenced in the Florida Building Code and, if appropriate, authorize the use of analysis performed in accordance with the alternative standards for Florida Product Approval.

SUBJECT AREA TO BE ADDRESSED: Standards for the approval of products by the Florida Building Commission.

SPECIFIC AUTHORITY: 553.77(1)(i), 553.842(1) FS.

LAW IMPLEMENTED: 553.842(1), (2) FS.

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

DATE AND TIME: December 15, 2008, 10:00 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda

PLACE: Room 310M, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399 AND via communications media technology, specifically a telephone conference call. Please refer to the meeting notice for the Florida Building Commission for call-in information.

Pursuant to the provisions of 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-16.002
 RULE TITLE: Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed revisions to this rule is to list the proposed new and amended forms that will support the proposed new rules in: a) Rule Chapter 12D-9, Florida Administrative Code (Requirements for Value Adjustment Boards; Uniform Rules of Procedure For Hearings Before Value Adjustment Boards; Certification and Complaints); and, b) the proposed new and revised rules in Rule Chapter 12D-10, Florida Administrative Code (Requirements For Decisions by Value Adjustment Boards). Notices for rule development workshops for the proposed rules at which versions of these new and amended forms were also discussed were published on: July 11, 2008, for a workshop that was held in Ft. Lauderdale, FL, on July 28, 2008 (see Vol. 34, No. 28, pp. 3613-3614 of the Florida Administrative Weekly/F.A.W.) on proposed forms DR-485, DR-485MAG, DR-486, and DR-490; July 18, 2008, for a workshop that was held in Live Oak, FL., on August 6, 2008 (see Vol. 34, No. 29, p. 3668 of the F.A.W.) on proposed forms DR-485, DR-485MAG, DR-486, and DR-490; July 18, 2008, for a workshop that was held in Tallahassee, FL. on August 12, 2008 (see Vol. 34, No. 29, p. 3668 of the F.A.W.) on proposed forms DR-485, DR-485MAG, DR-486, and DR-490; September 19, 2008, for a workshop that was held in Tampa, FL. on October 13, 2008 (see Vol. 34, No. 38, p. 4803, of the F. A.W.) on proposed forms DR-485, DR-485MAG, DR-486, and DR-490;

September 19, 2008, for a workshop that was held in Panama City, FL. on October 17, 2008 (see Vol. 34, No. 38, p. 4803, of the F.A.W.) on proposed forms DR-485, DR-485MAG, DR-486, and DR-490; October 31, 2008, for a workshop that was held in Orlando, FL., on November 19, 2008 (see Vol. 34, No.44, pp. 5709-5711 of the F.A.W.) on proposed forms DR-485, DR-485MAG, DR-485NC, DR-485R, DR-486, DR-486PC, DR-486PORT, DR-486XCO, DR-488, DR-490, DR-490PORT, and DR-529 (form DR-490PORT was adopted by Emergency Rule 12DER08-25, and forms DR-486PORT and DR-486XCO were adopted by Emergency Rule 12DER08-26, effective July 18, 2008); and, October 31, 2008, for a workshop that was held in Miami, FL on November 20, 2008 (see Vol. 34, No. 44, pp. 5709-5711 if the F.A.W.) on proposed forms DR-485, DR-485MAG, DR-485NC, DR-485R, DR-486, DR-486PC, DR-486PORT, DR-486XCO, DR-488, DR-490, DR-490PORT and DR-529 (form DR-490PORT was adopted by Emergency Rule 12DER08-25, and forms DR-486PORT and DR-486XCO were adopted by Emergency Rule 12DER08-26, effective July 18, 2008). Members of the public attended each of these workshops and made comments on the proposed rules and the proposed new and revised forms. In addition, written comments have been submitted to the Department by email, and to an Internet site at <http://dor.myflorida.com/dor/property/vabwb/vabws.html>, which was created specifically to give the public access to all revised versions of the proposed rules and forms, to give the public a site to submit comments, and to view the comments submitted by others.

The effect of these proposed rules is that taxpayers who petition property tax matters to Value Adjustment Boards, including property tax assessments, denials of classifications, and denials of exemptions, have an opportunity to comment on, and to have access to, the forms that support the procedures that govern the hearing of their petitions, that document certification by the board regarding compliance with such procedures, and that provide a standard form for submitting complaints regarding noncompliance with such procedures.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these proposed revisions to Rule 12D-16.002, Florida Administrative Code, is the new and revised forms that support the proposed new and amended rules on value adjustment board (the board) procedures. These proposed board procedures are contained in new Rule Chapter 12D-9 and revised Rule Chapter 12D-10, Florida Administrative Code.

SPECIFIC AUTHORITY: 194.011(5), 194.034, 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: ss. 3, 4, 5, and 6, Ch. 2008-197, L.O.F., 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011,

196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66, Ch. 475, Part II FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Janice Forrester, Tax Auditor IV, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Janice Forrester, Tax Auditor IV, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Title	Effective Date
(2) through (23)	No change.	
(24)(a) DR-485	Final Decision Record of Decision and Notice of Value Adjustment Board (r. 3/09 12/96)	12/96
(b) DR-485MAG	Recommended Decision of Special Magistrate (n. 3/09)	---
(c) DR-485NC	Notice of Noncompliance – Value Adjustment Board (n. 3/09)	---
(d) DR-485R	Value Adjustment Board Remand To Property Appraiser (n. 3/09)	---

(25)(a) DR-486	Petition to <u>The</u> Value Adjustment Board- <u>Request for Hearing</u> (r. 3/09 12/96)	12/96
(b) DR-486PC	<u>Value Adjustment Board Procedural Complaint</u>	---
(c) DR-486PORT	<u>Petition to Value Adjustment Board-Transfer of Homestead Assessment Difference</u> (n. 7/08)	---
(d) DR-486XCO	<u>Cross-County Notice of Appeal and Petition-Transfer of Homestead Assessment Difference</u> (n. 7/08)	---
DR-486T	Petition to Value Adjustment Board-Tangible Personal Property (r. 2/92)	12/94
(e) DR-487	Certification of Compliance (r. 12/99)	12/96
(26) DR-488	<u>Certification Certificate</u> of Value Adjustment Board (r. 3/09 3/92)	1/00
(27) through (28)(d)	No change.	
(29)(a) DR-490	Notice of Disapproval of Application for Property Tax Exemption <u>or Agricultural or High Water Recharge Classification of Lands</u> by The County Property Appraiser (r. 3/09 12/03)	1/04
(b) DR-490PORT	<u>Notice of Denial of Transfer of Homestead Assessment Difference</u> (n. 7/08)	---
(b) DR-491	Notice of Denial of Application for Agricultural or High Water Recharge Classification of Lands (r. 12/96)	12/96
(30)(a) through (50)(b)	No change.	
(c) DR-529	Notice – of Tax Impact of Value Adjustment Board (r. 3/09 12/96)	12/96
(51)(a) through (56)(d)	No change.	
(57)(a) DR-572	Petition to Value Adjustment Board—Homestead Tax Deferral (r. 6/91)	6/91
(b) DR-572WF	Petition to Value Adjustment Board-Recreational and Commercial Working Waterfronts (n. 12/05)	1/06
(a)(e) DR-584	Tax Collectors Budget Schedule (r. 2/94)	12/94
(b)(d) DR-585	Minimum Standards Contract (n. 8/77)	8/77

(58) through (61)(b) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, 1-16-06, 10-2-07, _____.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-10.006
RULE TITLE: Additional Permitting Criteria
PURPOSE AND EFFECT: A new subsection (9) is added to Rule 14-10.006, F.A.C., to define the term “Changed Conditions.”

SUBJECT AREA TO BE ADDRESSED: A new subsection (9) is added to Rule 14-10.006, F.A.C., is added to define the term “Changed Conditions” as it relates to Section 479.01(14), F.S.

SPECIFIC AUTHORITY: 334.044(2), 479.02(1), (7) FS.

LAW IMPLEMENTED: 339.05, 479.01(14), 479.02, 479.07(9), 479.08, 479.11 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: December 16, 2008, 1:30 p.m.
PLACE: Department of Transportation, Haydon Burns Building, Suwannee Room (Room 250), 606 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.006 Additional Permitting Criteria.
 Each application for an outdoor advertising sign permit shall meet the requirements of Sections 479.07(9) and 479.11, F.S. In addition, an application must comply with the requirements of the agreement between the state and the United States Department of Transportation referenced in Section 479.02(1),

F.S., which have not been duplicated in Sections 479.07(9) and 479.11, F.S., or superseded by stricter provisions in those statutes. The requirements are:

(1) through (8) No change.

(9) The term “changed conditions” referenced in Section 479.01(14), F.S., defining nonconforming signs, means only the actions of a governmental entity, as defined by Section 11.45, F.S., which includes for example: Rezoning of a commercial area to a noncommercial area, reclassifying a secondary highway as a primary highway, or altering a highway’s configuration causing a preexisting sign to become subject to the Department’s jurisdiction.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.01(14), 479.02, 479.07(9), 479.08, 479.11 FS. History—New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.06, Amended 12-26-95, 6-28-98, 8-19-01, 12-31-06, _____.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.:	RULE TITLES:
15A-11.001	Definitions
15A-11.002	Licenses Generally
15A-11.003	Licensee Requirements and Limitations
15A-11.004	Licenses; Business and Instruction Facilities
15A-11.0045	Program of Instruction; Content; Conduct of Program
15A-11.005	Schools; Records Required to be Kept
15A-11.006	Schools; Contracts; Contents
15A-11.007	Motor Vehicle; Identification Certificate; Signs
15A-11.008	Soliciting and Advertising
15A-11.009	Instructor Certificates Qualifications
15A-11.010	General Regulations and Policies
15A-11.011	Denial, Revocation, Etc, of License or Certificate

PURPOSE AND EFFECT: A new rule is proposed to regulate businesses and their instructors that teach people to drive motor vehicles. Truck driving schools are regulated elsewhere, however, the rule will also provided for truck instructor certification and for registering vehicles used in truck driving schools.

SUBJECT AREA TO BE ADDRESSED: The proposed rule action provides for licensure of a business (school) and their instructors, including registration of vehicles used to teach students how to drive. Similar provisions apply to truck driving school instructors and the vehicles those schools use.

SPECIFIC AUTHORITY: 488.02 FS.

LAW IMPLEMENTED: Ch. 488 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: December 17, 2008, 3:00 p.m.

PLACE: Neil Kirkman Building, Executive Conference Room, 2900 Apalachee Parkway, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike McGlockton, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B214, Tallahassee, FL 32399-0500, (850)617-2505

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NO.: RULE TITLE:
15A-12.001 Definitions

PURPOSE AND EFFECT: A new rule is proposed to provide recognition of the Department’s Florida Rider Training Program (FRTP) contract that currently governs organizations that teach the Basic Rider Course, the Experienced Rider Course and the Riders Edge training for motorcycle operators.

SUBJECT AREA TO BE ADDRESSED: The proposed rule action adopts the FRTP contract by reference. The contract provides for contractor and Rider Coach criteria, course curriculum and course presentation. There is not a current rule on the program.

SPECIFIC AUTHORITY: 322.0255, 322.02 FS.

LAW IMPLEMENTED: 322.0255, 322.02 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: December 17, 2008, 4:00 p.m.

PLACE: Neil Kirkman Building, Executive Conference Room, 2900 Apalachee Parkway, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natalie Renfroe, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B211-D, Tallahassee, FL 32399-0500; (850)617-2505

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

ADMINISTRATION COMMISSION

RULE NOS.:	RULE TITLES:
28-18.100	Purpose and Effect
28-18.200	Comprehensive Plan

PURPOSE AND EFFECT: Proposal to adopt a new rule for the City of Marathon Comprehensive Plan to implement the Section 380.0552(4), Florida Statutes, requirements for annual reporting to the Administration Commission describing the progress of the City of Marathon in accomplishing the remaining tasks under the Work Program as set forth in Rule 28-20.110, F.A.C., and to determine whether substantial progress has been achieved for removal of the Florida Keys Area of Critical State Concern designation.

SUBJECT AREA TO BE ADDRESSED: The protection of the natural environment of the Florida Keys, and the identification of and progress in accomplishing the tasks under Work Program (as set out in Rule 28-20.110, F.A.C.) to be reported in the Department of Community Affairs written annual report to the Administration Commission. The Work Program task includes the continued implementation of the Wastewater Master Plan and the construction of wastewater treatment and collection facilities; the continued implementation of the Florida Keys Carrying Capacity Study; the identification and completion of stormwater projects; and the analysis of hurricane evacuation issues in the Florida Keys.

SPECIFIC AUTHORITY: 380.0552(9), 380.05(22) FS.

LAW IMPLEMENTED: 380.0552 FS.

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

DATE AND TIME: December 17, 2008, 4:00 p.m. – 6:00 p.m.

PLACE: Marathon Fire Rescue Department, 8900 Overseas Highway, Marathon, 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: Barbara Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Telephone (850)922-1782. If you are 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

Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Telephone (850)922-1782

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

ADMINISTRATION COMMISSION

RULE NO.: 28-19.300
RULE TITLE: Comprehensive Plan

PURPOSE AND EFFECT: Proposal to adopt a new rule for the Islamorada, Village of Islands Comprehensive Plan to implement the Section 380.0552(4), Florida Statute, requirements for annual reporting to the Administration Commission describing the progress of the Village of Islamorada in accomplishing the remaining tasks under the Work Program as set forth in Rule 28-20.110, F.A.C., and to determine whether substantial progress has been achieved for removal of the Florida Keys Area of Critical State Concern designation.

SUBJECT AREA TO BE ADDRESSED: The protection of the natural environment of the Florida Keys, and the identification of and progress in accomplishing the tasks under Work Program (as set out in Rule 28-20.110, F.A.C.) to be reported in the Department of Community Affairs written annual report to the Administration Commission. The Work Program task includes the continued implementation of the Wastewater Master Plan and the construction of wastewater treatment and collection facilities; the continued implementation of the Florida Keys Carrying Capacity Study; the identification and completion of stormwater projects; and the analysis of hurricane evacuation issues in the Florida Keys.

SPECIFIC AUTHORITY: 380.0552(9), 380.05(22) FS.

LAW IMPLEMENTED: 380.0552 FS.

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

DATE AND TIME: December 16, 2008, 4:00 p.m. – 6:00 p.m.
PLACE: Islamorada Fire Station 20, Second Floor, 81500 Overseas Highway, Islamorada, 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: Barbara Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Telephone (850)922-1782. If you are 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

Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Telephone (850)922-1782

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

ADMINISTRATION COMMISSION

RULE NO.: 28-20.130
RULE TITLE: Comprehensive Plan

PURPOSE AND EFFECT: Proposal to adopt a new rule for the Monroe County Comprehensive Plan to implement the Section 380.0552(4), Florida Statute, requirements for annual reporting to the Administration Commission describing the progress of Monroe County in accomplishing the remaining tasks under the Work Program as set forth in Rule 28-20.110, F.A.C., and to determine whether substantial progress has been achieved for removal of the Florida Keys Area of Critical State Concern designation.

SUBJECT AREA TO BE ADDRESSED: The protection of the natural environment of the Florida Keys, and the identification of and progress in accomplishing the tasks under Work Program (as set out in Rule 28-20.110, F.A.C.) to be reported in the Department of Community Affairs written annual report to the Administration Commission. The Work Program task includes the continued implementation of the Wastewater Master Plan and the construction of additional wastewater treatment and collection facilities; the continued implementation of the Florida Keys Carrying Capacity Study; the identification and completion of stormwater projects; and the analysis of hurricane evacuation issues in the Florida Keys.
SPECIFIC AUTHORITY: 380.0552(9), 380.05(22) FS.

LAW IMPLEMENTED: 380.0552 FS.

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

DATE AND TIME: December 16, 2008, 2:00 p.m. – 4:00 p.m.
PLACE: Islamorada Fire Station 20, Second Floor, 81500 Overseas Highway, Islamorada, Florida

Additional Workshops will be held as follows:

DATE AND TIME: December 17, 2008, 12:00 Noon – 2:00 p.m.

PLACE: Marathon Fire Rescue Department, 8900 Overseas Highway, Marathon, Florida

DATE AND TME: December 18, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Monroe County Courthouse, 302 Fleming Street, Key West, 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: Barbara Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone (850)922-1782. If

you are 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 Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone (850)922-1782

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-3.101
 RULE TITLE: Content of Application

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-3, Florida Administrative Code, to require proof of real property ownership and tax parcel identification numbers on water well construction permit applications. The effect of the proposed rule amendments will assist staff in ensuring that permits are issued for the correct parcel, and will provide for better identification of wells for public inquiries.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will require proof of real property ownership and tax parcel identification numbers on water well construction permit applications, thereby ensuring that permits are issued for the correct parcel, and providing better identification of wells in the future.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.309, 373.313, 373.326, 373.324, 373.0877 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only).

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: 40E-2.010, 40E-2.011
 RULE TITLES: Review of Consumptive Use Permit Applications, Policy and Purpose

40E-2.031 Implementation
 40E-2.041 Permits Required
 40E-2.051 Exemptions
 40E-2.061 No-Notice General Permit by Rule
 40E-2.091 Publications Incorporated by Reference
 40E-2.101 Content of Application
 40E-2.301 Conditions for Issuance of Permits
 40E-2.321 Duration of Permit
 40E-2.331 Modification of Permits
 40E-2.341 Revocation of Permits
 40E-2.351 Transfer of Permits
 40E-2.381 Limiting Conditions
 40E-2.441 Temporary Permits
 40E-2.451 Emergency Authorization
 40E-2.501 Permit Classification

PURPOSE AND EFFECT: To assure water necessary for the protection of fish and wildlife in the Kissimmee River, the Floodplain and the Upper Chain of Lakes.

SUBJECT AREA TO BE ADDRESSED: Water reservation for the portions of the Kissimee River (upstream of S-65E), Floodplain and Upper Chain of Lakes in volumes, locations and seasons of the year as is necessary for the protection of fish and wildlife.

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

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS.

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

DATE AND TIME: December 11, 2008, 10:00 a.m. – 3:00 p.m.

PLACE: Osceola County Commission Chambers, Administration Building, 1 Courthouse Square, Fourth Floor, Kissimmee, FL 34741

Pursuant to the provisions of 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: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 4224 or (561)682-4224, email: sburns@sfwmd.gov; Elizabeth D. Ross, Senior Specialist Attorney, P. O. Box 24680, West Palm Beach,

FL 33416-4680, (800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact Jan Sluth, Senior Paralegal, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-10.011	Purpose and General Provisions
40E-10.021	Definitions
40E-10.031	Implementation Tools
40E-10.221	Protected Natural Systems Water Bodies
40E-10.321	Regional Wetland Systems
40E-10.421	Water Reservations
40E-10.461	Water Reservation Areas: Kissimmee Planning Area

PURPOSE AND EFFECT: To assure water necessary for the protection of fish and wildlife in the Kissimmee River, the Floodplain and the Upper Chain of Lakes.

SUBJECT AREA TO BE ADDRESSED: Water reservation for the portions of the Kissimee River (upstream of S-65E), Floodplain and Upper Chain of Lakes in volumes, locations and seasons of the year as is necessary for the protection of fish and wildlife.

SPECIFIC AUTHORITY: 373.106, 373.044, 373.103(1), 373.113, 373.171, 373.216, 373.219, 373.223, 373.229, 373.233 FS.

LAW IMPLEMENTED: 373.216, 373.219, 373.223, 373.229, 373.233, 373.239, 373.249 FS.

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

DATE AND TIME: December 11, 2008, 10:00 a.m. – 3:00 p.m.

PLACE: Osceola County Commission Chambers, Administration Building, 1 Courthouse Square, Fourth Floor, Kissimmee, FL 34741

Pursuant to the provisions of 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: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Scott Burns, Director, Everglades Water Supply Policy, South

Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 4224 or (561)682-4224, email: sburns@sfwmd.gov; Elizabeth D. Ross, Senior Specialist Attorney, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact: Jan Sluth, Senior Paralegal, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-20.010	Review of General Water Use Permit Applications
40E-20.011	Policy and Purpose
40E-20.061	Delegation of Authority Pertaining to General Water Use Permits
40E-20.091	Publications Incorporated by Reference
40E-20.101	Content of General Water Use Permit Applications
40E-20.141	Request for Additional Information
40E-20.301	Conditions for Issuance of General Water Use Permits
40E-20.302	Types of General Water Use Permits
40E-20.321	Duration of General Water Use Permits
40E-20.331	Modification of General Water Use Permits
40E-20.341	Revocation of General Water Use Permits
40E-20.351	Transfer of General Water Use Permits
40E-20.381	Limiting Conditions
40E-20.391	Publication

PURPOSE AND EFFECT: To assure water necessary for the protection of fish and wildlife in the Kissimmee River, the Floodplain and the Upper Chain of Lakes.

SUBJECT AREA TO BE ADDRESSED: Water reservation for the portions of the Kissimee River (upstream of S-65E), Floodplain and Upper Chain of Lakes, in volumes, locations and seasons of the year as is necessary for the protection of fish and wildlife.

SPECIFIC AUTHORITY: 373.044, 373.083, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.083, 373.103(4), 373.118, 373.219 FS.

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

DATE AND TIME: December 11, 2008, 10:00 a.m. – 3:00 p.m.

PLACE: Osceola County Commission Chambers, Administration Building, 1 Courthouse Square, Fourth Floor, Kissimmee, FL 34741

Pursuant to the provisions of 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: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 4224 or (561)682-4224, email: sburns@sfwmd.gov; Elizabeth D. Ross, Senior Specialist Attorney, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact: Jan Sluth, Senior Paralegal, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-4.105	Freestanding Dialysis Center Services
59G-4.106	Freestanding Dialysis Center Fee Schedule

PURPOSE AND EFFECT: The purpose of the proposed rule amendment to Rule 59G-4.105, F.A.C., is to incorporate by reference the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, January 2009. The revised handbook includes updated policy for billing for dialysis treatments and injectable medications and updated references to the new Medicaid fiscal agent's Web Portal. The effect will be to incorporate by reference in rule the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, January 2009.

The purpose of Rule 59G-4.106, F.A.C., is to incorporate by reference in the Freestanding Dialysis Center Fee Schedule, January 2009. The effect will be to incorporate by reference in rule the Freestanding Dialysis Center Fee Schedule, January 2009.

SUBJECT AREA TO BE ADDRESSED: Freestanding Dialysis Center Services and Freestanding Dialysis Center Fee Schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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: Thursday, December 11, 2008, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Simpson, Program Analyst, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. #20, Tallahassee, Florida 32308, (850)922-7308, simpsonj@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.105 Freestanding Dialysis Center Services.

(1) No change.

(2) All freestanding dialysis center service providers enrolled in the Medicaid program must comply with the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, January 2009 ~~November 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-04 92, which is incorporated by reference in Rule 59G-4.003 ~~59G-4.160~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 8-24-99, Amended _____.

59G-4.106 Freestanding Dialysis Center Fee Schedule.

(1) This rule applies to all freestanding dialysis center services providers enrolled in the Medicaid program.

(2) All freestanding dialysis center services providers enrolled in the Medicaid program must be in compliance with the Freestanding Dialysis Center Fee Schedule, January 2009, which is incorporated by reference. The Fee Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-13.130	Traumatic Brain and Spinal Cord Injury Services
59G-13.132	Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-13.130, F.A.C., is to incorporate by reference in rule the revised Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, January 2009. The handbook was updated to remove Appendix A, TBI/SCI Waiver Services Procedure Codes, Reimbursement and Maximum Limits. The procedure codes, reimbursement and maximum limits are being incorporated by reference in new Rule 59G-13.131, F.A.C. The revised handbook also includes a revised Prioritization Screening Instrument, AHCA-Med Serv Form 042; clarification that services cannot be reimbursed through the waiver if they are available through another funding source; and updated references for the new Medicaid fiscal agent. The rule was also amended to replace references to the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, with the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The effect will be to incorporate by reference in rule the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, January 2009.

The purpose of the new Rule 59G-13.132, F.A.C., is to incorporate by reference in rule the Traumatic Brain and Spinal Cord Injury Waiver Services Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards that are effective January 2009. The effect will be to incorporate by reference in rule the Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards, January 2009.

SUBJECT AREA TO BE ADDRESSED: Traumatic Brain and Spinal Cord Injury Waiver Services and Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

SPECIFIC AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: Thursday, December 11, 2008, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Arlene Walker, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308-5403, (850)410-1570, walkerar@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.130 Traumatic Brain and Spinal Cord Injury Services

(1) No change.

(2) All traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, January 2009 ~~April 2006~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500 Non-Institutional 081, which is incorporated by reference in Rule 59G-4.001 ~~59G-13.001~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

(3) The following forms that are included in the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook are incorporated by reference:

(a) Appendix B ~~C~~ contains the Home and Community-Based Waiver Referral Agreement, AHCA Med-Serv Form 039, April 2006, seven pages. The form is available by photocopying it from the handbook.

(b) Appendix C ~~D~~ contains the Brain and Spinal Cord Injury Program Request for Level of Care, AHCA Med Serv Form 040, April 2006, two pages. The form is available by photocopying it from the handbook.

(c) Appendix D ~~E~~ contains the Notification of Level of Care, DOEA-CARES Form 603 (Revised March 2003), which is incorporated by reference in Rule 59G-13.030, F.A.C. The form is mailed to the provider by the Department of Elder Affairs, CARES Unit.

(d) Appendix E ~~F~~ contains the Brain and Spinal Cord Injury Program Waiting List Policy for the Traumatic Brain/Spinal Cord Injury Medicaid Waiver Program, April 2006, five pages, and the Home and Community-Based Medicaid Waiver Referral Prioritization Screening Instrument, AHCA-Med Serv Form 042, January 2009 ~~April 2006~~, four pages. The form is available by photocopying it from the handbook.

(e) Appendix F ~~G~~ contains the Notice of Decision, AHCA-Med Serv Form 043, April 2006, two pages. The form is mailed to the recipient by the Medicaid Waiver Specialist.

(f) Appendix G H contains the Brain and Spinal Cord Injury Program Medicaid Home and Community-Based Waiver Service Plan, AHCA-Med Serv Form 044, April 2006, one page. The form is available by photocopying it from the handbook.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.912 FS. History–New 5-31-06, Amended.

59G-13.032 Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

(1) This rule applies to all traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program.

(2) All traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program must be in compliance with the Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, January 2009, and Quality Standards, January 2009, which are incorporated by reference. The Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards are available from the Medicaid fiscal agent’s Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History–New.

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 Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-6.008
 RULE TITLE: Audit of Continuing Education Providers

PURPOSE AND EFFECT: The Board proposes the rule development to delete unnecessary language and to add language to clarify the duration of hours for the programs the provider offered.

SUBJECT AREA TO BE ADDRESSED: Audit of continuing education.

SPECIFIC AUTHORITY: 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 491.0085(1) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-6.008 Audit of Continuing Education Providers.

(1) through (2) No change.

(3) Each provider selected for audit is required to respond within 21 days and provide the Board with the original records maintained pursuant to subsection 64B4-6.004(3), F.A.C., for ~~one each~~ continuing education program the provider offered during that biennium, ~~that was no less than three (3) and no more than sixteen (16) hours in duration. If no programs were offered, the provider must provide a written statement to that effect in response to the audit request.~~

(4) through (8) No change.

Specific Authority 491.004(5), 491.0085 FS. Law Implemented 491.0085(1) FS. History–New 10-2-94, Formerly 59P-6.008, Amended.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-2.004
 RULE TITLE: Licensure by Endorsement
 PURPOSE AND EFFECT: To update and limit the length of time when a temporary certificate is in effect.
 SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement.

SPECIFIC AUTHORITY: 467.005 FS.

LAW IMPLEMENTED: 467.0125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-6.005
 RULE TITLE: Criteria for Continuing Education Programs
 PURPOSE AND EFFECT: To update the rule to add continuing education programs that are acceptable for credit.
 SUBJECT AREA TO BE ADDRESSED: Criteria for Continuing Education Programs.
 SPECIFIC AUTHORITY: 467.005, 467.012 FS.
 LAW IMPLEMENTED: 456.013, 456.031, 467.012 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: Christy Robinson, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

67-21.0035
 67-21.004
 67-21.0045
 67-21.006
 67-21.007
 67-21.008
 67-21.009
 67-21.010
 67-21.013
 67-21.014
 67-21.015
 67-21.017
 67-21.018
 67-21.019

Applicant Administrative Appeal Procedures
 Federal Set-Aside Requirements
 Determination of Method of Bond Sale
 Development Requirements
 Fees
 Terms and Conditions of MMRB Loans
 Interest Rate on Mortgage Loans
 Issuance of Revenue Bonds
 Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
 Credit Underwriting Procedures
 Use of Bonds with Other Affordable Housing Finance Programs
 Transfer of Ownership
 Refundings and Troubled Development Review
 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 2009 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC 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: December 11, 2008, 3:00 p.m.

PLACE: Trianon Bonita Bay Hotel, 3401 Bay Commons Drive, Bonita Springs, Florida 34134. The workshop will be accessible via phone 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).

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-7.004
 RULE TITLE: Risk Assessment
 PURPOSE AND EFFECT: To update the rule with regard to physician consultations for patients with higher risk scores.
 SUBJECT AREA TO BE ADDRESSED: Risk Assessment.
 SPECIFIC AUTHORITY: 456.004(5), 467.005 FS.
 LAW IMPLEMENTED: 467.015 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: Christy Robinson, Executive Director, 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.: 67-21.002, 67-21.003
 RULE TITLES: Definitions, Application and Selection Process for Developments

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 ON FLORIDA HOUSING'S WEB SITE: www.floridahousing.org

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing

67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

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 2009 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 2008 Qualified Allocation Plan (QAP).

SPECIFIC 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: December 11, 2008, 3:00 p.m.

PLACE: Trianon Bonita Bay Hotel, 3401 Bay Commons Drive, Bonita Springs, Florida 34134. The workshop will be accessible via phone 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: Deborah Dozier Blinderman, Deputy Development Officer.

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
690-170.0155 Forms

PURPOSE AND EFFECT: This rule is being amended to adopt revised versions of Office of Insurance Regulation forms OIR-B1-1655, “Notice of Premium Discounts for Hurricane Loss Mitigation”, and OIR-B1-1802, “Uniform Mitigation Verification Inspection Form”. The forms are being revised based on changes to the My Safe Florida Home program and the experience of the Office of Insurance Regulation, insurers and policyholders with the forms since their last revisions in July 2007.

SUBJECT AREA TO BE ADDRESSED: Section 627.711, Florida Statutes, required the Office to develop two forms. The first, OIR-B1-1655, is used by insurers to provide policyholders information about available windstorm mitigation discounts. The second, OIR-B1-1802, is used by home inspectors to verify the presence of windstorm-mitigation features on policyholder’s property so the insurer can calculate appropriate discounts. Because the free inspections and the grants offered by the My Safe Florida Home program are no longer available, form OIR-B1-1655 is being revised to remove references to these programs. Form OIR-B1-1802 is being revised to use terminology commonly used in the construction industry in describing the construction features to be inspected and to require the inspector and homeowner to verify the inspector actually conducted the inspection.

SPECIFIC AUTHORITY: 624.308, 627.711 FS.

LAW IMPLEMENTED: 215.5586, 627.711 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: December 15, 2008, 9:30 a.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: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@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 IS: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

690-170.0155 Forms.

The following forms are hereby adopted and incorporated by reference:

(1)(a) through (j) No change.

(k) OIR-B1-1655, “Notice of Premium Discounts for Hurricane Loss Mitigation,” (Rev. ~~12/08~~ ~~7/07~~).

(l) OIR-B1-1802, “Uniform Mitigation Verification Inspection Form,” (Rev. ~~12/08~~ ~~New 7/07~~).

(m) through (n) No change.

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

Specific Authority 624.308(1), 627.711, 627.736 FS. Law Implemented 215.5586, 624.307(1), 624.424, 627.062, 627.0629, 627.0645, 627.711, 627.736 FS. History–New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, 12-26-06, 6-12-07, 7-17-07, 9-5-07, 3-13-08,_____.

**Section II
Proposed 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.”

PUBLIC SERVICE COMMISSION

<p>RULE NOS.:</p> <p>25-4.019</p> <p>25-4.020</p> <p>25-4.022</p> <p>25-4.034</p> <p>25-4.069</p> <p>25-4.112</p> <p>25-4.115</p> <p>25-4.117</p> <p>25-4.200</p>	<p>RULE TITLES:</p> <p>Records and Reports in General</p> <p>Location and Preservation of Records</p> <p>Complaints</p> <p>Tariffs</p> <p>Maintenance of Plant and Equipment</p> <p>Termination of Service by Customer</p> <p>Directory Assistance</p> <p>Toll Free Service</p> <p>Application and Scope</p>
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PURPOSE AND EFFECT: The purposes of the rule amendments and repeals are to simplify, streamline, and clarify the rules. Redundancies among rules are eliminated for simplicity. Some rules concerning tariffs and tariff filings are streamlined by having incumbent local exchange companies’

(ILECs) tariff requirements located in one rule. Some rules are repealed because they are unnecessary, redundant, or obsolete. Docket No. 080641-TP.

SUMMARY: Rule 25-4.019, F.A.C., is repealed because it is unnecessary. Subsection 25-4.019(3), F.A.C., concerning working conditions provided by companies to Commission staff at times when staff makes visits to the companies is reworded and Rule 25-4.020, F.A.C., is amended to include that reworded requirement. Subsection 25-4.022(1), F.A.C., is amended to delete the trouble reports record retention requirements which are redundant of requirements included in subsection 25-4.020(3), F.A.C. Subsection 25-4.022(2), F.A.C., is amended to delete the requirements for responding in writing to customer complaints which are redundant of subsection 25-4.111(1), F.A.C., which requires a company to respond to all complaints within 15 days. Rule 25-4.034, F.A.C., is amended by streamlining and adding to it the rule provisions from Chapter 25-9, F.A.C., which apply to ILECs. Rule 25-4.069, F.A.C., is repealed because it is unnecessary and redundant of Rules 25-4.036 and 25-4.038, F.A.C., which provide more specific requirements related to safe, adequate, and continuous service. Rule 25-4.112, F.A.C., is repealed because it is unnecessary. Rule 25-4.115, F.A.C., is amended to delete subsections (1)(a) and (b), and (2)(b), (c) and (d), which are unnecessary because Rule 25-4.034, F.A.C., requires all rates and charges to be in the ILECs' tariffs. Rule 25-4.117, F.A.C., is amended to include other toll free numbers which have been implemented since the time the rule was adopted. Rule 25-4.200, F.A.C., is repealed as unnecessary because it restates the application and scope language of Section 364.052(2)(b), F.S. None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There should be minimal costs to implement the proposed rule amendments. There should be no incremental cost to the Commission. These rule changes would benefit the Commission, small businesses, local governments and customers by having more simple, streamlined, and clarified rules which are more easily understood. There should be no negative impacts on small businesses, small cities, or small counties resulting from these rule changes. The rule amendments and repeals will likely decrease utilities' administrative costs somewhat.

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

SPECIFIC AUTHORITY: 350.127, 364.016, 364.17, 364.18, 364.183, 364.185 FS.

LAW IMPLEMENTED: 364.016, 364.02, 364.025, 364.03, 364.04, 364.051, 364.052, 364.07, 364.08, 364.15, 364.17, 364.18, 364.19, 364.163, 364.183, 364.185, 364.386 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: Kathryn Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULES IS:

25-4.019 Records and Reports in General.

Specific Authority 350.127(2) FS. Law Implemented 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 5-4-81, Formerly 25-4.19, Repealed.

25-4.020 Location and Preservation of Records.

(1) through (3) No change.

(4) During any audit or review of records, the company shall provide Commission staff with adequate and comfortable working and filing space, consistent with the prevailing conditions and climate, and comparable with the accommodations provided the company's outside auditors.

Specific Authority 350.127(2), 364.016, 364.17, 364.18, 364.183, 364.185 FS. Law Implemented 364.016, 364.17, 364.18, 364.183, 364.185 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.20, Amended 6-23-93, 11-13-95, _____.

25-4.022 Complaints ~~Trouble Reports, Etc.~~

~~(1) Each telephone company shall maintain for at least six (6) months a record of all signed written complaints made by its subscribers regarding service or errors in billing, as well as a record of each case of trouble or service interruption that is reported to repair service. This record shall include the name and/or address of the subscriber or complainant, the date (and for reported trouble, the time) received, the nature of the complaint, or trouble reported, the result of any investigation, the disposition of the complaint or service problem, and the date (and for reported trouble, the time) of such disposition.~~

~~(2) Each signed letter of complaint shall be acknowledged in writing or by contact by a representative of the company.~~

Specific Authority 350.127(2), 364.17 FS. Law Implemented 364.051, 364.17, 364.183 FS. History—Revised 12-1-68, Formerly 25-4.22, Amended.

25-4.034 Tariffs.

(1) Except to the extent otherwise permitted by Section 364.051(5)(a), F.S.; ~~Each telecommunications company shall maintain on file with the Commission tariffs which set forth all rates and charges for customer services, the classes and grades~~

of service available to subscribers, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relation of customer and company utility. The rates and charges for contract service arrangements for an individual customer need not be filed where the company's tariff provides a description of the circumstances under which such arrangements are offered for specified tariffed services. Tariff filings shall be in compliance with the requirements of Chapter 25-9, F.A.C., of the Commission rules entitled "Construction and Filing of Tariffs by Public Utilities."

(2) Filing shall mean received by the office of the Division of Regulatory Compliance during normal business hours. Any tariff received by the Division of Regulatory Compliance after 5:00 p.m. shall be considered filed on the next regular business day. All proposed changes to an existing tariff that are submitted by hard copy shall be directed to the Director of the Division of Regulatory Compliance, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 and shall include an original and two (2) copies of each revised tariff sheet. A letter of transmittal shall accompany each tariff filing, which lists the included sheets, by sheet number and revision level as specified in paragraphs (6)(c)-(e), and gives a brief description of all changes. If acknowledgment of a hard copy filing is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be returned.

~~(3)(2)~~ No change.

~~(4)(3)~~ Each telecommunications company shall make maintain on file in each of its business offices, available for public inspection upon request, either a printed copy or an electronic copy of its retail tariffs the local exchange tariff for exchanges under the administration of that office, its general exchange tariff, and its schedule of intrastate toll rates. Each business office shall likewise make available a copy of Chapter 25-4, F.A.C., of the Florida Public Service Commission Rules and Regulations for public inspection upon request.

(5) Companies shall charge only the rates and credits contained in their tariff. If a company desires to deviate temporarily from its normal tariffed rates and credits, the company shall file a single tariff change reflecting the conditions of the temporary tariff change. Such tariff provision shall include the heading "Promotion," and shall state the name of the promotion, a specific description of the tariffed service(s) involved, including all applicable rates, benefits, terms, and conditions, and the beginning and ending dates of the promotion.

(6) Tariffs shall comply with the following conventions:

(a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must be clear and legible. Tariffs submitted in hard copy form shall be in loose leaf form on 8 1/2" x 11" sheets, typewritten on white paper, using one side of the paper only.

(b) Each sheet shall bear the name of the company, as certificated with the Commission, the name and title of the issuing officer, and the effective date of the sheet.

(c) Every sheet in the tariff shall be numbered.

(d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the upper right-hand corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet No. 5.2.

(e) Revised sheets in the tariff shall be marked with the number of the revision in the upper right-hand corner and the number of the sheet it replaces. As an example:

First Revised Sheet No. 4

Cancels Original Sheet No. 4

(f) The tariffs shall contain at a minimum the following:

1. Table of Contents and Index. All tariffs shall have a table of contents identifying the page location of each section in the tariff. Each section shall also be individually indexed by subject.

2. Symbols Used in Tariff Filings. Symbols used in any proposed change to the existing tariff shall appear on the right hand side of each sheet on the same line(s) in which any change has been made. If three or more consecutive lines are affected, one symbol shall be placed on the first and last lines with a vertical line connecting the two symbols. Two or more symbols shall be placed next to each other on any line with multiple types of changes. The symbol page shall identify all symbols used in the tariff.

3. Technical Terms and Abbreviations. This section shall contain all technical and special terms and abbreviations used in the tariff.

(7) With each filing, the company shall provide a coded copy of each tariff sheet filed showing changes to the existing tariff sheet. Changes shall be indicated by inserting and underlining new words; words to be deleted shall be lined through with hyphens.

Specific Authority 350.127(2) FS. Law Implemented 364.04, 364.163 FS. History--New 3-31-76, Amended 11-29-82, Formerly 25-4.34, Amended 9-13-88, 4-16-90, 3-10-96, _____.

25-4.069 Maintenance of Plant and Equipment.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History--Revised 12-1-68, Amended 12-13-82, 9-30-85, Formerly 25-4.69, Amended 4-16-90, 3-10-96, Repealed _____.

25-4.112 Termination of Service by Customer.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.19 FS. History--New 12-1-68, Repealed _____.

25-4.115 Directory Assistance.

~~(1) Directory assistance service provided by any telephone company shall be subject to the following:~~

~~(a) Charges for directory assistance shall be reflected in tariffs filed with the Commission and shall apply to the end-user.~~

~~(b) The tariff shall state the number of telephone numbers that may be requested by a customer per directory assistance call.~~

~~(2) Charges for calls within a local calling area or within a customer's Home Numbering Plan Area (HNPA) shall be at rates prescribed in the general service tariff of the local exchange company originating the call and shall be subject to the following:~~

~~(a) There shall be no charge for directory assistance calls from lines or trunks serving individuals with disabilities. As used in this rule, "disability" means, with respect to an individual - A physical or mental impairment that prohibits a customer from using the telephone directory.~~

~~(b) The same charge shall apply for calls within a local calling area and calls within an HNPA.~~

~~(c) The tariff shall state the number of calls per billing month per individual line or trunk to the number designated for local directory assistance (i.e., 411, 311 or 611) for which no charges will apply. The local exchange company shall charge for each local directory assistance call in excess of this allowance. The charge shall not apply for calls from pay stations.~~

~~(d) The local exchange company shall apply the charge for each call to the number designated for long distance directory assistance within the customer's HNPA (i.e., 1 + (850)555 1212).~~

Specific Authority 350.127 FS. Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS. History--New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95, 5-8-05,_____.

25-4.117 Toll Free 800 Service.

Telephone companies are prohibited from billing to or collecting from the originating caller any charges for intrastate calls to toll free numbers (e.g., 800, 866, 877, and 888) an 800 service subscriber.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.04, 364.051 FS. History--New 3-5-90, Amended_____.

25-4.200 Application and Scope.

Specific Authority 350.127(2) FS. Law Implemented 364.052 FS. History--New 3-10-96, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Office of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-9.001	Application and Scope
25-9.002	Definitions
25-9.005	Information to Accompany Filings
25-9.008	Telephone Utility Tariffs
25-9.009	Numbering and General Data Required for Each Sheet
25-9.022	Table of Contents
25-9.027	Rules and Regulations
25-9.029	Index of Rate Schedules
25-9.032	Telephone Utility Exchange Schedules

PURPOSE AND EFFECT: Rules in Chapter 25-9, F.A.C., are amended so that the Chapter no longer applies to incumbent local exchange companies (ILECs), and so that applicable tariff and tariff filing requirements for ILECs are located in Rule 25-4.034, F.A.C. Docket No. 080641-TP.

SUMMARY: Rule 25-9.001, F.A.C., is amended to exclude ILECs and CLECs from Chapter 25-9, F.A.C. The applicable tariff and tariff filing requirements related to ILECs are being rewritten and included in Rule 25-4.034, F.A.C. Chapter 25-9, F.A.C., does not currently apply to CLECs so the rule is amended to make this clear. Rules 25-9.002, 25-9.005, 25-9.009, 25-9.022, 25-9.027, and 25-9.029, F.A.C., are amended to remove all references to telephone companies, consistent with the amendment of Rules 25-9.001, 25-9.008 and 25-9.032, F.A.C., which apply only to telephone companies, are repealed consistent with the amendment of Rule 25-9.001, F.A.C. None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There should be minimal costs to implement the proposed rule amendments. There should be no incremental cost to the Commission. These rule changes would benefit the Commission, small businesses, local governments and customers by having more simple, streamlined, and clarified rules which are more easily understood. There should be no negative impacts on small businesses, small cities, or small counties resulting from these rule changes. The rule amendments and repeals will likely decrease utilities' administrative costs somewhat.

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

SPECIFIC AUTHORITY: 350.127, 366.05, 367.121 FS.
 LAW IMPLEMENTED: 364.03, 364.04, 364.05, 364.08, 364.337, 366.04(2)(b), 366.05, 366.06, 367.021, 367.041, 367.081, 367.091, 367.101 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: Kathryn Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULES IS:

25-9.001 Application and Scope.

(1) The provisions of Parts I, II and III of these rules shall only apply to public utilities as defined in subsection 25-9.002(2), F.A.C., and Parts IV and V of these rules shall only apply to municipalities and cooperatives as defined in subsection 25-9.051(2), F.A.C. ~~Except as provided by Parts X through XIV, Chapter 25-24, F.A.C.,~~ the provisions of this Chapter shall not apply to Interexchange Companies, Pay Telephone Service Companies, Shared Tenant Service Companies, Operator Service Provider Companies, ~~or Alternative Access Vendor Service Providers,~~ Competitive Local Exchange Companies or Local Exchange Companies.

(2) through (5) No change.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.03, 364.04, 364.05, 364.08, 364.337,~~ 366.04(2)(b), 366.05(1), 367.041(2), 367.091, 367.101 FS. History—Repromulgated 1-8-75, 10-22-75, Amended 8-9-79, Formerly 25-9.01, Amended 2-23-86, 1-8-95, _____.

25-9.002 Definitions.

For the purposes of these regulations the following definitions shall apply:

- (1) No change.
- (2) Except where a different meaning clearly appears from the context, the word or words “utility” or “public utility” as used in these rules shall mean and include all electric and gas utilities, water systems, and wastewater systems, ~~telephone companies and telegraph companies~~ which are, or may hereafter be, subject to the jurisdiction of this Commission.

(3) through (8) No change.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04,~~ 366.05(1), 367.021 FS. History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.02, Amended _____.

25-9.005 Information to Accompany Filings.

- (1) No change.
- (2) In addition to the foregoing, ~~Telephone Companies,~~ Electric utilities and gas utilities shall provide the following:
 - (a) through (c) No change.

(d) A company may request a waiver of any of the requirements of this subsection upon a written application showing that the requirement is inordinately burdensome or unnecessary for analysis of its filing. The directors of the Divisions of Economic Regulation ~~and Competitive Markets and Enforcement, respectively,~~ will dispose of any such request. A company may request Commission review of a denial of a waiver.

~~(3)(a) When a local exchange telephone company whose annual revenues from regulated telecommunications operations are \$100,000,000 or more files a tariff to introduce a new service, incremental cost data shall be filed sufficient to demonstrate that the proposed rates for the service are not below incremental cost. When a local exchange telephone company whose annual revenues from regulated telecommunications services are less than \$100,000,000 files a tariff for a new service, it shall provide incremental cost data, if available, or otherwise demonstrate that the proposed rates for the service are not below that local exchange company's incremental cost.~~

~~(3)(b)~~ Where the change involves a rate or charge and the electric, or gas, ~~or telephone~~ utility elects to make a cost study, the utility shall file a cost information statement containing a summary of the cost study performed, including:

- 1. through (5) No change.

~~(6) The provisions of paragraph (1)(b) and subsections (2) and (3) shall not apply to telephone interexchange carriers granted exemptions by Order No. 13678, issued September 13, 1984.~~

Specific Authority 350.127(2) FS. Law Implemented ~~364.05, 364.3381,~~ 366.06, 367.081 FS. History—Repromulgated 1-8-75, 10-22-75, Amended 1-18-82, 8-8-85, Formerly 25-9.05, Amended 5-24-94, _____.

25-9.008 Telephone Utility Tariffs.

Specific Authority 350.127(2) FS. Law Implemented 364.04 FS. History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.08, Repealed _____.

25-9.009 Numbering and General Data Required for Each Sheet.

The numbering and general data required by this rule and listed below shall appear on each sheet in the rate book excepting the front and back covers and the individual sheets of special contracts.

- (1) through (a) No change.
- ~~(b) Telephone and telegraph utilities covered by Rule 25-9.008, F.A.C., should continue the presently effective section and sheet numbering system which is uniformly employed by all such utilities, the size and construction of whose tariffs require such division.~~
 - ~~(b)(e)~~ No change.
 - (2) through (5) No change.

Specific Authority 350.127(2), 367.121 FS. Law Implemented ~~364.04~~, 366.05, 367.041 FS. History–Repromulgated 1-8-75, 10-22-75, Formerly 25-9.09, Amended.

25-9.022 Table of Contents.

(1) No Change.

(2) In the larger rate books the major sections will be individually indexed in accordance with Rules 25-9.007 ~~and 25-9.008~~, F.A.C. In these larger rate books the table of contents will serve as an index or guide to the separate sections as set out in Rule 25-9.007, F.A.C said two rules.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History–Repromulgated 1-8-75, Formerly 25-9.22, Amended.

25-9.027 Rules and Regulations.

(1) This section shall include all rules, regulations, practices, services, classifications, exceptions and conditions made or observed relative to the utility service furnished which are general and apply to all or many of the rate schedules ~~or exchange areas served~~.

(2) No Change.

(3) If a general regulation does not apply to a particular schedule, ~~or classification or exchange~~, that fact should be clearly stated.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History–Repromulgated 1-8-75, Formerly 25-9.27, Amended.

25-9.029 Index of Rate ~~or Exchange~~ Schedules.

(1) This section shall provide an index to facilitate prompt reference to any particular rate schedule ~~or to any given exchange~~.

(2) In cases where the rate sections for which this index is provided contain less than twelve (12) sheets, this section may be omitted.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History–Repromulgated 1-8-75, Formerly 25-9.29, Amended.

25-9.032 Telephone Utility Exchange Schedules.

Specific Authority 350.127(2), FS. Law Implemented 364.04 FS. History–Repromulgated 1-8-75, Formerly 25-9.32, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Office of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.101
RULE TITLE: Routine Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarity regarding the types of paper which may be sent in and impose requirements necessary for the security of the institutions.

SUMMARY: The proposed rule amends Rule 33-210.101, F.A.C., to require that mail be written in English or Spanish or, if an inmate cannot read one of these languages, to require that the inmate shall request approval to receive mail in other languages. Correspondence in a language other than English or Spanish may be photocopied and sent to another institution or the central office for translation. All mail must be sent through the United States Postal Service and contain a return address, and the proposed rule would clarify the types of paper and packaging permitted as well as the subject matter allowed. The proposed rule would prohibit the use of third-party mailing services by both inmates and senders that allow inmates to place advertisements on the internet. The number of permitted additional pages of written material would be increased from five to 15, and the provision concerning postage for inmates for the submission of complaints to the Florida Bar would be moved to Rule 33-210.102, F.A.C.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.101 Routine Mail.

(1) No change.

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) Written correspondence (no limit as to number of pages). Correspondence shall be written in either English or Spanish. Inmates who cannot read and write in English or Spanish shall request approval from the warden to correspond in the language which the inmate can read and write using Form DC6-236, Inmate Request. Correspondence may be

written on greeting cards, but cards containing electronic or other non-paper parts, cards which are constructed in such a way as to permit concealment of contraband, or which are larger than 8"x10" will not be permitted. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) Up to 15 pages of additional written materials, unless the additional written materials pertain to an inmate's legal case or health, or prior approval is obtained from the warden to send in an enclosure of greater than 15 five pages. Each page can be no larger than 8 1/2" x 14" in size; material can be on both sides of a page. This does not include ~~bound~~ publications which ~~shall will~~ be handled pursuant to Rule 33-501.401, F.A.C. Individual ~~newspaper or magazine~~ articles or clippings ~~or clippings from other publications~~ the content of which is otherwise admissible are permissible, up to the 15 page limit. No item can be glued, taped, stapled or otherwise affixed to a page. Requests to send enclosures of greater than 15 five pages shall be made to the warden or his designee prior to sending the material. Exceptions to the 15 five page limitation are intended for enclosures concerning legal, medical, or other significant issues, and not for material for general reading or entertainment purposes. The warden shall advise the sender and the mail room of his approval or disapproval of the request.

(c) Photographs. Photographs will be counted toward the 15 page additional materials limitation. Nude photographs or photographs which reveal genitalia, buttocks, or the female breast will not be permitted. Polaroid photographs will not be permitted. Photographs will not exceed 8"x10".

(d) Self-addressed stamped envelopes. These items do not count toward the 15 page limitation for additional materials, but cannot exceed the equivalent of 20 (1 oz.) first class stamps.

(e) Blank greeting cards (no larger than 8"x10"), stationery or other blank writing paper (lined or unlined), or envelopes. Card stock, sketch paper, and other types of craft paper may not be included. These items do not count toward the 15 page limitation for additional materials, but cannot exceed 10 each in number, with a total possession limit of 15 of each item.

(f) U.S. postage stamps. The value of the stamps cannot exceed the equivalent of 20 (1 oz.) first class stamps. These items do not count toward the 15 five page limitation for additional materials. Inmates shall not possess more than the maximum number of stamps permitted by Rule 33-602.201, F.A.C. Due care shall be exercised in processing mail, however, the department shall not be responsible for any postage stamps sent through the mail.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature) the entire correspondence will be returned to the sender pursuant to subsection (13) of this rule. For example, the following items are not permissible for inclusion in or attachment to routine mail:

(a) through (c) No change;

(d) Address labels (other than those affixed to the outside of the envelope); or

(e) No change.

(4) No change.

(5) Any routine mail sent or received ~~shall may~~ be opened, examined and is subject to being read by a designated employee. If the warden has approved an inmate to receive correspondence written in a language other than English or Spanish the correspondence may be translated to confirm that it complies with the applicable rules. If the language cannot be translated by an employee at the facility the correspondence may be photocopied and sent to another institution or the central office for translation. Outgoing mail shall not be sealed by the inmate sender. Incoming and outgoing mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 48 hours of receipt by the mail room, excluding weekends and holidays.

(6) Except as provided in this rule section, inmates may send mail to and receive mail from any person or group they wish.

(7) through (8) No change.

(9) Inmates shall not use correspondence privileges to solicit or otherwise commercially advertise for money, goods or services. For the purposes of this rule this includes advertising for pen-pals; inmates are not prohibited from corresponding with pen-pals, but shall not place ads soliciting pen pals. ~~Inmates are prohibited from receiving correspondence or materials from persons or groups marketing advertising services, or from subscribing to advertising services.~~ Inmates who post ads or have ads posted with the assistance of another person shall be subject to disciplinary action.

(10) No change.

(11) Outgoing or incoming mail shall be disapproved for mailing or delivery to the inmate if any part of it:

(a) through (c) No change.

(d) Is written in code or is otherwise written in a manner that is not reasonably subject to interpretation by staff as to meaning or intent;

(e) through (f) No change;

(g) Is dangerously inflammatory in that it advocates or encourages riot, insurrection, disruption of the institution, violation of department or institution rules, the violation of which would present a serious threat to the security, order or rehabilitative objectives of the institution or the safety of any person;

(h) No change.

(i) Pictorially depicts sexual conduct as defined by Section 847.001, F.S., as follows:

1. through 5. No change.

6. Actual contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party;

~~7.6.~~ Any act or conduct which constitutes sexual battery or instances that sexual battery is being or will be committed.

(j) Presents nudity ~~or a lewd exhibition of the genitals~~ in such a way as to create the appearance that sexual conduct is imminent, i.e., display of contact or intended contact with genitals, pubic area, buttocks or female breasts orally, digitally or by foreign object, or display of sexual organs in an aroused state.

(k) No change.

(l) It contains an advertisement promoting any of the following where the advertisement is the focus of, rather than being incidental to, the publication or the advertising is prominent or prevalent throughout the publication.

1. Three-way calling services;

2. Pen-pal services;

3. The purchase of products or services with postage stamps; or

4. Conducting a business or profession while incarcerated.

(l) through (n) renumbered (m) through (o) No change.

(12) through (13) No change.

(14)(a) No change.

(b) If the incoming mail is disapproved for one of the reasons listed in subsection (7), (8), or (9), paragraph (11)(a) through ~~(l)(*)~~ or ~~(o)(*)~~, subsection (12) or (13) of this rule, the institution shall make a copy of the correspondence before returning it to the sender with the Unauthorized Mail Return Receipt, Form DC2-521, included. The institution is not required to copy incoming correspondence disapproved pursuant to subsection (7) if the return address on the envelope was the reason for determining that the mail was sent from an inmate at another penal institution.

(c) through (d) No change.

(e) Form DC2-521 is hereby incorporated by reference. Copies of the 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 9-20-04.

(15) Incoming and outgoing routine mail shall be delivered to and picked up from the institution or facility by the U.S. Postal Service only.

(a) Addresses of incoming mail: The address of all incoming mail must contain the inmate's committed name, identification number and institutional address. The inmate's dorm and bunk locations are not required. All incoming mail shall contain the return address of the sender. The return address of incoming mail is subject to verification and shall be rejected if the sender cannot be verified.

(b)(15) Addresses of outgoing mail: The return address of all outgoing mail shall ~~must~~ contain the inmate's committed name, identification number and institutional name and institutional address. The inmate's dorm and bunk locations are not required ~~in either the address of incoming mail or the return address of outgoing mail~~. No prefix other than inmate, Mr., Ms., Miss, or Mrs. nor any suffix other than Jr., Sr. or Roman numeral such as II or III may be included as part of the committed name in the return address. The institutional name in the return address must be spelled out completely with no abbreviations. All outgoing routine mail will be stamped "mailed from a state correctional institution" by mail room staff.

(c) Third party mailing services.

1. Inmates shall not utilize any third party mailing services or engage in any activities which would enable them to engage in correspondence without revealing their status as inmates. Examples of prohibited activities include the following:

a. Placement of ads in magazines, newspapers, or other publications;

b. Posting of ads or other information on Internet sites;

c. Use of any mailing service which allows the inmate to utilize a non-institutional address and engage in correspondence without revealing his or her status as an inmate;

d. Any activity or service which does not reveal to potential correspondents the inmate's status as an inmate.

2. Senders shall not utilize any third party mailing services or engage in any activities which would enable them to engage in correspondence without revealing their identity or return address.

3. Any inmate who is discovered to be participating in any of the above-prohibited activities shall be subject to disciplinary action in accordance with Rules 33-601.301-.314, F.A.C.

(16) No change.

(17) No postage or writing materials shall be provided to inmates for routine mail except as provided in this subsection. Postage and writing materials shall be provided to any inmate with insufficient funds for mailing ~~1 one~~ first class letter weighing ~~1 one~~ ounce or less each month to be used for mailing ~~1 one~~ first class letter weighing ~~1 one~~ ounce or less each month. Local procedures may be established to require the inmate to request the free postage and writing materials or to establish a specific day of the month for the free letters to be processed. ~~Postage shall also be provided to any inmate with insufficient funds for the purpose of mailing a complaint to the Florida Bar concerning ineffective assistance of counsel in the inmate's criminal case. Inmates shall be permitted to receive U.S. postage stamps in their routine mail so long as the value of the stamps does not exceed the equivalent of 20 (1 oz.) first class stamps. Inmates may not possess more than the maximum number of stamps permitted by Rule 33-602.201,~~

~~F.A.C. Due care shall be exercised in processing mail, however, the department shall not be responsible for any postage stamps sent through the mail.~~

(18) through (19) No change.

(20) No packaging other than standard envelopes shall be given to inmates. This includes removing the following types of packaging: boxes, padded envelopes, plastic bags, any envelopes that include metal parts, multi-layer packaging, bubble wrap, packing peanuts, etc. ~~Inmates shall not be permitted to receive routine mail in padded envelopes.~~

(21) through (22) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, 3-23-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Chief of Security Operations
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NOS.:	RULE TITLES:
59C-1.008	Certificate of Need Application Procedures
59C-1.010	Certificate of Need Application Review Procedures
59C-1.012	Administrative Hearing Procedures
59C-1.013	Monitoring Procedures
59C-1.030	Criteria Used in Evaluation of Applications

PURPOSE AND EFFECT: The agency is proposing to update the rules that define application procedures used in Chapter 59C-1, F.A.C. dure to changes in the Laws of Florida Chapter 2008-29 revising the requirements with respect to an application for certificate of need for a general hospital.

SUMMARY: The proposed rules are updated to reflect statutory changes to the hospital application procedures currently defined in the listed rules in Chapter 59C-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.

SPECIFIC AUTHORITY: 408.035(1)(2), 408.037(1)(2)(3), 408.039(3)(5)(6) FS.

LAW IMPLEMENTED: 408.035, 408.037, 408.039 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: December 22, 2008, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, 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 3 days before the workshop/meeting by contacting: Calvin J Vice, Sr., PhD at (850)488-8672. If you are 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: Calvin J Vice, Sr., PhD

THE FULL TEXT OF THE PROPOSED RULES IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for hospital beds and facilities and for other beds and programs, as specified in paragraph (g) of this subsection. The category "hospital beds and facilities" includes proposals for new hospital facilities, replacement hospital facilities if being replaced more than a mile away, acute care beds pursuant to Section 408.036(1)(g), F.S., the establishment of new neonatal level II and level III programs unless otherwise exempt pursuant to Section 408.036(3)(k), F.S., and comprehensive medical rehabilitation beds unless otherwise exempt pursuant to Section 408.036(3)(i), F.S. and except as provided in Section 408.037(2), F.S. for a general hospital. Unless otherwise directed by Section 408.037(2), F.S., general hospital applications shall conform to the schedules in this rule and will use all the usual application and financial forms described below as applicable. The category "other beds and programs" includes proposals for open heart surgery, pediatric cardiac catheterization, specialty burn units, organ transplantation, community nursing home projects, hospice programs, hospice inpatient facilities, and intermediate care facilities for the developmentally disabled.

(a) No change.

(b) The contents of the letter of intent shall be consistent with paragraph 408.039(2)(c), F.S., and must be a written communication with an original signature. The applicant is solely responsible for the content and clarity of the letter of

intent. The agency shall not assume any facts not clearly stated. Applications should be submitted with one copy printed and any duplicates in electronic media format (DVD).

(c) through (e) No change.

(f) Certificate of Need Application Submission. An application for a certificate of need shall be submitted on AHCA Form CON-1, July 2000, which includes Schedules A or A-Trn, B or B-Trn, C, D, D-1, 1 or 1-Trn, 2, 3, 4, 5, 6, 6A, 7, 7A, 7B, 8, 8A, 9, 10, 11-Trn, and 12, which are incorporated by reference herein. A paper copy of Form CON-1 or a copy on electronic media and the Schedules may be obtained from:

Agency for Health Care Administration,
Certificate of Need
2727 Mahan Drive, Mail Stop 28 Building 4
Tallahassee, FL 32308.

An electronic version of Form CON-1 and the Schedules are also available at www.ahca.myflorida.com www.fdhe.state.fl.us.

1. The application must be actually received by the agency by 5:00 p.m. local time on or before the application due date.

2. Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the agency and shall be withdrawn from further review.

3. Applications may propose a lesser number of beds than that contained in the letter of intent.

4. Applications for a certificate of need for a general hospital must follow the instructions contained in subsections 408.037(2), F.S.

(g) Applications Subject to Comparative Review-Batching Cycles. In order that applications pertaining to similar types of services or facilities affecting the same service district or subdistrict may be considered in relation to each other for purposes of comparative review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule:

<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2007</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>1-26-07</u>
<u>Letter of Intent Deadline</u>	<u>2-12-07</u>
<u>Application Deadline</u>	<u>3-14-07</u>
<u>Completeness Review Deadline</u>	<u>3-21-07</u>
<u>Application Omissions Deadline</u>	<u>4-18-07</u>
<u>Agency Initial Decision Deadline</u>	<u>6-15-07</u>
<u>Hospital Beds and Facilities</u>	
<u>2nd Batching Cycle – 2007</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>7-27-07</u>
<u>Letter of Intent Deadline</u>	<u>8-13-07</u>
<u>Application Deadline</u>	<u>9-12-07</u>
<u>Completeness Review Deadline</u>	<u>9-19-07</u>
<u>Application Omissions Deadline</u>	<u>10-17-07</u>

<u>Agency Initial Decision Deadline</u>	<u>12-14-07</u>
<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2008</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>1-25-08</u>
<u>Letter of Intent Deadline</u>	<u>2-11-08</u>
<u>Application Deadline</u>	<u>3-12-08</u>
<u>Completeness Review Deadline</u>	<u>3-19-08</u>
<u>Application Omissions Deadline</u>	<u>4-16-08</u>
<u>Agency Initial Decision Deadline</u>	<u>6-13-08</u>
<u>Hospital Beds and Facilities</u>	
<u>2nd Batching Cycle – 2008</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>7-25-08</u>
<u>Letter of Intent Deadline</u>	<u>8-11-08</u>
<u>Application Deadline</u>	<u>9-10-08</u>
<u>Completeness Review Deadline</u>	<u>9-17-08</u>
<u>Application Omissions Deadline</u>	<u>10-15-08</u>
<u>Agency Initial Decision Deadline</u>	<u>12-12-08</u>
<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2009</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>1-23-09</u>
<u>Letter of Intent Deadline</u>	<u>2-09-09</u>
<u>Application Deadline</u>	<u>3-11-09</u>
<u>Completeness Review Deadline</u>	<u>3-12-09</u>
<u>Application Omissions Deadline</u>	<u>4-15-09</u>
<u>Agency Initial Decision Deadline</u>	<u>6-12-09</u>
<u>Hospital Beds and Facilities</u>	
<u>2nd Batching Cycle – 2009</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>7-24-09</u>
<u>Letter of Intent Deadline</u>	<u>8-10-09</u>
<u>Application Deadline</u>	<u>9-09-09</u>
<u>Completeness Review Deadline</u>	<u>9-16-09</u>
<u>Application Omissions Deadline</u>	<u>10-14-09</u>
<u>Agency Initial Decision Deadline</u>	<u>12-11-09</u>
<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2010</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>1-22-10</u>
<u>Letter of Intent Deadline</u>	<u>2-08-10</u>
<u>Application Deadline</u>	<u>3-10-10</u>
<u>Completeness Review Deadline</u>	<u>3-17-10</u>
<u>Application Omissions Deadline</u>	<u>4-14-10</u>
<u>Agency Initial Decision Deadline</u>	<u>6-11-10</u>
<u>Hospital Beds and Facilities</u>	
<u>2nd Batching Cycle – 2010</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>7-23-10</u>
<u>Letter of Intent Deadline</u>	<u>8-09-10</u>
<u>Application Deadline</u>	<u>9-08-10</u>
<u>Completeness Review Deadline</u>	<u>9-15-10</u>
<u>Application Omissions Deadline</u>	<u>10-13-10</u>
<u>Agency Initial Decision Deadline</u>	<u>12-10-10</u>

<u>Other Beds and Programs</u>	
<u>1st Batching Cycle – 2007</u>	
Summary Need Projections Published in F.A.W.	4-06-07
Letter of Intent Deadline	4-23-07
Application Deadline	5-23-07
Completeness Review Deadline	5-30-07
Application Omissions Deadline	6-27-07
Agency Initial Decision Deadline	8-24-07
<u>Other Beds and Programs</u>	
<u>2nd Batching Cycle – 2007</u>	
Summary Need Projections Published in F.A.W.	10-05-07
Letter of Intent Deadline	10-22-07
Application Deadline	11-21-07
Completeness Review Deadline	11-28-07
Application Omissions Deadline	12-26-07
Agency Initial Decision Deadline	2-22-08
<u>Other Beds and Programs</u>	
<u>1st Batching Cycle – 2008</u>	
Summary Need Projections Published in F.A.W.	4-04-08
Letter of Intent Deadline	4-21-08
Application Deadline	5-21-08
Completeness Review Deadline	5-28-08
Applicant Omissions Deadline	6-25-08
Agency Initial Decision Deadline	8-22-08
<u>Other Beds and Programs</u>	
<u>2nd Batching Cycle – 2008</u>	
Summary Need Projections Published in F.A.W.	10-03-08
Letter of Intent Deadline	10-20-08
Application Deadline	11-19-08
Completeness Review Deadline	11-26-08
Applicant Omissions Deadline	12-24-08
Agency Initial Decision Deadline	2-20-09
<u>Other Beds and Programs</u>	
<u>1st Batching Cycle – 2009</u>	
Summary Need Projections Published in F.A.W.	4-03-09
Letter of Intent Deadline	4-20-09
Application Deadline	5-20-09
Completeness Review Deadline	5-27-09
Application Omissions Deadline	6-24-09
Agency Initial Decision Deadline	8-21-09
<u>Other Beds and Programs</u>	
<u>2nd Batching Cycle – 2009</u>	
Summary Need Projections Published in F.A.W.	10-02-09
Letter of Intent Deadline	10-19-09
Application Deadline	11-18-09
Completeness Review Deadline	11-25-09
Application Omissions Deadline	12-23-09
Agency Initial Decision Deadline	2-19-10

<u>Other Beds and Programs</u>	
<u>1st Batching Cycle – 2010</u>	
Summary Need Projections Published in F.A.W.	4-02-10
Letter of Intent Deadline	4-19-10
Application Deadline	5-19-10
Completeness Review Deadline	5-26-10
Application Omissions Deadline	6-23-10
Agency Initial Decision Deadline	8-20-10
<u>Other Beds and Programs</u>	
<u>2nd Batching Cycle – 2010</u>	
Summary Need Projections Published in F.A.W.	10-01-10
Letter of Intent Deadline	10-18-10
Application Deadline	11-17-10
Completeness Review Deadline	11-24-10
Application Omissions Deadline	12-22-10
Agency Initial Decision Deadline	2-18-11

(h) through (3) No change.

(4) Certificate of Need Application Contents. An application for a certificate of need shall contain the following items:

(a) All requirements set forth in sections 408.037(1) ~~and~~ (2) and (3), F.S.;

(b) The correct application fee;

(c) With respect to paragraph 408.037(1)(c), F.S., which requires an audited financial statement of the applicant the following provisions apply:

1. The audited financial statement of the applicant must be for the most current fiscal year. If the most recent fiscal year ended within 120 days prior to the application filing deadline and the audited financial statements are not yet available, then the prior fiscal year will be considered the most recent.

2. Existing health care facilities must provide audited financial statements for the two most recent consecutive fiscal years in accordance with subparagraph 1. above.

3. Only audited financial statements of the applicant will be accepted. Audited financial statements of any part of the applicant, including but not limited to subsidiaries, divisions, specific facilities or cost centers, will not qualify as an audit of the applicant. Nor shall the audited financial statements of the applicant's parent corporation qualify as an audit of the applicant.

(d) To comply with Section 408.037(1)(b)1., F.S., which requires a listing of all capital projects, the applicant shall provide the total approximate amount of anticipated expenditures for capital projects which meet the definition in subsection 59C-1.002(7), F.A.C., at the time of initial application submission, or state that there are none. An itemized list or grouping of capital projects is not required, although an applicant may choose to itemize or group its capital projects. The applicant shall also indicate the actual or

proposed financial commitment to those projects, and include an assessment of the impact of those projects on the applicant's ability to provide the proposed project; and

(e) Responses to applicable questions contained in the application forms.

(5) Identifiable Portions. If an applicant would like to be considered for an award of an identifiable portion of the project, the application, at the time of submission, must include responses to the applicable questions on the identifiable portion. The agency may make a partial award only if the applicant included responses to the applicable questions in the application.

Specific Authority 408.034(6), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03, 12-13-04, 9-28-05, _____.

59C-1.010 Certificate of Need Application Review Procedures.

(1) through (2)(c) No change.

(d) An application for a general hospital must meet the requirements of subsection 408.037(2), F.A.C.

(3) through (5)(d) No change.

(e) Section 408.039(3)(c) and (d) and (5)(c), F.S., impose strict guidelines for who may challenge an application by a general hospital; when that challenge must be filed; the subjects which may be challenged and the timing of any response by the applicant. Participation in any subsequent hearing is precluded by those who do not challenge timely. Challenges must be received within 21 days of the Omissions Submission Deadline for each Batching Cycle as published in Rule 59C-1.008, F.A.C.

(6) through (7) No change.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.033(1), 408.036(2), 408.037(2), 408.039(3), (4), (5), (6) FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, 3-31-82, 12-23-82, Formerly 10-5.10, Amended 11-24-86, 11-17-87, 3-23-88, 8-28-88, 1-31-91, 7-1-92, 7-14-92, Formerly 10-5.010, Amended 10-8-97, 12-12-00, 4-2-01, 6-23-05, _____.

59C-1.012 Administrative Hearing Procedures.

(1) through (2)(d) No change.

(e) For an application for a new construction or establishment of a general hospital, administrative hearings shall commence within 6 months after the administrative law judge has been assigned, and a continuance may not be granted absent a finding of extraordinary circumstances by the administrative law judge.

(f) The party appealing a final order that grants a general hospital certificate of need shall pay the appellee's attorney's fees and costs, in an amount up to \$1 million, from the

beginning of the original administrative action if the appealing party loses the appeal, subject to the following limitations and requirements:

1. The party appealing a final order must post a bond in the amount of \$1 million in order to maintain the appeal.

2. Except as provided under Section 120.595(5), F.S., in no event shall the agency be held liable for any other party's attorney's fees or costs.

a. The bond must be made payable to the Agency for Health Care Administration, Bureau of Health Facilities Regulation, Office of Certificate of Need and must reference the CON number being appealed, the DOAH number if available, and the date the CON was filed. The bond needs to be sent to:

AHCA Office of Certificate of Need

2727 Mahan Drive, MS#28

Tallahassee, Florida 32308

b. The appealing party must be clearly identified in the title of the Bond.

c. Without the necessary information in subparagraph 59C-1.012(2)(f)2., a. and b., F.A.C., the appeal will not be accepted.

Specific Authority 408.15(8) FS. Law Implemented 408.039(5), 408.039(6), 120.57, 120.59 FS. History—New 1-1-77, Amended 9-1-78, 6-5-79, 10-23-79, 4-25-80, Formerly 10-5.12, Amended 11-24-86, 11-17-87, Formerly 10-5.012, Amended 12-14-92, _____.

59C-1.013 Monitoring Procedures.

(1) through (2) No change.

~~(3) Documentation. The following is a listing of all reports required for monitoring compliance with this rule and Rule 59C-1.018, F.A.C.~~

~~(a) Final Cost Report. The certificate of need holder shall file a Final Cost Report AHCA Form CON-3, Revised July 1997, incorporated by reference herein. A copy of Form CON-3 may be obtained from: Agency for Health Care Administration, Certificate of Need Office, Fort Knox Executive Center, 2727 Mahan Drive, Building 3, Tallahassee, FL 32308. The Final Cost Report must be received by the agency within 90 calendar days of submission of the Architect's Certificate of Final Payment, or upon commencement of the health services, whichever is applicable.~~

~~(b) Architect's Certificate of Final Payment. The certificate of need holder shall provide the agency, in writing, a completed and fully executed architect's certification of final payment, AIA Documents G702 and G703, May 83 incorporated by reference herein, or a suitable substitute. A substitute is suitable if it contains the following items:~~

~~1. A certification by the contractor or the architect of final payment which contains the original construction cost, any cost for change orders, and the total expenditures made or requested;~~

~~2. A certification by the architect that the project is complete and final payment has been made; and~~

~~3. An itemized sheet for direct construction costs which breaks down the expenditures by description of work.~~

~~The report must be received by the agency no later than 30 calendar days following the completion of construction as defined in the owner and contractor agreement, and final approval of the project by the agency.~~

~~(3)(4) Reporting Requirements Subsequent to Licensure or Commencement of Services. All holders of a certificate of need that was issued predicated upon conditions expressed on the face of the certificate of need shall provide annual compliance reports to the agency. The reporting period shall be January 1 through December 31 of each year. The holder of a certificate of need who began operation after January 1 will report from the date operation began through December 31. The compliance report shall be submitted no later than April 1 of the subsequent year.~~

(a) The compliance report will contain information necessary for an assessment of compliance with conditions on the certificate of need, utilizing measures, such as a percentage of patient days, that are consistent with the stated condition. The following information shall be provided in the holder's annual compliance report:

2. The measure for assessing compliance with each of the conditions identified and described on the face of the certificate of need;

1. The time period covered by the measures;

3. The way in which the conditions were evaluated by applying the measures;

4. The data sources used to generate information about the conditions that were measured;

5. The person and position responsible for supplying the compliance report;

6. Any other information necessary for the agency to determine compliance with conditions; and,

7. If applicable, the reason or reasons, with supporting data, why the certificate of need holder was unable to meet the conditions set forth on the face of the certificate of need.

(b) A change in the licensee for a facility or service does not affect the obligation for that facility or service to continue to meet conditions imposed on a certificate of need and to provide annual condition compliance reports.

(c) Conditions imposed on a certificate of need may be modified consistent with Rule 59C-1.019, F.A.C.

~~(4)(5) Violation of Certificate of Need Conditions. Health care providers found by the agency to be in noncompliance with conditions set forth in their certificate of need shall be fined as defined in Rule 59C-1.021, F.A.C.~~

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.040(1)(2)(3) FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 3-31-82, Formerly 10-5.13, Amended 11-24-86, 7-25-89, Formerly 10-5.013, Amended 10-18-95, 11-4-97, 12-12-00, _____.

59C-1.030 Criteria Used in the Evaluation of Applications.

In addition to criteria set forth in Section 408.035, Florida Statutes, the following criteria are used in the review of an application.

~~(1) General Provisions (Reserved) For applications for general hospitals as defined in Section 395.002, F.S. the following are the only criteria for evaluation which apply:~~

~~(a) The need for the health care facilities and health services being proposed.~~

~~(b) The availability, accessibility, and extent of utilization of existing health care facilities and health services in the service district of the applicant.~~

~~(c) The extent to which the proposed services will enhance access to health care for residents of the service district.~~

~~(e) The extent to which the proposal will foster competition that promotes quality and cost-effectiveness.~~

~~(f) The applicant's past and proposed provision of health care services to Medicaid patients and the medically indigent.~~

(2) through (3) No change.

Specific Authority 408.15(8), 408.034(3)(5) FS. Law Implemented 408.035 FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11. Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(a), (b), Formerly 10-5.030, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Calvin J. Vice, Sr., PhD

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.008
 RULE TITLE: Reapplication by Persons Whose Licenses Have Been Revoked by the Board

PURPOSE AND EFFECT: The Board proposes to repeal the rule.

SUMMARY: The rule will be repealed.

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

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

SPECIFIC AUTHORITY: 456.072(5), 490.004(4) FS.

LAW IMPLEMENTED: 456.072(5), 490.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.008 Reapplication by Persons Whose Licenses Have Been Revoked by the Board.

~~(1) Applicants whose licenses have been revoked by the Board may not reapply for licensure until at least seven (7) years have elapsed since the latter of the Board's final order of revocation or the issuance of the final mandate from an appellate court affirming the revocation of licensure by the Board.~~

~~(2) The Board will not entertain any application for relicensure until and unless the applicant whose license has been revoked by the Board has complied with any order of the Board which imposed a fine or set conditions to be met by the applicant.~~

~~(3) Applicants whose licenses have been revoked by the Board must meet all the requirements for licensure that exist at the time of reapplication, including examination. In addition, applicants whose licenses have been revoked by the Board must appear before the Board. At that appearance and after discussion with the applicant, the Board may impose additional conditions on the applicant to satisfy the Board that the applicant has been rehabilitated and is capable of safely providing services to the public as a psychologist licensed under Chapter 490, F.S.~~

Specific Authority 456.072(5), 490.004(4) FS. Law Implemented 456.072(5), 490.009 FS. History—New 11-18-92, Formerly 21U-11.010, 61F13-11.010, Amended 6-26-97, Formerly 59AA-11.008, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-8.003
 RULE TITLE: Citations

PURPOSE AND EFFECT: To designate those violations for which a citation is an appropriate penalty and may be issued and the amount of fine or other penalty to be imposed.

SUMMARY: The rule designates the fine amounts and that citations shall be issued for failure to pay the one time fee assessment as well as for other first-time failures to adhere to professional conduct or to provide identification where there is no patient harm.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

(a) There are approximately 126 midwives licensed under Chapter 466, Florida Statutes, with active licenses who would be offered the opportunity to accept a citation for the listed offenses rather than face the full disciplinary process for a violation. Some of these licensees fall under the definition of a small business.

(b) The costs to the agency for issuing citations to licensed midwives are no greater than for the other professions for which citations are routinely offered. For the agency, the costs involved with issuing citations are lower than the costs for imposing discipline under Section 456.073, Florida Statutes.

(c) Transactional costs for all involved are lower than the costs when discipline is imposed in accordance with Section 456.073, Florida Statutes.

(d) To the extent that any licensed midwives are small businesses, it is anticipated that the costs are far lower than the costs of litigation or proceeding under Section 456.073, Florida Statutes; however, any person who is offered a citation, has the option to refuse to accept a citation and to proceed under the normal disciplinary process.

(e) Thus far, the department has not received from any person a good faith written proposal for a lower cost regulatory alternative.

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

SPECIFIC AUTHORITY: 456.072(3), 456.077, 467.005 FS.
 LAW IMPLEMENTED: 456.072(3), 456.077 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christy Robinson, Acting Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-8.003 Citations.

(1) The Department designates the following as citation violations:

(a) Failure to pay the one time fee assessment by December 31, 2008 – \$100 fine.

(b) Failure to notify the Department of a change of address within 60 days – \$100 fine.

(c) First-time failure to complete the continuing education requirements within the biennium as required by Section 467.012(3), F.S. and Rule 64B24-6.001, F.A.C. – \$25 fine per continuing education hour plus proof of completing the continuing education within three months.

(d) First-time engagement in unprofessional conduct under Section 467.203(1)(f), F.S. where no patient harm occurred – \$300 fine.

(e) First-time failure to maintain proof of professional liability insurance for less than three months – \$200 fine.

(f) First-time printing or publication of a misleading or deceptive advertisement – \$150 fine.

(g) Failure to identify through written notice, or name tag, or orally to a patient that the practitioner is a licensed midwife – \$100 fine.

(2) The penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department’s cost of investigation.

(3) If the subject does not dispute the citation within 30 days after service, the citation becomes a final order of the Department.

Specific Authority 456.072(3), 456.077, 467.005 FS. Law Implemented 456.072(3), 456.077 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Christy Robinson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2008

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-5.1203	General Provisions
64E-5.1204	Certification Requirements for Radon Measurement Specialists and Technicians
64E-5.1205	Certification Requirements for Radon Mitigation Specialists and Technicians
64E-5.1206	Certification Requirements for Radon Measurement Businesses
64E-5.1207	Certification Requirements for Radon Mitigation Businesses

PURPOSE AND EFFECT: The proposed changes to Chapter 64E-5, Florida Administrative Code, address a shortfall in fee revenues for services provided by the Radon Certification Program. Twenty years ago (1988), the certification fees were set at the minimum of the range, \$200.00, for all radon certification categories in Chapter 64E-5, F.A.C. No fee revisions have been made since the original fee implementation while inflation as calculated by the consumer price index has increased by 75%. A review of fee revenue versus expenditures for the fiscal year starting in 2004 through that ending in 2007, found that average revenues for the period covered only 55% of expenditures. These rule amendments reflect an increase in radon certification fees designed to ensure the future fiscal health of the certification program. Fees are to increase over a four year period in order to lessen the impact on industry.

SUMMARY: Areas addressed include fees for services in the Radon Certification Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The principal financial impact of this rule will come from program fees. It is estimated that at the end of the four year period approximately \$75,000 in additional fees will be generated annually. These fees include annual radon certificate fees for measurement and mitigation technicians, specialists and businesses. Since this rule impacts businesses that range in size from large environmental assessment firms to small sole proprietor home inspection companies, the program fees will impact small businesses.

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

SPECIFIC AUTHORITY: 404.056 FS.

LAW IMPLEMENTED: 404.056 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: December 22, 2008, 3:00 p.m.
 PLACE: Bureau of Community Environmental Health,
 Conference Room 225Q, Capital Circle Office Center, 4042
 Bald Cypress Way, 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: Val Grant, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710. If you are 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: Eric Grimm, Chief, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-5.1203 General Provisions.
 (1) through (6) No change.

(7) A request for annual certification renewal shall be submitted with a nonrefundable renewal fee of ~~\$200~~. For renewal requests received prior to expiration of the certification, the fee schedule set forth in this part will apply. For renewal requests received after certification has expired, the fee schedule for application and certification will apply. A certification renewal shall be issued or denied according to the criteria set forth in this part.

(a) Annual certification renewal fee schedule.

1. Radon Measurement or Mitigation Business.

Renewal request received on or before June 30, 2009: \$200
Renewal request received between July 1, 2009 and June 30, 2010: \$275
Renewal request received between July 1, 2010 and June 30, 2011: \$350
Renewal request received between July 1, 2011 and June 30, 2012: \$425
Renewal request received on or after July 1, 2012: \$500

2. Radon Measurement or Mitigation Specialist

Renewal request received on or before June 30, 2009: \$200
Renewal request received between July 1, 2009 and June 30, 2010: \$250
Renewal request received between July 1, 2010 and June 30, 2011: \$300
Renewal request received between July 1, 2011 and June 30, 2012: \$350

3. Radon Measurement or Mitigation Technician

Renewal request received on or before June 30, 2009: \$200

Renewal request received between July 1, 2009 and June 30, 2010: \$225

Renewal request received between July 1, 2010 and June 30, 2011: \$250

Renewal request received between July 1, 2011 and June 30, 2012: \$275

Renewal request received on or after July 1, 2012: \$300

(8) through (11) No change.

Specific Authority ~~404.042~~, 404.051, 404.056 FS. Law Implemented 404.051(~~+~~), (~~10~~), 404.056(~~5~~), 404.071(~~+~~) FS. History—New 1-3-89, Amended 5-21-90, 10-24-90, 1-18-94, 12-9-96, Formerly 10D-91.1304, Amended.

64E-5.1204 Certification Requirements for Radon Measurement Specialists and Technicians.

(1) The following is required for certification as a radon measurement specialist and measurement technician:

(a) The individual shall submit an application on DH Form 1751 Jan. 93, which is herein incorporated by reference and which is available from the department. The application shall include the nonrefundable application and certification fee according to the fee schedule set forth in this part ~~of \$200~~ and documentation of the applicant's relevant education and experience, as specified on DH Form 1751 Jan. 93.

(b) Individuals who have never been certified must have attended within the last 2 years of the training examination date a course on radon measurement that has been approved by the department. The technician applicant also shall have received a score of 65 percent or greater on the measurement technician training examination to be administered by the department at least three times per year. The specialist applicant also shall have received a score of 75 percent or greater on the measurement specialist training examination to be administered by the department at least three times each year. If a specialist applicant receives a score of less than 75 percent but greater than or equal to 65 percent, he can be certified as a measurement technician by making a written request to the department for a change from specialist to technician. If an applicant wishes to be reexamined for specialist or technician certification, he must reapply by submitting a completed application with experience history and a ~~the~~ \$200 nonrefundable application and certification fee. On approval of the new application, the applicant can take the next scheduled department exam. Applicants can review their exam results during normal working hours at the department's office in Tallahassee by requesting an appointment at least 5 business days prior to the review.

(c) Application and certification fee schedule.

1. Radon Measurement Specialist.

Application received on or before June 30, 2009: \$200
Application received between July 1, 2009 and June 30, 2010: \$275

Application received between July 1, 2010 and June 30, 2011: \$325

Application received between July 1, 2011 and June 30, 2012: \$375

Application received on or after July 1, 2012: \$425

2. Radon Measurement Technician

Application received on or before June 30, 2009: \$200

Application received between July 1, 2009 and June 30, 2010: \$250

Application received between July 1, 2010 and June 30, 2011: \$275

Application received between July 1, 2011 and June 30, 2012: \$300

Application received on or after July 1, 2012: \$325

(2) No change.

Specific Authority ~~404.042~~, 404.051, 404.056, 404.071 FS. Law Implemented 404.051~~(1)~~, ~~(4)~~, 404.056~~(5)~~, 404.071~~(3)~~ FS. History— New 1-3-89, Amended 5-21-90, 10-24-90, 1-18-94, 12-9-96, Formerly 10D-91.1305, Amended _____.

64E-5.1205 Certification Requirements for Radon Mitigation Specialists and Technicians.

(1) The following is required for certification as a radon mitigation specialist and technician:

(a) The individual shall submit an application on DH Form 1751 Jan. 93, a nonrefundable application and certification fee according to the fee schedule set forth in this part ~~of \$200~~, and documentation of the applicant’s relevant education and experience, as specified on DH Form 1751 Jan. 93.

(b) Individuals who have never been certified must have attended within 2 years of the training examination date a course on radon diagnostics and mitigation that has been approved by the department. The technician applicant also shall have received a score of 60 percent or greater on the mitigation technician training examination to be administered by the department at least three times per year. The specialist applicant also shall have received a score of 70 percent or greater on the mitigation specialist training examination to be administered by the department at least three times each year. If a specialist applicant receives a score of less than 70 percent but greater than or equal to 60 percent, he can be certified as a mitigation technician by making a written request to the department for a change from specialist to technician. If an applicant wishes to be reexamined for specialist or technician certification, he must reapply by submitting a completed application with experience history and a ~~the~~ nonrefundable \$200 application and certification fee. After approval of the new application, the applicant can take the next scheduled department exam. Applicants can review their exam results during normal working hours at the department’s office in Tallahassee by requesting an appointment at least 5 business days prior to the review.

(c) Application and certification fee schedule.

1. Radon Mitigation Specialist.

Application received on or before June 30, 2009: \$200

Application received between July 1, 2009 and June 30, 2010: \$275

Application received between July 1, 2010 and June 30, 2011: \$325

Application received between July 1, 2011 and June 30, 2012: \$375

Application received on or after July 1, 2012: \$425

2. Radon Mitigation Technician

Application received on or before June 30, 2009: \$200

Application received between July 1, 2009 and June 30, 2010: \$250

Application received between July 1, 2010 and June 30, 2011: \$275

Application received between July 1, 2011 and June 30, 2012: \$300

Application received on or after July 1, 2012: \$325

(2) No change.

Specific Authority ~~404.042~~, 404.051, 404.056, 404.071 FS. Law Implemented 404.051~~(1)~~, ~~(4)~~, 404.056~~(5)~~, 404.071~~(3)~~ FS. History— New 1-3-89, Amended 5-21-90, 10-24-90, 1-18-94, 12-9-96, Formerly 10D-91.1306, Amended _____.

64E-5.1206 Certification Requirements for Radon Measurement Businesses.

The following qualifications are required for certification as a radon measurement business:

(1) Submission of an application for certification on DH Form 1749 Jan. 93, which is herein incorporated by reference and which is available from the department, and a nonrefundable application and certification fee ~~of \$200~~: from the following schedule:

Application received on or before June 30, 2009: \$200

Application received between July 1, 2009 and June 30, 2010: \$300

Application received between July 1, 2010 and June 30, 2011: \$375

Application received between July 1, 2011 and June 30, 2012: \$450

Application received on or after July 1, 2012: \$525

(2) through (12) No change.

Specific Authority ~~404.042~~, 404.051, 404.056, 404.071 FS. Law Implemented 404.051~~(1)~~, ~~(3)~~, ~~(4)~~, ~~(7)~~, ~~(8)~~, 404.056~~(5)~~, 404.071~~(3)~~ FS. History— New 1-3-89, Amended 10-24-90, 1-18-94, 12-9-96, Formerly 10D-91.1309, Amended _____.

64E-5.1207 Certification Requirements for Radon Mitigation Businesses.

The following qualifications are required for certification as a radon mitigation business:

(1) Submission of an application on DH Form 1749 Jan. 93, and a nonrefundable application and certification fee from the following schedule: ~~of \$200.~~

- Application received on or before June 30, 2009: \$200
- Application received between July 1, 2009 and June 30, 2010: \$300
- Application received between July 1, 2010 and June 30, 2011: \$375
- Application received between July 1, 2011 and June 30, 2012: \$450
- Application received on or after July 1, 2012: \$525

(2) through (18) No change.

Specific Authority ~~404.042, 404.051, 404.056, 404.071~~ FS. Law Implemented ~~404.051(3), (4), (7), (8), 404.056(5), 404.071(3)~~ FS. History--New 1-3-89, Amended 10-24-90, 1-18-94, 12-9-96, Formerly 10D-91.1310, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Clark Eldredge, Environmental Administrator, Bureau of Community Environmental Health

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Viamonte Ros, State Surgeon General, Department of Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-64.005
 RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2008-2009.

SUMMARY: Firefighter death benefits in Section 112.191, Florida Statutes are raised annually to reflect price level changes.

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

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

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

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

DATE AND TIME: Tuesday, December 19, 2008, 10:00 a.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Georgia Dowell, (850)413-3170. If you are 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: Michael Bannister, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0340. Phone: (850)413-3170; Fax: (850)922-1235

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, ~~2007~~ 2008 through June 30, ~~2009~~ 2008, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, ~~2007~~ 2008, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$57,759.00~~ \$60,140.00.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$57,759.00~~ \$60,140.00.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$173,278.31~~ \$175,565.91.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06, 4-7-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Bannister, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, State of Florida Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NOS.: RULE TITLES:
 69L-3.0046 Wage Statement: Employer’s and
 Claims-handling Entity’s
 Responsibility to Record and
 Report Wages

69L-3.025 Forms

PURPOSE AND EFFECT: To revise forms to comply with the revision of Section 119.071(5), F.S. (2007), that precludes an agency from collecting an individual’s social security number unless such collection conforms to the specific provisions of that statute. Forms DFS-F2-DWC-1a (Wage Statement) and DFS-F2-DWC-30 (Authorization and Request for Unemployment Compensation Information) are amended so that the collection of the social security number is discontinued. Forms DFS-F2-DWC-1 (First Report of Injury or Illness), DFS-F2-DWC-3 (Request for Wage Loss/Temporary Partial Benefits), DFS-F2-DWC-4 (Notice of Action/Change), DFS-F2-DWC-12 (Notice of Denial), DFS-F2-DWC-13 (Claim Cost Report), DFS-F2-DWC-14 (Request for Social Security Disability Benefit Information), DFS-F2-DWC-19 (Employee Earnings Report), DFS-F2-DWC-33 (Permanent Total Off-Set Worksheet), DFS-F2-DWC-35 (Permanent Total Supplemental Worksheet), DFS-F2-DWC-40 (Statement of Quarterly Earnings for Supplemental Income Benefits), and DFS-F2-DWC-49 (Aggregate Claims Administration Change Report) are amended to include a purpose and use statement regarding collection of the social security number. This amendment also makes clerical revisions to the existing rules to be consistent with these revisions.

SUMMARY: Revision of forms to either eliminate the collection of social security numbers or to include a purpose and use statement explaining such collection.

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

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

SPECIFIC AUTHORITY: 440.14, 440.15, 440.185, 440.185(5), 440.20, 440.345, 440.591 FS.

LAW IMPLEMENTED: 440.12(2), 440.14(3), 440.15(1), (4), (9), (10), 440.185(4), (5), (9), (10), 440.20(2), (3), 440.345, 440.35, 440.51(6), (9) 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, December 18, 2008, 9:00 a.m.
 PLACE: 104J Hartman Bldg., 2012 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: Robin Ippolito at (850)413-1775. If you are 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: Robin Ippolito, Bureau Chief, Bureau of Monitoring & Audit, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4225, phone (850)413-1775

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-3.0046 Wage Statement: Employer’s and Claims-handling Entity’s Responsibility to Record and Report Wages

(1) Employer’s responsibility: The employer shall report wage information to the claims-handling entity on Form DFS-F2-DWC-1a, as adopted in Rule 69L-3.025, F.A.C., pursuant to Section 440.14, F.S. The employer shall provide the claims-handling entity all required wage information within 14 days of the employer’s knowledge of a “lost time” or a “medical only to lost time case”.

(2) Claims-handling entity’s responsibility: The claims-handling entity shall compare Forms DFS-F2-DWC-1 and DFS-F2-DWC-1a, as adopted in Rule 69L-3.025, F.A.C., to confirm that the employee name, ~~social security number~~ or other identifying information, and the date of injury on the two forms are consistent.

Specific Authority 440.14, 440.185(5), 440.591 FS. Law Implemented 440.12(2), 440.185(5), (9) FS. History–New 1-10-05, Amended.

69L-3.025 Forms.

(1) The following forms are to be used with this rule chapter and are hereby incorporated by reference:

- (a) Form DFS-F2-DWC-1 ~~8/04~~ First Report of Injury or Illness
- (b) Form IA-1 1/1/02 Workers’ Compensation First Report of Injury or Illness For use only by entities approved to transmit electronic First Reports of Injury to the Division
- (c) Form DFS-F2-DWC-1a ~~8/04~~ Wage Statement
- (d) Form DFS-F2-DWC-3 ~~8/04~~ Request for Wage Loss/Temporary Partial Benefits

(e)	Form DFS-F2-DWC-4	___ 8/04	Notice of Action/Change
(f)	Form DFS-F2-DWC-12	___ 8/04	Notice of Denial
(g)	Form DFS-F2-DWC-13	___ 8/04	Claim Cost Report
(h)	Form DFS-F2-DWC-14	___ 8/04	Request for Social Security Disability Benefit Information
(i)	Form DFS-F2-DWC-19	___ 8/04	Employee Earnings Report
(j)	Form DFS-F2-DWC-30	___ 8/04	Authorization and Request for Unemployment Compensation Information
(k)	Form DFS-F2-DWC-33	___ 8/04	Permanent Total Off-Set Worksheet
(l)	Form DFS-F2-DWC-35	___ 8/04	Permanent Total Supplemental Worksheet
(m)	Form DFS-F2-DWC-40	___ 8/04	Statement of Quarterly Earnings for Supplemental Income Benefits
(n)	Form DFS-F2-DWC-49	___ 8/04	Aggregate Claims Administration Change Report
(o)	Form DFS-F2-DWC-60	8/04	Important Workers' Compensation Information for Florida's Workers
(p)	Form DFS-F2-DWC-61	8/04	Informacion Importante De Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Trabajadores De La Florida
(q)	Form DFS-F2-DWC-65	8/04	Important Workers' Compensation Information for Florida's Employers
(r)	Form DFS-F2-DWC-66	8/04	Informacion Importante Del Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Empleadores De La Florida

(2) The Division will not supply the forms promulgated under this chapter, but will make sample forms available on the Division's web site: <http://www.fldfs.com/wc>.

(3) For a transitional period of 90 days from the effective date of this rule, an insurer or claims-handling entity may use forms identified and adopted in subsection 69L-3.025(1), F.A.C., or the corresponding form(s) in effect prior to the adoption of this rule. After the completion of the 90 day transitional period, only the forms adopted in this rule may be used.

Specific Authority 440.15, 440.185, 440.20, ~~440.591~~ ~~440.345~~ FS. Law Implemented 440.14(3), 440.15(1), (4), (9), (10), 440.185(4), (5), (10), 440.20(2), (3), 440.345, 440.35, 440.51(6), (9) FS. History—New 4-11-90, Amended 1-30-91, 11-8-94, 11-11-96, 11-25-96, Formerly 38F-3.025, 4L-3.025, Amended 1-10-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Ippolito, Bureau Chief, Bureau of Monitoring & Audit, Division of Workers' Compensation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2008

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NOS.:	RULE TITLES:
69L-10.006	Definitions
69L-10.012	Review of Proof of Claim
69L-10.015	Deemed Denial – 120 Day Time Period
69L-10.016	Documenting Expenditures for Purposes of Obtaining Reimbursement
69L-10.017	Reimbursement to Subsequent Employer
69L-10.019	Forms

PURPOSE AND EFFECT: To revise forms to comply with Section 119.071(5), F.S. (2007), that precludes an agency from collecting an individual's social security number unless such collection conforms to specified provisions of that statute. Forms SDF-1 (Proof of Claim), and SDF-2 (Reimbursement Request), incorporated by reference in Rule 69L-10.019, F.A.C., are renumbered, and amended so that the collection of the social security number is discontinued. Form SDF-6 (Explanation of Benefits), incorporated by reference in Rule 69L-10.016, F.A.C., is renumbered, and amended so that the collection of the social security number is discontinued. In lieu of social security numbers, the revised forms shall utilize an "SDTF Claim Number" for purposes of identifying and tracking claims. Rule 69L-10.017, F.A.C., is deleted, as there is no statutory authority for the reimbursements prescribed in the rule. In addition, Form SDF-5 (Claim for Reimbursement for Salary), incorporated by reference in Rule 69L-10.019, F.A.C., is deleted from the rule for the same reason. Finally, Rule

69L-10.006, F.A.C., is amended to reflect the renumbering of Form SDF-6 to DFS-F1-SDF-6. Rule 69L-10.012, F.A.C., and Rule 69L-10.015, F.A.C., are amended to reflect the renumbering of Form SDF-1 to DFS-F1-SDF-1 and to amend the rules specific authority. Rule 69L-10.016, F.A.C., is amended to reflect the renumbering of Form SDF-2 to DFS-F1-SDF-2 and also amends the rule's specific authority.

SUMMARY: Deletes Rule 69L-10.017, F.A.C., revises forms to eliminate the collection of social security numbers, and deletes other obsolete forms.

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

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

SPECIFIC AUTHORITY: 440.49(2), (7), 440.591 FS.

LAW IMPLEMENTED: 440.49 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, December 18, 2008, 10:00 a.m.

PLACE: 104J Hartman Bldg., 2012 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: Eric Lloyd at (850)413-1689. If you are 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: Eric Lloyd, Manager, Special Disability Trust Fund, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4223, phone (850)413-1689

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-10.006 Definitions.

(1) CLAIMANT – an insurance carrier, self-insurance fund, or employer seeking reimbursement from the SDTF.

(2) REPRESENTATIVE – a person representing a claimant such as an attorney or a service organization.

(3) NOTICE OF CLAIM – The document[s] submitted by a claimant that places the SDTF on notice of the claim.

(4) PROOF OF CLAIM – The document[s] submitted by a claimant that includes a completely filled out DFS Form ~~DFS-F1-SDF-1~~ (rev. ~~12/04~~) with all required documents attached to fully support the claim.

Specific Authority 440.49(2), 440.591 FS. Law Implemented 440.49 FS. History–New 4-19-92, Amended 8-18-93, Formerly 38F-10.006, 4L-10.006, Amended.

69L-10.012 Review of Proof of Claim.

The SDTF will not consider a claim ripe, or mature, for review purposes, until a Proof of Claim is filed complete with all the necessary documents required by DFS Form ~~DFS-F1-SDF-1~~ (Rev. ~~12/04~~). If a Proof of Claim is placed in line for review and it is discovered that certain documents or required information have not been provided by the claimant, the SDTF will advise the claimant in writing of the incomplete claim and will not review the claim until the missing information or document has been supplied by the claimant.

Specific Authority ~~440.49(7), 440.591~~ ~~440.49(2)(g)~~ FS. Law Implemented ~~440.49(2)~~ FS. History–New 4-19-92, Formerly 38F-10.012, 4L-10.012, Amended.

69L-10.015 Deemed Denial – 120 Day Time Period.

The 120 days that the SDTF has to accept a claim after it has been filed begins to run at the time the SDTF receives a fully completed Proof of Claim on DFS Form ~~DFS-F1-SDF-1~~ (Rev. ~~12/04~~). Upon receipt of said form the SDTF shall notify the claimant within twenty-one (21) days of receipt that said form is complete and contains the required documents. If the form is complete the 120 days begins to run. If it is not complete and the SDTF notifies the claimant within the twenty-one (21) day period, then the 120 days from notice of claim does not begin to run until the claimant submits all the required documents necessary to support the claim.

Specific Authority ~~440.49(7)~~ ~~440.49(2)(g)~~ FS. Law Implemented 440.49(2) FS. History–New 4-19-92, Formerly 38F-10.015, 4L-10.015, Amended.

69L-10.016 Documenting Expenditures for Purposes of Obtaining Reimbursement.

In order to obtain reimbursement after an offer of reimbursement has been extended by the Fund, an employer/carrier shall file with the Fund a Form ~~DFS-F1-SDF-2~~ ~~SDF-2~~, as adopted in Rule 69L-10.019, F.A.C., with supporting schedules and documentation of expenditures as set forth below.

(1) Expenditures for Medical Benefits. Expenditures for medical benefits must be documented by the submission of applicable Division forms, as adopted in Rule 69L-3.025, F.A.C., showing compliance with the fee schedules adopted in Rule 69L-7.020, F.A.C., and applicable utilization review procedures such as medical bills marked "paid" or an EOB that was completed contemporaneously with the processing of the medical payments together with corroborating documentation of amount paid (e.g., computer printouts, ledger sheets, or copies of checks). The EOB shall be in the format prescribed

by the Fund in DFS Form ~~DFS-F1-SDF-6~~~~SDF-6~~, REV. ~~8/98~~, which form is hereby adopted by reference. DFS form ~~DFS-F1-SDF-6~~~~SDF-6~~ may be obtained from the SDTF at the address set out in Rule 69L-10.019, F.A.C. If the carrier is unable to provide the data on the forms adopted by this section they may submit their own version of an EOB provided that it contains all of the elements of the ~~DFS-F1-SDF-6~~~~SDF-6~~. The SDTF shall request additional information documenting expenditures by health care providers if necessary to prove that the benefits requested for reimbursement are related to the injury and are required to be provided under Section 440.49, F.S. Computer printouts or ledger sheets are not acceptable forms of documenting expenditures for medical benefits unless accompanied by medical bills marked paid or an ~~DFS-F1-SDF-6~~~~SDF-6~~ or its equivalent.

(2) Expenditures for Compensation Voluntarily Paid.

(a) When temporary or permanent disability compensation, permanent impairment benefits, or death benefits have been voluntarily paid, such benefits may be documented by Progress/Final Report, DFS DWC-13 forms, as adopted in Rule 69L-3.025, F.A.C., which were prepared contemporaneously with payment, or by copies of checks. If the DWC-13 forms were not prepared contemporaneously with the payment of compensation, computer printouts or ledger sheets may be used to corroborate the payment. However, in regard to each of these classes of benefits, if the total payment listed on the DWC-13 form, printout, or ledger for a particular class is greater than the rate of compensation multiplied by the number of calendar weeks in the period, copies of checks must be supplied to document expenditures.

(b) When wage-loss benefits have been voluntarily paid, such benefits shall be documented only by copies of checks or by copies of fully completed Request for Wage Loss/Temporary Partial Benefits, DWC-3 forms, as adopted in Rule 69L-3.025, F.A.C.

(3) Expenditures for Compensation Pursuant to Order. When temporary or permanent disability compensation, permanent impairment benefits, death benefits or wage-loss benefits have been paid pursuant to an order of the Judge of Compensation Claims, which has become final, payment can be documented by providing a copy of the order.

(4) Miscellaneous.

(a) Changes in the rate of compensation shall be established by Notice of Action/Change, DFS DWC-4 forms and by DFS DWC-13 forms, as adopted in Rule 69L-3.025, F.A.C., which set forth the number of weeks paid at each rate of compensation. If the DWC-13 forms were not prepared contemporaneously with payment, then computer printouts or ledger sheets may be used to corroborate the change in the compensation rate. Copies of checks are also a sufficient means of documenting changes in the rate of compensation.

(b) Changes in the class of benefits paid by the employer/carrier shall be documented by DFS DWC-4 forms which set forth the date that a prior category of benefits was terminated, as well as the date that a subsequent class of benefits was first paid.

Specific Authority ~~440.49(7)~~, ~~440.49(2)(g)~~; 440.591 FS. Law Implemented ~~440.49(2)~~ FS. History--New 4-19-92, Amended 8-18-93, 12-8-98, Formerly 38F-10.016, 4L-10.016, Amended _____.

69L-10.017 Reimbursement to Subsequent Employer.

~~(1) An employer may seek reimbursement pursuant to the provisions of paragraph 440.49(2)(k), Florida Statutes, which would reimburse the employer for hiring an employee who has incurred a permanent impairment from a Florida workers' compensation injury and has been unemployed as a result of his injury for two (2) consecutive years after the date of accident.~~

~~(2) Any employer seeking reimbursement shall file a Claim For Reimbursement for Salary on DFS Form SDF-5 (12/91). The Claim for Reimbursement for Salary shall be filed within a six (6) month period from the date the employee is hired or the claim is forever barred.~~

~~(3) Any Claim for Reimbursement for Salary that is denied by the SDTF will be barred unless the claimant files an application for hearing with the Division within sixty (60) days after receipt of notice that their claim has been denied. The application for hearing shall be filed in the manner as provided by Section 440.49(2)(g), Florida Statutes.~~

Specific Authority 440.49(2)(k) FS. Law Implemented 440.49(2) FS. History--New 4-19-92, Formerly 38F-10.017, 4L-10.017, Repealed _____.

69L-10.019 Forms.

The following forms are incorporated by reference into these rules and are available from and shall be filed with: SDTF, Division of Workers' Compensation, 200 East Gaines Street, Tallahassee, FL 32399-4223.

(1) DFS Form ~~DFS-F1-SDF-1~~~~SDF-1~~ – Proof of Claim (Rev. ~~12/91~~).

(2) DFS Form ~~DFS-F1-SDF-2~~~~SDF-2~~ – Reimbursement Request For Reimbursement (Rev. ~~3/92~~).

~~(3) DFS Form SDF-5 – Claim For Reimbursement for Salary (9/91).~~

Specific Authority ~~440.49(7)~~, ~~440.591~~, ~~440.49(2)(g)~~, ~~440.30~~ FS. Law Implemented ~~440.49(2)~~ FS. History--New 4-19-92, Amended 8-18-93, Formerly 38F-10.019, 4L-10.019, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric Lloyd, Manager, Special Disability Trust Fund, Division of Workers' Compensation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 15, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 3, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-10.001	Purpose and Applicability
5M-10.002	Definitions
5M-10.003	Land Application Requirements
5M-10.004	Record Keeping

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 33, August 15, 2008 issue of the Florida Administrative Weekly.

5M-10.001 Purpose and Applicability.

No change.

Specific Authority 373.4595(4)(a)2.g., 373.4595(4)(b)2.g. FS. Law Implemented 373.4595 (4)(a)2.g., 373.4595 (4)(b)2.g. FS. History–New_____.

5M-10.002 Definitions.

(1) No change.

(2) “Technical Service Provider” is an individual, entity, or public agency certified by the Natural Resources Conservation Service (NRCS) and placed on the approved list to provide technical services to program participants.

(3)(2) “Conservation Plan” is a record of the decisions and supporting information for treatment of a unit of land or water consistent with the NRCS Field Office Technical Guide (FOTG) quality criteria for soil, water, air, plants, and animals; and takes into account economic and social considerations. The plan must be consistent with the NRCS National Planning Procedures Handbook, Amendment 4, December 2006, hereby incorporated by reference, as amended, be approved by NRCS or an authorized technical service provider, and specify the schedule of operations and activities needed to address identified natural resource issues. The Handbook National Planning Procedures Handbook, Amendment 4, may be viewed at <http://www.floridaagwaterpolicy.com> <http://policy.nrcs.usda.gov>, or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

(4)(3) “Nutrient Management Plan” is planned actions developed in accordance with Section IV, Code 590 of United States Department of Agriculture-Natural Resources Conservation Service (NRCS) FOTG, FL, September 2007, hereby incorporated by reference. Nutrient Management Plans specify the amount, placement, form, and timing of the application of nutrients, including manure, animal by-products, and soil amendments. The plan must be approved by NRCS or an authorized technical service provider. Code 590, Nutrient Management, may be viewed at <http://www.floridaagwaterpolicy.com> <http://www.nrcs.usda.gov/Technical/efotg/>, or obtained from NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

Specific Authority 373.4595(4)(a)2.g., 373.4595(4)(b)2.g. FS. Law Implemented 373.4595 (4)(a)2.g., 373.4595 (4)(b)2.g. FS. History–New_____.

5M-10.003 Land Application Requirements.

(1)(a) through (b) No change.

(c) Not apply manure within 30 feet of any wetland, lake, stream or estuary sinkhole, wetland or other surface waters as defined in Section 403.031, F.S.; and

(d) No change.

(2)(a) No change.

(b) Not apply manure within 50 feet of any wetland, lake, stream or estuary sinkhole, wetland or surface waters as defined in Section 403.031, F.S.

Specific Authority 373.4595(4)(a)2.g., 373.4595(4)(b)2.g. FS. Law Implemented 373.4595 (4)(a)2.g., 373.4595 (4)(b)2.g. FS. History–New_____.

5M-10.004 Record Keeping.

No change.

Specific Authority 373.4595(4)(a)2.g., 373.4595(4)(b)2.g. FS. Law Implemented 373.4595 (4)(a)2.g., 373.4595 (4)(b)2.g. FS. History–New_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.03018	Special Programs for Students with Specific Learning Disabilities

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 38, September 19, 2008 Florida Administrative Weekly has been continued from December 2, 2008 to January 20, 2009.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-10.0342	Vocational Education Program Performance Reporting

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 38, September 19, 2008 Florida Administrative Weekly has been continued from December 2, 2008 to January 20, 2009.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: RULE TITLE:
9B-13.0041 Thermal Efficiency Standards
 Adopted

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 15, April 11, 2008 issue of the Florida Administrative Weekly.

A Notice of Change for the above-referenced rule was published in the November 14, 2008, edition of the Florida Administrative Weekly. There was an incorrect reference to Vol. 34, No. 31, August 1, 2008, for publication of the Notice of Proposed Rule. The correct volume, number and date is set out 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."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-26.101 Conditions of Eligibility
40D-26.201 Program 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. 34, No. 37, September 12, 2008 issue of the Florida Administrative Weekly.

40D-26.101 Conditions of Eligibility.

(1) Agricultural operations located within the District that are in compliance with the District's Environmental Resource Permitting rules in Chapters 40D-4, 40D-40 and 40D-400, F.A.C. and the District's Water Use Permitting rules in Chapter 40D-2, F.A.C. all applicable federal, state and local laws, rules and regulations, District issued permits and District funding agreements and that have been operational for the preceding 3 years are eligible for the Program. Agricultural operations less than 3 years old are eligible if the project will result in a reduction in the use of ground water. A project shall not be eligible if the applicant previously received Program funds and construction of the funded project has not commenced.

(2) through (3) No change.

40D-26.201 Program Application.

(1) No change.

(2) Applicants for funding shall submit to the District the information required on District Form LEG-R.22.00 (8/08), titled Facilitating Agricultural Resource Management Systems Program Funding Application Form, adopted and incorporated by reference in this rule Rule 40D-1.659, F.A.C. This form is available from the District upon request.

(3) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-710.210 Documents Incorporated by
 Reference

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly. The day of the week for a hearing on DEP's proposal to adopt a new form "8700-12FL – Florida Notification of Regulated Waste Activity" into Chapter 62-710, F.A.C., if a hearing is requested before December 5, 2008, will be FRIDAY, December 12, 2008, at 1:00 p.m., in Conference Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, FL 32399-2400.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-730.150 General

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly. The day of the week for a hearing on DEP's proposal to adopt a new form "8700-12FL – Florida Notification of Regulated Waste Activity" into Chapter 62-730, F.A.C., if a hearing is requested before December 5, 2008, will be FRIDAY December 12, 2008, at 1:00 p.m., in Conference Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-737.400 Requirements and Management
 Standards for Handlers and
 Transporters of Spent Universal
 Waste Lamps and Devices

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly. The day of the week for a hearing on DEP’s proposal to adopt a new form “8700-12FL – Florida Notification of Regulated Waste Activity” into Chapter 62-737, F.A.C., if a hearing is requested before December 5, 2008, will be FRIDAY December 12, 2008, at 1:00 p.m., in Conference Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NOS.:	RULE TITLES:
64B14-4.001	Approved Examinations
64B14-4.100	Requirements for Prosthetic or Orthotic Residency or Internship

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 18, May 2, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.:	RULE TITLE:
64B20-2.003	Provisional License; 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. 34, No. 15, April 11, 2008 issue of the Florida Administrative Weekly.

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

1. Subsection (2) shall now read as follows:

(2) Any person desiring to receive a provisional license to practice speech-language pathology or audiology shall apply to the Department of Health and pay the fee required by Rule 64B20-3.002, F.A.C. The application shall be made on Form SPA-2, Application for Provisional Licensure, which is incorporated by reference herein, will be effective March 25, 1991, revised August 2008, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256. The Department shall notify the applicant by letter of any deficiencies in the application within 30 days after the application is filed. The applicant shall rectify all deficiencies in the application within one year from the date of such letter or the application will be processed as an incomplete application and the application file will be closed.
2. Subsection (4) shall now read as follows:

(4) In addition to the application form, candidates for a provisional license shall also complete Form SPA-2A, Speech-Language Pathology and/or Audiology Verification of Employment for a Provisional Licensee, which is incorporated by reference herein, will be effective March 25, 1991, revised August 2008, and can be obtained by the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, #C06, Tallahassee, Florida 32399-3256. Said form shall provide the following:

(a) through (b) No change.

3. Subsection (5) shall remain as amended in the Notice of Proposed Rulemaking published on April 11, 2008, in Vol. 34, No. 15, of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ronda Bryan, Acting Executive Director, Board of Speech Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-4.220	Amount and Duration of Cash Payment

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 37, September 12, 2008 issue of the Florida Administrative Weekly.

TEXT OF THE PROPOSED RULE CHANGE AND RULE CORRECTION:

65A-4.220 Amount and Duration of Cash Payment.
 Proposed new subsections (7) through (8) removed.
 Specific Authority corrected to read 414.095(18), 414.45 FS.
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE IS CORRECTED TO READ: George H. Sheldon
 IF REQUESTED WITHIN 7 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: December 17, 2008, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-560.101	Scope
69V-560.1012	Adoption of Forms
69V-560.1013	Electronic Filing of Forms and Fees
69V-560.102	Application or Appointment Procedures and Requirements
69V-560.103	Definitions
69V-560.104	Application Fees
69V-560.105	Regulatory Standards for Evaluating Applications
69V-560.107	Registration of Locations and Appointment of Authorized Vendors
69V-560.108	Declaration of Intent to Engage in Deferred Presentment Transactions Requirements
69V-560.201	Requirements
69V-560.302	Renewal Fees, Deadlines, and Requirements
69V-560.401	Scope
69V-560.402	Bond
69V-560.403	Net Worth
69V-560.501	Scope
69V-560.504	Reimbursement Rates for Examinations Conducted by the Office
69V-560.505	Reimbursement Rates for Examinations Conducted by a Third Party
69V-560.601	Definitions
69V-560.602	Quarterly Reports
69V-560.606	Annual Filing of Financial Audit Reports by Part II Licensees
69V-560.608	Currency Transaction Report Filings
69V-560.609	Suspicious Activity Report Filings
69V-560.610	Report of International Transportation of Currency or Monetary Instruments
69V-560.701	General
69V-560.702	Payment Instrument Sellers
69V-560.703	Money Transmitters
69V-560.704	Records to Be Maintained by Check Cashers
69V-560.705	Foreign Currency Exchangers
69V-560.706	Records to be Maintained by Authorized Vendors
69V-560.707	Records to be Maintained by Deferred Presentment Providers
69V-560.801	Verification Fee
69V-560.802	Minimum Disclosure
69V-560.804	Payment Method
69V-560.805	Gross Income Test
69V-560.901	Scope

69V-560.902	Definitions
69V-560.903	Deferred Presentment Transactions
69V-560.904	Transaction Agreement Disclosures and Requirements
69V-560.905	Transaction Fees
69V-560.906	Consumer Credit Counseling Services
69V-560.907	Database Access
69V-560.908	Database Transaction Requirements
69V-560.909	Database Availability
69V-560.910	Database Transaction Fees
69V-560.911	Database Dispute Resolution for Customers
69V-560.912	Database Confidentiality
69V-560.913	Termination of Deferred Presentment Activity; Database Maintenance

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 39, September 26, 2008 issue of the Florida Administrative Weekly.

The rules have been changed to reflect comments from the Joint Administrative Procedures Committee (JAPC) and MoneyGram. The significant changes based on the comments received from the JAPC include the following. Form OFR-560-01, Application for Licensure as a Money Services Business, which is incorporated by reference in Rule 69V-560.102, F.A.C., has been amended to eliminate the requirement that the applicant or other required person disclose matters pertaining to arbitration. Rule 69V-560.902, F.A.C., is changed to correct a cross reference in subsection (1). In the Notice of Proposed Rule, the rules had a proposed effective date of January 1, 2009. The proposed effective has been removed. The rules will take effect 20 days after filing with the Department of State, if approved by the Financial Services Commission. No substantive changes have been made to Rules 69V-560.802, .907, .909, .910, .911, and .912, F.A.C. These rules were published only to reflect corrections to the history notes.

The significant changes based on comments received from MoneyGram include the following. Rule 69V-560.609, F.A.C., is clarified to reflect the entities that are subject to state and federal suspicious activity reporting requirements. The recordkeeping requirements of Rules 69V-560.702 and .703, F.A.C., have been changed to reflect industry practices. As originally drafted, training materials, and subpoenas, warrants, and other requests from regulatory, law enforcement and prosecutorial agencies would have had to have been maintained in individual vendor files. Industry practice is for these types of records to be maintained in a central location. The rules have been changed to reflect this practice. Rule 69V-560.702, F.A.C., also has been changed to eliminate the requirement that suspicious activity reports be maintained by

the licensee in vendor files as this provision may conflict with 31 U.S.C. s. 5318(g) and these reports are able to be retrieved by the Office through FinCEN. Rule 69V-560.703, F.A.C., has been changed to eliminate the requirement for aggregation of money transmissions as this issue is addressed for all payment instrument sellers in subsection 69V-560.702(2), F.A.C.

It is noted that a new subsection (8) is added to Rule 69V-560.703, F.A.C., as a technical correction to provide how materials incorporated by reference in the rule may be obtained.

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-560.101 Scope.

~~These rules contain the specific procedures and policies for filing and evaluating applications to become registered as a payment instrument seller, funds transmitter, check casher, deferred presentment provider, or foreign currency exchanger. This chapter shall govern in any case where there is a conflict or inconsistency with other rules of the Financial Services Commission or Office of Financial Regulation.~~

Specific Authority 560.105(3) FS. Law Implemented 560.204, 560.303(1), 560.403 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.101, Repealed.

69V-560.1012 Adoption of Forms.

(1) The following forms are incorporated by reference and readopted by this rule for the purposes of Rules 69V-560.101-.912, F.A.C.:

(a) Application for Licensure as a Money Services Business, Form OFR-560-01, effective _____.

(b) Location Notification Form, Form OFR-560-02, effective _____.

(c) Declaration of Intent to Engage in Deferred Presentment Transactions, Form OFR-560-03, effective _____.

(d) Money Services Business Quarterly Report Form, Form OFR-560-04, effective _____.

(e) Pledge Agreement, Form OFR-560-05, effective _____.

(f) Money Services Business Surety Bond Form, Form OFR-560-06, effective _____.

(g) Security Device Calculation Form, Form OFR-560-07, effective _____.

(h) Florida Fingerprint Card (FL922720Z), effective _____.

(i) Currency Transaction Report, FinCEN Form 104, effective _____.

(j) Suspicious Activity Report by Money Services Business, FinCEN Form 109, effective _____.

(k) Report of International Transportation of Currency or Monetary Instruments, FinCEN Form 105, effective _____.

(2) All forms adopted by this rule are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Specific Authority 560.105, 560.118, 560.141, 560.2085, 560.209, 560.403 FS. Law Implemented 560.118, 560.140, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 FS. History—New _____.

69V-560.1013 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office's website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-560.1012(1)(a) through (1)(g), F.A.C., must be filed electronically with the Office through the REAL system.

(3) All fees required to be filed with the Office under Chapter 69V-560, F.A.C., must be paid electronically through the REAL System.

(4) Any person may petition for a waiver of the requirement of electronic filing of any form or fee under Chapter 69V-560, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Specific Authority 560.105 FS. Law Implemented 560.105 FS. History—New _____.

69V-560.102 Application or Appointment Forms, Procedures and Requirements.

(1) Applications for money service business licenses must be made in accordance with the provisions of Sections 560.140, 560.141, and 560.143, F.S. Further, application for a money services business license involving payment instrument sales or money transmission must also comply with Section 560.205, F.S. The application form for applying hereunder is Application for Licensure as a Money Services Business, OFR-560-01, which is incorporated by reference in Rule 69V-560.1012, F.A.C.

(1) Forms. All forms referenced in this rule are available on the Office of Financial Regulation's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. All applications must be in the format required by the Office of Financial Regulation.

(2) Applications in the format required by the Office of Financial Regulation, accompanied by the prescribed fee for the requested registration, shall be filed with the Office of Financial Regulation at the address in subsection (1) above. No application will be deemed filed or received unless accompanied by the proper filing fee.

~~(3)(a) All applicants for registration must file a completed application Form OFR 560-01, Application to Register as a Money Transmitter, effective 7/15/07, which is hereby incorporated by reference.~~

~~(b) All applicants for registration who propose to engage in deferred presentment transactions as defined in Section 560.402, F.S., shall file a completed Form OFR-560-03, Declaration of Intent to Engage in Deferred Presentment Transactions, effective 7/15/07, which is hereby incorporated by reference, together with the required nonrefundable fee for deferred presentment providers. Applicants must be registered pursuant to Part II or Part III of Chapter 560, F.S., in order to engage in deferred presentment transactions.~~

~~(c) All applicants for registration shall submit a completed Form OFR-560-02, Location Notification Form, effective 7/15/07, which is hereby incorporated by reference, for each proposed "location" as defined in Rule 69V-560.103, F.A.C., not including the applicant's primary business location, together with the required nonrefundable fee.~~

~~(d) All applicants for registration as a payment instrument seller or funds transmitter shall file audited financial statements prepared in accordance with generally accepted accounting principles that are dated within 90 days prior to the date the application is received by the Office of Financial Regulation, and if available, audited financial statements for the immediately preceding 2-year period. In cases where the applicant is a wholly owned subsidiary of another corporation, the parent's consolidated audited financial statements may be submitted to satisfy this requirement. If the date of the application is more than 90 days after the applicant's fiscal year-end audited financial statements, the applicant shall file unaudited financial statements reviewed by an independent certified public accountant dated within 90 days of the date of the application, together with the audited financial statements for the most recent fiscal year. If the applicant has been in business less than 12 months, and has not prepared an audited financial statement, the applicant may file unaudited financial statements reviewed by an independent certified public accountant.~~

~~(4)(a) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, and all controlling shareholders shall complete the Biographical Summary in Form OFR 560-01, which is incorporated by reference in subsection (3). If any of the foregoing individuals are non U.S. Citizens, Addendum (1) to the Biographical Summary shall also be completed and filed.~~

~~(b) An existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint~~

~~venturer, controlling shareholder, and responsible person shall review and attest to the accuracy of the forms submitted on his or her behalf.~~

~~(5) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, and all controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL922720Z), effective 7/15/07, which is hereby incorporated by reference, accompanied by a nonrefundable \$42.25 processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.~~

~~(6) Confidential Information. All information contained in applications filed with the Office of Financial Regulation shall be open for public inspection, with the exception of information specifically made confidential by statute.~~

~~(2)(7) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to provide all information respond within forty-five (45) days from the date of the request will result in the Office denying the application. shall be grounds for the Office of Financial Regulation to deny the application for failure to complete the application and the application may be denied pursuant to Section 120.60(1), F.S.~~

~~(8) Refunds. If the application is withdrawn or denied, all fees are nonrefundable.~~

~~(3)(9) Withdrawal of Application. An application may be withdrawn if the applicant submits a written request for same that is approved by the Office of Financial Regulation before the application is approved or denied.~~

~~(4)(10)(a) Amendments to Pending Applications. Amendment of Application. If the information contained in any application form for licensure a registration as a money services business money transmitter, or in any amendment thereto, becomes inaccurate for any reason, the applicant registrant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-560-01, which is incorporated by reference in Rule 69V-560.1012, F.A.C subsection (3).~~

~~(b) Provided the Office of Financial Regulation has not already docketed a Notice of Intent to Deny the Application, an applicant may amend the application after receiving written~~

~~permission from the Office of Financial Regulation following the Office of Financial Regulation's review of and determination that the applicant's written request to amend:~~

- ~~1. Promotes the safe and sound conduct of the applicant;~~
- ~~2. Maintains public confidence in the applicant and the money transmitter industry;~~
- ~~3. Protects the interests of the public in the money transmitter system;~~
- ~~4. Deters the use of the applicant and the money transmitter system as a vehicle for money laundering; and~~
- ~~5. May not be denied pursuant to paragraph (c), if the request to amend makes a material change to the application.~~

~~(e) A request to amend which makes a material change to the application or to the Office of Financial Regulation's evaluation of the application is a violation of subsection (7) and the Office of Financial Regulation shall deny the application in accordance with Section 560.114(1)(a), F.S., unless the applicant has made a good faith effort to comply with the statutory requirements of Chapter 560, F.S., and the rules of this chapter. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application. Requests to make changes which are material to the application will be deemed by the Office to be grounds for denial, and a new application, accompanied by the appropriate filing fee, will be required. Material changes include:~~

- ~~(a) Changes in net worth;~~
- ~~(b) The substitution or addition of a director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, responsible person, or controlling shareholder;~~
- ~~3. Change in registration;~~
- ~~4. Any change requiring additional information or documentation than that which is or will be furnished by the applicant in the request to amend; and~~
- ~~(c) Any change relating to the bond or collateral security item;~~
- ~~(d) A change to a response to the disclosure questions listed in section 6 on Form OFR-560-01; and~~
- ~~(e) A change to disclosure questions listed in section 3 on the biographical summary on Form OFR-560-01.~~
- ~~(d) When the Office of Financial Regulation grants a request to amend which makes a material change to the application, the amended application shall be treated as a new application with respect to the applicable rules of this chapter, except that no additional filing fee shall be required, unless the~~

material change upgrades the filing from a Part III applicant to a Part II applicant or there is a change in the applicant or the applicant's corporate structure:

Specific Authority 215.405, 560.105, 560.118, 560.209, 560.403 ~~560.105, 560.118(2), 560.205(1), (2), 560.209(2)(a), 560.403(4)~~ FS. Law Implemented 215.405, 560.102, 560.118, 560.140, 560.141, 560.143, 560.1235, 560.129, 560.204, 560.205, 560.209, 560.303, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS. History—New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended 7-15-07, 6-17-08,_____.

69V-560.103 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) ~~“Agent” means an authorized vendor, as that term is defined in Section 560.103(2), F.S.~~

(2) ~~“Applicant,” with respect to the initial application for registration, means the corporation, partnership, association, individual, trust, or other group however organized, on behalf of which the application is being filed. For purposes of renewal, the “Applicant” is the registrant authorized by the Office of Financial Regulation to operate pursuant to Chapter 560, F.S.~~

(3) ~~“Audited Financial Statements” shall be defined as those financial statements prepared by an independent certified public accountant, and shall include at least the following information:~~

~~(a) Date of report, manual signature, city and state where issued, and identification with detailed enumeration the financial statements and schedules covered by the report;~~

~~(b) Representations as to whether the audit was made in accordance with generally accepted auditing standards and designation of any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which may have been omitted, and the reason for their omission; nothing in this rule however shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit for the purpose of expressing the opinions required under this rule;~~

~~(c) Statements of the opinion of the accountant in respect to the financial statements and schedules covered by the report and the accounting principles and practices reflected therein, and as to the consistency of the application of the accounting principles and practices reflected therein, and as to the consistency of the application of the accounting principles, or as to any changes in such principles which would have a material effect on the financial statements;~~

~~(d) Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.~~

(4) ~~“Controlling shareholder” means any individual who exercises control as defined by Section 560.127, F.S.~~

~~(5) “Correspondent” means the individual designated by the existing or proposed Board of Directors, or other authorized party, to act on its behalf in all matters required to process the application.~~

~~(1)(6) “Financial Statements” shall be defined as those reports, schedules and statements, prepared in accordance with United States Generally Accepted Accounting Principles, which contain at least the following information:~~

- ~~(a) Statement of Financial Condition (Balance Sheet);~~
- ~~(b) Statement of Income;~~
- ~~(c) Statement of Cash Flows; and~~
- ~~(d) Statement of Changes in Stockholders’ Equity.~~

~~(2) “FinCEN” means the Financial Crimes Enforcement Network of the United States Treasury Department.~~

~~(3) “Holiday” means such days as are designated by Section 110.117, F.S.~~

~~(4) “Quarter” and “quarterly” mean March 31, June 30, September 30, and December 31 of each calendar year.~~

~~(7) “Individual” means a natural person.~~

~~(8) “Location” means a branch of the registrant or an authorized vendor where business activity regulated by Chapter 560, F.S., occurs.~~

~~(9) “Money transmitter” means any person located in or doing business in this state that acts as or performs the activities of a payment instrument seller, foreign currency exchanger, check casher, funds transmitter, or deferred presentment provider.~~

~~(10) “Person” means any individual, corporation, partnership, association, trust, or other group, however organized.~~

~~(11) “Publicly Traded” means that the stock is currently traded on a national securities exchange registered with the U.S. Securities and Exchange Commission or traded on an exchange in a country other than the United States regulated by a regulator with equivalent authority and power as the U.S. Securities and Exchange Commission and the disclosure and reporting requirements of such regulator are substantially similar to those of the U.S. Securities and Exchange Commission.~~

~~(12) “Registrant” means a person registered by the Office of Financial Regulation pursuant to Part II or Part III of the Money Transmitters’ Code.~~

~~(13) “Responsible person” means any individual who has principal active management authority over the business as defined by Section 560.103(18), F.S.~~

~~(14) “Unaudited Financial Statements” shall be defined as those financial statements prepared in accordance with United States Generally Accepted Accounting Principles and reviewed by a Certified Public Accountant, but not accompanied by the statements and representations as set forth in paragraphs (3)(b), (c), and (d) of this rule.~~

~~(15) “Holiday” means such days as are designated by Section 110.117, F.S.~~

~~(16) “Gross Income” means Gross Revenue (Sales) — Cost of Goods Sold.~~

~~Specific Authority 560.105 560.105(2) FS. Law Implemented 560.103, 560.118, 560.140, 560.141, 560.205 560.118(2), 560.205(3), (4), 560.208 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.103, Amended 9-14-04, 7-15-07, _____.~~

~~69V-560.104 Application Fees.~~

~~(1) An initial application for registration as a funds transmitter or payment instrument seller shall be accompanied by a nonrefundable application fee of \$500.00.~~

~~(2) An initial application for registration as a check casher or foreign currency exchanger shall be accompanied by a nonrefundable application fee of \$250.00.~~

~~(3) Each initial application shall also be accompanied by a \$50.00 nonrefundable fee for each proposed location or authorized vendor, excluding applicant’s primary business location, from which the applicant proposes to conduct business.~~

~~(4) Each initial application shall include a \$1,000.00 nonrefundable “Declaration of Intent to Engage in Deferred Presentment Transactions” fee from any applicant who is proposing to engage in the business of a deferred presentment provider.~~

~~Specific Authority 560.105(3) FS. Law Implemented 560.205(2), 560.306, 560.307, 560.403 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.104, Amended 7-15-07, Repealed _____.~~

~~69V-560.105 Regulatory Standards for Evaluating Applications.~~

~~(1) When an application to register as a money transmitter is filed with the Office of Financial Regulation, it is the applicant’s responsibility to prove that the statutory criteria warranting the grant of registration are met. The Office of Financial Regulation shall conduct an investigation pursuant to Section 560.205, 560.206, or 560.306, F.S., as applicable. The Office of Financial Regulation shall deny applications in accordance with Section 560.114, F.S.~~

~~(2) The Office of Financial Regulation shall conduct background investigations on the responsible person who will be in charge of all the applicant’s business activities in this state and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, member, partner, joint venturer, and all controlling shareholders to determine whether the qualifications and requirements for registration have been met.~~

~~Specific Authority 560.105(3) FS. Law Implemented 560.109, 560.114, 560.205, 560.206, 560.306 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.105, Amended 7-15-07, Repealed _____.~~

69V-560.107 Registration of Locations and Appointment of Authorized Vendors.

(1) Every licensee registrant that commences operations at locations other than the main office or through authorized vendors in this state shall:

(a) File a completed Form OFR-560-02 (Location Notification Form) for each location, which must be received by the Office of ~~Financial Regulation~~ within sixty (60) calendar days from the date that a location opens or an authorized vendor commences operations on behalf of the licensee registrant;

(b) Submit the non-refundable branch office or appointment fee as prescribed in Section 560.143, F.S. Submit the required \$50 fee for each location.

(2) Every licensee registrant shall be responsible for filing a completed Form OFR-560-02 within sixty (60) calendar days from the date that a location closes or authorized vendor either ceases operation or has its authority to act on the licensee registrant's behalf terminated by such licensee registrant.

For purposes of this section the sixty (60) day period referenced in subsections (1) and (2) above is solely for the filing of the required form and payment of the required nonrefundable fee. A licensee registrant must file Form OFR-560-02 and pay the required fee for all locations of the licensee registrant and authorized vendors that commence operations on behalf of the licensee registrant. If the licensee registrant for any reason closes a location or terminates the relationship with such authorized vendor within the first sixty (60) days, it will not relieve the licensee registrant of the obligation to comply with the provisions of this subsection. Form OFR-560-02 is incorporated by reference in Rule 69V-560.1012, F.A.C. subsection 69V-560.102(3), F.A.C.

Specific Authority 560.105, 560.141, 560.2085, 560.105(3), 560.208(3) FS. Law Implemented 560.205, 560.141, 560.208, 560.2085, 560.307 FS. History--New 11-4-01, Formerly 3C-560.107, Amended 7-15-07, _____.

69V-560.108 Declaration of Intent to Engage in Deferred Presentment Transactions.

(1) A person who seeks to act as a deferred presentment provider ~~as defined in Section 560.402, F.S.,~~ shall:

(a) Be licensed registered pursuant to Part II or Part III of Chapter 560, F.S., and must at all times thereafter remain licensed registered pursuant to Part II or Part III; and

(b) Submit a completed Form OFR-560-03 (Declaration of Intent to Engage in Deferred Presentment Transactions) together with the required nonrefundable fee for deferred presentment providers.

(2) A licensee registrant may not convey authority to an authorized vendor to engage in deferred presentment transactions on behalf of the licensee registrant.

~~(3) A registrant shall terminate authority to engage in deferred presentment transactions by submitting Form OFR-560-03 (Declaration of Intent to Engage in Deferred Presentment Transactions) within 30 days of the registrant ceasing deferred presentment transactions.~~

~~(3)(4) Form OFR-560-03 (Declaration of Intent to Engage in Deferred Presentment Transactions) is incorporated by reference in Rule 69V-560.1012, F.A.C. subsection 69V-560.102(3), F.A.C.~~

Specific Authority 560.105, 560.126, 560.105(3), 560.403, 560.404 FS. Law Implemented 560.403, 560.404 FS. History--New 11-4-01, Formerly 3C-560.108, Amended 7-15-07, _____.

69V-560.201 Requirements.

(1) Where a person or group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a money services business licensee money transmitter registrant, such person or group shall file with the Office no later than thirty (30) days prior to the date of such acquisition, a new application pursuant to Rule 69V-560.102, F.A.C., together with all required exhibits and fees. Additionally, the applicant shall file with the Office at the time the new application is filed, a notice of termination of licensure registration of the acquired entity on Form OFR-560-01, effective upon disposition of the new application by the Office. Form OFR-560-01 is incorporated by reference in Rule 69V-560.1012, F.A.C. subsection 69V-560.102(3), F.A.C.

(2) A licensee registrant required to file a new application as a result of an acquisition of a controlling interest pursuant to Section 560.126(2), F.S., must also file new location forms (Form OFR-560-02) and applicable fees up to a maximum of \$20,000 for all existing locations on file with the Office office at the time of filing the new application in subsection (1) and a Declaration of Intent to Engage in Deferred Presentment Transactions (Form OFR-560-03) and applicable fee if currently engaged in deferred presentment transactions ~~Deferred Presentment Transactions~~. Forms OFR-560-02 and OFR-560-03 are incorporated by reference in Rule 69V-560.1012, F.A.C. subsection 69V-560.102(3), F.A.C.

(3) The Office office shall waive the requirement for a licensee registrant to file a new application pursuant to Section 560.126(2), F.S.:

(a) When a person or group of persons proposing to purchase or acquire a controlling interest in a licensee registrant has previously complied with the applicable provisions of Sections 560.140 and 560.141, F.S. filed the information required in Sections 560.205 and 560.306, F.S., concerning with a money services business money transmitter currently licensed registered with the Office office, provided that such person is currently affiliated with the money services business money transmitter; or

(b) When the acquirer is currently licensed registered with the Office office as a money services business money transmitter.

Specific Authority 215.405, 560.105, 560.126 ~~560.105(3), 560.123(2)~~ FS. Law Implemented 215.405, 560.126, 560.127, 560.143, 560.204, ~~560.205, 560.303(1), 560.305, 560.306, 560.307~~ FS. History—New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.201, Amended 7-15-07,_____.

69V-560.302 Renewal Fees, Deadlines, and Requirements.

(1) Chapter 560, F.S., licenses must be renewed in accordance with the provisions of Section 560.142, F.S.

(2) If any date established in accordance with Section 560.142, F.S., falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the required renewal fees and any applicable late fees must be received by the Office by the close of business on the next business day.

~~(a) Payment Instrument Seller or a Funds Transmitter (Part II registrant): Registrations issued to Part II registrants shall remain effective through April 30 of the second year following the date of issuance of the registration, not to exceed 24 months, unless during such period the registration is surrendered, suspended, or revoked.~~

~~(b) A renewal of a funds transmitter or payment instrument seller registration (Part II registrant) shall include a nonrefundable renewal fee of \$1,000.00, plus \$50.00 for each location being renewed, including branch offices and authorized vendors, operating within this state, or a total 2 year nonrefundable renewal fee of \$20,000.00 to renew all such locations operating within this state. The \$50.00 location renewal fee shall not apply to the registrant's primary business address.~~

~~(c) All renewal fees for Part II licensee registrants must be received by the office on or before the expiration date of April 30. If the renewal fees are received within 60 calendar days after the expiration date of an existing license registration, the renewal fees must be accompanied by a nonrefundable late fee of \$500.00. If the registrant has not filed the requisite renewal fees and late fees within 60 calendar days after the expiration date of an existing registration, the registration shall expire and a new application must be filed pursuant to Section 560.205, F.S.~~

~~(2)(a) Check Cashier or Foreign Currency Exchanger (Part III registrant): Licenses Registrations issued to Part III licensee registrants shall remain in effect through the remainder of the second calendar year (December 31) following the date the registration was issued. Thereafter, renewals are issued for a 24-month period from December 31 of the year the registration or renewal expires, unless during such period the registration is surrendered, suspended, or revoked.~~

~~(b) A renewal of a check cashier or foreign currency exchanger registration (Part III registrant) shall include a nonrefundable renewal fee of \$500.00, plus \$50.00 for each~~

~~location being renewed, including branch offices and authorized vendors, operating within this state, or a total 2 year nonrefundable renewal fee of \$20,000.00 to renew all such locations operating within this state. The \$50.00 location renewal fee shall not apply to the registrant's primary business address.~~

~~(c) All renewal fees for Part III licensee registrants must be received by the office on or before the expiration date of December 31 of that year. If the renewal fees are received within 60 calendar days after the expiration date of an existing registration, the renewal fees must be accompanied by a nonrefundable late fee of \$250.00. If the registrant has not filed the requisite renewal fees and late fees within 60 calendar days after the expiration date of an existing registration, the registration shall expire and a new application must be filed pursuant to Section 560.307, F.S.~~

~~(3)(a) Deferred Presentment Providers (Part IV): The "Declaration of Intent to Engage in Deferred Presentment Transactions" shall expire concurrently with the registrant's Part II or Part III registration. A registrant who intends to continue to engage in deferred presentment transactions must concurrently renew their registration pursuant to Part II or Part III in order to remain qualified to act as a deferred presentment provider. A declaration of intent nonrefundable renewal fee of \$1,000 must be received by the Office on or before the expiration date of the registrant's Part II or Part III registration.~~

~~(b) If the declaration of intent renewal fee is received within 60 calendar days after the expiration of the registrant's Part II or Part III registration, the declaration of intent renewal fee must be accompanied by a nonrefundable late fee of \$500.00 in order for the declaration of intent to be reinstated. If the registrant has not filed the requisite declaration of intent renewal fee and late fee within 60 calendar days after the expiration date of the registrant's Part II or Part III registration, the declaration of intent shall expire and a new declaration must be filed pursuant to Section 560.403, F.S.~~

~~(4) If any date in this rule falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the required renewal fees and any applicable late fees must be received by the Office of Financial Regulation by the close of business on the next business day.~~

Specific Authority 560.105 ~~560.105(3)~~ FS. Law Implemented 560.142, 560.206, 560.207, 560.308, 560.403 FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.302, Amended 7-15-07,_____.

69V-560.401 Scope.

~~These rules contain the requirements concerning a registrant's, or a proposed registrant's, corporate surety and net worth. Only Part II Registrants (payment instrument sellers or funds transmitters) are required to post a bond or collateral deposit and to maintain a minimum net worth.~~

Specific Authority 560.105(3) FS. Law Implemented 560.209 FS. History—New 9-24-97, Formerly 3C-560.401, Repealed _____.

69V-560.402 Bond.

~~(1) No registration shall be issued until an acceptable corporate surety bond, collateral deposit or combination thereof has been deposited with the Office of Financial Regulation and/or insured financial institution as specified in Section 560.209, F.S.~~

~~(2) The corporate surety bond must be issued by a bonding company or insurance company authorized to do business in this state. The originally executed Form OFR-560-06, Money Transmitter Surety Bond Form, effective 7/15/07, which is hereby incorporated by reference, shall be maintained on file with the Office at all times. The bond form must be executed by the bonding company and the applicant.~~

~~(3) All items pledged in lieu of a corporate surety bond must be held or deposited at a federally insured financial institution as defined by Section 655.005(1)(h), F.S. The originally executed Form OFR-560-05, Pledge Agreement, effective 7/15/07, which is hereby incorporated by reference, shall be maintained on file with the Office at all times. The Pledge Agreement must be executed by the federally insured financial institution and the applicant.~~

~~(4)(a) Items eligible to be pledged to the Office of Financial Regulation in lieu of a corporate surety bond are limited to those items specified in Section 560.209(3)(a), F.S., and letters of credit issued by financial institutions with deposit insurance from the Federal Deposit Insurance Corporation.~~

~~(b) For purposes of Section 560.209(3), F.S., the term "interest-bearing stock" means preferred stock.~~

~~(5)(a) The amount of the surety bond, collateral deposit, or combination thereof shall under no circumstances be for an amount less than \$50,000. The amount of the surety bond or collateral deposit shall not exceed \$250,000 except as provided in paragraph (b). The amount of the surety bond shall be calculated based upon 2% of the applicant's projected total U.S. dollar volume of transactions for the first year of operation in accordance with the table below. Thereafter a registrant shall calculate annually the required amount of their surety bond based upon 2% of the registrant's total U.S. dollar volume of transactions for the preceding 12 month period in accordance with the table below.~~

2% of U.S. dollar volume	Required amount of security device
\$0-\$50,000	\$50,000
\$50,001-\$100,000	\$100,000
\$100,001-\$150,000	\$150,000
\$150,001-\$200,000	\$200,000
\$200,001-\$499,999	\$250,000

~~(b) In accordance with paragraph 560.209(2)(a), F.S., the amount of the surety bond, collateral deposit, or combination thereof shall be \$500,000 under the following extraordinary circumstances. For the purposes of this rule, "extraordinary circumstances" means:~~

~~1. If the registrant's total U.S. dollar volume of transactions for the preceding 12 month period exceeds \$25,000,000; or,~~

~~2. If the total number of active locations/vendors as determined in paragraph (6)(b) of this rule is greater than 250.~~

~~(6)(a) For purposes of compliance with the provisions of this rule, a registrant shall calculate the amount of their surety bond, collateral deposit, or combination thereof in accordance with subsection (5) of this rule each December 31st for the preceding 12 months.~~

~~(b) For purposes of compliance with subparagraph (5)(b)2. of this rule the number of active locations/vendors shall be the number of branches in operation and the number of vendors currently under contract with the registrant on December 31st.~~

~~(7) After completing one full year of licensure registration, each licensee registrant shall annually file on Form OFR-560-07, Security Device Calculation Form, which is incorporated by reference in Rule 69V-560.1012, F.A.C., with the Office by revised 7/15/07, which is hereby incorporated by reference and available on the Office website at www.flofr.com and by mail at the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376, the required information regarding the licensee's registrant's amount of surety bond, collateral deposit, or combination thereof as prescribed in subsection (5) of this rule not later than January 31st of each calendar year for the preceding calendar year. If based on the licensee's registrant's calculation, the amount of the device must be increased, the licensee registrant shall provide to the Office an additional surety bond, surety rider for an existing bond, collateral deposit pledge agreement or combination thereof reflecting the amount required no later than sixty (60) days following the deadline to file Form OFR-560-07, Security Device Calculation Form.~~

~~(8) The bond, collateral deposit or combination thereof shall remain in place for 5 years after the registrant ceases operations in this state. The security shall be reduced or eliminated prior to that time upon written approval, if the Office of Financial Regulation determines that the registrant's outstanding payment instruments or funds transmitted in this state have been paid or reduced and that such lesser amount adequately protects the interests of the public.~~

~~(9) A registrant must at all times have and maintain the bond, collateral deposit or combination thereof in the amount prescribed by the Office of Financial Regulation. If the Office of Financial Regulation at any time reasonably determines that the bond or elements of the collateral deposit are insecure, deficient in amount, or exhausted in whole or in part, the~~

~~Office of Financial Regulation shall, by written order, require the filing of a new or supplemental bond or the deposit of new or additional collateral deposit items.~~

~~(10) All forms incorporated by reference in this rule are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.~~

~~Specific Authority 560.105, 560.209 560.105(3), 560.209(2)(a) FS. Law Implemented 560.207, 560.209 FS. History--New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.402, Amended 7-15-07, _____.~~

69V-560.403 Net Worth.

Any person engaging in a licensed ~~registered~~ activity under Part II of Chapter 560, F.S., shall meet the net worth stated in Section 560.209(1), F.S. Upon the Office's ~~of Financial Regulation's~~ request, a person must fully support, through items including, but not limited to, appraisals, receipts, titles, or bank account statements, the value or ownership they have assigned to an asset(s).

~~Specific Authority 560.105 560.105(3) FS. Law Implemented 560.209(1) FS. History--New 9-24-97, Formerly 3C-560.403, Amended _____.~~

69V-560.501 Scope.

~~The Office of Financial Regulation shall conduct regular periodic examinations of a money transmitter or authorized vendor with at least 15 days prior notice. Whenever the Office of Financial Regulation has reason to believe that a money transmitter or authorized vendor is engaging in an unsafe or unsound practice or has violated or is violating any provision of the Money Transmitter Code, the Office of Financial Regulation shall conduct an examination without providing advance notice if the Office of Financial Regulation determines that an examination is necessary to determine the condition of the money transmitter or to determine the degree of noncompliance.~~

~~Specific Authority 560.105(3) FS. Law Implemented 560.118 FS. History--New 9-24-97, Formerly 3C-560.501, Repealed _____.~~

69V-560.504 Reimbursement Rates for Examinations Conducted by the Office.

(1) This rule establishes rates for reimbursement to the Office for examination and per diem and travel expenses for examinations of licensees conducted by Office examiners under Sections 560.1091 and 560.1092, F.S.

(2) Fees for examiner time shall be calculated based on the direct compensation of the examiner conducting the examination. Rates will be assessed by examiner classification and shall be charged at the following rates:

- (a) Financial Examiner/Analyst I \$28 per hour.
- (b) Financial Examiner Analyst II \$30 per hour.
- (c) Financial Specialist \$34 per hour.

- (d) Financial Control Analyst \$35 per hour.
- (e) Financial Examiner Analyst Supervisor \$37 per hour.
- (f) Area Financial Manager and above \$42 per hour.

(3) Examiner per diem and other travel expense shall be charged in accordance with Section 112.061, F.S.

(4) Fees for administrative support staff providing clerical or research work in connection with the examination will be calculated at the rate of \$12.00 per hour.

(5) The Office will invoice licensees for the costs of the examination and licensees will have 30 days from the date of the invoice to remit payment for invoiced expenses to the Office.

~~Specific Authority 560.105, 560.1091, 560.1092 FS. Law Implemented 560.1091, 560.1092, 560.109 FS. History--New _____.~~

69V-560.505 Reimbursement Rates for Examinations Conducted by a Third Party.

(1) This rule establishes rates for reimbursement to the Office for examination and per diem and travel expenses for examinations of licensees conducted by third party contractors under Sections 560.1091 and 560.1092, F.S. Rates will be the direct charges billed to the Office by the third party contractor. Such rates will be established by contract with the Office.

(2) The Office shall select third party contractors from the list of persons or firms who are qualified by the Department of Management Services to render "Financial and Performance Audit Services" under State of Florida Contract #973-001-06-1, which is hereby incorporated by reference.

(3) Licensees will be charged for the third party contractor's actual and reasonable per diem and other travel costs. Per diem and other travel costs shall not, without prior written approval of the Office, exceed:

- (a) Fifty-eight and one-half cents per mile.
- (b) Maximum per diem rates for domestic travel approved by the United States General Services Administration for Florida for Fiscal Year 2009 as set forth in "Domestic Per Diem Rates", which may be found at www.gsa.gov/perdiem and is hereby incorporated by reference.

(4) Licensees will also be billed for administrative support and research directly related to the examination. Such work will be performed by administrative support staff of the Office and shall be charged at rate of \$12 per hour.

(5) The Office will invoice licensees for the costs of the examination and licensees will have 30 days after the date of the invoice to remit payment for invoiced expenses to the Office.

~~Specific Authority 560.105, 560.1091, 560.1092 FS. Law Implemented 560.1091, 560.1092, 560.109 FS. History--New _____.~~

~~Specific Authority 560.105, 560.1091, 560.1092 FS. Law Implemented 560.1091, 560.1092, 560.109 FS. History--New _____.~~

69V-560.601 Definitions.

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

(1) “Quarter” and “quarterly” mean March 31, June 30, September 30, and December 31 of each calendar year.

(2) “Forty five (45) days after the conclusion of each quarter” means the end of business on the forty-fifth day after the last calendar day of each calendar quarter.

(3) “Holiday” means such days as are designated by Section 110.117, F.S.

Specific Authority 560.105(3) FS. Law Implemented 560.118(2) FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.601, Repealed _____.

69V-560.602 Quarterly Reports.

Every money services business money transmitter licensed registered pursuant to Chapter 560, F.S., the Code shall submit a quarterly report to the Office of Financial Regulation by filing a completed Form OFR-560-04, Money Services Business Transmitter Quarterly Report Form, effective 7/15/07, which is hereby incorporated by reference in Rule 69V-560.1012, F.A.C. and available on the Office’s website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. A completed quarterly report form shall be received by the Office of Financial Regulation no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Division of Finance at the address listed in subsection 69V-560.102(1), F.A.C. Should the forty-fifth day fall on a Saturday, Sunday or holiday, the reports must be received by the Office of Financial Regulation no later than the next business day. A report is “past due” if it is received by the Office of Financial Regulation one or more days beyond the period set forth in this rule defined in subsection (1).

Specific Authority 560.105, 560.118, 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2) FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.602, Amended 7-15-07, _____.

69V-560.606 Annual Filing of Financial Audit Reports Statements by Part II Licensees Registrants.

(1)(a) Each licensed registered funds money transmitter and payment instrument seller shall annually submit audited financial audit reports statements to the Office of Financial Regulation in accordance with Section 560.209(2), F.S., for the licensee’s registrant’s most recent fiscal year.

(b) Each registered payment instrument seller shall annually submit audited financial statements to the Office of Financial Regulation for the registrant’s most recent fiscal year unless it is exempt pursuant to Section 560.118(2)(a), F.S. Any registrant claiming such exemption shall submit such claim in writing on Form OFR-560-08, Money Transmitter Audited Financial Statement Exemption Claim Form, effective 7/15/07, which is hereby incorporated by reference and available on the Office’s website at www.flofr.com and by mail at the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. The claim shall be executed by the

~~registrant or an officer of the registrant under penalty of perjury. The exemption shall be valid for the current fiscal year only, and must be resubmitted each year by the registrant.~~

~~(e) Any payment instrument seller exempted from the requirement to submit audited financial statements shall file unaudited financial statements reviewed by a certified public accountant.~~

(2) Annual financial audit reports statements must be received by the Office of Financial Regulation within one hundred twenty (120) ninety (90) days after of the licensee’s registrant’s fiscal year end.

(3) The Office of Financial Regulation shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due. A report is “past due” if it is received by the Office of Financial Regulation one or more days beyond the period defined in subsection (2).

(4) For purposes of adding new locations or authorized vendors, a Part II licensee registrant may rely upon its annual financial audit reports statements that were received by the Office of Financial Regulation in a timely manner as required in subsections (1) and (2) of this rule. The Office of Financial Regulation reserves the right to require additional documentation up to and including the submission of interim financial statements to substantiate the licensee’s net worth.

Specific Authority 560.105, 560.118, 560.205, 560.105(3), 560.118(2)(a), 560.205(3)(f), (4)(d) FS. Law Implemented 560.118, 560.118(2), 560.205, 560.208 FS. History—New 11-4-01, Formerly 3C-560.606, Amended 7-15-07, _____.

69V-560.608 Currency Transaction Report Filings.

Currency Transaction Reports, required by Section 560.123, F.S., must be filed with FinCEN using FinCen Form 104, which is incorporated by reference in Rule 69V-560.1012, F.A.C. Reports filed in this manner shall be deemed to have also been filed with the Office.

Specific Authority 560.105, 560.123 FS. Law Implemented 560.123, 560.1235 FS. History—New _____.

69V-560.609 Suspicious Activity Report Filings.

(1) Pursuant to Section 560.1235(1), F.S., licensees and authorized vendors must comply with all state and federal laws and rules relating to the detection and prevention of money laundering, including, as applicable, 31 C.F.R. s. 103.20 (2007), relating to reports by money services businesses of suspicious transactions. For purposes of Section 560.1235(1), F.S., the federal law requirement to report suspicious transactions applies to the following money services businesses: payment instrument sellers that sell money orders or traveler’s checks, money transmitters, and foreign currency exchangers. These entities are required to report suspicious transactions to FinCEN using FinCEN Form 109, Suspicious Activity Report by Money Service Business, and failure to do so is a violation of Section 560.1235, F.S.

(2) Under federal law, check cashers may, but are not required to, file reports of suspicious transactions; however, pursuant to Section 560.309(5), F.S., check cashers are required to report suspicious activity to the office or an appropriate regulator based on the criteria set forth in 31 C.F.R. 103.20 (2007). The Commission designates FinCEN as the appropriate regulator to receive such reports, which shall be submitted to FinCEN on FinCEN Form 109, Suspicious Activity Report by Money Service Business. Suspicious Activity Reports filed with FinCEN shall be deemed to have also been filed with the Office. Failure of a check casher to report suspicious activity to FinCEN is a violation of Section 560.309(5), F.S.

(3) FinCEN Form 109, Suspicious Activity Report by Money Service Business is incorporated by reference in Rule 69V-560.1012, F.A.C. Federal regulation 31 C.F.R. 103.20 (2007) is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Specific Authority 560.105, 560.309 FS. Law Implemented 560.1235, 560.309 FS. History--New _____.

69V-560.610 Report of International Transportation of Currency or Monetary Instruments.

Pursuant to Section 560.1235, F.S., all money services businesses shall file with FinCEN using a Report of International Transportation of Currency or Monetary Instruments, electronically or in paper form, on FinCEN Form 105, which is incorporated by reference in Rule 69V-560.1012, F.A.C., not later than 15 calendars days from the date of the transaction.

Specific Authority 560.105 FS. Law Implemented 560.1235 FS. History--New _____.

69V-560.701 General.

Each money transmitter shall maintain records required in Sections 560.211(1) and 560.310(1), F.S., and Rules 69V-560.702-.705, F.A.C., for at least 3 years, unless a longer period of time is required by federal or state law or regulations. Any readily accessible and retrievable form is acceptable, in lieu of maintaining original documents.

Specific Authority 560.105(3) FS. Law Implemented 560.211, 560.310 FS. History--New 9-24-97, Formerly 3C-560.701, Repealed _____.

69V-560.702 Payment Instrument Sellers.

(1) A payment instrument seller shall maintain records of the following information, which must be obtained for each issuance or sale of a payment instrument, regardless of the amount:

(a)(1) The date of purchase;

(b)(2) The serial number(s) or confirmation number of the payment instrument(s) purchased; and

(c)(3) The amount in dollars of each of the instruments purchased, and

(4) A general ledger containing all assets, liabilities, capital, income, and expense accounts. The general ledger shall be updated at least monthly.

(2) For all transactions that exceed \$3,000, the payment instrument seller shall also obtain and record the information required by 31 C.F.R. 103.29(a)(2), as it existed on September 4, 2008. For purposes of this section multiple payment instruments purchased in one or more transactions on a single day shall be aggregated.

(3) Every payment instrument seller shall maintain a schedule of all outstanding receivables due from authorized vendors to include amounts and numbers of days outstanding. This schedule shall be updated, at a minimum, monthly.

(4) Every payment instrument seller shall develop and implement written policies and procedures to monitor compliance with applicable state and federal law by its authorized vendors. The policies and procedures should include, but are not limited to compliance with the following applicable statutes and regulations:

(a) Chapter 560, F.S.

(b) Anti-money laundering requirements referenced in Section 560.1235(1), F.S.

(c) Office of Foreign Asset Control regulations: 31 C.F.R. Part 500; 31 C.F.R. s. 594.201; 31 C.F.R. s. 594.204; 31 C.F.R. s. 501.603; and 31 C.F.R. s. 501.604, as these regulations existed on September 4, 2008.

(d) Gramm-Leach-Bliley Act regarding protection of personal information: 15 U.S.C. ss. 6801, 6802, and 6803 (Thomson Reuter/West 2008 (current through P.L. 110-316 (excluding P.L. 110-234, 110-246, and 110-315))).

(e) Sections 817.568 and 817.5681, F.S., regarding fraudulent use of personal information and breaches of information security.

(5) Every payment instrument seller shall maintain individual files for each authorized vendor that document the establishment and termination of these relationships. The file shall include the written contract between the payment instrument seller and authorized vendor as required by Section 560.2085, F.S.

(6) Subpoenas, warrants, and other requests from regulatory, law enforcement, or prosecutorial agencies and records relating to training as required by 31 C.F.R. s. 103.125, as it existed on September 4, 2008, shall be maintained so that they are retrievable as required by Section 560.1105(1), F.S.

(7) Records of all payment instrument sales shall be maintained in an electronic format that is readily retrievable and capable of being exported to most widely available software applications including Microsoft EXCEL.

(8) All federal laws and regulations referenced in this rule are hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Specific Authority 560.105, 560.2085, 560.105(3) FS. Law Implemented 560.1105(1), 560.1235, 560.2085, 560.211 FS. History--New 9-24-97, Formerly 3C-560.702, Amended _____.

69V-560.703 Money Transmitters Funds Transmitters.

(1) A money funds transmitter shall maintain records of the following information for all inbound and outbound transmissions, which must be obtained for each money funds transmission, regardless of the amount:

(a)(4) The name and address of the sender customer;

(b)(2) A numbered receipt or confirmation number for each transaction;

(c)(3) The address of the location or foreign affiliate office where the transaction was conducted;

(d)(4) The name and address of the beneficiary or recipient;

(e)(5) Any instructions or messages relating to the transmission; and

(f)(6) The method of payment (e.g., currency, check, credit card, etc.);

(g) Transaction date;

(h) Time of the transaction;

(i) Transaction amount in U.S. Dollars;

(j) Fees charged;

(k) Authorized vendor name; and

(l) Authorized vendor/foreign affiliate code/identifier as assigned by the licensee.

(2) For all transactions that exceed \$3,000, the money transmitter shall, in addition to the items in subsection (1), obtain and record:

(a) Social security number, passport number, or alien registration of the sender;

(b) Name and account number of recipient's financial institution, if applicable; and

(c) Sender's photo identification number, type, and state/country of issuance.

(3) Every money transmitter shall maintain a schedule of all outstanding receivables due from authorized vendors to include amounts and numbers of days outstanding. This schedule shall be updated, at a minimum, monthly.

(4) Every money transmitter shall develop and implement written policies and procedures to monitor compliance with applicable state and federal law by its authorized vendors. These policies and procedures should include, but are not limited to compliance with the following applicable statutes and regulations:

(a) Chapter 560, F.S.

(b) Anti-money laundering requirements referenced in Section 560.1235(1), F.S.

(c) Office of Foreign Asset Control regulations: 31 C.F.R. Part 500; 31 C.F.R. s. 594.201; 31 C.F.R. s. 594.204; 31 C.F.R. s. 501.603; and 31 C.F.R. s. 501.604, as these regulations existed on September 4, 2008.

(d) Gramm-Leach-Bliley Act regarding protection of personal information: 15 U.S.C. ss. 6801, 6802, and 6803 (Thomson Reuter/West 2008 (current through P.L. 110-316 (excluding P.L. 110-234, 110-246, and 110-315))).

(e) Sections 817.568 and 817.5681, F.S., regarding fraudulent use of personal information and breaches of information security.

(5) Every money transmitter shall maintain individual files for each authorized vendor/foreign affiliate that document the establishment and termination of these relationships. The file shall include the written contract between the money transmitter and authorized vendor as required by Section 560.2085, F.S.

(6) Subpoenas, warrants and other requests from regulatory, law enforcement, and prosecutorial agencies, and records related to training as required by 31 C.F.R. s. 103.125, as it existed on September 4, 2008, and shall be maintained so that they are retrievable as required by Section 560.1105(1), F.S.

(7) Records of all money transmissions shall be maintained in an electronic format that is readily retrievable and capable of being exported to most widely available software applications including Microsoft EXCEL.

(8) All federal laws and regulations referenced in this rule are hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Specific Authority 560.105, 560.105(3) FS. Law Implemented 560.1105(1), 560.211 FS. History--New 9-24-97, Formerly 3C-560.703, Amended _____.

69V-560.704 Records to be Maintained by Check Cashers.

(1) For purposes of this rule the term:

(a) "Corporate payment instrument", as referenced in Section 560.310(1), F.S., means a payment instrument on which the payee named on the face of the payment instrument is not a natural person.

(b) "Conductor" means a natural person who presents a payment instrument to a check cashier for the purpose of receiving currency.

(c) "Customer file" in regard to a "corporate payment instrument" means the corporate entity shown as payee. In regard to "third-party payment instruments", the term "customer file" means the individual negotiating the payment instrument.

(d) "Dormant customer" shall include any customer who has not transacted business with the licensee within the past 180 days.

(e) "Third-party payment instrument", as referenced in Section 560.310(1), F.S., means a payment instrument being negotiated by a party other than the payee named on the face of the payment instrument.

(2)(f) Every check casher shall maintain legible records of all payment instruments cashed. The records shall include the following information with respect to each payment instrument accepted by the registrant:

(a) The name of the maker; A copy of all payment instruments accepted and endorsed by the licensee to include the face and reverse (front and back) of the payment instrument. Copies shall be made after each payment instrument has been endorsed with the legal name of the licensee. Endorsements on all payment instruments accepted by the check casher shall be made at the time of acceptance.

(b) The address of the maker;

(c) The date appearing on the payment instrument;

(d) The amount of the payment instrument;

(e) The check number of the payment instrument accepted;

(b)(f) The fee charged to cash the payment instrument;

(c)(g) The verification fee, if any, imposed on the customer; and

(h) A line item description of the steps taken to verify the customer's identity.

(3)(2) The following additional information shall be maintained:

(a) Records relating to all returned payment instruments that shall include, if known, the following:

1. A copy, face and reverse (front and back), of all returned payment instruments; The date the payment instrument was returned to the registrant;

2. The name and address of the maker;

3. The check number of the payment instrument accepted;

4. The amount of the returned payment instrument;

2.5. The date of deposit by the licensee registrant;

3. The date the payment instrument was returned to the licensee;

4.6. The NSF fees Documentation of all fees and charges, if any, imposed on, and paid by the customer in the collection of the returned item; and

5.7. The date on which collection is made from the customer or charged-off by the licensee, registrant; and

8. A brief description of the method by which collection was ultimately achieved.

(b) A daily summary of the business activities including the following documents:

1. Bank deposit receipts;

2. Copies of checks or withdrawal receipts evidencing withdrawal of funds from accounts maintained by the licensee registrant; and

3. A daily cash reconciliation summarizing each day's activities and reconciling cash on hand at the close of business. The daily cash reconciliation shall be sufficiently detailed to provide an audit trail of each day's business activity. Where the licensee provides multiple business services through the same legal entity the daily cash reconciliation shall be maintained in such manner as to separate business activities such as check cashing.

(c) Bank statements of the licensee registrant received and maintained no less often than monthly for all accounts from which the licensee registrant operates.

(d) A copy of the customer's written authorization to electronically debit the customer's account if the registrant intends to make use of such practice.

(e) A copy of all payment instruments accepted by the registrant. The copy of the customer's payment instrument shall suffice as compliance with the requirements of paragraphs (1)(a) through (e) and subparagraphs (2)(a)1. through 4. of this rule. The registrant may include the reasonable cost of such photocopy as part of the verification fee allowed pursuant to Rule 69V 560.801, F.A.C., if such fee is charged to that customer.

(f) A photocopy of the customer's verifiable means of identification, and any other documentation the money transmitter collects from the customer in order to verify the customer's identity. The registrant shall only be required to make photocopies where a verification fee has been imposed.

(4) In addition to the records required in subsections (1) and (2), for payment instruments exceeding \$1,000.00, the check casher shall:

(a) Affix an original thumbprint of the conductor to the original of each payment instrument accepted which is taken at the time of acceptance;

(b) Secure and maintain a copy of the original payment instrument, including the thumbprint of the conductor;

(c) Secure and maintain a legible copy of the personal identification, as defined by Section 560.310(1)(b)1., F.S., presented by conductor at the time of acceptance;

(d) Create and maintain a customer file for each entity listed as the payee on corporate payment instruments and third party payment instruments accepted by the licensee. Each customer file must include, at a minimum, the following information:

1. Documentation from the Secretary of State verifying registration as a corporation or fictitious entity showing the listed officers and FEID registration number. If a sole proprietor uses a fictitious name or is a natural person, then the customer file shall include the social security number of the business owner and documentation of the fictitious name filing with the Secretary of State.

2. Articles of Incorporation or other such documentation which establishes a legal entity in whatever form authorized by law. For purposes of this rule a sole proprietor operating under a fictitious name registered with the Secretary of State shall not have to present such documentation.

3. Documentation of the occupational license from the county where the entity is located.

4. A copy of the search results screen page from Compliance Proof of Coverage Query Page webpage from the Florida Department of Financial Services – Division of Workers’ Compensation website (http://www.fldfs.com/WCAPPS/Compliance_POC/wPages/query.asp).

5. Documentation of individuals authorized to negotiate payment instruments on the corporation or fictitious entity’s behalf including corporate resolutions or powers of attorney. Payment instruments for insurance claims where there are multiple payees shall be exempt from this provision provided that the maker of the check is an insurance company and the licensee has obtained and retained documentation as to the identity of the natural person listed as a payee on such payment instrument.

(e) Review and update all active customer files at least annually. The required review and update shall be attested to by the compliance officer or their designee, and such documentation shall be maintained within each customer’s file. For purposes of this rule it shall not be necessary to update dormant customer files. Should a customer previously identified as being dormant, resume transacting business with the licensee, the customer file information shall be updated before accepting any payment instrument.

(5)(a) In addition to the records required in subsections (1) and (2) for payment instruments \$1,000.00 or more, the check casher shall create and maintain an electronic log of payment instruments accepted which includes, at a minimum, the following information:

1. Transaction date;
2. Payor name;
3. Payee name;
4. Conductor name, if other than the payee;
5. Amount of payment instrument;
6. Amount of currency provided;
7. Type of payment instrument:
 - a. Personal check;
 - b. Payroll check;
 - c. Government check;
 - d. Corporate check;
 - e. Third party check; or
 - f. Other payment instrument;
8. Fee charged for the cashing of the payment instrument;
9. Branch/Location where instrument was accepted;
10. Identification type presented by conductor; and
11. Identification number presented by conductor.

(b) Electronic logs shall be maintained in an electronic format that is readily retrievable and capable of being exported to most widely available software applications including Microsoft EXCEL.

Specific Authority 560.105 ~~560.105(3)~~ FS. Law Implemented 560.310 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.704, Amended _____.

69V-560.705 Foreign Currency Exchangers.

(1) A foreign currency exchanger shall maintain receipts for each transaction, regardless of the amount. The receipts must include the date of the transaction, the amount and type of currency received and given in exchange.

(2) In addition to the above records, foreign currency exchangers must maintain records of the amount of each bank deposit, including currency deposited.

(3) A foreign currency exchanger shall maintain all monthly financial institution bank statements.

(4) A foreign currency exchanger shall maintain all records of purchases and sales of foreign currencies from financial institutions including dates, amounts, and rates of exchange.

Specific Authority 560.105 ~~560.105(3)~~ FS. Law Implemented 560.310 FS. History–New 9-24-97, Formerly 3C-560.705, Amended _____.

69V-560.706 Records to be Maintained by Authorized Vendors.

(1) Every authorized vendor of a money transmitter or payment instrument seller shall maintain at the location registered with the Office of ~~Financial Regulation~~ all records required by Sections 560.211(1) and ~~560.310(1)~~, F.S., and Rules 69V-560.702 through 69V-560.703~~5~~, F.A.C., for at least ~~3~~ 5 years, unless a longer period of time is required by federal or state law or regulations. Any readily accessible and retrievable form is acceptable, in lieu of maintaining original documents.

(2) Every authorized vendor of a money transmitter or payment instrument seller shall maintain at all times a copy of the written agreement between the money transmitter or payment instrument seller and the authorized vendor. It will only be necessary for the agreement to be maintained at the authorized vendor’s primary business address. Such agreements shall be made available to Office of ~~Financial Regulation~~ personnel upon request.

Specific Authority 560.105 ~~560.105(3)~~ FS. Law Implemented 560.205, 560.211, ~~560.307~~, 560.310 FS. History–New 11-4-01, Formerly 3C-560.706, Amended _____.

69V-560.707 Records to be Maintained by Deferred Presentment Providers.

(1) Every deferred presentment provider shall maintain the following records at a location in this state which has been designated to the Office of ~~Financial Regulation~~:

(a) through (d) No change.

(e) A daily summary of the business activities including the following documents:

1. Bank deposit receipts and supporting records detailing the bank deposit;
2. Copies of checks and withdrawal receipts evidencing withdrawal of funds from accounts maintained by the provider; and
3. A daily cash reconciliation ~~reconciliation~~ summarizing each day's activities and reconciling cash on hand at the close of business.

(f) through (k) No change.

(2) No change.

Specific Authority 560.105, 560.105(3), 560.404(23) FS. Law Implemented 560.404, 560.407 FS. History–New 12-17-01, Formerly 3C-560.707, Amended 9-14-04, _____.

69V-560.801 Verification Fee.

(1) In addition to the fees established in Section 560.309(8) ~~560.309(4)~~, F.S., a check casher or deferred presentment provider may collect the direct costs associated with verifying a payment instrument holder's identity, residence, employment, credit history, account status, or other necessary information, including the verification of a drawer's status on the Office of Financial Regulation's administered database for deferred presentment transactions prior to cashing the payment instrument or accepting a personal check in connection with a deferred presentment transaction. Such verification fee shall be collected only when verification is conducted and shall not exceed \$5.00 per transaction. For example, a check casher shall not charge a drawer more than one (1) verification fee per diem, regardless of whether the check casher is cashing or has cashed more than one (1) of the drawer's payment instruments that day.

(2) For purposes of Section 560.309(8), F.S., and this rule, the "direct costs of verification" shall mean those costs that are allocated by the provider to a particular function or are readily ascertainable based upon standard commercial practices and include internal staff and infrastructure costs incurred by the provider in performing the verification function and payments to third party vendors who provide verification related services. It is the responsibility of the registrant to document that verification fees are based upon the actual costs associated with such verification.

Specific Authority 560.105, 560.105(3), 560.404(23) FS. Law Implemented 560.309, 560.309(4), 560.404(6) FS. History–New 9-24-97, Amended 12-17-01, Formerly 3C-560.801, Amended _____.

69V-560.802 Minimum Disclosure.

(1) through (2) No change.

Specific Authority 560.105, 560.105(3), 560.404(23) FS. Law Implemented ~~560.302(1)~~, 560.309 FS. History–New 9-24-97, Amended 12-30-98, 12-17-01, Formerly 3C-560.802.

69V-560.804 Payment Method.

(1) Payment shall be made immediately in currency for every payment instrument received by a person engaging in the activities of a check casher.

~~(2) For purposes of this chapter, "currency" shall have the meaning defined in Section 560.103(6), F.S.~~

~~(2)(3) Each deferred presentment provider shall immediately provide the drawer with currency for the full amount of his or her personal check to be held by the provider, less only the fees authorized by Section 560.404, F.S. Only deferred presentment providers that are Part II licensees registrants may provide a payment instrument, including an Automated Clearing House credit, in lieu of currency; however, such a provider shall not require a drawer to accept a payment instrument in lieu of currency.~~

Specific Authority 560.105, 560.105(3), 560.404(23) FS. Law Implemented 560.302(1), 560.309, 560.404 FS. History–New 9-24-97, Amended 12-17-01, Formerly 3C-560.804, Amended _____.

69V-560.805 Gross Income Test.

For purposes of determining whether a person is engaged in the business of check cashing for which registration is required the following formula will be applied:

Compensation for Check Cashing/Foreign Currency Exchange

$$\frac{\text{Gross Income} + \text{Compensation for Check Cashing/Foreign Currency Exchange}}{\text{"Gross Income" means Gross Revenue (Sales) – Cost of Goods Sold.}}$$

Specific Authority 560.105, 560.105(2) FS. Law Implemented 560.304(2) FS. History–New 9-14-04, Amended _____.

69V-560.901 Scope.

This section contains the specific requirements for deferred presentment providers with respect to the procedures employed to accomplish a deferred presentment transaction.

Specific Authority 560.105, 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New 12-17-01, Formerly 3C-560.901.

69V-560.902 Definitions.

(1) The term "provider" means a deferred presentment provider as defined by Section 560.103(10) ~~560.402(5)~~, F.S.

(2) The term "close of business" means the time of day that a provider closes its office to the public for that calendar day or 7:00 p.m. at the election of the licensee.

(3) The term "database" means the Office of ~~Financial Regulation~~ administered transactional database authorized by Section 560.404(23), F.S.

(4) The term “database vendor” means the vendor, which contracted with the Office of ~~Financial Regulation~~ for the purpose of developing and administering the daily operations of the database.

(5) The term “registered” means that a deferred presentment provider has provided to the database the information required to identify a valid deferred presentment transaction.

(6) The term “recorded” means that the database has assigned a transaction authorization number to a registered transaction, logged it as an open transaction, and communicated the transaction authorization number to the deferred presentment provider.

(7) The term “consumer credit counseling” means a confidential comprehensive personal money management review, including budget counseling resulting in a written assessment of the client’s financial situation by the consumer credit counselor which includes a suggested client action plan based upon a range of options chosen according to the best interests of the client. The suggested client action plan may include: the client handling their financial concerns on their own; enrollment in a debt repayment plan managed by the credit counseling agency; and/or information about bankruptcy other than legal advice.

(8) The term “notice” means written communication to the last address provided to the Office of ~~Financial Regulation~~ by regular mail, electronic mail, or facsimile; provided that notice to the Office of ~~Financial Regulation~~ must be to the DPP Database Contract Manager, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375, or by electronic mail to electronic_licensing@fldfs.com ~~mail-dbf-state.fl.us~~, or by facsimile to DPP Database Contract Manager, Office of Financial Regulation, (850)410-9279.

(9) The term “open transaction” or “open” means a transaction which has been registered and recorded but not terminated or pending.

(10) The term “pending transaction” or “pending” means an open transaction that is in the process of clearing the banking system, in the 60-day grace period pursuant to Section 560.404(22)(a), F.S., or returned to the provider pursuant to Section 560.406, F.S.

(11) The term “closed transaction” or “close” means a transaction terminated as provided in subsection 560.903(1), F.S.

(12) The term “immediately” means prior to the customer exiting the location in all circumstances except for depositing of checks, processing of ACH items for collection, or grace period related updates. In such instance, the term shall mean not later than 11:59 p.m. on the date that the event creating the need for the database update occurs.

(13) The term “check” includes but is not limited to any authorization to transfer or withdraw funds from an account signed by the drawer, including any authorization by a drawer to execute an Automated Clearing House debit transaction.

Specific Authority 560.105, 560.105(3), 560.404(23) FS. Law Implemented 560.402, 560.404 FS. History–New 12-17-01, Amended 4-17-02, Formerly 3C-560.902, Amended 9-14-04,_____.

69V-560.903 Deferred Presentment Transactions.

(1) No change.

(2)(a) The drawer shall provide evidence to the provider that his or her check that was the basis of a previous deferred presentment transaction has cleared the drawer’s account at least 24 hours prior to entering into a new deferred presentment transaction (except that the provider may obtain such evidence as provided in subparagraph 4. below). Evidence of a check having cleared the drawer’s account may include, but shall not be limited to:

1. A copy of the drawer’s bank statement showing the check has cleared;
2. The canceled check or a copy of the canceled check;
3. A copy of any other record provided by the drawer’s financial institution or electronic network to which that financial institution subscribes such as an ATM inquiry that shows the check to have cleared; or
4. A verbal representation, documented in writing by the provider, from the drawer’s financial institution to the provider that the drawer’s check has cleared, if the drawer’s financial institution will provide such representation.

(b) and (c) No change.

Specific Authority 560.105, 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New 4-17-02, Formerly 3C-560.903, Amended 9-14-04,_____.

69V-560.904 Transaction Agreement Disclosures and Requirements.

(1)(a) Each deferred presentment transaction agreement must contain the following:

1. The drawer’s identification information including name, address, social security or alien registration number, and if provided, the drawer’s driver’s license number;
2. The name or trade name, registration number, address, and telephone number of the deferred presentment provider and the name and title of the person who signs the agreement on behalf of the deferred presentment provider;
3. The date the deferred presentment transaction was executed;
4. The face amount of the drawer’s personal check;
5. The length of the deferment period (in days);
6. The last day of the deferment period;

7. The time of day on the last day of the deferment period for the drawer to either redeem his or her check or request the grace period. Such time shall be the close of business for that calendar day;

8. The address and toll-free telephone number of the Office of ~~Financial Regulation~~;

9. A clear description of the drawer's payment obligations under the deferred presentment transaction;

10. The disclosure notice required by Section 560.404(20), F.S.;

11. The transaction number assigned by the Office of ~~Financial Regulation's~~ database. This provision shall become effective on March 1, 2002;

12. The amount of currency or the amount of any payment instrument provided to the drawer;

13. A listing of all fees charged to the drawer categorized by fee type (i.e., 10% transaction fee and verification fee);

14. The disclosures required by Section 560.404(13), F.S.;

15. The drawer's written signature and date of execution which shall be done in the presence of the provider or an authorized employee of the provider;

16. The provider or its authorized employee's written signature and date of execution;

17. The check number of the drawer's check; and

18. The drawer's date of birth.

(b) If the deferred presentment provider (Part II ~~licensees registrants~~ only) intends to provide the drawer with a payment instrument in lieu of currency, the agreement shall also contain the drawer's acknowledgment that he or she has consented to accept the provider's payment instrument in lieu of currency. Such acknowledgment shall clearly state that it is the drawer's choice to obtain such payment instrument, and that the provider may not require a drawer to accept a payment instrument in lieu of currency. For purposes of this section, the drawer may accept disbursement of the proceeds via ACH credit to the drawer's account. This acknowledgment shall be separately initialed by the drawer;

(c) No change.

(2) No change.

(3)(a) Upon being given notice by a drawer in person that he or she will not be able to cover the check or pay the full amount owed to the of provider in accordance with the agreement, every provider shall verbally advise the drawer of the availability of the grace period. A provider shall provide the drawer with the written notice required by Section 560.404(22)(b)3., F.S. Such notice shall be executed and dated by both the drawer and an authorized employee of the registrant.

(b) The provider shall attach a free copy of the Office's of ~~Financial Regulation's~~ list of approved consumer credit counseling agencies including the toll-free telephone number of the Office of ~~Financial Regulation~~.

Specific Authority ~~560.105, 560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History--New 12-17-01, Formerly 3C-560.904, Amended 9-14-04, _____.

69V-560.905 Transaction Fees.

(1) The transaction fee for a deferred presentment transaction shall be limited to ten percent (10%) of the amount of currency or payment instrument provided to the drawer. A deferred presentment provider may also charge a verification fee in accordance with Rule 69V-560.801, F.A.C. An example of the computation of the maximum fees allowed by the code in a transaction where the drawer is seeking an advance of \$500 would be as follows:

(a) \$500 advanced to the drawer;

(b) A \$50 fee (\$500 X 10%); and

(c) Up to \$5 for the direct costs associated with verification of the drawer's identity and/or employment. In this example, the provider would provide currency or a payment instrument (Part II ~~licensees registrants~~) in the amount of \$500 to the drawer, and the drawer would provide a personal check in the amount of between \$550-\$555 depending upon the exact amount of the direct costs of verification, if any, assessed by the provider with respect to this drawer. Unless a drawer has met the requirements for an automatic grace period, the drawer would be required to either redeem his or her personal check in cash (face amount of the check) or the provider would on the due date or a reasonable time thereafter present such personal check to the financial institution for payment.

(2) through (4) No change.

Specific Authority ~~560.105, 560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History--New 12-17-01, Formerly 3C-560.905, Amended _____.

69V-560.906 Consumer Credit Counseling Services.

(1) The Office of ~~Financial Regulation~~ shall publish a list of consumer credit counseling agencies by October 1st of each calendar year via the Office's of ~~Financial Regulation's~~ website (www.flofr.com). The Office of ~~Financial Regulation~~ will accept requests from consumer credit counseling agencies to be included on the list on an ongoing basis and may periodically republish the list at its discretion. If the Office of ~~Financial Regulation~~ makes a decision to publish the list more often, a notice of such change will be posted on the Office's of ~~Financial Regulation's~~ website. The provider will then be responsible for making and distributing such additional copies of the list to all branch locations engaging in deferred presentment transactions.

(2) Every deferred presentment provider shall maintain a copy of the Office's of ~~Financial Regulation's~~ list of approved consumer credit counseling agencies and shall provide a copy of the list, free of charge, to any drawer who requests the grace period in accordance with the provisions of Section 560.404(22), F.S.

(3) through (8) No change.

(d) Each *Holiday* MILLIONAIRE RAFFLE ticket will contain a unique ticket number that will be entered automatically into the *Holiday* MILLIONAIRE RAFFLE drawing. *Holiday* MILLIONAIRE RAFFLE tickets will automatically print from the terminal with ticket numbers issued in sequential order from 0000001 to 1000000 as they are sold around the state. Each *Holiday* MILLIONAIRE RAFFLE ticket will contain only one ticket number. Players cannot select their own ticket numbers.

(e) The overall odds of winning a prize in the *Holiday* MILLIONAIRE RAFFLE game depend upon the number of tickets sold and are 1 in 970 if all 1,000,000 tickets are sold.

(f) *Holiday* MILLIONAIRE RAFFLE tickets cannot be cancelled.

(2) *Holiday* MILLIONAIRE RAFFLE Drawing and Prizes.

(a) A random computerized drawing from among all *Holiday* MILLIONAIRE RAFFLE ticket numbers issued during the sales period will be held on December 31, 2008 to select 1,031 numbers. Prizes will be awarded in the order drawn. The first through ninth numbers drawn will win \$1 million cash. The 10th through 19th numbers drawn will win \$50,000 and will be alternates in the order drawn for a \$1 million prize in the event a top prize is not claimed within the 180-day claim period. The 20th through 31st numbers drawn will each win \$5,000 and the 32nd through 1,031st numbers drawn will each win \$500.

(b) The *Holiday* MILLIONAIRE RAFFLE drawing shall be public and witnessed by an accountant employed by an independent certified public accounting firm, as required by subsection 24.105 (10), F.S.

(c) The results of the drawing will be revealed on December 31, 2008, and will be available after the drawing on the Lottery's website at www.flalottery.com. The winning numbers in the top prize category will also be available by phone at (850)487-7777, [TDD (850)487-7784], and the winning numbers in the top three prize categories will be available at lottery retailers.

(3) How to Claim a *Holiday* MILLIONAIRE RAFFLE Prize.

(a) *Holiday* MILLIONAIRE RAFFLE prizes must be claimed by submitting the winning ticket for validation at a Lottery office or retailer within 180 days from the date of the drawing (June 29, 2009) and, if the prize is not paid at that time, by submitting the winning ticket for payment at a Florida Lottery office as required by the Lottery's rule governing payment of prizes. Tickets winning \$1 million must be submitted for payment at Lottery Headquarters. Failure of a prizewinner to claim a *Holiday* MILLIONAIRE RAFFLE prize by submitting the winning ticket for validation and payment in accordance with the Lottery's rule governing

payment of prizes shall result in forfeiture of the prize. Information about procedures for filing a claim can be obtained by calling (850)487-7777 [TDD (850)487-7784]. *Holiday* MILLIONAIRE RAFFLE tickets are the only valid receipts to redeem a prize.

(b) A claim filed for a \$50,000 prize shall also be a contingent claim for a \$1 million prize. If a winning *Holiday* MILLIONAIRE RAFFLE ticket bearing any of the first nine winning numbers is not submitted for validation and payment in accordance with the Lottery's rule governing payment of prizes, the 10th through 19th prizewinners who have submitted their tickets for validation and payment in accordance with the Lottery's rule governing payment of prizes constitute contingent winners for the \$1 million prize and will be used in the order in which they were drawn to select a winner for the \$1 million top prize. The contingent winner will be awarded the cash difference between the \$50,000 prize and the \$1 million prize.

If applicable, the Lottery will attempt to notify, for a period of two weeks, the first contingent winner drawn in the \$50,000 prize category. If the Lottery is unable to contact the first contingent winner, the Lottery will attempt to notify, for a period of two weeks, the second contingent winner drawn. This process will continue until a contingent winner is contacted or the Lottery has exhausted the list of available contingent winners, in which case the \$1 million prize will not be awarded.

(c) Payment of federal, state and/or local taxes will be the responsibility of the winner. Federal withholding taxes will be deducted from the \$1 million and \$50,000 prizes.

(4) General Information.

(a) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(b) All *Holiday* MILLIONAIRE RAFFLE prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 11-13-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 13, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-71
 RULE TITLE: *Holiday* MILLIONAIRE RAFFLE™
 Retailer Incentive Rules

SUMMARY: The Department of the Lottery will conduct a “*Holiday* Millionaire Raffle Retailer Incentive” program from November 14, 2008 through December 28, 2008, in which certain retailers will receive bonus commissions during the promotion period.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-71 *Holiday* MILLIONAIRE RAFFLE™ Retailer Incentive Rules.

(1) *Holiday* MILLIONAIRE RAFFLE™ is an on-line number match game. *Holiday* MILLIONAIRE RAFFLE tickets will go on sale Friday, November 14, 2008. Sales of *Holiday* MILLIONAIRE RAFFLE tickets will cease immediately after the 1,000,000th ticket is sold or at midnight on December 30, 2008, whichever occurs first.

(2) Each *Holiday* MILLIONAIRE RAFFLE ticket will contain a unique ticket number that will be entered automatically into the *Holiday* MILLIONAIRE RAFFLE drawing. A random computerized drawing from among all *Holiday* MILLIONAIRE RAFFLE ticket numbers issued during the sales period will be held on December 31, 2008. A total of 1,031 prizes will be awarded. Prizes will be awarded in the order drawn. The first through ninth numbers drawn will win \$1 million cash. The 10th through 19th numbers drawn will win \$50,000 and will be alternates in the order drawn for a \$1 million prize. The 20th through 31st numbers drawn will win \$5,000 and the 32nd through 1,031st numbers drawn will win \$500.

(3) A retailer who sells a winning \$1 million *Holiday* MILLIONAIRE RAFFLE ticket will receive a bonus commission of \$5,000 in addition to the regular five percent sales commission set forth in Rule 53ER05-14, F.A.C.

(4) Award of a bonus commission is not dependent upon the winning *Holiday* MILLIONAIRE RAFFLE ticket being claimed by the winner. Retailers who sell winning \$50,000 *Holiday* MILLIONAIRE RAFFLE tickets that subsequently become alternate winners of a \$1 million prize will not be eligible for a bonus commission.

(5) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission provided the termination or inactivation was not due to non-compliance with Florida Lottery laws, rules or contract terms.

(6) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply the bonus commission earned against a retailer’s outstanding debt to the Florida Lottery.

(7) This emergency rule is effective upon filing. *Holiday* MILLIONAIRE RAFFLE bonus sales commissions are subject to availability of funds appropriated for retailer incentives. This Promotion is subject to cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state’s best interest to use such funds for this purpose.

Specific Authority 24.105(9), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9), 24.112(1) FS. History–New 11-13-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 13, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on November 12, 2008, the State Board of Administration, received a petition from the Tower Hill Insurance Group LLC, on behalf of five of its member companies: Tower Hill Preferred Insurance Company, Tower Hill Select Insurance Company, Tower Hill Prime Insurance Company, Omega Insurance Company and Hillcrest Insurance Company. This petition seeks a waiver or variance under Section 120.542, Florida Statutes, from the premium formula and premium rates adopted by incorporation into Rule 19-8.028, Florida Administrative Code. Expedited handling has been requested.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ann Mytych, Interim Agency Clerk, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300. Any interested person or other agency may submit written comments on the petition for waiver or variance within 5 days after the notice required by Section 120.542(6), Florida Statutes. Such comments should be submitted to the Interim Agency Clerk at the address given immediately above.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on October 15, 2008, the St. Johns River Water Management District's Governing Board has issued an order.

The District granted a variance under Section 120.542, F.S., (SJRWMD FOR #2008-81), to West Melbourne Holdings II, LLC (Petitioner). The Petition for Variance was received by SJRWMD on March 31, 2008. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 34, No. 32 on August 8, 2008. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code, and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship, and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources, by facilitating the project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne-Tillman Water Control District canal system to drain once again to the St. Johns River. A copy of the Order may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel at: Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, or by telephone at (386)312-2347.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on November 7, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

An Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Café Con Leche Express located in Pembroke Pines. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment requests to utilize public bathrooms that are over 300 feet away from the food service establishment.

The variance was approved contingent upon the Petitioner ensuring the public bathrooms located within 350 feet are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. Petitioner will be a take-out only with no seats. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on November 3, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code, from Outdoor Bar located in Pt. Charlotte. The above referenced F.A.C. states... the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code...Studs, joists, and rafters may not be exposed in areas subject to moisture. Specifically, the Petitioner requests to operate with exposed studs, joists or rafters in an outside tiki bar.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on November 3, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code, from Partytime Playhouse located in St. Cloud. The above referenced F.A.C. states...the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code...Studs, joists, and rafters may not be exposed in areas subject to moisture. Specifically, the Petitioner requests to operate with exposed studs, joists or rafters in an indoor bar that has recently been added to an existing establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on October 27, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(6), Florida Administrative Code, from Portofino located in Pt. Charlotte. The above referenced F.A.C. states...the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code...Studs, joists, and rafters may not be exposed in areas subject to moisture. Specifically, the Petitioner requests to operate with exposed studs, joists or rafters in an indoor bar that has recently been added to an existing establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on November 14, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

An Emergency Variance for paragraph 61C-501.115(A), 2001 FDA Food Code and subsection 61C-4.010(6), Florida Administrative Code (F.A.C.), from Seafire Restaurant located in Orlando. The above referenced F.A.C., references the provisions of Chapter 6, 2001, Federal Drug Administration Food Code, which prohibits live animals on the premises of a food service establishment. The Petitioner requests a variance from the prohibition of animals on the premise in order to have wild animal shows in a portion of the dining room separate from the food preparation, food storage or warewashing areas and where no cross contamination can occur.

The variance is approved contingent upon the Petitioner ensuring the wild animals will not contaminate, either directly or indirectly, food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles. No food preparation or storage will be conducted in the separate dining room where the animal presentation will be conducted and the public will be prohibited from direct contact with the animals. No other prohibited animals will be allowed on the premises. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

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 October 31, 2008, the Bureau of Beaches and Coastal Systems has issued an order.

A petition was filed on May 2, 2008, by Archibald J. Thomas, on behalf of himself, Mr. & Mrs. Herron, and Mr. & Mrs. Neary, regarding properties located at 3560, 3570 and 3550 Coastal Highway, respectfully, Vilano Bch., in St. Johns County. Notice of receipt of this petition was published in the Florida Administrative Weekly on May 23, 2008. The petition sought a variance or waiver from subsections 62B-33.002(18) and (19), F.A.C., which defines "eligible structures" and "emergency protection", respectfully, and Rule 62B-33.0051, F.A.C., which provides the conditions where construction of armoring shall be authorized. No public comment was received.

The Order, file number SJ-1031 AR V, grants the Petitioner a variance from subsection 62B-33.002(18) and subparagraph 62B-33.0051(1)(a)1., F.A.C. No variance is granted for subsection 62B-33.002(19), F.A.C., or for the remaining sections of Rule 62B-33.0051, F.A.C. The variance is granted based upon the Petitioner's demonstration that a strict application of the rule would result in substantial hardship to the Petitioner and because Petitioner had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order may be obtained by contacting: Rosaline Beckham, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, (850)488-7815, e-mail: rosaline.beckham@dep.state.fl.us.

DEPARTMENT OF JUVENILE JUSTICE

NOTICE IS HEREBY GIVEN THAT on November 12, 2008, the Florida Department of Juvenile Justice, received a petition for variance filed by Eckerd Youth Alternatives, Inc., the operator of three outdoor residential commitment programs for delinquent youths. The requested variance pertains to that portion of subparagraph 63E-7.013(19)(b)1., F.A.C., restricting home visits for youth held in low- and moderate-risk facilities to the final 90 days of the program. Comments on this petition (DJJ08-002WV) should be filed with: Agency Clerk, Chakita Jenkins, 2737 Centerview Drive, Ste. 3200, Tallahassee, Florida 32399-3100, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: John Milla, 2737 Centerview Drive, Ste. 3200, Tallahassee, Florida 32399-3100, (850)921-4129, e-mail: john.milla@djj.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on November 10, 2008, the Department of Health has issued an order.

The order was issued in response to a petition for a waiver filed on March 10, 2008, by Jason Churchill, representing Orenco Systems, Inc., regarding the "Orenco AdvanTex Wastewater Treatment Systems". Petitioner sought a waiver of Rule 64E-6.0295, Florida Administrative Code, which requires an applicant desiring reclassification of an innovative technology as performance-based include performance results from the systems installed in the state under the innovative permit. Notice of the petition was published in the March 21, 2008, edition of the Florida Administrative Weekly.

The Department found that the Petitioner failed to demonstrate that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would violate principles of fairness in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department DENIED Petitioner's request for a waiver.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **State Historical Records Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Amelia Island Museum of History, 233 South Third Street, Fernandina Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Council of State Archivists project, Intergovernmental Preparedness for Essential Records (IPER); Review the Council's Survey of Archives and Records Management Programs; discuss the Partnership for the American Historical Record (PAHR project); review of the Board Strategic Plan; and update members on projects and issues of the State Library and Archives of Florida.

A copy of the agenda may be obtained by contacting: Jim Berberich, Coordinator, State Historical Records Advisory Board at (850)245-6750.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jim Berberich, Coordinator, State Historical Records Advisory Board at (850)245-6750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jim Berberich, Coordinator, State Historical Records Advisory Board at (850)245-6750.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 16, 2008, TBA

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Gender Bias in the Media Roundtable Forum.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 4, 2008, 3:30 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Nominating Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 8, 2008, 1:45 p.m. – 4:00 p.m.

PLACE: Collins Building, Administrative Services Room 163, 107 West Gaines, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence,

drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the agenda may be obtained by visiting: <http://www.cssbmb.com>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Agricultural Horse Park and Agricultural Center Authority** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, December 9, 2008, 3:00 p.m. and 5:30 p.m.

PLACE: Wachovia Bank, 2001 Southwest 17th Street, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 3:00 p.m. meeting is for the various committees of the authority. The 5:30 p.m. meeting in a full board meeting to discuss general authority business.

A copy of the agenda may be obtained by contacting: Richard Gunnels at (850)488-3022 or gunnelr@doacs.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: Richard Gunnels at (850)488-3022 or gunnelr@doacs.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 EDUCATION

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIME: A Teacher Hearing Panel: December 4, 2008, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Staybridge Suites Tallahassee, 1600 Summit Lake Drive, Tallahassee, Florida 32317, (850)219-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are 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: Janice Harris or Kathleen M. Richards.

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATES AND TIMES: December 5, 2008, An Administrator Hearing Panel: 9:00 a.m. or as soon thereafter as can be heard; A Teacher Hearing Panel: December 5, 2008, 9:30 a.m. or as soon thereafter

PLACE: Staybridge Suites Tallahassee, 1600 Summit Lake Drive, Tallahassee, Florida 32317, (850)219-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are 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: Janice Harris or Kathleen M. Richards.

The **Florida Atlantic University** announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2008, 2:00 p.m.

PLACE: 777 Glades Road, Building 69, Room 110, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an orientation meeting regarding Florida's Art in State Building Program for BT-624 FAU/UF Joint Use Facility.

A copy of the agenda may be obtained by contacting: Corina Mavrodin at (561)297-0541.

Pursuant to the provisions of 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: Corina Mavrodin at cmavrodi@fau.edu. If you are 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: Corina Mavrodin at (561)297-0541.

The **Commission for Independent Education** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 10, 2008, 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2453206

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the rules committee and to conduct a rules workshop on the following rules:

- 6E-1.003 Definition of terms
- 6E-1.0032 Fair Consumer Practices
- 6E-2.001 Approved Applicant Status
- 6E-2.002 Institutional Licensure
- 6E-2.004 Standards and Procedures for Licensure
- 6E-2.0041 Delivery of Programs Through Nontraditional Assessments Modes and Methods
- 6E-2.0081 Change of Ownership and Control
- 6E-4.001 Fees and Expenses.

A copy of the agenda may be obtained by contacting: Commission Office, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Commission Office, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee,

Florida 32399-0400. If you are 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 College System Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: December 4, 2008, 10:00 a.m. – 2:30 p.m.
 PLACE: Seminole Community College, Center for Economic Development, Heathrow Campus, Room 138, 1055 AAA Drive, Heathrow, Florida 32747. This meeting will also take place via conference call: Dial-in Number: 1(800)617-4268, Code: 447-153-68.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic planning for the Florida College System and state colleges in Florida.

A copy of the agenda may be obtained by contacting: Kasongo Butler at kasongo.butler@fldoe.org.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: December 8-10, 2008, 8:00 a.m. – completion

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED: December 8, 2008:

9:00 a.m. Meeting of the Hurricane Research Advisory Committee.

9:00 a.m. Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: 800 Ocean Drive, Miami Beach; Brevard County High School CCC Auditorium, 2335 Malabar Road, Palm Bay; AMC Theatre at Tyrone Square, 2030 Tyrone Boulevard North, St. Petersburg; Miami-Dade Fire Rescue Station 10, 175 172nd Street, Sunny Isles Beach; Miami-Dade Fire Rescue Station 67, 1275 N. W. 79th Street, Miami; Miami-Dade Fire Rescue Station 40, 975 S. W. 62nd Avenue, West Miami; Roads Montessori, LLC, 2725 SW 3rd Avenue, Miami; Cobb Theatres at Old Hyde Park Village, 1609 West Swann Avenue, Tampa, Chesterbrook Academy, Port St. Lucie; Strike Industries, 3446 S. W. 15th, Deerfield Beach; Ravallo Resort and Convention Center, 11901 Ravallo Resort Drive, Orlando; Trademark Cinemas, Coral Square 8, 770 Riverside Drive, Coral Springs; Stonehenge, LLC, 200 West College Avenue, Tallahassee; Brandt Information Services, Inc., 501 North Duval Street, Tallahassee; Chris Haywood.

1:00 p.m. Meeting of the Structural Technical Advisory Committee.

1:00 p.m. Accessibility Design Charette for Hotels.

3:00 p.m. Product Approval Program Oversight Committee.
 December 9, 2008:

8:30 a.m. Meeting of the Electrical Technical Advisory Committee.

8:30 a.m. Meeting of the Roofing Technical Advisory Committee.

8:30 a.m. Meeting of the CO Detector Work Group.

10:30 a.m. Meeting of the Fire Technical Advisory Committee.

1:00 p.m. Meeting of the Mechanical Technical Advisory Committee.

1:00 p.m. Meeting of the Education Program Oversight Committee.

2:00 p.m. New Commissioner Welcome and Orientation.

3:30 p.m. Meeting of the Plenary Session of the Florida Building Commission.

Review and approval of the Agenda.

Review and approval of the October 14 and 15, 2008 Meeting Minutes and Facilitator’s Report.

Chair’s Discussion of Issues and Recommendations.

Review Prioritization Exercise Results and Update of Commission Workplan.

Consider requests for waiver of accessibility code requirements: 800 Ocean Drive, Miami Beach; Brevard County High School CCC Auditorium, 2335 Malabar Road, Palm Bay; AMC Theatre at Tyrone Square, 2030 Tyrone Boulevard North, St. Petersburg; Miami-Dade Fire Rescue Station 10, 175 172nd Street, Sunny Isles Beach; Miami-Dade Fire Rescue Station 67, 1275 N. W. 79th Street, Miami; Miami-Dade Fire Rescue Station 40, 975 S. W. 62nd Avenue, West Miami; Roads Montessori, LLC, 2725 S. W. 3rd Avenue, Miami; Cobb Theatres at Old Hyde Park Village, 1609 West Swann Avenue, Tampa, Chesterbrook Academy, Port St. Lucie; Strike Industries, 3446 SW 15th, Deerfield Beach; Ravallo Resort and Convention Center, 11901 Ravallo Resort Drive, Orlando; Trademark Cinemas, Coral Square 8, 770 Riverside Drive, Coral Springs; Stonehenge, LLC, 200 West College Avenue, Tallahassee; Brandt Information Services, Inc., 501 North Duval Street, Tallahassee; Chris Haywood.

Consider Applications for Product and Entity Approval.

Consider Legal Issues, Product Approval Revocation(s), Binding Interpretations Report(s), and Petitions for Declaratory Statement.

Declaratory Statements:

First Hearing:

DCA08-DEC-194 by Dan Arlington, St. Johns County Building Department.
 DCA08-DEC-207 by Anthony Apfelbeck, Fire Marshall/Building Official, City of Altamonte Springs.
 DCA08-DEC-289 by Glen Lathers, Hillsborough County Public Schools.
 DCA08-DEC-329 by Brad Weatherholtz, FRSA Inc.
 DCA08-DEC-330 by Brad Weatherholtz, FRSA Inc.
 DCA08-DEC-331 by Brad Weatherholtz, FRSA Inc.
 DCA08-DEC-337 by Roger Sanders, Nova Engineering and Environmental, LLC.
 DCA08-DEC-339 by Jose Sanchez, Fenestration Testing Laboratory, Inc.
 Consider Committee Reports and Recommendations: Electrical TAC Report; Fire TAC Report; Mechanical TAC Report; Roofing TAC Report; Structural TAC Report; Education POC Report; Product Approval/Manufactured Buildings POC Report; Bedroom Definition Work Group; CO Detector Work Group; Hurricane Research Advisory Committee Report; and Soffit Work Group Report.

Recess

Second Hearing:

DCA08-DEC-168 by Leonard Terry, President, Omnicrete.
 DCA08-DEC-193 by Richard Mihalich.
 DCA08-DEC-201 by Michael Schultz, P.E., Buckeye.
 DCA08-DEC-204 by Robert Jamieson, Underwriters Laboratories.
 DCA08-DEC-205 by Neil Melick, City of West Palm Beach, Construction Services Department.
 DCA08-DEC-208 by Luke Ismert of Schier Products.
 DCA08-DEC-209 by Tom Hardiman of the Modular Building Institute.
 DCA08-DEC-216 by Vincent Vaulman, CCE, Regional Manager, Madsen, Kneppers & Associates, Inc.
 DCA08-DEC-236 by W Vincent of Construction Specialties, Inc.
 DCA08-DEC-237 by W Vincent of Construction Specialties, Inc.
 DCA08-DEC-238 by W Vincent of Construction Specialties, Inc.

DCA08-DEC-239 by W Vincent of Construction Specialties, Inc.
 DCA08-DEC-257 by Chris Birchfield of No-Burn S. E., Inc.
 DCA08-DEC-258 by David E Sands of Bamboo Technologies
 DCA08-DEC-268 by Sandra Gump of Fomo Products, Inc.
 DCA08-DEC-275 by Ken Norton of Power Design, Inc.

December 10, 2008:

8:30 a.m. Reconvene the Meeting of the Plenary Session of the Florida Building Commission.
 Report on Accessibility Design Charette for Hotel Sleeping Room Renovations.
 Rule Development Workshop on Rule 9B-70, F.A.C., Education.
 Rule Adoption Hearing on Rule 9B-3.047, F.A.C., Florida Building Code, Glitch Amendments.
 Consider Commission Recommendations and Annual Report to the 2009 Legislature.
 Commission Member Comments and Issues
 General Public Comment
 Review Committee Assignments and Issues for the December 15, 2008 Teleconference and February 2, 3 and 4, 2009 Commission Meetings.
 Summary Review of Meeting Work Products.
 Adjourn.

December 10, 2008:

Upon Close of Plenary Session: 2010 Florida Building Code Assembly Process Ad Hoc – Publication of the 2010 Codebooks.

A copy of the agenda may be obtained by contacting: Ms. Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436, or go to the website: www.floridabuilding.org. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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. Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436, or go to the website: www.floridabuilding.org.

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2008, 10:00 a.m.

PLACE: MEETING TO BE CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY, specifically Conference Call Telephone Number: 1(888)808-6959, Code: 9221867

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Building Commission Meeting will conduct a rule development workshop on Rule 9B-72.090, F.A.C., and a rule development workshop on Rule 9B-72.180, F.A.C.

A copy of the agenda may be obtained by contacting: Ms. Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2008, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Criminal Justice Professionalism Program announces a public meeting for a Probable Cause Determination to which all persons are invited to attend. The purpose is to determine if probable cause exists to proceed with possible disciplinary action against certain criminal justice officers.

A copy of the agenda may be obtained by contacting: Brenda Presnell, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, P. O. Box 1489, Tallahassee, Florida 32302, (850)410-8648 or by e-mail: brendapresnell@fdle.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 14 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615. If you are 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: Training and Research Manager Glen Hopkins, FDLE Professional Compliance Section at (850)410-8645.

The **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 11, 2008, 10:30 a.m.

PLACE: Embassy Suites Tampa – USF Busch Gardens, 3705 Spectrum Boulevard, Tampa, Florida 33612, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

A copy of the agenda may be obtained by contacting: Ms. Victoria P. Gardner, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Victoria P. Gardner, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Victoria P. Gardner, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: December 9, 2008, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval to publish a Notice of Proposed Rulemaking for proposed creation of the following rules in new Rule Chapter 12D-9, F.A.C. (Requirements for Value Adjustment Boards; Uniform Rules of Procedure for Hearings Before Value Adjustment Boards; Certifications and Complaints): Rule 12D-9.010, F.A.C. (Property Taxpayer Rights and Responsibilities); Rule 12D-9.020, F.A.C. (Appointment of Legal Counsel to the Board); Rule 12D-9.030, F.A.C. (Role of Legal Counsel to the Board); Rule 12D-9.050, F.A.C. (Composition of Value Adjustment Board); Rule 12D-9.101, F.A.C. (Scope of These Uniform Rules of Procedure); Rule 12D-9.102, F.A.C. (Definitions); Rule 12D-9.103, F.A.C. (Duties of the Board); Rule 12D-9.1033, F.A.C. (Duties of Boards that Use Special Magistrates; Required Use; Qualifications; Clerk's Duties; List of Qualified Special Magistrates); Rule 12D-9.104, F.A.C. (Duties of the Clerk); Rule 12D-9.105, F.A.C. (Authority and Duties of Special Magistrates); Rule 12D-9.106, F.A.C. (Petition); Rule 12D-9.107, F.A.C. (Representation of the Taxpayer); Rule 12D-9.108, F.A.C. (Standards of Conduct); Rule 12D-9.109, F.A.C. (Filing and Service); Rule 12D-9.1095, F.A.C. (Written Authorization by Agent of Taxpayer to Receive Confidential Taxpayer Information); Rule 12D-9.110, F.A.C. (Exchange of Evidence); Rule 12D-9.111, F.A.C. (Notice of Hearing; Scheduling of Hearings; 4-Hour Rule; Presentation of Evidence; Testimony of Witnesses; Conducting Hearings by Electronic Media); Rule 12D-9.112, F.A.C. (Disqualification or Recusal of Special Magistrates); Rule 12D-9.113 (Ex Parte Communication Prohibition); Rule 12D-9.114, F.A.C. (Recordation); Rule 12D-9.1145, F.A.C. (Procedures for Remanded Assessments); Rule 12D-9.1146, F.A.C. (Appeals to the Value Adjustment Board of Denials and of Amount of Transfer of Assessment Limitation Difference (Portability));

Rule 12D-9.115, F.A.C. (Final Decisions); Rule 12D-9.116, F.A.C. (Further Judicial Proceedings); Rule 12D-9.120, F.A.C. (Duty of Clerk to Prepare and Transmit Record); Rule 12D-9.165, F.A.C. (Certification of Assessment Rolls); Rule 12D-9.180, F.A.C. (Complaints; Form Required); Rule 12D-9.190, F.A.C. (Notice of Noncompliance from Department of Revenue); and, Rule 12D-9.200, F.A.C. (Public Notice of Findings and Results of Value Adjustment Board).

A copy of the agenda may be obtained by contacting: Janice Forrester at (850)922-7945.

Pursuant to the provisions of 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: Janice Forrester at (850)922-7945. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: December 9, 2008, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval to publish a Notice of Proposed Rulemaking for the following proposed new and amended rules in Rule Chapter 12D-10, F.A.C. (Requirements for Decisions by Value Adjustment Boards): Rule 12D-10.0011, F.A.C. (Definitions for Administrative Review of Just Valuations); Rule 12D-10.0012, F.A.C. (Scope of Administrative Review of Just Valuations); Rule 12D-10.0013, F.A.C. (Process of Administrative Review of Just Valuations); Rule 12D-10.003, F.A.C. (Requirements for Decisions by Value Adjustment Boards and Recommended Decisions of Special Magistrates); Rule 12D-10.0032, F.A.C. (Review and Adoption of Recommended Decisions of Special Magistrates by Value Adjustment Boards); Rule 12D-10.00331, F.A.C. (Requirements for Decisions to Remand Assessments to Property Appraiser); Rule 12D-10.0035, F.A.C. (Definitions for Administrative Review of Classifications, Exemptions and "Portability" Assessment Differences); Rule 12D-10.0036, F.A.C. (Scope of Administrative Review of Classifications, Exemptions, and "Portability" Assessment Differences); Rule 12D-10.0037, F.A.C. (Process of Administrative Review of Classifications, Exemptions, and "Portability" Assessment Differences); Rule 12D-10.00395, F.A.C. (Requirements for Decisions by Value Adjustment Board and Recommended Decisions of Special Magistrates); Rule 12D-10.00396, F.A.C. (Review and Adoption of Recommended Decisions of Special Magistrates by Value Adjustment Boards); Rule

12D-10.00397, F.A.C. (Requirements for Decisions to Remand Classification Assessments to Property Appraiser); Rule 12D-10.00398, F.A.C. (Requirements for Administrative Review of Classified Use Valuations).

A copy of the agenda may be obtained by contacting: Janice Forrester at (850)922-7945.

Pursuant to the provisions of 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: Janice Forrester at (850)922-7945. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: December 9, 2008, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval to publish a Notice of Proposed Rulemaking for proposed revisions to Rule 12D-16.002, Florida Administrative Code (Administration of Forms). The purpose of the proposed revisions to this rule is to list the proposed new and amended forms that will support the proposed new rules in: a) Rule Chapter 12D-9, Florida Administrative Code (Requirements for Value Adjustment Boards; Uniform Rules of Procedure For Hearings Before Value Adjustment Boards; Certification and Complaints); and, b) the proposed new and revised rules in Rule Chapter 12D-10, Florida Administrative Code (Requirements For Decisions by Value Adjustment Boards).

A copy of the agenda may be obtained by contacting: Janice Forrester at (850)922-7945.

Pursuant to the provisions of 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: Janice Forrester at (850)922-7945. If you are 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 **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2008, 8:30 a.m.

PLACE: Hampton Inn & Suites, Ft. Lauderdale Airport, 2500 Stirling Road, Hollywood, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Christine Jones at (850)245-7914. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Scenic Highways Advisory Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 12, 2008, 9:00 a.m. – 12:00 Noon

PLACE: The Lafayette Room, Second Floor, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a Scenic Highways Advisory Committee meeting. The purpose of the meeting is to review and provide a recommendation on the 2008 Nominations for National Scenic Byways Designations.

A copy of the agenda may be obtained by contacting: Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)414-5250, e-mail: mariano.berrios@dot.state.fl.us or Fax (850)414-4443.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Mariano Berrios at (850)414-5250, e-mail: mariano.berrios@dot.state.fl.us or Fax (850)414-4443. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Transportation**, District Five announces a hearing to which all persons are invited.

DISTRICT FIVE DISTRICTWIDE WORK PROGRAM PUBLIC HEARING

FDOT Public Hearing

DATE AND TIME: December 15, 2008, 6:00 p.m.

PLACE: Department of Transportation, District Five Office Building, 719 South Woodland Boulevard, Cypress A&B Conference Rooms, DeLand, Florida 32720

ORANGE, OSCEOLA, AND SEMINOLE COUNTIES,
FDOT Public Hearing

DATE AND TIME: December 10, 2008, 11:15 a.m.

PLACE: METROPLAN ORLANDO, 315 East Robinson Street, Suite 355, One Landmark Center, Board Room, Orlando, Florida 32801

BREVARD COUNTY

FDOT Public Hearing

DATE AND TIME: December 11, 2008, 9:00 a.m.

PLACE: Brevard Metropolitan Planning Organization, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Third Floor, Florida Room, Viera, Florida 32940

VOLUSIA COUNTY

FDOT Presentation

DATE AND TIME: November 25, 2008, 8:00 a.m.

PLACE: Volusia County Metropolitan Planning Organization, 2570 West International Speedway Boulevard, Indigo Professional Centre, Suite 120, Daytona Beach, Florida 32141

LAKE AND SUMTER COUNTIES

FDOT Presentation

DATE AND TIME: December 3, 2008, 2:00 p.m.

PLACE: Lake/Sumter Metropolitan Planning Organization, Tavares Civic Center, 110 Caroline Street, Tavares, Florida 32778

FLAGLER COUNTY

FDOT Presentation

DATE AND TIME: December 8, 2008, 5:30 p.m.

PLACE: Flagler Board of County Commissioners Workshop, Emergency Operations Center, Training Rooms A&B, 1769 E. Moody Boulevard, Building #3, Bunnell, Florida 32110

MARION COUNTY

FDOT Presentation

DATE AND TIME: January 27, 2008, 4:00 p.m.

PLACE: Ocala/Marion County Transportation Planning Organization, Marion County Commission Auditorium, 601 South East 25th Avenue, Ocala, Florida 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation, District Five, announces the Public Hearings and Presentations for the Department's Tentative Five Year Work Program for Fiscal Year 2009/2010

through 2013/2014. The Public Hearings will include information for Brevard, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter and Volusia Counties.

The Department's Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. The purpose of the Public Hearings is to consider the Department's Tentative Five Year Work Program for Fiscal Years 2009/2010 through 2013/2014 and consider making any changes to the Program. Some of Public Hearings also will include consideration of proposed projects for the Florida's Turnpike Enterprise.

Written comments from all interested parties will be accepted by the Department at the Public Hearings and within ten days after the Public Hearings. Comments should be addressed to: Noranne Downs, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

The presentation of the Department's Tentative Five Year Work Program will also be available through various local TV stations. Please check the website www.D5WPPH.com for the availability in your area.

A copy of the agenda may be obtained by contacting: Mary Schoelzel, 719 South Woodland Boulevard, DeLand, Florida 32720, (386)943-5398 or E-Mail Address: Mary.Schoelzel@dot.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: Mary Schoelzel, 719 South Woodland Boulevard, DeLand, Florida 32720, (386)943-5398. If you are 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: Mary Schoelzel at (386)943-5398 or E-Mail Address: Mary.Schoelzel@dot.state.fl.us.

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

The Florida **Department of Citrus**, Citrus Harvesting Research Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 9, 2008, 10:00 a.m.

PLACE: Florida's Natural Grove House, 20160 Highway 27, Lake Wales, FL 33853

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will meet to hear reports on mechanical harvesting, robotics and CMNP registration, and to discuss any other matters which might relate to this council.

A copy of the agenda may be obtained by contacting: Sandy Barros at (863)295-5932.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Screws at (863)499-2500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sandy Barros at (863)295-5932.

The Florida **Department of Citrus**, Long-Range Planning Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 9, 2008, 2:30 p.m.

PLACE: Florida's Natural Grove House, 20160 Highway 27, Lake Wales, Florida 33853

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will meet to continue developing Key Strategic Initiatives (KSIs) and begin to set objectives for these initiatives. Future information needs and schedules will also be confirmed.

A copy of the agenda may be obtained by contacting: Bob Norberg at (863)499-2500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Screws at (863)499-2500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Bob Norberg at (863)499-2500.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *December 15, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a commission workshop to which all persons are invited.

DATE AND TIME: December 15, 2008, 1:00 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket Nos. 080407-EG; 080408-EG; 080409-EG; 080410-EG; 080411-EG; 080412-EG; and 080413-EG – Commission review of numeric conservation goals. The purpose of this workshop is to discuss the development of demand-side and supply-side conservation and efficiency measures, including demand-side renewable systems, for Florida's electric utilities pursuant to Sections 366.80 through 366.82, Florida Statutes. Subject matter to be discussed shall include, but not be limited to:

1. The results of the Itron/KEMA Technical Potential Study including baseline consumption data; identification of potential demand-side and supply-side conservation, energy efficiency measures, and demand-side renewable energy systems; quantifying corresponding demand and energy savings for each measure; and estimating the total technical potential savings if all measures were adopted; and
2. Status of analysis of Economic and Achievable Potential Study.

A copy of the agenda for this workshop may be obtained by writing: Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person with questions concerning this workshop should contact: Katherine Fleming at (850)413-6218.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting: Office of Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EMERGENCY CANCELLATION OF WORKSHOP: If a named storm or other disaster requires cancellation of the workshop, Commission staff will attempt to give timely direct notice to all interested persons. Notice of cancellation of the workshop will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by call the Office of the General counsel at (850)413-6199.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: December 16, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website: <http://www.florida.psc.com> at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850) 413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service** (Volunteer Florida), Grants Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, December 8, 2008, 10:00 a.m.

PLACE: Conference call in number is: 1(888)808-6959, Passcode is: 9215144

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and approve staff recommendations for AmeriCorps National Competitive grants.

A copy of the agenda may be obtained by contacting: Amieko Watson at (850)921-5172.

Pursuant to the provisions of 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: Anitra Thomas at (850)921-5172. If you are 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.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, December 4, 2008: Planning & Growth Management Policy Committee, 8:30 a.m.; Personnel, Budget & Finance Policy Committee: 9:00 a.m.; Board of Directors Meeting: 10:00 a.m.

PLACE: 6850 Belfort Oaks Place, Jacksonville, Florida 32216
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Angela Giles at (904)279-0885, ext. 145 or agiles@nefrfc.org.

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, December 11, 2008, Nominating Committee Meeting: 5:30 p.m.; Open House: 6:00 p.m.; Annual Meeting: 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council including election of Council Officers for 2009.

A copy of the agenda may be obtained by contacting: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323.

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: December 10, 2008, 9:00 a.m.

PLACE: Bob Crawford Agriculture Center, 605 East Main Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Council and/or it's Executive Committee. The Nominating Sub-Committee will meet at 9:00 a.m. at same location.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130.

The **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 8, 2009, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Suzanne Cooper at (727)570-5151, ext. 32. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Suzanne Cooper at (727)570-5151, ext. 32.

The **Tampa Bay Regional Planning Council**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 26, 2009, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33716

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

For more information, you may contact: Wren Krahl at (727)570-5151, ext. 22.

REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 12, 2008, 9:30 a.m.

PLACE: Board Room, South Florida Regional Transportation Authority, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: GOVERNING BOARD MEETING.

A copy of the agenda may be obtained by contacting: Executive Office at (954)788-7915.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2008, 12:30 p.m. (Eastern Time)

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 DECEMBER 11, 2008:

12:35 p.m. Public Hearing on Consideration of Regulatory Matters

12:40 p.m. Public Hearing on Consideration of Land Acquisition Matters

A copy of the agenda may be obtained by contacting: Robin Tucker, NFWFMD, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 (also available through the Internet at www.nwfwmd.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: Mr. Larry Wright. If you are 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 **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2008, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

A copy of the agenda may be obtained by contacting: Lisa Cheshire, mysuwanneeriver.com, lmc@srwmd.org, (386)362-1001.

Pursuant to the provisions of 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: Lisa Cheshire, mysuwanneeriver.com, lmc@srwmd.org, (386)362-1001. If you are 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 **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

Governing Board Workshop

DATE AND TIME: Monday, December 8, 2008, 9:00 a.m.

PLACE: The Whitney Laboratory for Marine Bioscience, 9505 Ocean Shore Blvd., St. Augustine, FL 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governing Board Workshop will be a discussion of district accomplishments.

Tour of Matanzas River Basin

DATE AND TIME Monday, December 8, 2008, 1:00 p.m.

PLACE: Boat dock at Whitney Laboratory, 9505 Ocean Shore Blvd., St. Augustine, FL 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour will include Moultrie Creek, Matanzas Inlet, Matanzas Marsh and Pellicer Creek.

Projects and Land Committee Business Meeting

DATE AND TIME Monday, December 8, 2008, 5:00 p.m.

PLACE: The Whitney Laboratory for Marine Bioscience, 9505 Ocean Shore Blvd., St. Augustine, FL 32080

The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Missy McDermont, 4049 Reid Street, Palatka, FL 32177, (386)329-4101, or by visiting the District's website: www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Missy McDermont at (386)329-4101. If you are 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.

NOTICE OF CANCELLATION – The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2008, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Hwy. 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLATION: HILLSBOROUGH RIVER BASIN BOARD MEETING. Ad Order 23408.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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For more information, you may contact: SWFWMD Executive Department at the address above.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2008, 10:00 a.m.

PLACE: South Florida Water Management District, Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website (<http://www.sfwmd.gov/org/ema/toc/draftagenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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).

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Quarterly meeting of the Everglades Technical Oversight Committee (TOC)

DATE AND TIME: December 11, 2008, 10:00 a.m.

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For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: December 15, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: December 16, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, M. Compagno.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in *Lehtinen v. South Florida Water Management District*, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50 2008 CA 022974 XXXX MB. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).
ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone.

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GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in *South Florida Water Management District v. Cutler Bay Venture, LLC, and Miami-Dade County Tax Collector, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 07-30747 CA 10*. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, M. Compagno.

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ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

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The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: December 15, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE: December 16, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney,; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: December 15, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: December 16, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, January 15, 2009. Regular meeting starts at 9:00 a.m. Public hearing is anticipated to start after completion of the Discussion Agenda but may occur earlier or later in the day. The Florida Forever Work Plan, 2009 Annual Update (Volume II, Chapter 6A, of the 2009 South Florida Environmental Report) will be available for public review and comment from October 15, 2008 through January 15, 2009.

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Note the following date changes: Public Hearing of the Governing Board of the South Florida Water Management District to adopt the Florida Forever Work Plan, 2009 Annual Update, included as Chapter 6A; Volume II of the South Florida Environmental Report. Public comments on the Plan may be made by regular mail or e-mail received by the District no later than 5 p.m., January 13, 2009 or in person at the public hearing on January 15, 2009. At the conclusion of the public hearing, the District Governing Board will vote on the recommendation to adopt the Plan.

For more information regarding the Plan, please contact: Wanda Caffie-Simpson, Land Acquisition Department, E-mail: wsimpso@sfwmd.gov, Phone Number (561)682-6445, South Florida Water Management District Headquarters, 3301 Gun Club Road, Mail Stop Code 7310, West Palm Beach, FL 33406.

A copy of the agenda may be obtained by contacting: (1) District website: www.sfwmd.gov or (2) by writing to: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: December 3, 2008, 9:30 a.m.

PLACE: DeSoto County Administration Building, 201 East Oak Street, Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, 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 2 days before the workshop/meeting by contacting: (941)316-1776. If you are 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.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 5, 2008, 10:00 a.m. – 11:00 a.m. (EST)

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 4142155

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the initiatives that the advisory council and the department wish to undertake.

A copy of the agenda may be obtained by contacting: Whitney Hults-Richartz, Department of Elder Affairs, Office of Legislative Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, E-mail: hultsw@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Whitney Hults-Richartz, Department of Elder Affairs, Office of Legislative Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, E-mail: hultsw@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Whitney Hults-Richartz, Department of Elder Affairs, Office of Legislative Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, E-mail: hultsw@elderaffairs.org.

The **Department of Elder Affairs**, Communities for a Lifetime Bureau in partnership with the Florida Housing Coalition announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 10, 2008, 8:30 a.m. – 5:00 p.m. (EST)

PLACE: Senior Friendship Center, Dwyer Conference Room, 1888 Brother Geenen Way, Sarasota, FL 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: The forum is designed to provide expert training and technical assistance on affordable housing funding resources, developing, maintaining, and enhancing stakeholder collaboration among elder housing and service developers, providers, lenders, government agencies, consumer groups, and communities to address housing issues, challenges, and opportunities.

A copy of the agenda may be obtained by contacting: Greg Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, E-mail: riceg@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Greg Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, E-mail: riceg@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Greg Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, E-mail: riceg@elderaffairs.org.

The Florida **Department of Elder Affairs, Statewide Public Guardianship Office** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 9, 2008, 8:00 a.m. – 9:00 a.m.

PLACE: Callers within Tallahassee and outside of Tallahassee: 1(888)808-6959, When prompted, enter Conference Code number 4142381 followed by #

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting of the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting: Ms. Margo Mitchell at (850)414-2381.

Pursuant to the provisions of 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. Margo Mitchell at (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration**, on behalf of the Low Income Pool (LIP) Council announces a public meeting to which all persons are invited.

DATES AND TIME: Monday, December 15, 2008; Friday, January 9, 2009; Thursday, January 22, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: Tampa International Airport, Tampa Aviation Authority Board Room, 3rd Floor, Main Terminal, 5503 West Spruce Street, Tampa, Florida 33607. To participate by phone please dial: 1(888)808-6959, Conference Code: 4138067

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

A copy of the agenda may be obtained by contacting: Edwin Stephens at (850)413-8067 or Suncom 294-8067, stephene@ahca.myflorida.com.

For more information, you may contact: Edwin Stephens, (850)413-8067 or Suncom 294-8067, stephene@ahca.myflorida.com.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 19, 2008, 12:30 p.m. – 1:30 p.m. (EST)

PLACE: Agency for Health Care Administration, Medicaid Pharmacy Services, Conference Room C & D, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medicaid Coverage of Atypical Antipsychotics in Children.

A copy of the agenda may be obtained by contacting: Dyanna (Ryann) Purvis at (850)922-7330, E-mail: purvisd@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Dyanna (Ryann) Purvis at (850)922-7330, E-mail: purvisd@ahca.myflorida.com.

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

For more information, you may contact: Dyanna (Ryann) Purvis at (850)922-7330, E-mail: purvisd@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 8, 2008, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the SSRC Board of Trustees. Section 282.205, F.S., establishes the Southwood Shared Resource Center, formerly the Shared Resource Center, to enhance communication among state agencies and identify statewide enterprise information technology solutions.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

The **Governor’s Mansion Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 9, 2008, 1:00 p.m.

PLACE: The Governor’s Mansion, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Department of Management Services, Division of Real Estate Development and Management, 4050 Esplanade Way, Suite 315, Tallahassee, FL 32399-0950, (850)413-8417.

Persons wishing to attend must submit written background information to Kay Clement at the address listed above on or before December 2, 2008, to allow for the required security

check. This written information must contain the name, address, social security number and date of birth of the person planning to attend, as well as driver’s license number.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Department of Management Services, Division of Real Estate Development and Management, 4050 Esplanade Way, Suite 315, Tallahassee, FL 32399-0950, (850)413-8417. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Workforce Innovation** announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2008, 10:00 a.m. – 3:00 p.m.

PLACE: Renaissance Tampa Hotel International Plaza, 4200 Jim Walter Blvd., Tampa, Florida 33607. Contact this hotel at 1(800)228-9290 and reference that you are with the “Agency for Workforce Innovation” group to obtain the rate of \$129 per night. Reservations must be made by November 28, 2008. A dial in number is also available 1(888)808-6959, access code 9213167.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Early Learning Advisory Council (ELAC) quarterly meeting.

A copy of the agenda may be obtained by contacting: Lisa Billups at (850)921-3413 or lisa.billups@flaawi.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Division of Hotels and Restaurants** announces a workshop to which all persons are invited.

DATE AND TIME: December 18, 2008, 9:00 a.m. – 12:00 Noon

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Elevator safety requirements. Rules 61C-5.001, 61C-5.002 and 61C-5.006, F.A.C.

A copy of the agenda may be obtained by contacting: Michelle Comingore, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, (850)488-1133.

Pursuant to the provisions of 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: Michelle Comingore, Division of Hotels and

Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, (850)488-1133. If you are 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: Michelle Comingore, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, (850)488-1133.

The **Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering** announces a workshop to which all persons are invited.

DATES AND TIMES: December 15, 2008, 1:00 p.m. – 5:00 p.m.; December 16, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop will follow up on development of proposed rules, Chapter 61D-14, F.A.C., regulating the conduct of slot machine operations at pari-mutuel racing facilities.

A copy of the agenda may be obtained by contacting: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035 or by calling Mary Polombo at (850)413-0750.

Pursuant to the provisions of 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 **Board of Auctioneers** announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2008, 9:00 a.m.

PLACE: Four Points By Sheraton Tallahassee North, 1978 Village Green Way, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Renese Jones via telephone (850)922-5012 or Fax (850)921-2321.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Renese Jones via telephone (850)922-5012 or Fax

(850)921-2321. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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** announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2008, 9:00 a.m. – 4:00 p.m.

PLACE: Sheraton Sand Key Resort, 1160 Gulf Boulevard, Clearwater Beach, FL 33767-2799, Telephone: (727)595-1611, Fax: (727)596-8488, Reservations: 1(800)456-7263 or Sheraton@sheratonsandkey.com.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Technical experts from both government and private industry will help develop compliance assistance educational materials for the generation, segregation, packaging, transport, and disposal of biomedical and universal pharmaceutical wastes that are regulated by three Florida agencies: DEP for waste management, DOH for infectious waste, drug distribution and diversion and DOT for transportation. The educational material will initially target oncology facilities in Florida.

A copy of the agenda may be obtained by contacting: Yvonne Peters at yvonne.peters@dep.state.fl.us or (850)245-8707.

Pursuant to the provisions of 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: Yvonne Peters at yvonne.peters@dep.state.fl.us or (850)245-8707. If you are 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: December 15, 2008, 10:00 a.m. (ET)

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., Tallahassee, Toll Free Conference Number: 1(888)808-6959, Code: 2458486

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on amendments to Chapter 62-4, F.A.C., Permits, and Chapter 62-346, F.A.C., Environmental Resource Permitting in Northwest Florida. The amendments are required by Section 373.109, Florida Statutes (2008), to adopt new fees and minimum fees for environmental resource permit program activities conducted under Part IV of Chapter 373, F.S., and drinking water activities under Chapter 403, F.S. A copy of the agenda may be obtained by contacting: Jim Stoutamire, Florida Department of Environmental Protection, Division of Water Resource Management, 2600 Blair Stone Road, MS 3500, Tallahassee, FL 32399-2400, (850)245-8490, e-mail: Jim.Stoutamire@dep.state.fl.us.

For information regarding mailings, schedules, and copies of notices, e-mail: Mary.VanTassel@dep.state.fl.us or call (850)245-8486. Further information and updates on development of this rule also may be obtained from the Department's Internet site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC Nos. 08-1684, 08-1673) Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Bureau of Mining and Minerals Regulation announces a workshop to which all persons are invited.

DATE AND TIME: December 18, 2008, 9:00 a.m. (ET)

PLACE: Department of Environmental Protection, Central District, 3319 Maguire Blvd., Suite 232, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on development of a new Chapter 62-348, F.A.C., to be titled Wetland Permitting and Mitigation for the Mining of Peat for the Horticultural Industry, to address wetland permitting and mitigation for peat mining for the horticultural industry, as required by HB 197, which created Section 373.414(6)(e), F.S. (2007).

A copy of the agenda may be obtained by contacting: Howard J. Hayes, Florida Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, FL 32316-3760, or e-mail Howard.Hayes@dep.state.fl.us.

For information regarding mailings, schedules, and copies of notices contact Mary VanTassel at (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 Internet site at: http://www.dep.state.fl.us/water/rules_dr.htm#mines. (OGC No. 07-1077).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: December 18, 2008, 9:30 a.m.

PLACE: South Florida Water Management District, Lower West Coast Regional Service Center, 1st Floor, Conference Room, 2301 McGregor Boulevard, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and give the public opportunity to provide comments on the draft nutrient total maximum daily load (TMDL) for the tidal Caloosahatchee River and tributaries. The final TMDL will be adopted in rule at Rule 62-304.800, F.A.C. The draft TMDL document will be placed on the Department's TMDL website (<http://www.dep.state.fl.us/water/tmdl>) by December 18, 2008 and the Department will accept written comments on the draft TMDLs through January 17, 2009.

Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Assessment Section, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, or via email: jan.mandrup-poulsen@dep.state.fl.us. It is anticipated that a second public workshop will be held in early 2009 to present any revisions to the draft TMDL based on comments submitted by the public or additional technical information that may change the draft TMDL. This rule development has been given OGC case number 08-2291.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Assessment Section, MS 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, or by phone at (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 5 days before the workshop/meeting by contacting: Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Bureau of Beaches and Coastal Systems** announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2008, 10:00 a.m.

PLACE: Carr Building, Room 153, 3800 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of a workgroup established in accordance with House Bill 5001 of the General Appropriations Act, 2008 Legislative Session, designed to review the effectiveness of Florida's statewide beach management program. Specifically, the workgroup will review the Joint Coastal Permitting and Beach Management Funding programs and make recommendations regarding program improvements and possible changes to Florida law and related rules. The group's recommendations will be given to the President of the Florida Senate, the Speaker of the Florida House of Representatives and the Executive Office of the Governor by January 15, 2009. Members of the public may attend the meeting and will have an opportunity to speak at the end of the meeting.

A copy of the agenda may be obtained by contacting: Jackie Larson, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, MS 300, Tallahassee, Florida 32399-2400, (850)414-7889, jackie.larson@dep.state.fl.us.

For more information, you may contact: Jackie Larson at the e-mail address or telephone number listed above in this notice.

The State of Florida, **Department of Environmental Protection**, Office of Greenways and Trails announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2008, 7:00 p.m. – 9:00 p.m.

PLACE: Edward Ball Wakulla Springs State Park, Dogwood Conference Building, 550 Wakulla Park Drive, Wakulla Springs, Florida

DATE AND TIME: December 4, 2008, 7:00 p.m. – 9:00 p.m.

PLACE: The Lakes at San Marcos Apartments, Meeting Room, 4660 Woodville Highway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are public meetings for the purpose of distributing information and receiving public input concerning proposed trail widening and other improvements to the Tallahassee-St. Marks Historic Railroad State Trail. The proposed improvements involve increasing the paved width of the trail from 8 feet to 12 feet and the addition of public recreation structures and features. Comment cards will be available at the meetings.

A copy of the agenda may be obtained by contacting: Rick Halvorsen, Office of Greenways and Trails, State of Florida Department of Environmental Protection, 3900 Commonwealth Blvd., MS 795, Tallahassee, Florida 32399-3000. Mr. Halvorsen may also be reached by telephone at (850)245-2052 or by email: rick.halvorsen@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Rick Halvorsen at (850)245-2052. 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).

DEPARTMENT OF HEALTH

The **Oral Healthcare Workforce Ad Hoc Advisory Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, December 2, 2008, 4:30 p.m. – 6:30 p.m.

PLACE: Conference Call Number: 1(888)808-6959, **NEW CODE:** 8503882

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued work of the Oral Healthcare Workforce Ad Hoc Advisory Committee.

A copy of the agenda may be obtained by contacting: Katie Hammond at (850)245-4259 or katie_hammond@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 2 days before the workshop/meeting by contacting: Katie Hammond at (850)245-4259 or katie_hammond@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 **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, December 8, 2008, 1:00 p.m. – 4:00 p.m. or conclusion

PLACE: Toll-Free Conference Call Number: 1(888)808-6959, Code: 1792178

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a conference call for the Governor's Task Force on Autism Spectrum Disorders. The Task Force will discuss the scope and prioritization of issues to be addressed as listed in Executive Order 08-36 for the development of a report of recommendations due to the Governor by March 20, 2009.

A copy of the agenda may be obtained by contacting: There will be no formal agenda for this 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 2 days before the workshop/meeting by contacting: Lona Taylor at (850)245-4242 or

Lona_Gibson-Taylor@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: www.healthyfloridians.com/autism.html.

The Nursing Workforce Ad Hoc Advisory Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, December 12, 2008, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call Number: 1(888)808-6959, Code 1454444

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued work of the Nursing Workforce Ad Hoc Advisory Committee.

A copy of the agenda may be obtained by contacting: Katie Hammond at (850)245-4259 or katie_hammond@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 2 days before the workshop/meeting by contacting: Katie Hammond at (850)245-4259 or katie_hammond@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 Department of Health, Electrolysis Council, under the Board of Medicine announces a telephone conference call to which all persons are invited.

DATES AND TIME: February 9, 2009; May 11, 2009; August 3, 2009; November 23, 2009, 9:00 a.m. or soon thereafter

PLACE: The Meet me number is: 1(888)808-6959. After dialing the meet me number, when prompted, enter conference code: 4246812343 followed by the # sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255 or by calling the council office at (850)245-4373, ext. 3467.

Pursuant to the provisions of 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 council office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Department of Health, Board of Medicine, Dietetic and Nutrition Practice Council announces a public meeting to which all persons are invited.

DATES AND TIME: March 6, 2009; August 21, 2009, 9:00 a.m. or soon thereafter

PLACE: Capital Circle Office Center, 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399-3255

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Dietetics and Nutrition Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255 or by calling the council office at (850)245-4373, ext. 3469.

Pursuant to the provisions of 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: Council office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Department of Health announces a telephone conference call to which all persons are invited.

DATES AND TIME: May 29, 2009; November 18, 2009, 9:30 a.m. or soon thereafter

PLACE: Meet Me Number: 1(888)808-6959. After dialing the meet me number, when prompted, enter conference code 1022351047 followed by the # sign in order to join the meeting
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Dietetics and Nutrition Council, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255 or by calling the council office at (850)245-4373, ext. 3473.

Pursuant to the provisions of 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 council office at (850)488-0595. If you are

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 Clinical Laboratory Personnel** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, December 12, 2008, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida. Meet Me Number: 1(888)808-6959, Conference Code: 9849329103.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/clinlab/index.html.

Pursuant to the provisions of 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/clinlab/index.html.

If you are 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 Dentistry** announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2008, 1:00 p.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Dentistry will be holding a closed attorney-client session for case #2003-CA-696 (Francis J. Ducoin, DMA, et al. v. Florida Department of Health, et al.) to discuss pending litigation and strategy related to litigation expenditures. The following participants are expected to attend: The Board of Dentistry members – Dr. Betty Klement, Dr. Joseph Thomas, Dr. Carl Melzer, Dr. Thad Morgan, Dr. Wade Winker, Dr.

Daniel Gesek, Dr. Robert Perdomo, Ms. Brenda Kitchens, Ms. Elmira Gainey, Ms. Lourdes Fisher, Mr. Tom Embree. Also, the following are expected to attend: Sue Foster, Executive Officer of the Board, Ed Tellechea, Counsel for the Board of Dentistry, Karusha Sharpe, Contract Attorney, Josefina Tamayo, General Counsel for the Department of Health, Renee Alsobrook, Deputy General Counsel for the Department of Health, Department's representative. This session will be transcribed in accordance with the provisions of Section 286.011(8), F.S.

A copy of the agenda may be obtained by contacting: Board of Dentistry at (850)245-4474.

For more information, you may contact: Board of Dentistry at (850)245-4474.

The Probable Cause Panel of the Florida **Board of Massage Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 12, 2008, 3:00 p.m. or soon there after

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Christy Robinson, Program Administrator, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Pursuant to the provisions of 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: Christy Robinson 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**, Rules and Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 4, 2008, 4:00 p.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607. Hotel phone #: (813)879-5151.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General business of the board.

The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at www.flhealthsource.com for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Whitney Bowen at whitney_bowen@doh.state.fl.us or call (850)245-4131, ext. 3517.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Whitney Bowen at whitney_bowen@doh.state.fl.us or call (850)245-4131 ext. 3517. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Occupational Therapy** announces a public meeting to which all persons are invited.

DATES AND TIME: February 23, 2009; May 18, 2009; August 17, 2009; November 2, 2009, 8:00 a.m. or soon thereafter

PLACE: Capital Circle Office Center, 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399-3255

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Probable Cause Panel and General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255 or by calling the board office at (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Physical Therapy** announces a public meeting to which all persons are invited.

DATES AND TIMES: February 12, 2009, 6:30 p.m. or soon thereafter; February 13, 2009, 8:00 a.m. or soon thereafter.

PLACE: Crowne Plaza Orlando Universal, 7800 Universal Blvd., Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3469.

Pursuant to the provisions of 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: Board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Physical Therapy** announces telephone conference calls.

DATES AND TIME: February 17, 2009; April 21, 2009; June 16, 2009; August 18, 2009; October 20, 2009; December 15, 2009, 1:00 p.m. or soon thereafter

NUMBER: The meet me number may be obtained by contacting the board office at (850)245-4373, ext. 3467.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Probable Cause Panel Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the board office at (850)488-0595. If you are

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Psychology** announces a meeting of the board to which the public may be invited. A meeting or portion of a Probable Cause Panel is public if a case or cases are public by reason of reconsideration.

DATES AND TIMES: January 22, 2009, 3:00 p.m., or soon thereafter; January 23, 2009, 9:00 a.m. or soon thereafter

LOCATION: Crowne Plaza Orlando Universal, 7800 Universal Blvd., Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda for the public portion of the meeting may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, (850)245-4373, ext. 3469.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting: Board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Psychology** announces conference calls to which the public may be invited. A meeting or portion of a Probable Cause Panel meeting is public if a case or cases are public by reason of reconsideration.

DATES AND TIME: February 24, 2009; March 24, 2009; May 26, 2009; June 23, 2009; August 25, 2009; September 22, 2009; November 24, 2009; December 22, 2009. 8:00 a.m. or soon thereafter

PLACE: You may obtain an agenda and the conference call number for the public portion of the meeting only. The meeting is not public and you will be unable to obtain an agenda if there are no reconsideration cases. In the event of reconsideration cases, agenda information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext 3469.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel 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 days before the workshop/meeting by contacting: Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext 3469. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Psychology** announces a telephone conference call to which all persons are invited.

DATES AND TIME: March 6, 2009; June 5, 2009; September 11, 2009; November 6, 2009, 8:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, after dialing the meet me number, enter conference code 4246812343 followed by the # sign in order to join the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Credentials Committee Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3469.

Pursuant to the provisions of 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: Board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Psychology** announces a telephone conference call to which all persons are invited.

DATES AND TIME: March 20, 2009; June 19, 2009; September 25, 2009; December 4, 2009, 8:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, After dialing the meet me number, enter conference code 4246812343 followed by the # sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quorum Call.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3469.

Pursuant to the provisions of 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: Board office at (850)488-0595.

If you are 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 based.

The **Department of Health Board of Respiratory Care** announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2009, 8:30 a.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3469.

Pursuant to the provisions of 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: Board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Psychology** announces a meeting of the board to which the public may be invited. A meeting or portion of a Probable Cause Panel is public if a case or cases are public by reason of reconsideration.

DATES AND TIMES: January 22, 2009, 3:00 p.m. or soon thereafter; January 23, 2009, 9:00 a.m. or soon thereafter

PLACE: Crowne Plaza Orlando Universal, 7800 Universal Blvd., Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda for the public portion of the meeting may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3469.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing /meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health Board of Respiratory Care** announces a telephone conference calls to which the public may be invited.

DATES AND TIME: February 17, 2009; April 21, 2009; June 16, 2009; August 18, 2009; October 20, 2009; December 15, 2009, 8:30 a.m. or soon thereafter

PLACE: You may obtain an agenda and the conference call number for the public portion of the meeting only. The meeting is not public and you will be unable to obtain an agenda if there are no reconsideration cases. In the event of reconsideration cases, agenda information may be obtained by contacting: Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office at (850)245-4373, ext. 3469.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel 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 48 hours before the workshop/meeting by contacting: Board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please note that if any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Respiratory Care** announces a meeting of the board to which all persons are invited.

DATE AND TIME: April 10, 2009, 8:30 a.m. or soon thereafter

PLACE: Crowne Plaza Orlando Universal, 7800 Universal Blvd., Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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: Wednesday, December 10, 2008, 1:30 p.m.

PLACE: United Way of Central Florida, 5605 U.S. Hwy. 98, S., Highland City, FL 33846

GENERAL SUBJECT MATTER TO BE CONSIDERED: Heart of Florida Community Alliance, Meeting Subcommittee.

A copy of the agenda may be obtained by contacting: Diane Dvorak, Department of Children and Families at (863)619-4100.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diane Dvorak, Department of Children and

Families at (863)619-4100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Diane Dvorak, Department of Children and Families at (863)619-4100.

FLORIDA HOUSING FINANCE CORPORATION

The **Affordable Housing Study Commission** announces a public meeting to which all persons are invited.

Catalyst/PLP Workgroup

DATE AND TIME: December 4, 2008, 10:00 a.m. – 12:30 p.m.

Nonprofit/For Profit Partnerships

DATE AND TIME: December 9, 2008, 10:00 a.m. – 12:30 p.m. (Times Subject to Change)

PLACE: Dial-in Information: 1(888)808-6959, Conference code: 4884197#. This dial in information and conference code can be used for both conference calls

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Catalyst/PLP Workgroup will be discussing the Catalyst and Predevelopment Loan Programs and how they can support nonprofit capacity building efforts. The Nonprofit/For Profit Partnerships Workgroup will be discussing the challenges and opportunities presented by such joint ventures and how they can be used to support nonprofit capacity building.

A copy of the agenda may be obtained by contacting: Odetta MacLeish-White, Florida Housing Finance Corporation at (850)488-4197. For agendas and updates, please visit our website: www.floridahousing.org/ahsc.

Pursuant to the provisions of 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: Odetta MacLeish-White 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.

DATES AND TIMES: Tuesday, December 9, 2008, 9:30 a.m.; Thursday, December 18, 2008, 2:00 p.m.; Thursday, January 8, 2009, 2:00 p.m.

PLACE: Florida Housing Finance Corporation, Rick Seltzer Conference Room, Suite 6000, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, evaluate and score the proposals submitted in response to Florida Housing Finance Corporation's Request for Proposals #2008-04 for Rehabilitation of Affordable Rental Housing Developments in Florida Housing's Portfolio.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3469.

Pursuant to the provisions of 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: Sherry Green 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 hearing to which all persons are invited.

DATE AND TIME: December 12, 2008, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice is hereby given that the Florida Housing Finance Corporation ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments.

To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to finance the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Fairview Cove – Phase II, a 65-unit multifamily residential rental development located on the east side of Orient Road, approximately 500 feet south of the intersection of Orient Road and SR 574, Tampa, Hillsborough County, FL 33619. The prospective owner and operator of the proposed development is Fairview Cove II, Ltd., 329 N. Park Avenue, Suite 300, Winter Park, FL 32789, or such successor in interest in which Atlantic Housing Partners, LLLP, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed

development is Concord Management, Ltd., 1551 Sandspur Road, Maitland, FL 32751. The total tax-exempt bond amount is not to exceed \$6,400,000.

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), December 11, 2008, and should be addressed to the Attention: Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting: Wayne Conner at (850)488-4197.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2008, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice is hereby given that the Florida Housing Finance Corporation ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments.

The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

Purpose: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to finance the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Fairview Cove – Phase I, an 88-unit multifamily residential rental development located on the east side of Orient Road, approximately 500 feet south of the intersection of Orient Road and SR 574, Tampa, Hillsborough County, FL 33619. The prospective owner and operator of the proposed development is Fairview Cove, LLLP, 329 N. Park Avenue, Suite 300, Winter Park, FL 32789, or such successor in interest in which Atlantic Housing Partners, LLLP, or an affiliate thereof, is a

managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Concord Management, Ltd., 1551 Sandspur Road, Maitland, FL 32751. The total tax-exempt bond amount is not to exceed \$11,800,000.

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), December 11, 2008, and should be addressed to the Attention: Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting: Wayne Conner at (850)488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Wayne Conner at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 8, 2008, 9:00 a.m.

PLACE: The Hermitage Center, 1801 Hermitage Blvd., Treasury Conference Room 440C, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Deferred Compensation Advisory Council will hold its regular meeting to discuss the Program Plan updates to which all persons are invited.

A copy of the agenda may be obtained by contacting: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, 200 E. Gaines Street, Tallahassee, FL 32399-0346, (850)413-3162, Fax: (850)488-7186.

Pursuant to the provisions of 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: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, 200 E. Gaines Street, Tallahassee, FL 32399-0346, (850)413-3162, Fax: (850)488-7186.

If you are 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 Davis at (850)413-3162.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Financial Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: December 9, 2008, 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 Rules 69V-560.101, .1012, .1013, .102, .103, .104, .105, .107, .108, .201, .302, .401, .402, .403, .501, .504, .505, .601, .602, .606, .608, .609, .610, .701, .702, .703, .704, .705, .706, .707, .801, .802, .804, .805, .901, .902, .903, .904, .905, .906, .907, .908, .909, .910, .911, .912, and .913, Florida Administrative Code, published on September 26, 2008, in Vol. 34, No. 39, of the Florida Administrative Weekly. A Notice of Change for these rules is published in this edition of the Florida Administrative Weekly. These rules relate to the regulation of money services businesses. During the regular 2008 legislative session, the Florida Legislature passed Senate Bill 2158, relating to money services businesses. The bill was signed into law on June 17, 2008, and will take effect on January 1, 2009. This law makes significant changes to Chapter 560, Florida Statutes. The new law imposes additional regulatory requirements on money services businesses including money transmitters, payment instrument sellers, foreign currency exchangers, check cashers, and deferred presentment providers. The proposed rules reflect and implement the statutory changes.

A copy of the agenda may be obtained by contacting: Governor and Cabinet website: <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Andrea Moreland at (850)410-9601 or andreamoreland@flofr.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Andrea Moreland at (850)410-9601 or andreamoreland@flofr.com.

The Financial Services Commission, Office of Financial Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 9, 2008, 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 Rules 69W-600.013, 69W-600.0131, and 69W-600.0133, Florida Administrative Code, published on September 26, 2008, in Vol. 34, No. 39, of the Florida Administrative Weekly. A Notice of Change for Rule 69W-600.0133, F.A.C., was published on November 14, 2008, in Vol. 34, No. 46, of the Florida Administrative Weekly. The rules relate to securities regulation. The proposed rules prohibit the misleading use by any person of senior and retiree designations while also providing a means by which the Office may recognize the use of certain designations which have been accredited. The rules are based on the model rule adopted on March 20, 2008, by the North American Securities Administrators Association (NASAA) regarding the use of senior-specific certifications and professional designations.

A copy of the agenda may be obtained by contacting: Governor and Cabinet website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Andrea Moreland at (850)410-9601 or andreamoreland@flofr.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Andrea Moreland at (850)410-9601 or andreamoreland@flofr.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.013 Prohibited Business Practices for Dealers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (n) No change.

(o) Any unethical practice pursuant to Rule 69W-600.0133, F.A.C.

(2) The following are deemed demonstrations of unworthiness by an associated person of a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (g) No change.

(h) Engaging in any of the practices specified in paragraph (1)(a), (b), (e), (f), (g), (h), (i), (k), (l), (m), ~~(n)~~ or (o).

(3) No change.

Specific Authority 517.03(1), 517.1217 FS. Law Implemented 517.081, 517.1217, 517.161(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.13, Amended 8-1-91, 6-16-92, 1-11-93, 11-7-93, 5-5-94, 9-9-96, 10-20-97, 1-25-00, 10-30-03, Formerly 3E-600.013, Amended 10-23-06,_____.

69W-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (t) No change.

(u) Any unethical practice pursuant to Rule 69W-600.0133, F.A.C.

(2) through (3) No change.

Specific Authority 517.03(1), 517.1215 FS. Law Implemented 517.12(4), 517.1215, 517.161(1) FS. History—New 1-25-00, Amended 410-30-03, Formerly 3E-600.0131, Amended 10-23-06,_____.

69W-600.0133 Use of Senior – Specific Certifications and Professional Designations by Associated Persons and Investment Advisers.

(1) The use of a senior specific certification or designation by any person in connection with the offer, sale, or purchase of securities, or the provision of advice as to the value of or the advisability of investing in, purchasing, or selling securities, either directly or indirectly or through publications or writings, or by issuing or promulgating analyses or reports relating to securities, that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees, in such a way as to mislead any person shall be a dishonest and unethical business practice in the securities industry in violation of Section 517.161(1)(d) or 517.161(1)(h), F.S., by an associated person of a dealer or investment adviser. The prohibited use of such certifications or professional designation includes, but is not limited to, the following:

(a) Use of a certification or professional designation by a person who has not actually earned or is otherwise ineligible to use such certification or designation;

(b) Use of a nonexistent or self-conferred certification or professional designation;

(c) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the certification or professional designation does not have; and

(d) Use of a certification or professional designation that was obtained from a designating or certifying organization that:

1. Is primarily engaged in the business of instruction in sales and/or marketing;

2. Does not have standards or procedures for assuring the competency of its designees or certificants;

3. Does not have standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or

4. Does not have continuing education requirements for its designees or certificants in order to maintain the designation or certificate.

(2) There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of paragraph (1)(d) above when the organization has been accredited by:

(a) The American National Standards Institute; or

(b) The National Commission for Certifying Agencies; or

(c) An organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes" and the designation or credential issued therefrom does not primarily apply to sales and/or marketing.

(3) In determining whether a combination of words (or an acronym standing for a combination of words) constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include:

(a) Use of one or more words such as "senior," "retirement," "elder," or like words, combined with one or more words such as "certified," "registered," "chartered," "adviser," "specialist," "consultant," "planner," or like words, in the name of the certification or professional designation; and

(b) The manner in which those words are combined.

(4) For purposes of this rule, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title:

(a) Indicates seniority or standing within the organization; or

(b) Specifies an individual's area of specialization within the organization.

For purposes of this subsection, financial services regulatory agency includes, but is not limited to, an agency that regulates brokers, dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-2, 80a-3 (2006). The cited sections of the Investment Company Act of 1940 are hereby incorporated by reference.

(5) Nothing in this rule shall limit the Office of Financial Regulation's authority to enforce existing law.

(6) This rule is based on the model rule adopted on March 20, 2008, by the North American Securities Administrators Association (NASAA) regarding the use of senior-specific certifications and professional designations. The NASAA model rule is hereby incorporated by reference.

(7) All materials incorporated by reference in this rule may be obtained by writing to: Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

Specific Authority 517.03(1), 517.1215(2), 517.1217 FS. Law Implemented 517.1215(2), 517.1217, 517.161 FS. History—New

GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities** announces a public meeting to which all persons are invited.

DATES AND TIMES: December 1, 2008, 9:00 a.m. – 5:00 p.m.; Public Comment: 4:00 p.m. – 5:00 p.m.; December 2, 2008, 9:00 a.m. – 4:00 p.m.; Public Comment: 11:00 a.m. – 12:00 Noon

PLACE: 4040 Esplanade Way, Ste. 225, Tallahassee, FL 32399. The call-in number is: 1(888)808-6959, Conference Code: 6101108#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is meeting to fulfill the mandate of Executive Order 08/193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

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

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the

Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

PRIDE ENTERPRISES

The **PRIDE Enterprises**, Board of Directors, Finance Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 3, 2008, 12:00 Noon

PLACE: PRIDE Corporate Office, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2008 YTD Financials; 2009 Budget.

A copy of the agenda may be obtained by contacting: Dee Kiminki at (727)556-3314.

Pursuant to the provisions of 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: Dee Kiminki at (727)556-3314. If you are 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: Dee Kiminki at (727)556-3314.

The **PRIDE Enterprises**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: December 4, 2008, 8:00 a.m.

PLACE: PRIDE Corporate Offices, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: see agenda.

A copy of the agenda may be obtained by contacting: Dee Kiminki at (727)556-3314.

Pursuant to the provisions of 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: Dee Kiminki at (727)556-3314. If you are 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: Dee Kiminki at (727)556-3314.

MID-FLORIDA AREA AGENCY ON AGING

The **Elder Options** announces a hearing to which all persons are invited.

DATE AND TIME: December 3, 2008, 2:00 p.m.

PLACE: Florida Farm Bureau, Auditorium, 5700 S. W. 34th Street, Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mid-Florida Area Agency on Aging d/b/a Elder Options announces a public meeting to which all persons are invited. This meeting is a public hearing on the Area Plan on Aging 2009-2011.

A copy of the agenda may be obtained by contacting: David Huckabee at (352)378-6649.

Pursuant to the provisions of 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: Sarah Ellis at (352)378-6649. If you are 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: David Huckabee at (352)378-6649.

SOIL AND WATER CONSERVATION DISTRICTS

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 3, 2008, 5:00 p.m.

PLACE: 6191 Orange Drive, Suite 6181-P, Davie, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District.

A copy of the agenda may be obtained by contacting: (954)584-1306.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)584-1306. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriting Association, Inc.**, Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2008, 8:30 a.m.
 PLACE: Florida Workers' Compensation Joint Underwriting Association, Inc. Office, 6003 Honore Avenue, Suite 204, Sarasota, FL 34238
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Membership meeting and Board of Governors meeting. Agenda topics shall include 2007 overview with Q&A; approval of minutes; election of the vice chair and officers; 2009 meeting schedule; cash deposits; legislative report; operations report; financial report; and committee reports on: 2009 reinsurance program options; review of rates; return of premium dividend; proposed 2009 business plan and forecast; disaster recovery matters; service provider audit report; compliance review of the current investment portfolio; Audit Committee charter procedures checklist; and 2009 executive compensation and benefits.
 A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

FLORIDA SUBSTANCE ABUSE AND MENTAL HEALTH CORPORATION

The **Florida Substance Abuse and Mental Health Corporation** announces a public meeting to which all persons are invited.

DATES AND TIMES: December 11, 2008, 9:15 a.m. – 4:30; December 12, 2008, 9:00 a.m. – 12:00 Noon

PLACE: Hilton Lake Buena Vista, 1751 Hotel Plaza Blvd., Lake Buena Vista, FL, (407)827-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Economic Impact of Substance Abuse, Reentry Task Force update, Review of Annual Report, Updates on the External Quality Review, the State Epidemiological Workgroup, Supreme Court Recommendations, DOC/DCF Mental Health Reentry Project.

A copy of the agenda may be obtained by contacting: linda@samhcorp.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Linda Rayner at (850)410-1575. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: linda@samhcorp.org.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2008, 3:00 p.m.
 PLACE: 8301 Cypress Plaza, Jacksonville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Investment Committee Meeting.
 Citizens Property Insurance Corporation announces a Finance and Investment Committee Meeting to begin:
 DATE AND TIME: Thursday, December 11, 2008, 3:00 p.m. (EDT)
 PLACE: 8301 Cypress Plaza Drive, Suite 108, Jacksonville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Item of discussion include, but are not limited to, 2009 Budget and Portfolio Update.
 For additional information, please call: Jill Booker at 1(800)807-7647, extension 8287.
 Special Accommodations: In accordance with the Americans with Disabilities Act, people with disabilities or physical impairments who require assistance to participate in this meeting are requested to contact Jill Booker at least five days prior to the meeting.
 A copy of the agenda may be obtained by contacting: Jill Booker at 1(800)807-7647, extension 8287.

The **Citizens Property Insurance Corporation**, Depopulation Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 12, 2008, 11:30 a.m. or immediately following the Board of Governor's meeting

PLACE: Jacksonville Citizens Cypress Center, Suite 108, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, business before the committee.

A copy of the agenda may be obtained by contacting: Nedra Davis at 1(800)807-7647, extension 3808.

Pursuant to the provisions of 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: Nedra Davis at 1(800)807-7647, extension 3808. If you are 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: Nedra Davis at 1(800)807-7647, extension 3808.

The **Citizens Property Insurance Corporation**, Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2008, 9:00 a.m.
 PLACE: Jacksonville Citizens Cypress Center, Suite 108, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, financial statements and committee reports.

A copy of the agenda may be obtained by contacting: 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: Barbara Walker at 1(800)807-7647, ext. 3744. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Barbara Walker at 1(800)807-7647, ext. 3744.

THE ABLE TRUST

The **Able Trust** (Florida Governor's Alliance for Persons with Disabilities) announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 12, 2008, 9:00 a.m. – 10:30 a.m.

PLACE: The Able Trust office, 106 East College Avenue, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include review and approval of grants to assist persons with disabilities in securing employment; reviewing committee reports; presentation of financial reports; and other business that may come before the organization.

A copy of the agenda may be obtained by contacting: The Able Trust at (850)224-4493.

Pursuant to the provisions of 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: 1(888)838-2253 or (850)224-4493. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION, INC.

The **Florida Self-Insurers Guaranty Association, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 12, 2008, 12:00 Noon

PLACE: Hampton Inn & Suites, 3388 Lonnbladh Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Brian Gee, Florida Self-Insurers Guaranty Association, Inc., 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, Florida 32308, (850)222-1882.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Glen A. Mathers, on behalf of the Mitchell Elementary School, on October 10, 2008. The petition seeks the agency's opinion as to the applicability of Section 903.2.2, Florida Building Code, Building Volume, 2004 (as amended), as it applies to the petitioner.

The petition has been assigned the Number: DCA08-DEC-289. The Petitioner asks if a four hour fire wall may be installed in a larger building to reduce the building size to less than 20,000 square feet and thus avoid the requirement that the building be fully sprinklered. If so, the Petitioner asks if penetrations would be allowed in the hour fire wall, and if a parapet wall would be required.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from NOVA Engineering and Environmental on November 10, 2008. The petition seeks the agency's opinion as to the applicability of Section 553.791, Florida Statutes (2008), as it applies to the petitioner.

The petition has been assigned the Number: DCA08-DEC-337. The Petitioner asks whether Section 551.791, F.S., allows his firm to perform private provider building code inspection under specialty permits requiring only a final inspection, and for single phase projects.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Baytree Condominium Association, Inc., Docket No.: 2008046246, on August 8, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because a declaration may not address issues where there are facts in dispute.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida 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."

NOTICE IS HEREBY GIVEN THAT the Department of Environmental Protection has declined to rule on the petition for declaratory statement filed by Ty M. Mullis on August 12, 2008. The following is a summary of the agency's declination of the petition: The Petition for Declaratory Statement filed by Mr. Mullis was denied by the Department on November 6, 2008. The denial was based on the grounds that a declaratory statement was not the appropriate means of determining the conduct of another person or for obtaining a policy statement of general applicability. The petition attempted to have the Department determine the conduct of county governmental entities who maintain public unpaved roads, therefore, Mr. Mullis was not entitled to a declaratory statement concerning the conduct of Florida counties.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Lea Crandall in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000 or by calling (850)245-2242.

Please refer all comments to: Pat Comer at the above address or calling (850)245-2242 or by email: pat.comer@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on November 6, 2008, the Board of Pharmacy has issued an order disposing of the petition for declaratory statement filed by Samuel Jones, III, Pharm.D., on July 22, 2008. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 34, No. 32, of the Florida Administrative Weekly. Petitioner sought the Board's interpretation of Rules 64B16-27.400, 64B16-27.420 and 64B16-26.700, F.A.C., entitled "Practice of Pharmacy," "Pharmacy Technician 2:1 or 3:1 Ratio," and "Definition of Compounding." Petitioner also sought the Board's interpretation of Section 465.013(13), Florida Statutes, entitled "Definitions" and Section 465.014, Florida Statutes, entitled "Pharmacy Technician." Petitioner inquired as to whether pharmacy technicians may compound in the retail setting. The Board of Pharmacy considered the Petition at its meeting held on October 14, 2008, in Gainesville, Florida. The Board's Order declared that because the petition fails to specify or describe Petitioner's specific or particular circumstances and inquires about the conduct of another person, the Board is unable to provide a response.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

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 Scott Alef of Protection Design Co., LLC on August 11, 2008. The following is a summary of the agency's disposition of the petition:

The PETITION WAS WITHDRAWN BY THE PETITIONER on November 7, 2008.

Please refer all comments to: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax (850)922-1235 or (850)488-0697.

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 Morris M. Hochberg on August 20, 2008. The following is a summary of the agency's disposition of the petition:

The PETITION WAS WITHDRAWN BY PETITIONER on September 19, 2008.

Please refer all comments to: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

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."

EXPRESSWAY AUTHORITIES

REQUEST FOR SEALED PRICE PROPOSALS

Sealed bids from contractors experienced in pumping flowable fill beneath concrete abutment slopes on FDOT roadways, and working from within active railroad right-of-way will be received by Tampa-Hillsborough County Expressway Authority (THEA) for the project listed below, until 3:00 p.m., Monday, December 22, 2008, at its Administrative Offices, 1104 East Twiggs Street, Tampa, Florida 33602, for:

RFP / CONTRACT #70.10.07

PROJECT: Construction and repair of a concrete abutment slope adjacent to active CSX railroad tracks, requiring flowable fill injection, concrete slab repairs, and miscellaneous drainage improvements within the expressway's median of the Local Lanes of the Selmon Crosstown Expressway at 22nd Street.

The Request for Proposal (RFP) will be posted on THEA's website www.tampa-xway.com after 9:00 a.m., Wednesday, November 26, 2008. A mandatory pre-bid conference will be held at THEA's offices on Wednesday, December 3, 2008, 11:00 a.m. Scope of Services, details and specifications will be included in the RFP package.

This project is subject to THEA's Small Business Enterprise (SBE) policy which strongly encourages the solicitation and utilization of SBE firms and requires nondiscrimination on the basis of race, color, sex and national origin in its employment and contracting practices.

THEA reserves the right to reject any and all proposals, to waive irregularities, if any, and to accept the proposal, which in the judgment of the Authority, is determined to be in its best interest.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF INVITATION TO BID

BID NO. BDC 46-08/09

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from contractors for the project listed below:

PROJECT NAME: TH Stone Memorial St. Joseph Peninsula State Park – Resurface Park Drive

SCOPE OF WORK: The contractor shall provide all labor, materials, equipment and supervision to resurface park road from the southern boundary to past the entrance station for approximately one (1) mile.

PROJECT BUDGET: \$250,000.00

PARK LOCATION: The Stone Memorial St. Joseph Peninsula State Park, ON CR 30 OFF U.S. 98

PROJECT MANAGER: Kimsey Helms, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, Telephone Number: (850)488-5372, Fax: (850)488-3537.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on November 26, 2008 at The Stone Memorial St. Joseph Peninsula State Park, 8899 Cape San Blas Road, Port St. Joe, Florida 32456, Attention: Brian Addison, Park Manager, Telephone: (850)227-1327, Fax: (850)227-1488.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the

attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PRE-BID MEETING: A non-mandatory pre-bid meeting will be held for all prospective bidders on Friday, December 5, 2008 starting at 11:00 a.m. at the park's Visitors Center.

BID SUBMITTAL DUE DATE: No later than 4:30 p.m. (ET), Thursday, December 18, 2008 to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administer, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Monday, December 22, 2008, unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, Fax: (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

NOTICE OF INVITATION TO BID

BID NO. BDC 55-08/09

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from licensed General and Building contractors for the project listed below:

PROJECT NAME: John Pennekamp Coral Reef State Park – Picnic Pavilion Replacement

SCOPE OF WORK: The contractor shall provide all labor, materials, equipment and supervision to permit and demolish the existing picnic pavilions and legally remove of all debris off-site in accordance with the drawings and specifications. In addition, the contractor shall provide all structural and geotechnical engineering, labor, materials, equipment and

supervision necessary to permit and construct new picnic pavilions and all related appurtenances in accordance with the drawings and specifications. Work includes, but is not limited to all associated construction and/or demolition of concrete slabs, concrete sidewalks and site work as indicated on the drawings and specifications.

PROJECT BUDGET: \$205,000.00

PARK LOCATION: John Pennekamp Coral Reef State Park, MM 102.5 Overseas Highway

PROJECT MANAGER: Mitch Fenton, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, Telephone Number: (850)488-5372, Fax Number: (850)488-3537.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on November 26, 2008 at: John Pennekamp Coral Reef State Park, P. O. Box 487 Key Largo, Florida 33037, Attention: Pat Wells, Park Manager, Telephone: (305)451-1202, Fax: (305)853-3555.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: Michael Renard, Bureau of Design and Construction, (850)488-5372 at least five (5) workdays prior to openings. If

you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m. (ET), Thursday, December 18, 2008, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administer, Bureau of Design and Construction at (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Monday, December 22, 2008, unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, Fax: (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

NOTICE OF INVITATION TO BID

BID NO. BDC 56-08/09

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from licensed General, Building and Marine contractors for the project listed below:

PROJECT NAME: John U. Lloyd Beach State Park – Boat Ramp Dock Replacement

SCOPE OF WORK: The contractor shall provide all labor, materials, equipment and supervision to obtain and pay for all required permits and to perform all work in accordance with the construction documents.

PROJECT BUDGET: \$400,000.00

PARK LOCATION: John U. Lloyd Beach State Park, 6503 N. Ocean Drive, Dania Beach, Florida

PROJECT MANAGER: Mitch Fenton, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, Telephone Number: (850)488-5372, Fax Number: (850)488-3537.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on November 26, 2008 at John U. Lloyd Beach State Park, 6503 N. Ocean Drive, Dania Beach, Florida 33004-3044, Attention: Sid Leve, Park Manager, Telephone: (954)924-3859, Fax: (954)923-2904.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: Michael Renard with the Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 4:00 p.m. (ET), Thursday, December 18, 2008, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administer, Bureau of Design and Construction at (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Monday, December 22, 2008, unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by): Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, Fax: (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

DEPARTMENT OF HEALTH

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES

REQUEST FOR QUALIFICATIONS (RFQ): The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction requests qualifications from licensed general contractors who wish to compete for Construction Management (CM) at Risk services (i.e., the Negotiated Fee-Guaranteed Maximum Price (GMP) Construction Contracting Method, as defined by subsection 60D-5.002(12), Florida Administrative Code (F.A.C.), on the following project: Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application. The selection will be made in accordance with Section 255.29(3), F.S., and the procedures and criteria of Building Construction.

PROJECT NUMBER: DOH 70027200

PROJECT NAME: Hernando (Springhill) County Health Department – New Facility

PROJECT LOCATION: Spring Hill, Florida

ESTIMATED CONSTRUCTION BUDGET: \$11,500,000. Phases to be implemented are dependent on the availability of funding subject to actions of the Florida Legislative process and at sole discretion of the Department of Health.

RESPONSE DUE DATE: Responses must be received by the Department, in accordance with the document delivery instructions below, on or before 4:00 p.m. (Eastern Standard Time), December 23, 2008. For additional information contact Steve Tenace, Project Manager at (850)245-4444, ext. 3133.

INSTRUCTIONS: Firms interested in being considered for this project must submit three (3) printed copies of their submittals with a table of contents and tabbed sections in the following order:

1. Letter of interest detailing the firm’s qualification to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor’s Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.
4. Resumes of proposed consultants.
5. Examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm (include name and phone number for client and architect for each project).
6. References from prior clients received within the last five years.
7. Copies of the firm’s current Florida Department of Business and Professional Regulation Contracting License.
8. For Corporations only: If the firm offering services is a corporation, it must be properly registered with the Department of State to operate in Florida and must provide a copy of the firm’s current Florida Corporate Registration.

INTERVIEWS: The Selection Committee will conduct discussions with and may require presentation by no less than three firms regarding their qualifications, approach to the project and ability to furnish the required services. Selection of finalists for interview will be made on the basis of specific experience and ability, financial capability, scheduling and cost control ability, office staff, on-site staff, information systems, and distance to site. Each invitee will be notified by facsimile transmission of the date and time of its interview/presentation.

DOCUMENT DELIVERY: Responses are to be submitted to:

Ms. Mary Warren, Staff Assistant
Office of Design and Construction
Department of Health
4052 Bald Cypress Way
Tallahassee, Florida 32399

The time/date stamp/clock in the Department shall serve as the official authority to determine timeliness of the responses. Late responses will be declared non-responsive and will not be further evaluated. Unsealed and/or unsigned responses received by telegram, facsimile transmission or other similar means are not acceptable, and will be declared non-responsive and will not be further evaluated. Submittals that do not comply with the requirements or instructions of this solicitation document will be declared non-responsive and will not be further evaluated. All proposal information submitted

becomes the property of the Department of Health, will be placed on file, and not returned. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

PROTESTS: Any protest concerning this solicitation shall be made in accordance with Section 120.57(3), Florida Statutes and Chapter 28-110, Florida Administrative Code. It is the Department’s intent to ensure that specifications are written to ensure competitiveness, fairness, necessity and reasonableness in the solicitation process. Section 120.57(3)(b), F.S. and Rule 28-110.003, F.A.C., require that a notice of protest of this solicitation document shall be made within seventy-two hours after the posting of this solicitation. Section 120.57(3)(a), F.S. requires the following statement to be included in the solicitation: “Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.” Rule 28-110.005, Florida Administrative Code requires the following statement to be included in the solicitation: “Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.”

BALFOUR BEATTY CONSTRUCTION, LLC.

**INVITATION FOR QUALIFIED
CONTRACTORS TO SUBMIT SEALED BIDS**

Balfour Beatty Construction LLC (BBC) is requesting SEALED BIDS from qualified Contractors for the above referenced project until 2:00 p.m., December 19, 2008, at the address provided below: Sealed bids will be opened publicly immediately following the 2:00 p.m. cut off.

Address: 804 N. W. Jackson Bluff Rd.
Mayo, FL 32066
Phone: (386)294-3100
Fax: (386)294-2485
E-Mail: kgray@balfourbeattyus.com

Bid Package will be available at NGI.

Interested parties can obtain plans, specifications, bid package and prequalification forms at the following location starting December 1, 2008.

NGI (Ocala)
(352)622-5039
304A Southwest Broadway Street
Ocala, FL 34474

SEALED BIDS AND PREQUALIFICATION FORMS ARE TO BE SENT TO:

Kevin Gray / Balfour Beatty Construction
 804 N. W. Jackson Bluff Rd., Mayo, FL 32066, for receipt prior to 2:00 p.m., December 19, 2008.

A pre-bid conference will be held at 9:00 a.m., Thursday, December 4, 2008. The location of the pre-bid conference is: Mayo Correctional Annex Project Construction Trailer Conference Room, 804 N. W. Jackson Bluff Rd., Mayo, FL 32066 (same location bids will be received).

Balfour Beatty Construction does not discriminate on the basis of race, color, religion, age, sex, national origin, marital status, handicap or other reason prohibited by law.

LICENSE CGC 05623.

EARLY LEARNING COALITION OF ST. LUCIE COUNTY, INC.

REQUEST FOR PROPOSAL FOR INFORMATION TECHNOLOGY SERVICES

#RFP – ELCSLC-IT-0809

ISSUED ON: November 20, 2008

RESPONSES DUE BY: December 15, 2008

INQUIRIES DUE TO:

Lydia Sciarrino

Assistant Executive Director

804 South 6th Street

Fort Pierce, Florida 34950

Phone: (772)595-6424

Email: sciarrinol01@elcslc.org

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

Request For Proposals (FDDC #2009-HC-7700)

Improving Wellness

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2009-HC-7700) is released in order to identify and replicate community-based programs that improve wellness and reduce secondary health conditions for individuals with developmental disabilities. Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. FDDC has set aside \$150,000.00 of federal funds for a period not to exceed one (1) year for fiscal support of this RFP. Continuation contracts are possible for up to two additional years for programs that are making progress and developing ways to sustain the project(s) after this time period.

Copies of this RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, or calling (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633. Letters of intent are encouraged but

not mandatory and should be submitted by December 12, 2009. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. The deadline for submitting written questions for this RFP is December 19, 2008, by 4:00 p.m. (EST). All answers to written questions will be posted on the FDDC website during the week of January 5, 2009. The deadline for submitting proposals for this RFP to FDDC is February 6, 2009, by 2:00 p.m. (EST).

FLORIDA SHERIFFS ASSOCIATION

Invitation to Bid

The Florida Sheriffs Association (FSA) and the Florida Association of Counties (FAC) invites interested bidders to submit bids in accordance with these solicitation documents. The purpose of this solicitation is to establish a contract for the purchase of tires. The technical specifications describe the product in more detail. The contract term is to begin on March 1, 2009, and to end February 28, 2011.

As more specifically stated in the Instructions to Bidders, the following anticipated time line applies to this solicitation:

BID NUMBER: 09/10-04-0120
 BID TITLE: TIRES AND RELATED SERVICES

ADVERTISEMENT

DATES: November 21, 2008 and November 26, 2008

PRE-BID CONFERENCE: December 2, 2008, 10:00 a.m.

PRE-BID CONFERENCE

TO BE HELD AT: MARION COUNTY SHERIFF'S OFFICE CONFERENCE ROOM 692 N. W. 30TH AVENUE Ocala, FL 34475-5608 (352)368-3566

BID OPENING DATE: January 20, 2009, 12:00 Noon

BID OPENING TO BE HELD AT:

FLORIDA SHERIFFS ASSOCIATION COOPERATIVE BID COORDINATOR'S OFFICE (Temporary Physical Address) 1983 CENTRE POINTE BLVD., SUITE 101 (30308) P. O. BOX 12519 TALLAHASSEE, FL 32317-2519

BIDS MUST BE CONTAINED IN A SEALED ENVELOPE ADDRESSED TO THE FLORIDA SHERIFFS ASSOCIATION. INDICATE ON

THE OUTSIDE OF THE ENVELOPE THE BID NUMBER, TITLE, OPENING DATE AND TIME. ALL BIDS MUST BE RECEIVED ON OR BEFORE THE DATE AND TIME NOTED ABOVE.

ALL QUESTIONS PERTAINING TO THIS BID, SHOULD BE DIRECTED TO: LYNN MEEK OR PEGGY GOFF WITH THE FLORIDA SHERIFFS ASSOCIATION AT (850)877-2165.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

Notice of Bid/Request for Proposal

REQUEST FOR PROPOSALS TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY Evaluation of Program Implementation Quality for the Teacher Quest Tampa Bay Pilot Program Deadline for Submission: 4:30 p.m., December 12, 2008. Request for Proposal is available on line at www.trda.org.

**Section XII
Miscellaneous**

DEPARTMENT OF EDUCATION

PUBLIC ANNOUNCEMENT OF STRUCTURAL ENGINEER SELECTION RESULTS

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: Continuing Contract for Structural Engineering Services

1. Atlantic Engineering Services
2. Baker Klein Engineering
3. TLC Engineering

PUBLIC ANNOUNCEMENT OF A/E SELECTION RESULTS

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: Continuing Contract for Architectural Services

1. Ebert Norman Brady
2. Akel Logan Shafer
3. Schenkel Shultz

PUBLIC ANNOUNCEMENT OF CIVIL ENGINEER SELECTION RESULTS

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: Continuing Contract for Civil Engineering Services

1. JBC Planning
2. Prosser Hallock
3. Matthews Design

PUBLIC ANNOUNCEMENT OF MEP ENGINEER SELECTION RESULTS

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: Continuing Contract for MEP Engineering Services

1. Simes & Rosch
2. TLC Engineering
3. Performance Engineer Group, Inc.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES DCA DOCKET NO. 50-40

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Palm Beach County School Board and the City of Loxahatchee Groves, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Town of Loxahatchee Groves, 14579 Southern Blvd., Suite 2, Loxahatchee Groves, Florida 33470.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Palm Beach

County School Board, Loxahatchee Groves. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
Office of Comprehensive Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES
DCA DOCKET NO. 11-03

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Collier County School Board and the City of Everglades City, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Everglades City, 102 Copeland and Broadway, Everglades City, Florida 34139.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly,

and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Collier County School Board and Everglades City. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
Office of Comprehensive Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES
DCA DOCKET NO. 03-09

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Bay County School Board and the City of Springfield, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Springfield, City Hall, 3529 East 3rd Street, Springfield, Florida 32401.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency

determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Bay County School Board, Springfield. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

 -s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

In re: MONROE COUNTY LAND
 DEVELOPMENT REGULATIONS ADOPTED
 BY MONROE COUNTY
 ORDINANCE NO. 019-2008

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2007), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On September 23, 2008, the Department received for review Monroe County Ordinance No. 019-2008 ("Ord. 019-2008"), adopted by Monroe County on August 20, 2008.
3. The purpose of the Ordinance is to amend Section 9.5-266 of the Monroe County Code to increase the deed restriction period for affordability for inclusionary housing to 99 years; eliminating the average square footage requirement while maintaining the minimum square footage requirement for affordable dwelling units.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2007).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2007) and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2007). The regulations adopted by Ord. 019-2008 are land development regulations.
7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 019-2008 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (d) To ensure the maximum well being of the Florida Keys and its citizens through sound economic development.
 - (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.
9. Ord. 019-2008 is consistent with the Principles for Guiding Development as a whole.
10. Ord. 019-2008 is consistent with the Monroe County Comprehensive Plan Goal 601, relating to the adoption of programs and policies to facilitate access by all current

and future residents to adequate and affordable housing; Policy 601.1.12, encouraging density bonuses, impact fee waiver programs and other possible regulations to encourage affordable housing; Objective 601.2, to adopt programs and policies to encourage housing of various types, sizes and price ranges to meet the demands of current and future residents; and Objective 601.6, to formulate affordable housing implementation programs.

WHEREFORE, IT IS ORDERED that Ord. 019-2008 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 18th day of November, 2008.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Mario Di Gennaro
Mayor of Monroe County
Florida Keys Marathon Airport
9400 Overseas Highway, Suite 210
Key West, Florida 33050
Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Andrew Trivette
Growth Management Director
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Lance Powersports, Inc., intends to allow the establishment of ADS-Auto Discount Sales, Inc., as a dealership for the sale of Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 3265 West New Haven Avenue, West Melbourne (Brevard County), Florida 32904, on or after December 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of ADS-Auto Discount Sales, Inc. are dealer operator(s): Art Stockdale, 3265 West New Haven Avenue, West Melbourne, Florida 32904; principal investor(s): Art Stockdale, 3265 West New Haven Avenue, West Melbourne, Florida 32904.

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: Gene Chang, Lance Powersports, Inc., 5200 Ontario Mills Parkway, Suite 100, Ontario, California 91764.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 11485 Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after November 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 1305 Northeast 3rd Terrace Road, Cape Coral, Florida 33909; principal investor(s): James Lynch, 1305 Northeast 3rd Terrace Road, Cape Coral, Florida 33909.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Kaier Motorcycle Manufacture Co. Ltd. (KAIR) at 11485 Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after November 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 1305 Northeast 3rd Terrace Road, Cape Coral, Florida 33909; principal investor(s): James Lynch, 1305 Northeast 3rd Terrace Road, Cape Coral, Florida 33909.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles

manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 11485 Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after November 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 1305 Northeast 3rd Terrace Road, Cape Coral, Florida 33909; principal investor(s): James Lynch, 1305 Northeast 3rd Terrace Road, Cape Coral, Florida 33909.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 QLink, L.P., intends to allow the establishment of Wenmark, Inc. d/b/a All The Wheel Toys, as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 1540 Northwest Federal Highway, Stuart (Martin County), Florida 34994, on or after November 13, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wenmark, Inc. d/b/a All The Wheel Toys are dealer operator(s): Mark Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994 and Wendy Mourning, 1540 North Federal Highway, Stuart, Florida 34994; principal investor(s): Mark Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994 and Wendy Mourning, 1540 North Federal Highway, Stuart, Florida 34994.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Johnny Tai, Vice President, QLink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that QLink, L.P., intends to allow the establishment of Wenmark, Inc. d/b/a All The Wheel Toys, as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Industry Co. Ltd. (GUNG) at 1540 Northwest Federal Highway, Stuart (Martin County), Florida 34994, on or after November 13, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wenmark, Inc. d/b/a All The Wheel Toys are dealer operator(s): Mark Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994 and Wendy Mourning, 1540 North Federal Highway, Stuart, Florida 34994; principal investor(s): Mark Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994 and Wendy Mourning, 1540 North Federal Highway, Stuart, Florida 34994.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License

Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Johnny Tai, Vice President, QLink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that V8 Choppers, LLC, intends to allow the establishment of American Performance Cycles of North Florida, LLC, as a dealership for the sale of motorcycles manufactured by V8 Choppers, LLC (VCHO) at 329 Southeast Avenue, Lake City (Columbia County), Florida 32025, on or after November 6, 2008.

The name and address of the dealer operator(s) and principal investor(s) of American Performance Cycles of North Florida, LLC are dealer operator(s): Shurman Stanley, 329 Southeast James Avenue, Lake City, Florida 32025; principal investor(s): Shurman Stanley, 329 Southeast James Avenue, Lake City, Florida 32025.

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: Stan Hughes, V8 Choppers, LLC, 1060 South 593 Road, Miami, Oklahoma 74354.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Caudill Supply, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 5571 Los Santos Way, Jacksonville (Duval County), Florida 32211, on or after December 25, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Caudill Supply, Inc. are dealer operator(s): Quince E. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211 and Iris A. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211; principal investor(s): Quince E. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211 and Iris A. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Caudill Supply, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Kaier Motorcycle Manufacture Co. Ltd. (KAIR) at 5571 Los Santos Way, Jacksonville (Duval County), Florida 32211, on or after December 25, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Caudill Supply, Inc. are dealer operator(s): Quince E. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211 and Iris A. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211; principal investor(s): Quince E. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211 and Iris A. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Caudill Supply, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 5571 Los Santos Way, Jacksonville (Duval County), Florida 32211, on or after December 25, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Caudill Supply, Inc. are dealer operator(s): Quince E. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211 and Iris A. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211; principal investor(s): Quince E. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211 and Iris A. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Caudill Supply, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 5571 Los Santos Way, Jacksonville (Duval County), Florida 32211, on or after December 25, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Caudill Supply, Inc. are dealer operator(s): Quince E. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211 and Iris A. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211; principal investor(s): Quince E. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211 and Iris A. Caudill, 5336 Clifton Road, Jacksonville, Florida 32211.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 JMSTAR Powersports, Inc., intends to allow the establishment of Keb Trans, Inc. d/b/a EZ Rider Scooters, as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corp. (HONL) at 7600 Wiles Road, Suite D, Coral Springs (Broward County), Florida 33067, on or after November 14, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Keb Trans, Inc. d/b/a EZ Rider Scooters are dealer operator(s): Ronald Scavron, 7600 Wiles Road, Suite D, Coral Springs, Florida 33067; principal investor(s): Ronald Scavron, 7600 Wiles Road, Suite D, Coral Springs, Florida 33067.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

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 JMSTAR Powersports, Inc., intends to allow the establishment of Keb Trans, Inc. d/b/a EZ Rider Scooters, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 7600 Wiles Road, Suite D, Coral Springs (Broward County), Florida 33067, on or after November 14, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Keb Trans, Inc. d/b/a EZ Rider Scooters are dealer operator(s): Ronald Scavron, 7600 Wiles Road, Suite D, Coral Springs, Florida 33067; principal investor(s): Ronald Scavron, 7600 Wiles Road, Suite D, Coral Springs, Florida 33067.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

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 Chuanl Motorcycle USA Co. Ltd., intends to allow the establishment of Go Anywhere Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 9050A Navarre Parkway, Navarre (Santa Rosa County), Florida 32566, on or after December 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Go Anywhere Scooters, LLC are dealer operator(s): Jerry W. Rogers, 6 Indian Bayou Drive, Destin, Florida 32541; principal investor(s): Jerry W. Rogers, 6 Indian Bayou Drive, Destin, Florida 32541 and Pat Rogers, 6 Indian Bayou Drive, Destin, Florida 32541.

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: Cynthia Booker, Chuanl Motorcycle USA Co. Ltd., 1036 Jacobson Road, Suite 200, Garland, Texas 75042.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of WBG Enterprises, LLC. d/b/a It-s, as a dealership for the sale of motorcycles manufactured by Chongqing Kaier Motorcycle

Manufacture Co. Ltd. (KAIR) at 27800 Old 41 Road, Bonita Springs (Lee County), Florida 34135, on or after November 2, 2008.

The name and address of the dealer operator(s) and principal investor(s) of WBG Enterprises, LLC. d/b/a It-s are dealer operator(s): Robert A. Bachman, 27119 Oakwood Drive, Bonita Springs, Florida 34134; Jeremy A. Bachman, 27328 Pinecrest Lane, Bonita Springs, Florida 34135; principal investor(s): Robert A. Bachman, 27119 Oakwood Drive, Bonita Springs, Florida 34134; Jeremy A. Bachman, 27328 Pinecrest Lane, Bonita Springs, Florida 34135.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of WBG Enterprises, LLC. d/b/a It-s, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 27800 Old 41 Road, Bonita Springs (Lee County), Florida 34135, on or after November 2, 2008.

The name and address of the dealer operator(s) and principal investor(s) of WBG Enterprises, LLC. d/b/a It-s are dealer operator(s): Robert A. Bachman, 27119 Oakwood Drive, Bonita Springs, Florida 34134; Jeremy A. Bachman, 27328 Pinecrest Lane, Bonita Springs, Florida 34135; principal

investor(s): Robert A. Bachman, 27119 Oakwood Drive, Bonita Springs, Florida 34134; Jeremy A. Bachman, 27328 Pinecrest Lane, Bonita Springs, Florida 34135.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of WBG Enterprises, LLC. d/b/a It-s, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 27800 Old 41 Road, Bonita Springs (Lee County), Florida 34135, on or after November 2, 2008.

The name and address of the dealer operator(s) and principal investor(s) of WBG Enterprises, LLC. d/b/a It-s are dealer operator(s): Robert A. Bachman, 27119 Oakwood Drive, Bonita Springs, Florida 34134; Jeremy A. Bachman, 27328 Pinecrest Lane, Bonita Springs, Florida 34135; principal investor(s): Robert A. Bachman, 27119 Oakwood Drive, Bonita Springs, Florida 34134; Jeremy A. Bachman, 27328 Pinecrest Lane, Bonita Springs, Florida 34135.

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.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Kitai Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 228 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after November 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Rustin Murray, 400 North Pimlico Street, St. Augustine, Florida 32092; principal investor(s): Rustin Murray, 400 North Pimlico Street, St. Augustine, Florida 32092.

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.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Kitai Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Kaier Motorcycle Manufacture Co. Ltd. (KAIR) at 228 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after November 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Rustin Murray, 400 North Pimlico Street, St. Augustine, Florida 32092; principal investor(s): Rustin Murray, 400 North Pimlico Street, St. Augustine, Florida 32092.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Kitai Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 228 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after November 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Rustin Murray, 400 North Pimlico Street, St. Augustine, Florida 32092; principal investor(s): Rustin Murray, 400 North Pimlico Street, St. Augustine, Florida 32092.

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.

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Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Kitai

Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 228 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after November 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Rustin Murray, 400 North Pimlico Street, St. Augustine, Florida 32092; principal investor(s): Rustin Murray, 400 North Pimlico Street, St. Augustine, Florida 32092.

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.

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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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 SunL Group, Inc., intends to allow the establishment of Ride Green, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 5686 Youngquist Road, Suite 113, Fort Myers (Lee County), Florida 33912, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green, Inc. are dealer operator(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912; principal investor(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

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 SunL Group, Inc., intends to allow the establishment of Ride Green, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 5686 Youngquist Road, Suite 113, Fort Myers (Lee County), Florida 33912, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green, Inc. are dealer operator(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912; principal investor(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Ride Green, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi Vehicles Co. Ltd. (KANG) at 5686 Youngquist Road, Suite 113, Fort Myers (Lee County), Florida 33912, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green, Inc. are dealer operator(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912; principal investor(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912.

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Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Ride Green, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Meitian Motorcycle Co. Ltd. (MEIT) at 5686 Youngquist Road, Suite 113, Fort Myers (Lee County), Florida 33912, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green, Inc. are dealer operator(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912; principal investor(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912.

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Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Ride Green, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co. Ltd. (MENG) at 5686 Youngquist Road, Suite 113, Fort Myers (Lee County), Florida 33912, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green, Inc. are dealer operator(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort

Myers, Florida 33912; principal investor(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912.

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Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Ride Green, Inc., as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 5686 Youngquist Road, Suite 113, Fort Myers (Lee County), Florida 33912, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green, Inc. are dealer operator(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912; principal investor(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912.

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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.

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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 SunL Group, Inc., intends to allow the establishment of Ride Green, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 5686 Youngquist Road, Suite 113, Fort Myers (Lee County), Florida 33912, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green, Inc. are dealer operator(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912; principal investor(s): Chauncey Solinger, 5686 Youngquist Road, Suite 113, Fort Myers, Florida 33912.

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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 SunL Group, Inc., intends to allow the establishment of St. John Powersports, LLC, as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 1800 North Ponce De Leon Boulevard, St. Augustine (St. Johns County), Florida 32086, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of St. John Powersports, LLC are dealer operator(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086; principal investor(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086.

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.

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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 SunL Group, Inc., intends to allow the establishment of St. John Powersports, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 1800 North Ponce De Leon Boulevard, St. Augustine (St. Johns County), Florida 32086, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of St. John Powersports, LLC are dealer operator(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086; principal investor(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086.

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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 SunL Group, Inc., intends to allow the establishment of St. John Powersports, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 1800 North Ponce De Leon Boulevard, St. Augustine (St. Johns County), Florida 32086, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of St. John Powersports, LLC are dealer operator(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086; principal investor(s): Brian

O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086.

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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 SunL Group, Inc., intends to allow the establishment of St. John Powersports, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi Vehicles Co. Ltd. (KANG) at 1800 North Ponce De Leon Boulevard, St. Augustine (St. Johns County), Florida 32086, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of St. John Powersports, LLC are dealer operator(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086; principal investor(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086.

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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 SunL Group, Inc., intends to allow the establishment of St. John Powersports, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Meitian Motorcycle Co. Ltd. (MEIT) at 1800 North Ponce De Leon Boulevard, St. Augustine (St. Johns County), Florida 32086, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of St. John Powersports, LLC are dealer operator(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086; principal investor(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086.

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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 SunL Group, Inc., intends to allow the establishment of St. John Powersports, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co. Ltd. (MENG) at 1800 North Ponce De Leon Boulevard, St. Augustine (St. Johns County), Florida 32086, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of St. John Powersports, LLC are dealer operator(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086; principal investor(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086.

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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 SunL Group, Inc., intends to allow the establishment of St. John Powersports, LLC, as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 1800 North Ponce De Leon Boulevard, St. Augustine (St. Johns County), Florida 32086, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of St. John Powersports, LLC are dealer operator(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086; principal investor(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086.

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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 SunL Group, Inc., intends to allow the establishment of St. John Powersports, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 1800 North Ponce De Leon Boulevard, St. Augustine (St. Johns County), Florida 32086, on or after November 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of St. John Powersports, LLC are dealer operator(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086; principal investor(s): Brian O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086 and Kathleen O'Rourke, 1800 North Ponce De Leon Boulevard, St. Augustine, Florida 32086.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc. 8551 Esters Boulevard, Irving, Texas 75063.

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 Kosto's Corp. d/b/a Scooters USA, intends to allow the establishment of Scooters Elite, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 7204 Central Avenue, St. Petersburg (Pinellas County), Florida 33707, on or after November 17, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooters Elite, LLC are dealer operator(s): Kirit Kana, 7204 Central Avenue, St. Petersburg, Florida 33707; principal investor(s): Kirit Kana, 7204 Central Avenue, St. Petersburg, Florida 33707.

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: Yamil Khawain, Kosto's Corp. d/b/a Scooters USA, 6800 Northwest 84th Avenue, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Chuanl Motorcycle USA Co. Ltd., intends to allow the establishment of XL Merchandising of Florida, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 7455 16th Street East, Suite 106, Sarasota (Sarasota County), Florida 34243, on or after October 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of XL Merchandising of Florida, LLC are dealer operator(s): Bonnie L. Gaipo, 9929 Laurel Valley Avenue Circle, Bradenton, Florida 43202; principal investor(s): Bonnie L. Gaipo, 9929 Laurel Valley Avenue Circle, Bradenton, Florida 43202; Robert J. Gaipo, 9929 Laurel Valley Avenue Circle, Bradenton, Florida 43202; Li Xiuyun, 10 Heather Hill Road, Catonsville, Maryland 21228; Jeffery Klein, 10 Heather Hill Road, Catonsville, Maryland 21228 and Michael Harrington, 175 Kings Highway, Punta Gorda, Florida 33983.

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: Bill Zhu, Vice President, Chuanl Motorcycle USA Co. Ltd., 1036 Jacobson Road, Suite 200, Garland, Texas 75042.

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."

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 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 November 18, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Robert Winfred Sessoms,

M.D. license number ME 66887. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 18, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Robert Kevin Hess, R.N. license number RN 9191169. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 12, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Angelina T. Leonardo, L.P.N. license number PN 902521. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 18, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Oberdella Melvin, L.P.N.

license number PN 5145358. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 17, 2008):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: The Bank of Bonifay (Bonifay Holding Company, Inc.) Bonifay, Florida
Proposed Purchaser: Protective Life Corporation (or a subsidiary thereof), Birmingham, Alabama
Received: November 17, 2008

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN November 10, 2008
 and November 14, 2008**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
62-160.400	11/13/08	12/3/08	34/26	34/36
62-160.405	11/13/08	12/3/08	34/26	34/36
62-160.650	11/13/08	12/3/08	34/26	34/36
62-160.670	11/13/08	12/3/08	34/26	34/36
62-160.700	11/13/08	12/3/08	34/26	34/36
62-160.800	11/13/08	12/3/08	34/26	34/36

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

9B-65.020	11/10/08	11/30/08	34/27	34/39
9B-65.021	11/10/08	11/30/08	34/27	34/39
9B-65.022	11/10/08	11/30/08	34/27	34/39
9B-65.023	11/10/08	11/30/08	34/27	34/39
9B-65.024	11/10/08	11/30/08	34/27	34/39
9B-65.025	11/10/08	11/30/08	34/27	34/39

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

15C-16.001	11/14/08	12/4/08	34/18	34/30
15C-16.002	11/14/08	12/4/08	34/18	34/30
15C-16.003	11/14/08	12/4/08	34/18	34/30

DEPARTMENT OF CORRECTIONS

33-208.403	11/13/08	12/3/08	34/41
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AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Office

59G-4.001	11/13/08	12/3/08	34/37	
59G-4.320	11/13/08	12/3/08	34/25	34/35
59G-13.080	11/13/08	12/3/08	34/6	34/13
59G-13.082	11/13/08	12/3/08	34/6	
59G-13.083	11/13/08	12/3/08	34/6	34/13

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

61G6-7.001	11/12/08	12/2/08	34/33
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Board of Accountancy

61H1-27.002	11/10/08	11/30/08	34/32	34/41
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-160.110	11/13/08	12/3/08	34/26	34/36
62-160.120	11/13/08	12/3/08	34/26	34/36
62-160.210	11/13/08	12/3/08	34/26	34/36
62-160.220	11/13/08	12/3/08	34/26	34/36
62-160.240	11/13/08	12/3/08	34/26	34/36
62-160.300	11/13/08	12/3/08	34/26	34/36
62-160.320	11/13/08	12/3/08	34/26	34/36
62-160.330	11/13/08	12/3/08	34/26	34/36
62-160.340	11/13/08	12/3/08	34/26	34/36

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

64B18-23.001	11/12/08	12/2/08	34/32
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

65C-16.001	11/10/08	11/30/08	34/23	34/35
65C-16.002	11/10/08	11/30/08	34/23	34/35
65C-16.003	11/10/08	11/30/08	34/23	34/41
65C-16.004	11/10/08	11/30/08	34/23	34/41
65C-16.005	11/10/08	11/30/08	34/23	34/35
65C-16.007	11/10/08	11/30/08	34/23	34/35
65C-16.008	11/10/08	11/30/08	34/23	34/35
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65C-16.010	11/10/08	11/30/08	34/23	
65C-16.011	11/10/08	11/30/08	34/23	
65C-16.012	11/10/08	11/30/08	34/23	34/35
65C-16.013	11/10/08	11/30/08	34/23	34/35
65C-16.014	11/10/08	11/30/08	34/23	
65C-16.015	11/10/08	11/30/08	34/23	34/35
65C-16.016	11/10/08	11/30/08	34/23	
65C-16.017	11/10/08	11/30/08	34/23	34/35
65C-16.018	11/10/08	11/30/08	34/23	34/35

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

68D-16.029	11/13/08	12/3/08	34/33
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FINANCIAL SERVICES COMMISSION

Banking

69U-100.100	11/12/08	12/2/08	34/34	
69U-100.101	11/12/08	12/2/08	34/34	
69U-100.102	11/12/08	12/2/08	34/34	
69U-100.103	11/12/08	12/2/08	34/34	
69U-100.104	11/12/08	12/2/08	34/34	
69U-100.105	11/12/08	12/2/08	34/34	
69U-100.106	11/12/08	12/2/08	34/34	34/42

Finance

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69V-40.0511	11/12/08	12/2/08	34/39
69V-40.201	11/12/08	12/2/08	34/39