

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011 RULE TITLE: Library Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to modify the guidelines for the Library Services and Technology Act Grant program. These revisions will update the grant program to implement Section 257.12(3), F.S., regarding the adoption of an Internet safety education program by public libraries.

SUBJECT AREA TO BE ADDRESSED: The Library Services and Technology Act Grant program administered by the Division of Library and Information Services.

RULEMAKING AUTHORITY: 257.12, 257.14, 257.15, 257.25 FS.

LAW IMPLEMENTED: 257.12, 257.14, 257.15, 257.25 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: November 13, 2009, 10:00 a.m.

PLACE: Room 307, State Library and Archives of Florida, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, FL
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dorothy Frank, Library Program Specialist, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; (850)245-6620. If you are 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: Marian Deeney, Library Program Administrator, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; (850)245-6620
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.064 RULE TITLE: Dual Enrollment/Early College Programs

PURPOSE AND EFFECT: The purpose of this rule development is to provide measurable criteria of Dual Enrollment/Early College Programs and to ensure appropriate levels of student achievement and equivalent quality of programs regardless of method of instruction or location of program. The rule language to be developed will include the evidence of implementation to be submitted to the Department of Education, for periodic review. The effect of the rule is to ensure college commitment to ensuring that Early College/Dual Enrollment programs demonstrate the level of academic rigor expected of all college courses and programs.

SUBJECT AREA TO BE ADDRESSED: Dual Enrollment/Early College Programs.

RULEMAKING AUTHORITY: 1007.271(9) FS.

LAW IMPLEMENTED: 1007.271, 1007.235 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: Julie Alexander, Senior Director, Instruction and Student Services, Division of Florida Colleges, 325 West Gaines Street, Suite 1532, Tallahassee, FL 32399; (850)245-9523 or e-mail Julie.alexander@fldoe.org. 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 Community Planning

RULE NO.: 9J-5.006 RULE TITLE: Future Land Use Element

PURPOSE AND EFFECT: The purpose and effect are to amend the rule to provide greater detail and explanation relating to the statutory requirements that the future land use element be based upon the amount of land required to accommodate anticipated growth and the projected population of the area.

SUBJECT AREA TO BE ADDRESSED: The statutory requirements that the future land use element be based upon, inter alia, the amount of land required to accommodate anticipated growth and the projected population of the area.

RULEMAKING AUTHORITY: 163.3177(9) FS.

LAW IMPLEMENTED: 163.3177(6)(a) FS.

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

DATE AND TIME: November 10, 2009, 1:00 p.m.

PLACE: Department of Community Affairs, Randall Kelley Training Center, Room 305, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Pursuant to the provisions of 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: Sheri Coven, Intergovernmental Affairs Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1600. If you are 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: Robert Pennock, Strategic Planning Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1735

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

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-90.002	Definitions
14-90.004	Bus Transit System Operational Standards
14-90.0041	Medical Examinations for Bus Transit System Drivers
14-90.006	Operational and Driving Requirements
14-90.007	Vehicle Equipment Standards and Procurement Criteria
14-90.009	Bus Safety Inspections
14-90.010	Certification
14-90.011	Safety and Security Inspections and Reviews

PURPOSE AND EFFECT: Rule Chapter 14-90, F.A.C., is being amended in order to include additional definitions, as well as update safety, medical, and operational standards. Regulations governing wireless communication devices are also being included in the rule chapter.

SUBJECT AREA TO BE ADDRESSED: Updated regulations and wireless communication devices are being amended.

RULEMAKING AUTHORITY: 341.031, 341.041(3), 341.061, 334.044(2) FS.

LAW IMPLEMENTED: 119.071, 341.041(3), 341.061, 334.044(12), 334.044(28) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <http://www.dot.state.fl.us/transit/>.

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."

FLORIDA PAROLE COMMISSION

RULE NO.:	RULE TITLE:
23-20.003	Criteria for Program Eligibility

PURPOSE AND EFFECT: The Commission proposes to amend a current rule to clarify eligibility requirements for the mutual participation program.

SUBJECT AREA TO BE ADDRESSED: Mutual Participation Program eligibility is only for those eligible for parole consideration.

RULEMAKING AUTHORITY: 947.07, 947.135(3)(b), 947.20 FS.

LAW IMPLEMENTED: 947.135 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-21.006	Initial Interview Procedure
23-21.007	Salient Factor Scoring
23-21.0165	Conditions of Parole
23-21.019	Parole Rescission
23-21.021	Warrant and Arrest
23-21.022	Revocation of Parole and Compulsory Conditional Release; Preliminary Hearings; Final Hearings

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete practices and procedures and standardizing to conform to other types of Commission supervision.

SUBJECT AREA TO BE ADDRESSED: The initial interview procedure will be updated to include information regarding out-of-state inmates; the salient factor score will be updated to clarify criminal record; the conditions of parole will be updated to conform to other types of supervision; the parole rescission process will be updated to delete a reference to obsolete rules; the warrant and arrest procedure, revocation of parole, preliminary hearing and final hearings rules will be updated to conform to current practices and procedures.

RULEMAKING AUTHORITY: 947.07, 947.071, 947.165, 947.20 FS.

LAW IMPLEMENTED: 947.04, 947.06, 947.071, 947.13, 947.16, 947.165, 947.168, 947.172, 947.173, 947.174, 947.1745, 947.1746, 947.1747, 947.18, 947.19, 947.21, 947.22, 947.23, 947.24 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.

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FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-22.011	Notice of Release by Control Release
23-22.013	Control Release Supervision
23-22.014	Revocation of Control Release
23-22.015	Control Release Forms

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules and standardizing to conform to other types of Commission supervision.

SUBJECT AREA TO BE ADDRESSED: The notice and forms procedures will be updated to delete obsolete practices. The supervision and revocation procedures will be updated to conform to current practices and procedures for other types of supervision.

RULEMAKING AUTHORITY: 947.07, 947.146, 947.20 FS.

LAW IMPLEMENTED: 947.141, 947.146, 947.147 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-23.006	Conditional Release Definitions
23-23.007	Victim Information
23-23.008	Conditional Release Evaluation Procedure
23-23.009	Notice of Release by Conditional Release
23-23.010	Conditional Release Supervision
23-23.011	Revocation of Conditional Release
23-23.012	Conditional Release Forms

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules, practices and procedures, and standardizing to conform to other types of Commission supervision.

SUBJECT AREA TO BE ADDRESSED: The definitions, victim information, conditions of release, and revocation of release are being updated to conform to current practices and procedures and to standardize information with all other types of release under the Commission jurisdiction. The evaluation procedure, notice of release, and forms are being updated to delete practices and procedures no longer used by the Commission.

RULEMAKING AUTHORITY: 947.06, 947.07, 947.1405, 947.20 FS.

LAW IMPLEMENTED: 947.1405, 947.141 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-24.020	Conditional Medical Release Eligibility
23-24.030	Conditions of Conditional Medical Release
23-24.050	Revocation of Conditional Medical Release
23-24.060	Conditional Medical Release Forms

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules and standardizing to conform to other types of Commission supervision.

SUBJECT AREA TO BE ADDRESSED: The forms will be updated to delete obsolete ones. The eligibility, supervision and revocation procedures will be updated to conform to current practices and procedures for other types of supervision.

RULEMAKING AUTHORITY: 947.07, 947.149 FS.

LAW IMPLEMENTED: 947.141, 947.149 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-25.002	Definitions
23-25.005	Revocation of Addiction Recovery Supervision

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, standardizing to conform to other types of Commission supervision.

SUBJECT AREA TO BE ADDRESSED: The supervision and revocation procedures will be updated to conform to current practices and procedures for other types of supervision.

RULEMAKING AUTHORITY: 944.4731 FS.

LAW IMPLEMENTED: 944.4731, 947.141 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

PUBLIC SERVICE COMMISSION

RULE NO.:	RULE TITLE:
25-22.061	Stay Pending Judicial Review

PURPOSE AND EFFECT: To amend Rule 25-22.061, F.A.C., to conform to amendments to Fla. R. App. P. 9.310, to revise for clarity, and to more accurately reflect current Commission practice. Undocketed.

SUBJECT AREA TO BE ADDRESSED: The rule addresses: procedure for requesting and granting a stay of a final or nonfinal Commission order pending judicial review; factors which may be considered in determining whether to grant a stay, and; conditions upon which a stay may be granted by the Commission.

RULEMAKING AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 120.68(3) FS.

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

DATE AND TIME: December 10, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216 or kcowdery@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-22.061 Stay Pending Judicial Review.

(1) The issuance of a stay of a Commission order pending judicial review in the state courts shall be governed by Fla. R. App. P. 9.190 and 9.310, Section 120.68(3), Florida Statutes, and this rule.

(2)(4)(a) When the order being appealed involves the refund of moneys to customers or a decrease in rates charged to customers, the Commission shall, upon motion filed by the utility or company affected, grant a stay pending judicial proceedings. The stay shall be conditioned upon the posting of good and sufficient bond, or the posting of a corporate undertaking, or ~~and~~ such other conditions as the Commission finds appropriate to secure the revenues collected by the utility subject to refund.

(b) In determining the amount and conditions of the bond or corporate undertaking, the Commission may consider such factors as:

1. Terms that will discourage appeals when there is little possibility of success; and
2. A rate of interest that takes into consideration:
 - a. The use of the money that the stay permits;
 - b. ~~The prime and other prevailing rates of interest at commercial banks and other potential sources of capital in the amount involved in the appeal.~~

(3)(2) Except as provided in subsection (2)(4), a party seeking to stay a final or nonfinal order of the Commission pending judicial review may ~~shall~~ file a motion with the Commission, which has ~~shall have~~ authority to grant, modify, or deny such relief. A stay pending review granted pursuant to this subsection may be conditioned upon the posting of a good and sufficient bond or corporate undertaking, other conditions relevant to the order being stayed, or both. In determining whether to grant a stay, the Commission may, among other things, consider:

- (a) Whether the petitioner has demonstrated a likelihood of success on the merits ~~is likely to prevail~~ on appeal;
- (b) Whether the petitioner has demonstrated a likelihood of sustaining that he is likely to suffer irreparable harm if the stay is not granted; and

(c) Whether the delay in implementing the order will likely cause substantial harm or be contrary to the public interest if the stay is granted.

~~(3)(a) When a public body or public official appeals an order involving an increase in a utility's or company's rates, which appeal operates as an automatic stay, the Commission shall vacate the stay upon motion by the utility or company and the posting of good and sufficient bond or corporate undertaking. When determining the amount and conditions of the bond or corporate undertaking, the Commission may consider such factors as those set forth in subparagraph (1)(b)2.~~

~~(b) When a public body or public official appeals an order that does not involve an increase in rates, the Commission may vacate the stay or impose any lawful conditions.~~

(4)(a) When a stay or vacation of a stay is conditioned upon the posting of a bond, or corporate undertaking, or other appropriate form of surety, the Commission shall ~~may~~ at the time it grants the stay or vacation of the stay, set the rate of interest to be paid by the utility or company pursuant to subsection 25-6.109(4), F.A.C., in the event that the Court's decision requires a refund to customers.

(5) Motions filed pursuant to ~~subsection (1) or (2)~~ of this rule shall be heard by those Commissioners who were on the deciding panel for participated in the proceeding which resulted in the order being appealed. ~~However, motions filed under subsection (3) of this rule may be ruled upon by the Chairman or the Commissioner assigned as the prehearing officer in the case.~~

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 120.68(3) FS. History—New 2-1-82, Formerly 25-22.61, Amended _____.

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-22.103	Orders Indexed
25-22.1035	Official Reporter for Final Orders
25-22.105	Electronic Database of Orders and Other Records
25-22.107	Plan for Making Orders Available to the Public

PURPOSE AND EFFECT: To codify the Commission's process for an electronic database for Commission orders. The Commission's website would become the Official Reporter and provide free and timely access to the public for Commission orders. Undocketed.

SUBJECT AREA TO BE ADDRESSED: The Commission's electronic database of orders would be addressed, and the process for the orders to be available to the public.

RULEMAKING AUTHORITY: 120.53(2), (8), 120.533 FS.

LAW IMPLEMENTED: 120.52(2), 120.53(2)(a)3., 120.53(2)(d), 120.53(4)(a) FS.

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

DATE AND TIME: November 9, 2009, 9:30 a.m. – 11:30 a.m.
 PLACE: Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-22.103 Orders Indexed.

~~All Commission orders shall be indexed.~~

~~Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., (2)(d) FS. History–New 9-24-92, Amended 12-27-94, Repealed _____.~~

~~25-22.1035 Official Reporter for Final Orders Designation of Official Reporter.~~

~~The official reporter of the Florida Public Service Commission shall be its Web site www.psc.state.fl.us/dockets/cms, effective January 1, 2010, the Florida Public Service Commission Reporter (FPSCR), published by FALR, Inc. The official reporter shall index orders of the Commission as required by Rule 25-22.103, F.A.C., The Florida Public Service Commission Reporter (FPSCR) published by FALR will remain the designated official reporter for final orders from January 1981 to December 31, 2009, and shall publish the index and all orders. The Florida Public Service Commission Reporter is found at some county law libraries and is available by subscription at the offices of FALR, Inc., P. O. Box 385, Gainesville, FL 32602. A copy of the Florida Public Service Commission Reporter is also available for public inspection at the Office of Commission Clerk.~~

~~Rulemaking Specific Authority 120.532, 120.533 FS. Law Implemented 120.53(2)(a)3., 120.53(2)(d), 120.53(4)(a) FS. History–New 12-27-94, Amended _____.~~

~~25-22.105 Electronic Database of Orders and Other Records System for Indexing Orders.~~

~~(1) The Commission’s electronic database The index shall be available from the Commission’s Web site located at www.psc.state.fl.us/dockets/cms and alphabetically arranged by main subject headings representing major categories of the~~

~~Commission’s regulatory jurisdiction and taken from the Florida Statutes index, when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. The index shall show the main subject headings in all capital letters, flush left on the page, followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings shall reflect increasingly specific areas or subjects addressed in Commission orders and may be taken from the text of the Florida Statutes construed. Subheadings and sub-subheadings at equal indentations shall also be alphabetized. The FPSCR citation to orders shall be listed sequentially in an indentation immediately below the applicable sub or sub-subheading. Cross references shall be used to direct the user to subject headings which contain the relevant information. The database shall include the ability to electronically search dockets by docket number, docket title, and document number. The ability to search by rRelated key words (specific words, terms, and phrases) and common and colloquial words shall be available from the “advanced search” feature on the main search page of the Commission’s Web site at <http://www.floridapsc.com/search>. Orders within this database may be searched using logical search terms that are in common usage, that are also contained within the text of the final orders, or by descriptive information about the order that may not be specifically contained in the order. From the Category drop-down selection on the “advanced search” feature for Orders, the search may optionally be further restricted listed and cross-referenced to the appropriate main subject headings. New subject headings will be added when necessary.~~

~~(2) Information shall be added to the Commission’s Web site within 24 hours of the issuance of the document by the Office of Commission Clerk. The index shall be cumulative for at least one calendar year and shall be updated and made available to the public at least quarterly.~~

~~Rulemaking Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History–New 9-24-92, Amended 12-27-94, _____.~~

~~25-22.107 Plan for Making Orders and Index Available to the Public.~~

~~(1) No change.~~

~~(2) The Office of Commission Clerk shall assist the public in obtaining information pertaining to Commission orders and may be contacted at (850)413-6770 or at Clerk@psc.state.fl.us. Questions may also be faxed to (850)413-7118.~~

~~(3) Copies of orders, in numerical order, and a copy of the Commission’s official reporter shall be maintained in the offices of the Office of Commission Clerk and electronically at the Commission’s Web site, www.psc.state.fl.us/dockets/cms.~~

Rulemaking Specific Authority 120.53(2), (8) FS. Law Implemented 120.52(2) FS. History—New 9-24-92, Amended 12-27-94, _____.

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE NOS.: RULE TITLES:
 27M-4.001 Forms and Definitions
 27M-4.002 Competitive Application for
 Selection as Loan Administrator
 27M-4.003 Certification Decision

PURPOSE AND EFFECT: To implement the Economic Gardening Business Loan Pilot Program.

SUBJECT AREA TO BE ADDRESSED: Economic Gardening Business Loan Pilot Program.

RULEMAKING AUTHORITY: 288.1081 FS.

LAW IMPLEMENTED: 288.1081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Ramsey Dennard, Office of Tourism, Trade, and Economic Development, (850)487-2568, michelle.dennard@myflorida.com

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

DEPARTMENT OF CORRECTIONS

RULE NOS.: RULE TITLES:
 33-601.713 Inmate Visiting – Definitions
 33-601.714 Inmate Visiting – General
 33-601.715 Visiting Application Initiation
 Process
 33-601.716 Visiting Record Management
 33-601.717 Visiting Denial
 33-601.725 Permissible Items for Visitors
 33-601.731 Suspension of Visiting Privileges
 33-601.732 Reinstatement of Suspended Visiting
 Privileges
 33-601.733 Visiting – Special Status Inmates
 33-601.735 Non-Contact Visiting
 33-601.737 Visiting – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is: to amend Rule 33-601.713, F.A.C., to clarify language and add a definition of “major rule violation” for the purpose of visiting privileges suspension; to amend Rule 33-601.714, F.A.C., to clarify the warden’s authority to deny or terminate a visit; to amend Rule 33-601.715, F.A.C., to correct language referring to the wrong form; to amend Rule

33-601.716, F.A.C., to clarify the circumstances under which an individual may be on the visiting list of more than one non-family inmate; to substantially reword Rule 33-601.717, F.A.C., to clarify the circumstances under which an individual may be denied visiting privileges; to amend Rule 33-601.725, F.A.C., to include a photo ID and a copy of a notarized authorization to supervise a minor as permissible items for visitors to possess; to amend Rule 33-601.731, F.A.C., to clarify the circumstances under which an individual’s visiting privileges may be suspended and to incorporate by reference the Visiting Privileges Suspension Matrix, which specifies the time period of suspensions in relation to their underlying infractions; to amend Rule 33-601.732, F.A.C., to clarify the procedure for reinstatement of suspended visiting privileges; to amend Rule 33-601.733, F.A.C., to include language being moved from Rule 33-601.734, F.A.C., concerning the visiting privileges of inmates in confinement and protective management statuses; to amend Rule 33-601.735, F.A.C., to clarify that noncontact visits for confinement and protective management status inmates must be pre-approved by the warden or designee; and to amend Rule 33-601.737, F.A.C., to clarify language on Form DC6-111D, Visitor Screening Matrix, regarding visiting applicants who are former victims of an inmate.

SUBJECT AREA TO BE ADDRESSED: Inmate Visitation.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.47, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.713 Inmate Visiting – Definitions.

(1) “Authorized Adult” refers to an approved visitor eighteen years or older who has notarized authorization to escort a minor and represent the minor’s parent or legal guardian should the minor need to be questioned or searched for visiting purposes.

(2) “Automated Visiting Record (AVR)” refers to a computer subsystem of the Offender Based Information System (OBIS) that automates visitor facility entry and exit and records visiting information.

(3) “Emancipated Minor” refers to a visitor seventeen years of age or younger who furnishes written proof of emancipation and attaches a copy to the Request for Visiting

Privileges, Form DC6-111A, Request for Visiting Privileges. Form DC6-111A is incorporated by reference in Rule 33-601.737, F.A.C.

(4) “Institutional Classification Team (ICT)” refers to the team consisting of the warden or assistant warden, classification supervisor, a correctional officer chief and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(5) “~~Immediate~~ Family” for the purposes of Rules 33-601.713 through 33-601.737, F.A.C. refers to an inmate’s spouse, children, parents, brothers, sisters, grandparents, great-grandparents, grandchildren, step-brothers, step-sisters, step-parents, step-grandparents, aunts, uncles, foster parents, step-children, half brothers, half sisters, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, and sons and daughters-in-law.

(6) “Minor” refers to any visitor seventeen years of age or younger who must visit in the company of a parent, legal guardian, or authorized adult who is an approved visitor.

(7) “Non-Contact Visiting” at authorized institutions refers to visual visiting where a structural barrier is used to prevent the inmate and visitor from any form of physical contact, but allows verbal communication.

(8) “Suspension” refers to the withdrawal or voiding ~~suspension~~ of visiting privileges for a specified period of time for an inmate or visitor.

(9) “Regular Visit” refers to any approved visit between an inmate and any approved visitor on the inmate’s visiting record that occurs on scheduled visiting days and hours.

(10) “Approved Visitor” refers to any person who is approved by the assigned institutional classification officer, warden or duty warden to visit an inmate and whose approval is documented in the automated visiting record.

(11) “Request for Visiting Privileges” refers to Form DC6-111A, which must be fully completed by all prospective visitors twelve years of age and older and forwarded to the assigned institutional classification officer for resolution.

(12) “Scheduled Visiting Days” refers to the specific days and times an inmate is authorized to visit. This is normally Saturday and Sunday, from 9:00 a.m. until 3:00 p.m. Eastern Standard Time (8:00 a.m. – 2:00 p.m. Central Standard Time).

(13) “Special Status Inmate” refers to an inmate who is not in the general population but is in a special classification status as outlined in Rule 33-601.733, F.A.C., that shall prohibit or restrict visiting based upon the status.

(14) “Special Visit” refers to an authorized visit on a day, at a time or for a duration of time other than an inmate’s regularly scheduled visiting days, or with a person not listed in the inmate’s approved visiting record.

(15) “Indefinite Suspension” ~~“Revoked”~~ refers to the withdrawal ~~withdrawing~~ or voiding of visiting privileges of a visitor for an unspecified period of time.

(16) “Maximum Capacity” refers to the capacity of the inside visiting park as determined by the State Fire Marshal.

(17) “Major Rule Violation” – for the purpose of this chapter refers to any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 3-7-04, 12-6-04, _____.

33-601.714 Inmate Visiting – General.

(1) Inmate visiting is a privilege, not a guaranteed right of either the inmate or the visitor. Inmates are not assigned to specific institutions solely for the convenience of visiting privileges.

(2) All visitors are subject to Department rules, procedures, technical instructions and restrictions imposed as a condition of admittance and the directions of institutional staff while on institutional grounds.

(3) The warden, assistant warden, or duty warden is authorized to deny or terminate a visit pursuant to Rule 33-601.729, F.A.C. if any of its aspects are disruptive or violate rules, procedures, instructions, restrictions, orders, or directions. Any disruption or violation shall be entered on the AVR and may shall subject the visitor to revocation or suspension of visiting privileges by the warden or designee and the inmate to disciplinary action.

(4) Posting of Policies.

(a) To ensure that all visitors are aware of Section 944.47, F.S., governing contraband, the warden or designee shall post the statute in a conspicuous place at the entrance to the institution or facility.

(b) The warden or designee shall display the visiting rules, procedures, and any technical instructions that do not impede the maintenance of the security of the institution in a manner that allows visitors to read them before they begin the institutional visiting entry process.

(5) Inmates shall be allowed to file grievances concerning visiting privileges in accordance with the provisions of Rule 33-103.005, F.A.C.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, _____.

33-601.715 Visiting Application Initiation Process.

(1) During the reception process, classification staff shall develop and maintain a computerized list of the inmate's immediate family members for placement on the automated visiting record. Placement of a name on the automated visiting record in and of itself is not approval to visit.

(2) The inmate shall be given up to fifteen copies of the Request for Visiting Privileges, Form DC6-111A, and Visitor Information Summary, Form DC6-111B, within 24 hours after arrival at his or her permanent facility. Forms DC6-111A and DC6-111B are incorporated by reference in Rule 33-601.737, F.A.C. The inmate shall be responsible for sending the forms to each family member or friend twelve years of age or older, whom the inmate wishes to be placed in his or her approved visiting record. Minors eleven years of age and younger are not required to submit a Request for Visiting Privileges, Form DC6-111A DC6-111B, until they reach 12 years of age.

(a) Only visitors approved pursuant to Rule 33-601.718, F.A.C., shall be allowed to visit.

(b) The prospective visitor shall be required to complete a Form DC6-111A, Request for Visiting Privileges, by filling in each line or inserting "NA" (not applicable) where appropriate.

(3) The institution classification staff shall conduct criminal history background checks on applicants requesting visiting privileges.

(4) Upon transfer to a permanent institution or facility, each inmate shall be provided with a visitor information letter containing visiting information specific to that institution or facility to be mailed, at the inmate's expense, to each approved visitor.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History--New 11-18-01, Amended 5-27-02, 9-29-03,_____.

33-601.716 Visiting Record Management.

(1) The Bureau of Classification and Central Records shall develop and maintain computerized inmate-visiting records.

(2) Department staff shall document all requests for visits and decisions made with regard to visiting and pertinent comments on the automated visiting record.

(3) No more than fifteen people, twelve years of age or older, including family and non-family, are allowed on an inmate's approved visiting record.

(4) Inmates shall be permitted to remove or request to add visitors to their inmate visiting records by completing Form DC6-111C, Remove/Add Visitor Request, a Remove/Add Visitor Request, provided by institutional classification staff. Form DC6-111C is incorporated by reference in Rule 33-601.737, F.A.C. Additions to the visiting record shall be allowed at any time, up to the limit of fifteen approved visitors. Removals shall only be permitted every six months. Visitors whose visiting privileges are suspended ~~or revoked~~ shall not be

removed from an inmate's approved visiting list, ~~while in the respective status~~ and the inmate shall not be allowed to replace the suspended visitor with an another approved visitor.

(5) A person who requests placement on an inmate's visiting record shall be referred to the inmate concerned. The inmate shall be responsible for notifying prospective visitors of whether they have been approved or disapproved for visitation.

(6) A visitor shall ~~not~~ be permitted to be on the more than one inmate's approved visiting record of all inmates who are ~~unless they are immediate family~~ as well as one non-family inmate members except as provided in subsection 33-601.716(7), F.A.C.

(7) A visitor who is approved as ~~immediate~~ family on an inmate's visiting record shall not be considered for visitation with a non-~~immediate~~ family member inmate if both inmates are housed at the same institution unless:

(a) The ~~immediate~~ family member inmate is transferred to another institution or is released from incarceration.

(b) The visitor is already approved to visit a non-~~immediate~~ family inmate prior to the immediate family member inmate being received at the same institution. Visitation shall be allowed, but not on the same day.

(c) The visitor is already approved to visit a non-~~immediate~~ family member inmate prior to being transferred to the same institution housing a ~~an immediate~~ family member inmate. Visitation shall be allowed, but not on the same day.

(8) An approved visitor who is on the visiting list of two or more ~~immediate~~ family member inmates who are at the same institution may visit the inmates at the same time.

(9) A visitor approved to visit as a non-~~immediate~~ family inmate member shall not be removed from the visiting list of the inmate for purposes of visiting another non-~~immediate~~ family member inmate at the same institution.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History--New 11-18-01, Amended 9-29-03,_____.

(Substantial Rewording of Rule 33-601.717 Follows. See Florida Administrative Code for present text.)

33-601.717 Visiting Denial

(1) Visitors shall not be denied visiting because of disability, race, creed, color, or national origin of the inmate or visitor. Visits shall not be denied based on the ideas or opinions held or expressed by the inmate or visitor or for any reason unrelated to security, good order, or rehabilitative objectives of the institution.

(2) Initial Denial of Visiting Privileges.

(a) In approving or disapproving visiting privileges, the assigned institutional classification officer shall review Form DC6-111A, Request for Visiting Privileges, and shall consider

all factors related to the security, order, and effective management of the institution. Form DC6-111A is incorporated by reference in Rule 33-601.737, F.A.C.

(b) The assigned institutional classification officer shall evaluate an applicant's criminal history and visiting background using Form DC6-111D, Visitor Screening Matrix. Form DC6-111D is incorporated by reference in Rule 33-601.737, F.A.C. Prior criminal records shall not automatically result in disapproval of visiting. The nature, extent, and recentness of the criminal convictions and adjudications withheld combined with the person's relationship to the inmate shall affect approval or disapproval. Consideration of an applicant's criminal history shall include:

1. Release from incarceration in any jurisdiction for a felony conviction within the last two years, if the applicant was not incarcerated at any time in the facility in which visitation is requested;

2. Release from incarceration for a felony conviction within the last five years if the applicant was incarcerated at any time in the facility in which visitation is requested. If an inmate transfer results in visitation in a facility in which an approved visitor was previously incarcerated and released within the last five years, the warden shall, on a case by case basis, determine if the approved visitor shall be allowed to visit. Factors to be considered shall include, but are not limited to, the visitor's adjustment during incarceration, the relationship of the inmate to the visitor, institutional security, and public safety;

3. Release from incarceration in any jurisdiction for a misdemeanor conviction within the last year;

4. Current community supervision status or termination from community supervision in any jurisdiction within the past year; and

5. The disposition of arrests. If the disposition of an arrest is not reflected, the disposition shall be ascertained prior to approval of the application. If additional documentation of the charge is necessary, the prospective visitor shall be responsible for providing official documentation of the disposition or circumstances of the offense in question.

(c) An application for visiting privileges shall be denied if the applicant:

1. Has possessed, introduced, or attempted to introduce contraband as defined in Section 944.47, F.S., into any facility;

2. Has committed serious or repeated violations of departmental rules or procedures during a previous visit within the past five years;

3. Is a former department employment, contract employment, or volunteer with a documented work history that raises security concerns;

4. Is a victim of an inmate's current or prior offense with consideration of the nature of the inmate's offense, the extent of the victimization and the relationship of the victim to the inmate;

5. Is a co-defendant of the inmate in a current or prior offense;

6. Provided testimony, documentation, or physical evidence which assisted the prosecution in the inmate's conviction or incarceration;

7. Has an active protection order or injunction against the inmate to be visited or the inmate has an active protection order or injunction against the prospective visitor;

8. Is an illegal alien;

9. Is a department volunteer or intern at the institution in which visitation is requested or was a volunteer or intern at the institution at any time in the previous five years; or

10. Escaped, attempted to escape, or assisted or attempted to assist an escape or escape attempt from any facility. If visitation is denied based on this paragraph, the denial shall be permanent.

(d) Visiting privileges shall be denied if the inmate or the prospective visitor gave false or misleading information to obtain visiting privileges within the past six months, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertent or good faith mistake, omission, or clerical error. Discovery of intentional falsification of visitor information after the visitor has been approved for visitation shall result in the visitor being considered for suspension of visiting privileges pursuant to Rule 33-601.731, F.A.C.

(e) In approving or denying an application for visiting privileges, the institutional classification officer shall consider all other factors related to the security, order, or effective management of the institution.

(f) The Secretary or designee, who for the purpose of this rule shall be the Assistant Secretary of Institutions, has the authority to review and modify the classification officer's approval or denial of visiting privileges.

(3) Denial of Visitation after Initial Approval of Visiting Privileges.

(a) Visiting shall be denied during a declared emergency.

(b) Upon review of Form DC6-111A, the institutional classification officer may deny visiting for individuals approved to visit who subsequently become subject to denial pursuant to any of the criteria set forth in subsection (2) of this rule prior to any official suspension pursuant to Rule 33-601.731, F.A.C.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 6-15-06, 1-7-07, _____.

Editorial Note: Formerly 33-601.706 and 33-601.707, F.A.C.

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while

possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

(a) One unopened pack of cigarettes or cigars and one lighter (bic-type lighters and matches are prohibited); however, smoking materials are not permitted if a designated outside smoking area is not available.

(b) One unopened, sealed package or can of smokeless tobacco, to include chewing tobacco and moist or powdered snuff.

(c) Vehicle keys necessary to operate a motor vehicle. However, keyless entry devices are not permitted unless the duty warden or designee visually inspects the keyless entry device and determines that the device is the only means for the visitor to access a motor vehicle and does not pose a threat to institutional security.

(d) Up to \$50.00, in \$1.00, \$5.00, \$10.00 and \$20.00 denominations only or silver change, per visitor, regardless of age, to purchase snacks and beverages from visiting park canteens or vending machines. All snacks and beverages shall be purchased and consumed in the visiting area. A small wallet or pouch may be used for containing the bills and any change received from the canteen or vending purchases.

(e) One (1) photographic identification card.

(f)(e) Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with subsection 33-601.723(6), F.A.C. The visitor shall not be allowed to bring needles or syringes into any department facility or dispose of them on the grounds of any department institution or facility under any circumstances.

1. Visitors taking prescription medications are allowed only the dosage necessary for the visiting period.

2. Each prescription medication brought into any institution or facility must be in its original prescribed container. The use of one container for different types of medication will not be allowed.

3. Each container must have a clearly readable prescription label that shows:

- a. The type of medication,
- b. The dosage requirements, and
- c. The individual's name for whom the medication was prescribed.

(g)(f) Feminine hygiene items enclosed in the original individual wrapping may be carried into the visiting park in a small pouch or bag.

(h)(g) Hairbrush and comb.

(i) If applicable, one (1) copy of a notarized authorization to supervise a minor.

(j)(h) Visitors with authorized infants and small children shall be allowed to bring in:

1. Five diapers, three clear plastic baby bottles or two sipper cups for toddlers, one clear plastic baby pacifier and three clear plastic jars of baby food with the original seal intact;

2. Baby wipes or towelettes, provided they are in a clear plastic bag;

3. An infant or baby carrier for each infant. Baby carriers are subject to search before entry into the institution and visitors shall be required to remove the infant from each carrier during the search.

4. One set of infant clothing and a non-quilted blanket for each infant and toddler.

(k)(i) Sunglasses.

(l)(j) Small unopened package of facial tissues in clear plastic.

(2) A visitor who brings any item not listed above that is not considered contraband or illegal, or who brings more than the permissible amounts of authorized items, shall be required to find a secure location to store the items for the duration of their visit.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07,_____.

33-601.731 ~~Revocation or~~ Suspension of Visiting Privileges.

(1) Suspension of Inmate Visiting Privileges.

(a) Suspension, including indefinite suspension, of an inmate's visiting privileges shall be considered by the ICT as a management tool independent of any disciplinary action taken pursuant to Rules 33-601.301 through 33-601.314, F.A.C.

(b)(2) Indefinite suspension of an inmate's visiting privileges shall be considered by the ~~ICT Institutional Classification Team (ICT)~~ as a management tool only when an inmate is found guilty of the following offenses:

1. Any major rule violation as defined in Rule 33-601.713, F.A.C.

(a) ~~Possessing any firearms, dangerous weapons, explosives or explosive devices;~~

(b) ~~Criminal activity, serious rule violations, repeated visiting rule or procedure infractions or security breach. A serious rule violation is a violation that subjects the violator to suspension of privileges for a minimum of two years or to revocation of visiting privileges;~~

2.(e) Possessing or using: a cellular telephone or other portable communication device as defined in Section 944.47(1)(a)6., F.S.; any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth

items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under the statute.

~~(c)(3) An inmate shall be subject to suspension of visiting privileges for up to two years by the ICT as a management tool when the inmate is found guilty of the following disciplinary offenses; in paragraphs (a) through (d) below. In determining the length of suspension, the ICT shall consider the extent of the sexual misconduct, the amount and type of drugs, the amount of money, the type of article or instrument, the inmate's prior disciplinary history, and the inmate's prior visiting record.~~

~~1.(a) Committing or engaging in sexual misconduct, (i.e., nudity, sexual acts with or without others, willful exposure of private body parts, or soliciting sexual acts from others).~~

~~2.(b) Possessing or passing money.~~

~~3.(c) Possessing or using drugs.~~

~~4. Possessing or using intoxicating beverages.~~

~~5. Refusing to participate in or being removed from a mandatory program due to negative behavior.~~

~~6. Possessing a recording device.~~

~~7. Visiting rule violation.~~

~~(d) Possessing any article or instrument that aids in escape or attempted escape.~~

~~(4) An inmate shall be subject to suspension of visiting privileges for three months for a first offense, six months for a second offense and two years for a third or subsequent offense, by the ICT as a management tool when an inmate is found guilty of possessing any of the following contraband or illegal items:~~

~~(a) Intoxicating beverages;~~

~~(b) Recording devices.~~

~~(5) An inmate shall be subject to suspension of visiting privileges for three months by the ICT as a management tool when an inmate is rated "unsatisfactory" for the work or program performance rating, including part-time assignment or security assessment. Such three month suspension shall begin with the month the rating was entered and run consecutively for each unsatisfactory rating.~~

~~(6) Inmates shall be suspended from receiving visits for three months beginning with the next visiting period for refusing to participate or being removed from a mandatory program due to negative behavior.~~

~~(7) The ICT shall consider suspending the inmate's visiting privileges for each subsequent offense described in subsections 33-601.731(1) through (5), F.A.C.~~

~~(d) The ICT shall suspend the visiting privileges of any inmate subject to a pending investigation for escape, attempted escape, or possession of escape paraphernalia until the investigation is complete. If the inmate is found guilty, the ICT shall consider indefinite suspension of the inmate's visiting~~

privileges pursuant to paragraph (1)(b) of this rule. If the inmate is not found guilty, the ICT shall immediately reinstate the inmate's visiting privileges.

(e) If an inmate is found guilty of an offense listed in paragraph (1)(c), the ICT shall suspend the inmate's visiting privileges for the length of time specified on Form DC6-XXX, Visiting Privileges Suspension Matrix. Form DC6-XXX is hereby incorporated by reference. If an inmate's visiting privileges are suspended pursuant to this rule and the inmate receives a subsequent guilty finding for one of the offenses listed in paragraph (1)(c), the inmate is subject to an increased period of suspension as follows:

1. If the subsequent offense occurs within two years of a guilty finding for the same offense, the inmate's visiting privileges shall be suspended for the length of time specified in the Visiting Privileges Suspension Matrix for subsequent offenses. This period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

2. If the subsequent offense is different from the previous offense, the inmate's visiting privileges shall be suspended for the length of time specified in the Visiting Privileges Suspension Matrix for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

~~(e)(8) In lieu of suspending an inmate's visiting privileges, the ICT is authorized to consider placement of an inmate in non-contact visitation status as provided in paragraph 33-601.735(2)(c), F.A.C., for offenses listed in paragraph (1)(c) subsections 33-601.731(1) through (6), F.A.C.~~

~~(2)(9) Suspension of Visitor's Visiting Privileges.~~

~~(a) A visitor's visiting privileges shall be indefinitely suspended revoked by the warden or designee when the visitor:~~

~~1. Is found in possession of an illegal drug (controlled substances) or drug paraphernalia when on the property of any department facility, when entering or exiting any department facility, or is found passing, attempting to pass, accepting, or attempting to accept such items to or from an inmate.~~

~~2. Is found in possession of a firearm, ammunition or explosive device, articles, or instrument, or is found attempting to pass or passing such items to an inmate. Staff will secure the weapons for the law enforcement officers.~~

~~3. Assists, facilitates, aids or abets an inmate to escape or attempt to escape or is found in possession of or passing or attempting to pass to an inmate any item or instrument that is capable of being used to aid in effecting or attempting an escape. Local law enforcement shall be called in this instance.~~

~~a. All visiting privileges of the escapee shall be suspended upon his or her return to department's custody.~~

~~b. Visiting privileges shall be suspended pending completion of the Inspector General's investigation if an attempted escape is alleged.~~

4. Commits repeated visiting rule or procedure infractions.

5. Visits or attempts to visit an inmate work area or walks or drives along the perimeter road or the grounds of the institution except in those areas designated specifically for inmate visitation or visitor parking.

6. Evidences intent to do harm to staff, inmates or visitors.

7. Is found in possession of or is found passing or attempting to pass to an inmate: a cellular telephone or other portable communication device, as defined in Section 944.47(1)(a)6., F.S.; any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under the statute.

(b) ~~A visitor's visiting~~ Visiting privileges shall be suspended by the warden or designee ~~for up to two years~~ when the visitor:

1. Attempts to pass or passes money to an inmate.;

2. Is intoxicated or has consumed intoxicating beverages or is found in possession of intoxicating beverages on the grounds of any department facility, or ~~is~~ found passing or attempting to pass such items to an inmate.;

3. Violates visitor conduct standards in subsection 33-601.727(1)(~~i~~) ~~through (k)~~, F.A.C.

4. Commits criminal activity, ~~serious rule violations or infractions or any security breach.~~

5. ~~Falsifies~~ As a former employee, contract employee, or vendor falsifies information to obtain visiting privileges, including falsification of guardianship documents, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertant or good faith mistake, omission, or clerical error.

(c) If a visitor is found guilty of an offense listed in paragraph (2)(b), the warden or designee shall suspend the visitor's visiting privileges for the period of time specified in the Visiting Privileges Suspension Matrix (Appendix One). If a visitor's visiting privileges are suspended pursuant to this rule and the visitor subsequently commits one of the offenses listed in paragraph (2)(b), the visitor is subject to an increased period of suspension as follows:

1. If the subsequent offense occurs within two years of the commission of the same offense, the visitor's visiting privileges shall be suspended for the length of time specified in the Visiting Privileges Suspension Matrix for subsequent offenses. This period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

2. If the subsequent offense is different from the previous offense, the visitor's visiting privileges shall be suspended for the length of time specified in the Visiting Privileges Suspension Matrix for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense. Visitors found in violation of paragraph 33-601.717(5)(f), F.A.C. — falsifying information to obtain visiting privileges, subsections 33-601.723(3) and (5), F.A.C., falsifying information at visitor registration and falsifying documents of guardianship, subsection 33-601.724(2), F.A.C. — visitor attire, Rule 33-601.726, F.A.C. — visitor searches, or visitor conduct standards as outlined in paragraphs 33-601.727(1)(a) through (h), F.A.C., shall have visiting privileges suspended by the warden or designee supervisor for up to one year.

~~(3)(4)~~ The warden or designee shall have the discretion to impose a length of suspension less than the maximum allowed by rule by considering the type of violation, the impact of the violation on the overall security or safety of the institution, and prior visits without incident.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07, 1-8-09, _____.

Editorial Note: Formerly 33-601.707 and 33-601.708, F.A.C.

33-601.732 Reinstatement of ~~Revoked or~~ Suspended Visiting Privileges.

(1) Reinstatement of Inmate Visiting Privileges. The warden or designee shall approve or deny requests for reinstatement of an inmate's suspended visiting privileges. The inmate shall submit a written request for reinstatement to the warden on Form DC6-236, Inmate Request. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) Reinstatement of indefinitely suspended privileges ~~suspended for more than two years~~ shall only be considered after two years from imposition of the indefinite suspension.

1. The warden or designee shall review the request, render a final decision and notify the inmate concerned.

2. Should the inmate be denied reinstatement, the inmate may not make another request for six months ~~one year~~ from the last decision requesting reinstatement.

(b) Reinstatement of suspended privileges ~~suspended for two years or less~~ shall not be considered ~~for reinstatement~~ for a period of one year from the imposition of the most recent suspension. Should the inmate be denied, the inmate may not make another request for six months from the last decision requesting reinstatement.

~~(e) Early reinstatement of suspensions of one year or less shall not be considered for reinstatement until at least six months from the date of suspension. Should the inmate be denied reinstatement, the inmate may not make another request.~~

(2) Reinstatement of Visitor Visiting Privileges. The warden or designee shall approve or deny requests for reinstatement of a visitor's revoked or suspended visiting privilege. The visitor, or inmate on behalf of the affected visitor, shall submit a written request for reinstatement of privileges to the assigned institutional classification officer. The visitor for whom the reinstatement is being considered shall submit a Request for Visiting Privileges, Form DC6-111A, if the suspension has been for longer than six months.

(a) Reinstatement of indefinitely suspended ~~revoked~~ privileges shall only be considered after two years from imposition of the indefinite suspension.

1. The warden or designee shall review the request, render a final decision and notify the visitor concerned.

2. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request for six months ~~one year~~ from the last decision requesting reinstatement.

(b) Reinstatement of suspended privileges ~~suspended for two years or less~~ shall not be considered for reinstatement for a period of one year from the imposition of the most recent suspension. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request for six months from the last decision requesting reinstatement.

~~(e) Early reinstatement of suspensions of one year and under shall not be considered for reinstatement until at least six months from the date of suspension. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request.~~

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03,_____.

33-601.733 Visiting – Special Status Inmates

(1) Inmates in special statuses, except for medical reasons, are not considered inmates with regular visiting privileges and must have special approval to visit. Inmates in special statuses shall be prohibited or restricted from regular visiting due to adverse impacts on security and orderly institutional operation.

(a) During initial reception periods, inmates awaiting transfer to their initial permanent facility shall not be permitted visits. The warden or duty warden shall grant special visits, as outlined in Rule 33-601.736, F.A.C., if the inmate remains at the reception center more than 45 days.

(b) Inmates in administrative confinement, protective management, or disciplinary confinement status shall have visiting privileges as outlined in Rules 33-602.220, 33-601.221, and 33-602.222, F.A.C., respectively. The warden

or designee shall determine whether an approved visit for inmates in one of the above statuses will be non-contact pursuant to Rule 33-601.735, F.A.C. In disciplinary confinement, administrative confinement, or protective management status, inmates shall have visiting privileges as outlined in Rule 33-601.734, F.A.C.

(c) Inmates in the youthful offender basic training program shall be allowed visiting in accordance with Rule 33-601.237, F.A.C.

(2) Upon placement in a special classification status where visiting privileges are prohibited or restricted, the warden shall ensure:

(a) That inmates are provided the opportunity, at the inmates' expense, to notify at least three approved visitors of the prohibition or restriction before the next scheduled visiting day if the situation permits the inmate to do so, or

(b) That staff makes visitor notifications by phone if the inmate is unable to make them.

(3) Visitation for inmates in prolonged hospitalization ~~or~~ with serious medical conditions or terminal illnesses shall be allowed ~~visits~~ unless security or medical issues as determined by the warden and chief health officer preclude visitation. A decision shall be made on a case-by-case basis. If visitation is authorized, the warden, in consultation with the chief health officer, shall determine the visitation schedule and shall inform at least three members of the inmate's immediate family. The regional director shall be informed in high notoriety cases before allowing visiting.

(4) An inmate housed in a mental health unit shall be permitted visits except as prohibited by the warden upon the advice of the chief health officer on a case-by-case basis.

(a) The warden shall prohibit an inmate housed in a mental health unit from receiving visitation where the warden determines that allowing the visit creates a substantial risk to the security of the institution, inmate, or visitor. In determining whether an inmate should be prohibited from receiving visitation the warden shall consider the custody level, special status, disciplinary history, and any other factors related to the security, order, or effective management of the institution.

(b) The chief health officer shall recommend prohibiting an inmate housed in a mental health unit from receiving visitation where the chief health officer has made or relied on a doctor's determination that visitation with a particular individual or visitation in general is likely to cause substantial harm to the inmate or the individual visiting the inmate.

(5) A maximum management inmate shall be allowed to receive non-contact visits from approved visitors in accordance with Rule 33-601.820, F.A.C.

(6) An inmate in close management shall be allowed to receive visits from approved visitors in accordance with Rule 33-601.800, F.A.C.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 12-25-08, _____.

Editorial Note: Formerly 33-601.704, F.A.C.

33-601.735 Non-Contact Visiting.

(1) When the ICT determines that non-contact visiting is necessary in order to maintain the security and good order of the institution, the ICT shall make a recommendation to the warden who shall approve or disapprove the recommendation.

(2) The ICT shall consider the following factors in determining whether to place an inmate in non-contact status:

(a) Whether the inmate is a threat to the security of the institution,

(b) The inmate’s and his or her visitors’ past behavior during visiting,

(c) The inmate’s disciplinary history within the last five years involving drugs, contraband, violence, or visiting policy violations occurring during visiting,

(d) Evidence or criminal intelligence reports that an inmate has possessed, sold, or transferred drugs or alcohol,

(e) Whether the inmate has a confirmed membership in a security threat group, and

(f) A positive drug or alcohol urine test.

(3) The ICT shall review non-contact visiting status a minimum of every 6 months to evaluate whether changes are necessary based upon the following:

(a) The seriousness of the incident or circumstances resulting in placement in non-contact status,

(b) The inmate’s history of repeated placement on non-contact status,

(c) The inmate’s overall adjustment history since placement in non-contact status, and

(d) The inmate’s disciplinary pattern within the last year related to drugs, contraband involvement, violence, or visiting rule violations.

(4) The warden shall ensure that there is sufficient space for non-contact visiting based on space available and allowable visitors.

(a) Non-contact visits shall be scheduled for one two-hour visit per week unless an emergency exists or security concerns dictate otherwise.

(b) Non-contact visits shall be limited to a maximum of four adult visitors and as many children as can be accommodated at a time.

(c) More than four visitors can be allowed to visit on a given day, but visiting will be on a rotating basis during the two-hour period.

(d) Inmates are responsible for notifying visitors of their placement on non-contact visiting status.

(5) For inmates in Administrative Confinement, Protective Management, or Disciplinary Confinement, the warden or designee shall determine whether a pre-approved visit will be contact or non-contact based on one or all of the criteria set forth in subsection (2).

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended _____.

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) DC1-803, Unclothed Body Search Consent, effective 11-18-01.

(2) DC1-804, Consent to or Notification of Search, effective 11-18-01.

(3) DC6-111A, Request for Visiting Privileges, effective 8-23-07.

(4) DC6-111B, Visitor Information Summary, effective 8-23-07.

(5) DC6-111C, Remove/Add Visitor Request, effective 11-18-01.

(6) DC6-111D, Visitor Screening Matrix, effective ~~8-23-07~~.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, 9-29-03, 3-31-05, 7-17-05, 3-21-06, 3-29-07, 8-23-07, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-35.02722	Real Estate: Instructor Transactions
61-35.02723	Real Estate: School Chief Administrator Transaction

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to create new, more efficient licensure application forms.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is licensure application forms.

RULEMAKING AUTHORITY: 20.165(8), 455.203, 455.213 FS.

LAW IMPLEMENTED: 455.271, 475.15, 475.161, 475.17, 475.175, 475.180, 475.181, 475.182, 475.183, 475.215, 475.23, 475.24, 559.79 FS.

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

Pursuant to the provisions of 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: Thomas O'Bryant, Jr., (407)481-5662. If you are 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: Thomas O'Bryant, Jr., (407)481-5662

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-302.800
RULE TITLE: Site Specific Alternative Criteria
PURPOSE AND EFFECT: On January 30, 2009, the Department received three petitions to initiate rulemaking from Buckeye Florida, L.P., to establish site specific alternative criteria (SSAC) for dissolved oxygen, iron, and transparency in the lower Fenholloway River and nearby coastal waters in Taylor County. If approved, the site specific alternative criteria will replace the statewide default criteria for these three water quality parameters. The site specific alternative criteria must be fully protective of the Class III designated use of the waters addressed in the petitions.

SUBJECT AREA TO BE ADDRESSED: This rule development and public workshop will address the need to establish site specific alternative criteria for dissolved oxygen, iron, and transparency in the lower Fenholloway River and nearby coastal waters. The petitions for dissolved oxygen and iron are for Type I SSACs, which require approval by Secretarial Order; while the petition for transparency is for a Type II SSAC, which requires rule adoption and approval by the Environmental Regulation Commission.

RULEMAKING AUTHORITY: 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.201, 403.502 FS.

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

DATE AND TIME: Tuesday, November 10, 2009, 7:00 p.m.

PLACE: Taylor County Commission Chambers, Taylor County Administrative Complex, 201 East Green Street, Perry, 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 Shaw at (850)245-8429. If you are 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: Eric Shaw, Standards and Assessments Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400; telephone (850)245-8429, email Eric.Shaw@dep.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007
RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address additional changes to various forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of revised forms.

RULEMAKING AUTHORITY: 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: 64B8-3.006
 RULE TITLE: Registration Fee for Dispensing Practitioners

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the fee for dispensing practitioners.

SUBJECT AREA TO BE ADDRESSED: Registration and renewal fees for dispensing practitioners.

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

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

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

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

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

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: 64B8-4.009
 RULE TITLE: Applications

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to incorporate revised licensure applications in the application rule.

SUBJECT AREA TO BE ADDRESSED: Various revised application forms for licensure.

RULEMAKING AUTHORITY: 456.031, 456.033, 458.309, 458.311, 458.317 FS.

LAW IMPLEMENTED: 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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: Larry

McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH**Board of Medicine**

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

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the five most misdiagnosed conditions.

SUBJECT AREA TO BE ADDRESSED: Five most misdiagnosed conditions for purposes of continuing medical education.

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

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

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

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

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

DEPARTMENT OF HEALTH**Board of Speech-Language Pathology and Audiology**

RULE NO.: 64B20-2.003
 RULE TITLE: Provisional License; Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the time limit for the validity of a provisional license.

SUBJECT AREA TO BE ADDRESSED: Provisional License; Requirements.

RULEMAKING AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1145(2), 468.1155(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Speech Language Pathology, 4052 Bald Cypress Way, Bin C#06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-4.001	Definitions for Behavior Analysis Certification and Services Rules
65G-4.0011	Recognized Certification Organizations for Behavior Analysts and Assistant Behavior Analysts
65G-4.003	Certification as a Behavior Analyst
65G-4.004	Certification as an Associate Behavior Analyst
65G-4.005	Renewal of Behavior Analysis Certification
65G-4.006	Approved Continuing Education
65G-4.007	Behavior Analysis Certification Fees
65G-4.008	Behavior Analysis Services Oversight System Organization
65G-4.009	Design, Implementation and Monitoring of Behavior Analysis Services
65G-4.010	Behavior Analysis Services Approval
65G-4.012	Determination of Mental Retardation: Intelligence Tests to be Administered

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to clarify existing language, to ensure effective program administration and reflect changes in provider practice.

SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rulemaking is to clarify and amend certain provisions regarding the provision of behavior analysis services provided under Rules 65G-4.001, 65G-4.008, 65G-4.009, 65G-4.010, and 65G-4.012, create new Rules 65G-4.0011 and 65G-4.0012, F.A.C. This amendment includes the repeal of Rules 65G-4.003, 65G-4.004, 65G-4.005, 65G-4.006 and 65G-4.007, F.A.C.

RULEMAKING AUTHORITY: 393.063, 393.125, 393.13(4)(g)3., 393.17, 393.501, 916.106 FS.

LAW IMPLEMENTED: 393.0651, 393.066, 393.067, 393.068, 393.125, 393.13, 393.17(2) FS.

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

DATE AND TIME: November 20, 2009, 1:30 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399-0950
 Pursuant to the provisions of 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: Steve Coleman, PhD., Senior Behavior Analyst, Agency for Persons with Disabilities, Residential and Clinical Support, 4030 esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-8695. If you are 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: Steve Coleman, PhD., Senior Behavior Analyst, Agency for Persons with Disabilities, Residential and Clinical Support, 4030 esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-8695

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

BEHAVIORAL SERVICES: PRACTICE AND PROCEDURE SERVICE DELIVERY PRACTICE AND PROCEDURE

65G-4.001 Definitions for Behavior Analysis Certification and Services Rules.

(1) Behavior analysis – refers to the use of scientific methods to change socially meaningful behavior. This process entails gathering information to analyze or describe the link between behavior and environment. It includes assessment of the environment and consequences that are maintaining the behavior targeted for change. It also encompasses changing the situations in the environment that trigger problem behavior and arranging situations that will provide the opportunity for desirable behaviors to occur. Behavior Analysis interventions teach skills to replace the behavior targeted for change and arrange delivery of consequences for desirable and undesirable behavior. A behavior analytic intervention also includes strategies and approaches to maintain the gains of the intervention over time and in varied settings. Behavior change interventions are based on the principles and laws of behavior. Behavior analytic interventions require monitoring or evaluation for effectiveness through direct observation and quantification of the behavior targeted for change. Caregivers and family members are actively involved in the behavior analysis process and are taught how to implement specific techniques or changes in the environment. The design, implementation and evaluation of systematic environmental modifications for the purposes of producing socially significant improvements in and understanding of human behavior based on the principles of behavior identified through the experimental analysis of behavior. It includes the

identification of functional relationships between behavior and environment. It uses direct observation and measurement of behavior and environment. Contextual factors, establishing operations, antecedent stimuli, positive reinforcers and other consequences are used, based on identified functional relationships between behavior and environment, in order to produce practical behavior change. Behavior analysis does not rely on cognitive therapies and expressly excludes psychological testing, neuropsychology, psychotherapy, sex therapy, psychoanalysis, hypnotherapy and long term counseling as treatment modalities.

(2) Behavior analysis services – The use of behavior analysis to assist a person or persons to learn new behavior, to increase existing behavior, to reduce existing behavior, and to emit behavior under precise environmental conditions. The term “behavior analysis services” includes the terms “behavioral programming,” “behavioral supports,” “behavior modification programs,” “behavior intervention plans,” “behavior plans” and “behavioral programs,” as well as any interventions designed to ameliorate dangerous behavior as described in paragraphs 65G-4.010(2)(a) through (h), F.A.C., below, through the teaching of appropriate replacement responses such as communication training, direct instruction or discrete trials training.

(3) Certification Body – A nonprofit corporation whose standards for certification of behavior analysts and assistant behavior analysts adheres to the national standards of boards that determine professional credentials to meet the needs of behavior analysts, state governments and consumers of behavior analysis services. The certification procedure of the nonprofit corporation must undergo regular psychometric review and validation pursuant to a job analysis survey of the profession and standards established by content experts in the field.

~~(4)(3)~~ Consultation – Monthly contacts between an assistant behavior analyst applicant for certification and a consulting certified behavior analyst or a person with the education and experience required for certification as a behavior analyst, during which the behavior analysis services provided by the assistant behavior analyst applicant are evaluated. At the time consultation is provided, the consulting behavior analyst shall not be the assistant behavior analyst’s applicant’s subordinate or employee. The consulting behavior analyst shall not be considered an employee of the assistant behavior analyst applicant if the only compensation received by the consulting behavior analyst consists of payment for consultation. Monthly contacts may include the assistant behavior analyst’s applicant’s presentation of behavior analysis services designed by the assistant behavior analyst applicant, with a focus on graphic displays of data, at local review committee meetings, established in Rule 65G-4.008, F.A.C.

~~(4) Supervision – Face-to-face meetings for at least two hours every two weeks or two hours per 40 hours of the applicant’s contact with clients, between the applicant and a certified behavior analyst or a person with the education and experience required for certification as a behavior analyst, during which the supervising behavior analyst directs and evaluates the behavior analysis services provided by the applicant. The supervising behavior analyst shall not be, at the time supervision is provided, the applicant’s subordinate or employee. The supervising behavior analyst shall not be considered an employee of the applicant if the only compensation received by the supervising behavior analyst consists of payment for supervision. The applicant’s presentation of behavior analysis services designed and implemented by the applicant, with a focus on graphic displays of data, at local review committee meetings, established in Rule 65G-4.008, F.A.C., may be substituted for up to 25 percent of the total supervision time needed to be eligible to take the behavior analyst certification examination.~~

(5) Provider – An enrolled professional authorized to provide behavior analysis services. Only individuals who are board certified behavior analysts or persons licensed in accordance with Chapter 490 or 491, F.S., on active status, and demonstrating supervision as required, may be providers of behavior analysis services. Only those providers holding a certificate on active status from a recognized certification organization for behavior analysis shall use the title, “certified behavior analyst.” Individuals performing behavior analysis services shall limit their practice to areas of documented expertise and in accordance with their education, training, and certification or licensure, unless otherwise demonstrating evidence of supervision by an individual meeting the requisite education, training, and certification.

(6) Regular psychometric review and validation – A certification process which complies with recognized national standards in the testing and certification industry to ensure the certification examinations are fair, valid and reliable and in conformance with recognized standards such as those of the International Organization for Standardization (ISO) or the National Commission for Certifying Agencies (NCCA).

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.023, 65B-4.023, Amended _____.

65G-4.0011 Recognized Certification Organizations for Behavior Analysts and Assistant Behavior Analysts. Pursuant to Rule 65G-4.001, F.A.C., and as required by Section 393.17(2), F.S., recognizes the certification for behavior analysts awarded by the following organizations:

Behavior Analyst Certification Board, Inc.
1705 Metropolitan Blvd., Ste. 102
Tallahassee, FL 32308

Specific Authority 393.17(2) FS, Law Implemented 393.17(2) FS, History–New _____.

65G-4.003 Certification as a Behavior Analyst.

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.024, 65B-4.024, Repealed _____.

65G-4.004 Certification as an Associate Behavior Analyst.

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.025, 65B-4.025, Repealed _____.

65G-4.005 Renewal of Behavior Analysis Certification.

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.026, 65B-4.026, Repealed _____.

65G-4.006 Approved Continuing Education.

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.17 FS. History–New 9-23-96, Formerly 10F-4.028, 65B-4.027, Repealed _____.

65G-4.007 Behavior Analysis Certification Fees.

Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.17 FS. History–New 9-23-96, Formerly 10F-4.028, 65B-4.027, Repealed _____.

65G-4.008 Behavior Analysis Services Oversight System Organization.

(1) The Agency will establish and maintain a behavioral services program including a senior clinician, or Agency Senior Behavior Analyst (ASBA) to assume direction for standards of behavioral practice, develop and manage systems of quality, utilization and cost containment for statewide behavioral practice. The ASBA holds a doctorate from an accredited university program with behavior analysis as a primary focus, is a board certified behavior analyst, has completed a dissertation that had behavior analysis as its central focus and has at least one year of experience in the provision of behavior analysis services for persons with developmental disabilities. However, if no one with these qualifications is available, then the ASBA must be a certified behavior analyst with at least the education and experience established by the designated certification board as eligibility requirements for taking the board’s behavior analyst examination. The behavioral services program will also include the support of at least one master’s level board certified behavior analyst. The ASBA will direct:

(a) Standards of practice.

1. Area Behavior Analysts will be recruited, appointed, given clinical supervision and direction and annually evaluated in conjunction with their functional supervisor in the area to which they are assigned.

2. Committees.

a. The Local Review Committees working in conjunction with the ASBA will establish guidelines for committee function, charter and membership.

b. The Peer Review Committee working in conjunction with the ASBA will establish a committee charter and membership, as well as annual projects including, at minimum, review of behavioral practices in at least one Developmental Disability Center, at least one state operated forensic facility, at least one area community residential behavioral provider, at least one Local Review Committee, and other services as identified by the Agency.

3. Standards for Behavior Analysis Provider Practices will be established in conjunction with Area Behavior Analysts to assure that common requirements are implemented statewide, including but not limited to designating individuals as local service providers, assigning referrals, standards for time frames and process for behavioral program reviews and approvals, standards for behavioral assessment content and behavioral program content, standards for graphic display of data, documentation and billing.

4. Residential Behavioral Provider Standards will be established to determine eligibility requirements, and a common process created for Area approval and designation for providers of behavioral residential services, consistent with programs provided by the Agency.

5. Quality management and utilization standards for behavior analysis services and behavioral residential habilitation will be coordinated and implemented in coordination with:

a. Agency Quality Management.

b. Contracted Quality Management.

c. Area Licensing Coordinators

d. LRC and PRC Committees.

e. Prior Service Authorization agency, and

f. Agency for Health Care Administration.

(2)(4) A statewide peer review committee (PRC) and local review committees (LRCs) shall be appointed by the Agency to provide oversight of behavior analysis services.

(a) The Agency will establish the composition, function and procedures to be followed by the committees. Each committee shall operate in accordance with by-laws written by the committee and approved by the Agency prior to their implementation by the committee.

(b) Each committee shall be chaired by a person who holds a doctorate from an accredited university program with behavior analysis as a primary focus, is a board certified behavior analyst, has completed a dissertation that had behavior analysis as its central focus and has at least one year of experience in the provision of behavior analysis services for persons with developmental disabilities. However, if no one with these qualifications is available, then the chairperson must

be a certified behavior analyst with at least the education and experience requirements for taking the board's behavior analyst examination.

(c) Local review committees may establish subcommittees within a division of the area office or institution or, upon mutual agreement between an area office and a provider, within a program or programs operated by the provider, and operate under the rules governing local review committees. The LRC shall remain responsible for the decisions of the subcommittees.

1. A sufficient number of LRCs shall be established to allow for the timely review of behavior analysis services as required by law and rule. Subcommittees shall operate under the rules governing local review committees, however, the local review committees shall remain responsible for the decisions of the subcommittee.

2. Each LRC will be chaired by an individual meeting the qualifications above who is either an employee of the Agency or under contract to provide this service. Under no circumstances may the chair participate in the LRC review of his or her own services or related services. Each subcommittee that oversees behavior analysis services of a single provider of a statewide program must be approved by the Agency in advance of the committee making decisions authorized by these rules.

(2) ~~The PRC statewide committee shall conduct on-site reviews of behavior analysis services including the operations of local review committees; provide training and technical assistance related to client and systemic behavior analysis services issues; monitor the development of the behavior analysis certification examinations to ensure that they are consistent with practice and testing standards; and provide recommendations regarding laws and regulations that affect behavior analysis services.~~

(3) Each area office, and each developmental disabilities center ~~institution~~, hereafter referred to as a "facility," ~~institution~~ shall have a local review committee that shall oversee behavior analysis services provided to clients in their area or ~~facility institution~~ as specified in paragraphs (a)-(c), below:

(a) The committee shall review all behavior analysis services and use of reactive strategies in the area or facility to ensure that these services are designed and approved in accordance with Florida Statutes and Agency rules.

~~(b)†~~ The person who designed the services or their designee shall be present during the initial committee review. A person with primary responsibility for the ongoing implementation and monitoring of the services shall be present at all future meetings at which the services are reviewed by the committee.

2. ~~Any person can bring a behavior analysis services plan before the committee for its review.~~

~~(c)†~~ The committee shall monitor behavior analysis services ~~reviewed by the committee~~ in accordance with a monitoring schedule plan developed and approved by the committee to ensure that behavior analysis services are in compliance with Florida Statutes and the Agency rules. Approval of services includes the determination by the LRC chairperson that the individual designing and implementing the behavior analysis services is in compliance with subsection 65G-4.002(5), F.A.C., above, or is appropriately supervised.

~~(d)†~~ If use of reactive strategies and behavior analysis services are not found ~~not~~ to be in accordance with Florida law, the committee shall request that the Agency notify the provider of the services, ~~in writing and orally at the time of review and in writing within ten days of review~~ in the language of the provider and in English, of each area of non-compliance.

1. Absent emergency circumstances that threaten public health, safety or welfare, the provider shall have 20 days within which to demonstrate compliance or present to the committee in writing evidence showing that the services being provided are in compliance with Florida Statutes and the Agency rules. The provider may present whatever evidence the provider deems appropriate to demonstrate that the provider is in compliance with Florida Statutes and the Agency rules.

2. If, however, the committee determines that the provider is not in compliance with Florida Statutes or the Agency rules, the committee shall report all facts and circumstances to the Agency in writing within five days of the provider's response and request a final decision be made by the department.

3. Within twenty days of such report, the Agency shall notify the committee, in writing, and the provider, in writing and orally in the language of the provider and in English, of its decision. In the event the Agency finds the provider is not in compliance with Florida Statutes or the Agency rules, the Agency shall take appropriate action against the provider up to and including withdrawal of status as an authorized provider, notification of the designated certification or licensing board, and revoke the provider's behavior analysis certification require that the services being provided be discontinued and notify the provider of the provider's rights in accordance with Chapter 120, F.S.

4. Following a committee report set forth above, the Agency may require additional supervision of the provider's services. The requirement for additional supervision may be a prerequisite for allowing the provider to continue to serve as an authorized behavior analysis services provider. Such required supervision may include the following conditions:

a. Face-to-face meetings for up to two hours every two weeks or two hours per 40 hours of the provider's contact with clients. These meetings shall be between the provider and a board certified behavior analyst, during which the supervising behavior analyst directs and evaluates the behavior analysis services provided by the provider.

b. The supervising behavior analyst shall not be, at the time supervision is provided, the provider's subordinate or employee. The supervising behavior analyst shall not be considered an employee of the provider if the only compensation received by the supervising behavior analyst consists of payment for supervision.

c. The provider's presentation of behavior analysis services designed and implemented by the provider, with a focus on graphic displays of data, at local review committee meetings, established in Rule 65G-4.008, F.A.C., may be substituted for up to 25 percent of the total supervision time required.

Rulemaking Specific Authority 393.125, 393.13(4)(g)3., 393.17 FS. Law Implemented 393.066, 393.067, 393.125, 393.13, 393.17 FS. History—New 9-23-96, Formerly 10F-4.029, 65B-4.029, Amended _____.

65G-4.009 Design, Implementation and Monitoring of Behavior Analysis Services.

(1) Providers of behavior analysis services shall provide services only as certified and as provided by law.

(2) All aspects of behavior analysis services shall be integrated by the provider with other relevant services and supports being provided to the client.

(3) The selection of behavior analysis procedures and decisions by the provider to make environmental changes that obviate the need for the use of behavior change procedures shall be based upon information obtained through valid assessment ~~descriptive analysis or systematic environmental manipulations~~ designed to identify functional relationships between the behavior or behaviors targeted for change and the environment. Consistent with established Agency operating procedure, the assessment will contain at minimum:

(a) Operational definitions of all behavior targeted for change.

(b) Conditions under which the behavior is most likely to occur.

(c) Measures of current level of behavior targeted for change.

(d) Any other relevant personal, social, medical or historical information that may impact on behavior targeted for change.

(e) Putative functional relationships between targeted behavior and environment.

(f) Recommendations for procedures to decrease maladaptive behavior and increase relevant appropriate alternative behavior.

(4) Behavior analysis services designed by the provider to decrease behavior shall include procedures for increasing functional replacement behavior, or acquisition of adaptive skills to serve as a functional alternative to the behaviors targeted for change.

(5) Behavior analysis procedures that are the least intrusive to the client and the most likely to be effective shall be used by the provider.

(6) Medical treatment to address purely medical etiologies or physical or occupational therapies to address behaviors that is related ~~are due~~ to physical limitations shall be provided concurrent with, or prior to, the implementation of behavior analysis services by the provider.

(7) Behavior analysis services shall not be provided continuously without appropriate considerations of Maintenance and generalization of behavior change in relevant settings or a designation of criteria for termination of the interventions or services shall be addressed by the provider whenever behavior analysis services are provided.

(8) The provider shall ensure that persons responsible for implementing, monitoring and providing behavior analysis services receive performance-based training that prepares them to properly implement the behavior analysis procedures involved, within the circumstances under which the services will be provided.

(9) The provider shall ensure that continuous measurement and documentation of behaviors targeted for change and of intermediate and ultimate outcomes of behavior analysis services occur during the entire period during which the services are in effect. Graphic displays of data on behaviors targeted for change shall be kept and up-dated by the provider at least weekly. Graphic displays of data will use time cycles appropriate for the frequency and topography of target behavior and allow for assessment of current effects as well as longitudinal analysis.

(10) The ~~LRC local review committee~~ shall approve the provider's behavior analysis services monitoring plan and specify the requirements for reporting of findings and data to the committee for behavior analysis services approved by the committee.

(a) Consistent with established Agency operating procedure, the behavior analysis services plan Monitoring shall include:

~~1. Documentation of when and by whom monitoring was done.~~

~~2. Examination and interpretation of data.~~

~~3. Direct observations in the setting(s) where the plan is implemented, including the observation of the implementation of procedures or simulated implementation.~~

~~4. Discussions with and observations of individuals who implement the behavior analysis procedures involved.~~

~~5. Determination that the services are in accordance with Florida Statutes and the Agency rules.~~

1. Identifying and relevant demographic information for the individual affected by the plan.

2. The name, signature and certification or licensure information of the individual who developed, supervises or approves the implementation of the procedures described in the plan.

3. Objective statements of goals relative to behavior reduction and/or acquisition resulting in program termination.

4. Rationale for proposed interventions, consistent with assessment results.

5. Medical, social and historical information including previous treatment programs relevant to the current problems being addressed.

6. How behavioral services will be integrated with other relevant services.

7. Identification of behaviors targeted for reduction.

8. Identification of behaviors targeted for acquisition or as replacement.

9. Intervention procedures for behaviors targeted for reduction and acquisition.

10. Data collection methods for behaviors targeted for reduction and acquisition.

11. Description of performance-based training for persons implementing procedures.

12. Techniques for maintaining and generalizing behavioral improvements.

13. Plan for reduction and fading of behavioral services.

14. When applicable, rationale for, description of training, the routine or duties, monitoring and fading of ancillary support staff.

15. Methods and schedule of monitoring for programmatic fidelity.

16. Signatures of informed participants as may be required by law and individuals authorized to approve the procedures.

(b) Modifications to the behavior analysis service plan which includes procedures listed in Rule 65G-4.010, F.A.C., approved by the LRC committee shall be documented and submitted by the provider to the committee within one week after the changes are made. A summary of the effects of and modifications to behavior analysis services plan shall be developed written by the provider at least annually. This summary may be a graphical display of data collected over the year with appropriate annotation of program modifications.

Rulemaking Specific Authority 393.13(4) FS. Law Implemented 393.0651, 393.066, 393.067, 393.068, 393.13, 393.17 FS. History—New 9-23-96, Formerly 10F-4.030, 65B-4.030, Amended _____.

65G-4.010 Behavior Analysis Services Approval.

The local review committee must review:

(1) Behavior analysis services that include behavior analysis procedures that are designed to decrease the probability of the occurrence of a behavior by presenting,

attenuating or removing a stimulus following each occurrence of the behavior to be reduced, behavioral contingencies designed to increase the probability of a behavior by removing or attenuating a stimulus following each occurrence of the behavior to be increased, and the use of satiation and deprivation procedures, hereafter referred to as restricted procedures, and shall require the approval of one of the following practitioners prior to implementation:

(a) A board certified behavior analyst as defined in subsection 65G-4.0011(5), F.A.C., who meets the education and experience requirements established in these rules for taking the behavior analyst certification examination.

(b) A person licensed pursuant to Chapter 490 or 491, F.S.

(2) ~~Approval by a certified behavior analyst who meets the education and experience requirements specified in these rules for taking the behavior analyst certification examination or a person licensed pursuant to Chapter 490 or 491, F.S., shall also be required prior to implementation for Bbehavior analysis services that are designed to address those actions of the individual which, without behavioral, physical, or chemical intervention can be expected to result in paragraphs (a) through (h) below will be provided or supervised by a Certified Behavior Analyst as defined in paragraph 65G-4.003(1)(b), F.A.C., or a person licensed pursuant to Chapter 490 or 491, F.S.:~~

(a) Have resulted in self-inflicted, detectable, external or internal damage requiring medical attention or are expected to increase in frequency, duration, or intensity resulting in self-inflicted, external or internal damage requiring medical attention.

(b) Have occurred or are expected to occur with sufficient frequency, duration or magnitude that a life-threatening situation might result, including excessive eating or drinking, vomiting, ruminating, eating non-nutritive substances, refusing to eat, holding one's breath, or swallowing excessive amounts of air.

(c) Have resulted in external or internal damage to other persons that requires medical attention or are expected to increase in frequency, duration or intensity resulting in external or internal damage to other persons that requires medical attention.

(d) Have resulted or are expected to result in major property damage or destruction.

(e) Have resulted or are expected to result in arrest and confinement by law enforcement personnel.

(f) Have resulted in the need for behavioral services in a Behavior Focused or Intensive Behavioral Residential Habilitation program.

(g) Have resulted in the need for additional staffing or Behavior Assistant Services.

(h) Have resulted in the repeated use of reactive strategies without a formal approved plan.

(3) Behavioral programs or manuals implemented as group contingencies or behavior change systems, including behavioral program manuals, level systems and token economies, require local review committee review and approval.

(4)(3) A written plan describing behavior analysis services approved for implementation pursuant to these rules shall be submitted ~~sent~~ to the local review committee within five working days following implementation. Behavior analysis service plans shall be consistent with the requirements of subsection 65G-4.009(10), F.A.C.

Rulemaking Specific Authority 393.13(4)(g)3. FS. Law Implemented 393.066, 393.067(14), 393.068, 393.13, 393.17 FS. History—New 9-23-96, Formerly 10F-4.031, 65B-4.030, Amended _____.

65G-4.012 Determination of Mental Retardation: Intelligence Tests to be Administered.

(1) For the purposes of Chapters 393 and 916, F.S., the Stanford-Binet Intelligence Scale or the Wechsler ~~Adult & Infant~~ Intelligence Scales, administered by or under the direct supervision of a psychologist or school psychologist licensed under Chapter 490, F.S., shall be used to determine mental retardation and the level of intellectual functioning.

(2) Notwithstanding subsection (1), if, given the condition of the individual to be tested, the Stanford-Binet Intelligence Scale or the Wechsler ~~Adult & Infant~~ Intelligence Scales are not valid and reliable as determined by the person authorized to administer such tests as specified in subsection (1), an alternative test or evaluation procedure, administered and interpreted in conformance with instructions provided by the producer of the tests or evaluation materials, may be used. The results of the testing or evaluation must include reference to published validity and reliability data for the specified test or evaluation procedure.

Rulemaking Specific Authority 393.063(38), 916.106, 393.501(1) FS. Law Implemented 393.063(38), 916.106 FS. History—New 6-13-06, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-2.024
RULE TITLE: Construction Materials Mining Activities

PURPOSE AND EFFECT: The purpose of the rule amendment is to provide additional notice of intended blasting activity to local government. In addition to the written notice required 20 days in advance of the initial blasting activity, written notice must be provided five days in advance of intended blasting activity following permit renewal.

SUBJECT AREA TO BE ADDRESSED: Notice to local government of intended blasting activity.

RULEMAKING AUTHORITY: 552.30, 552.38 FS.

LAW IMPLEMENTED: 552.30, 552.38 FS.

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

DATE AND TIME: Tuesday, November 10, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Building 4075, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Casia Sinco, telephone: (850)413-3670. If you are 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: Casia.Sinco@myfloridacfo.com, Program Manager, Bureau of Fire Prevention, Division of State Fire Marshal, telephone: (850)413-3670

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: 69A-47.013, 69A-47.014
RULE TITLES: Regional Access, Compliance Dates

PURPOSE AND EFFECT: To conform the rules to statutory changes made in Chapter 2006-65, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The date by which regional emergency elevator access must be provided for new construction and existing buildings.

RULEMAKING AUTHORITY: 399.15 FS.

LAW IMPLEMENTED: 399.15 FS.

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

DATE AND TIME: Monday, November 9, 2009, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lesley Mendelson, (850)413-3604. If you are

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: Lesley Mendelson, Assistant General Counsel, Department of Financial Services, (850)413-3604, Lesley.Mendelson@myfloridacfo.com.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-3.001
 RULE TITLE: Consolidated Equipment Financing Program

PURPOSE AND EFFECT: To amend Rule 69I-3.001, F.A.C., to implement Department responsibilities under Section 287.064, F.S. In 2008 Section 25, Chapter 2008-227, amending Section 287.064, F.S., modified approval criteria and allowed a master financing program for contracts approved by the Department under Section 489.145, F.S., for guaranteed energy, water, and wastewater performance savings contracting.

SUBJECT AREA TO BE ADDRESSED: Rule 69I-3.001, F.A.C., is being amended to reflect the statutory changes to the criteria for consolidated financing of deferred-payment, installment sale, or lease purchases and amended to reflect the criteria for approving use of a master financing program for guaranteed energy, water, and wastewater performance savings contracting.

RULEMAKING AUTHORITY: 17.29, 287.064(8) FS.

LAW IMPLEMENTED: 287.063, 287.064 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 5 days before the workshop/meeting by contacting: Mike Rutherford, (850)413-5594 or Mike.Rutherford@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Rutherford, (850)413-5594 or Mike.Rutherford@MyFloridaCFO.com.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-3.004
 RULE TITLE: Deferred Payment Commodity Contracting

PURPOSE AND EFFECT: To implement Department responsibilities under Section 287.063, F.S. In 2008, Section 24, Chapter 2008-227, amending Section 287.063, F.S., added requirements to the criteria stated in Section 287.063, F.S., for allowing an agency to seek financing without using the Consolidated Equipment Finance Program (CEFP). A new rule is being promulgated to reflect these statutory changes, and to separate the rules related to Section 287.063, F.S., exceptions to the CEFP Program from Rule 69I-3.001, F.A.C., which addresses rules for the CEFP Program.

SUBJECT AREA TO BE ADDRESSED: Establish criteria for approving purchases made under deferred-payment contracts which require the payment of interest, related to requesting equipment leases, under Section 287.063, F.S.

RULEMAKING AUTHORITY: 17.29, 287.063(2)(b) FS.

LAW IMPLEMENTED: 287.063, 287.064 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 5 days before the workshop/meeting by contacting: Mike Rutherford, (850)413-5594 or Mike.Rutherford@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Rutherford, (850)413-5594 or Mike.Rutherford@MyFloridaCFO.com.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-13.0031 **RULE TITLE:** Pressure Relief Ventilation
PURPOSE AND EFFECT: To implement the requirement under s. 6, ch. 2007-55, Laws of Florida, that rules establishing minimum standards for all newly constructed and significantly altered or renovated mausoleums and columbaria, shall include, among others, the following minimum standard: Private or Family Mausoleums with all Crypts Bordering an Exterior Wall Must Contain Pressure Relief Ventilation From the Crypts to the Outside of the Mausoleum Through the Exterior Wall or Roof.

SUBJECT AREA TO BE ADDRESSED: Crypt ventilation.

RULEMAKING AUTHORITY: 497.271 FS.

LAW IMPLEMENTED: 497.271(2)(c) 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, November 12, 2009, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., Room 230A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant, (850)413-4083 or Latonya.Bryant-Parker@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4096

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

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

PURPOSE AND EFFECT: Rules 69O-157.302, 69O-157.303, and 69O-157.304, F.A.C., pertaining to Facility Only Rates, Home Health Care Only Rates, and Comprehensive Only Rates, are being amended to publish the new business rates that will be effective for 2010.

SUBJECT AREA TO BE ADDRESSED: Long-Term Care Insurance – New Business Rates for 2010.

RULEMAKING AUTHORITY: 627.9408(1) FS.

LAW IMPLEMENTED: 627.9407(7) 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: November 18, 2009, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@flor.com.

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

DEPARTMENT OF MILITARY AFFAIRS

RULE NOS.: 70-2.001 **RULE TITLES:** Application for Educational Assistance Programs
 70-2.002 Noncompliance with Educational Assistance Programs

PURPOSE AND EFFECT: To update the rules based on statutory changes to Section 250.10, F.S.

SUBJECT AREA TO BE ADDRESSED: Application for Educational Assistance Programs and Noncompliance with Educational Assistance Programs.

RULEMAKING AUTHORITY: 250.10(7), (8) FS.

LAW IMPLEMENTED: 250.10(7), (8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Andy Rusnak, Department of Military Affairs, P. O. Box 1008, St. Augustine, FL 32085

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-65.001	Purpose
5B-65.002	Definitions
5B-65.003	Wood Boring Pests and Wood Inhabiting Pests that are Harmful to Florida Agriculture, Landscape Plants, and Native Plants
5B-65.004	Plant Disease Pathogens Infecting Firewood and Unprocessed Wood Products
5B-65.005	Movement of Regulated Articles

PURPOSE AND EFFECT: The purpose of this rule is to prevent the introduction and spread of serious plant pests harbored in or infesting firewood and unprocessed wood products. This will affect the interstate and intrastate movement of firewood and unprocessed wood products that are not treated to eliminate the plant pests of concern in order to protect Florida's forests and other plant resources.

SUMMARY: The movement of commercial shipments of firewood, unprocessed wood products and other regulated articles into the state is prohibited unless the shipper has entered into a signed compliance agreement with the state of origin under a master permit that has been issued to the state of origin by the Director. With the exception of Miami-Dade County, locally produced or harvested firewood and unprocessed wood products are exempt from this rule provided they are not moved 50 miles from the distribution point.

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

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

RULEMAKING AUTHORITY: 570.07(23), 581.031(1), (4), (5), (7) FS.

LAW IMPLEMENTED: 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) 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: Dr. Wayne Dixon, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-65.001 Purpose.

The purpose of this rule chapter is to establish procedures to prevent the introduction of wood boring pests, wood inhabiting pests, and plant disease pathogens into the state, and prevent the spread of these pests within the state by regulating the movement of firewood and unprocessed wood products that can harbor wood boring and wood inhabiting pests and plant disease pathogens.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

5B-65.002 Definitions.

For the purpose of this rule chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) Commercial Shipments. Shipments of regulated articles intended for public or private sale or distribution within the state.

(2) Compliance Agreement. An agreement, meeting the requirements of subsection 5B-65.005(1), F.A.C., between a shipper and the state of origin pursuant to the Master Permit of the state of origin.

(3) Firewood. Cut wood products intended for burning.

(4) Infected. Regulated articles found with plant disease pathogens.

(5) Infested. Regulated articles found with plant pests.

(6) Master Permit. A permit issued by the department to the state of origin allowing the movement of regulated articles into and within the state and specifying the conditions under which the regulated articles are allowed to be moved.

(7) Plant Disease Pathogen. Any organism that can infect plants and cause plant disease.

(8) Producers. Individuals or companies responsible for cutting, packing or distributing regulated articles into or within the state.

(9) Regulated Articles. Firewood or unprocessed wood products including palm products and cut Christmas trees.

(10) Shippers. Individuals or companies responsible for sending or transporting regulated articles into the state.

(11) Unprocessed wood products. Bark, trunks, limbs, stumps or other woody plant material that results from yard waste, tree trimming, tree removal including wood, incorporated into the construction of furniture, handicrafts, planting containers or other products that have not been treated, processed or finished to eliminate plant disease pathogens, wood boring pests, and wood inhabiting pests as defined in subsections 5B-65.002(7), (12), and (13), F.A.C.

(12) Wood boring pest. Any organism that physically bores into or through the woody part of a plant, including either the outer bark, the inner bark, and/or the stem wood.

(13) Wood inhabiting pest. Any organism that spends part of its life cycle within the woody part of a plant, including either the outer bark, the inner bark, and/or the stem wood.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (20) FS. History—New _____.

5B-65.003 Wood Boring Pests and Wood Inhabiting Pests that are Harmful to Florida Agriculture, Landscape Plants, and Native Plants.

The following wood boring and wood inhabiting pests are known to infest firewood and other unprocessed wood products and can be transported through the movement of these products to areas where they can infest and damage live host trees and other plants and are therefore considered to be a nuisance:

- (1) *Agrilus planipennis*, emerald ash borer;
- (2) *Anoplophora glabripennis*, Asian longhorned beetle;
- (3) *Bursaphelenchus cocophilus*, red ring nematode;
- (4) *Dinapate wrighti*, giant palm borer;
- (5) *Hylurgus ligniperda*, red-haired pine bark beetle;
- (6) *Hylurgops palliates*, exotic bark beetle;
- (7) *Metamasius hemipterus*, silky cane weevil;
- (8) *Orthotomicus erosus*, Mediterranean pine engraver beetle;
- (9) *Rhynchophorus cruentatus*, palmetto weevil;
- (10) *Rhynchophorus ferrugineus*, red palm weevil;
- (11) *Rhynchophorus palmarum*, American palm weevil;
- (12) *Scaphoideus luteolus*, whitebanded elm leafhopper;
- (13) *Scolytus schevyrewi*, banded elm bark beetle;
- (14) *Sirex noctilio*, Sirex woodwasp;
- (15) *Tomicus piniperda*, pine shoot beetle;
- (16) *Xyleborus glabratus*, redbay ambrosia beetle;
- (17) *Xyleborus similis*.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031 (1), (4), (5), (6), (7), (20) FS. History—New _____.

5B-65.004 Plant Disease Pathogens Infecting Firewood and Unprocessed Wood Products.

Pathogens that cause the following plant diseases are known to infect firewood and unprocessed wood products and can be transported through the movement of these products to areas where they can infect and damage live host trees and other plants and are therefore considered to be a nuisance:

(1) *Nectria coccinea* var *fagiata* and *N. galligena*, beech bark disease;

(2) *Discula destructiva*, dogwood anthracnose;

(3) *Ophlostoma ulmi* and *O. novo-ulmi*, Dutch elm disease;

(4) *Candidatus Phytoplasma ulmi*, elm yellows;

(5) *Raffaelea lauricola*, laurel wilt disease;

(6) *Ceratocystis fagacearum*, oak wilt disease;

(7) *Phytophthora ramorum*, sudden oak death.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031 (1), (4), (5), (6), (7), (20) FS. History—New _____.

5B-65.005 Movement of Regulated Articles.

(1) In order to prevent the introduction and spread of nuisance pests and diseases listed in Rules 5B-65.003 and 5B-65.004, F.A.C., the movement of commercial shipments of regulated articles into the state is prohibited except under a Master Permit (Master Permit For Wood Products, DACS-08444, 06/09) issued by the Department. Such permit will stipulate the conditions under which the regulated articles can be moved into the state. The Master Permit for Firewood and Unprocessed Wood Products, DACS-08444, 06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100. The Master Permit will require all shippers of regulated articles to be under compliance with the state of origin's plant regulatory organization. A Compliance Agreement issued under a Master Permit shall indicate the requirements for inspections and/or treatments. Only heat, fumigation, or chemical treatments in accordance with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Treatment Manual (Rev. 09/2008), Treatment Schedules T312 – Oak Logs and Lumber and T314 – Logs and Firewood, shall be required in the compliance agreement. The Treatment Schedules are herein incorporated by reference and may be obtained from the following website: http://www.aphis.usda.gov/import_export/plants/manuals/ports/treatment.shtml.

(2) Any shipment of firewood or unprocessed wood products found infested or infected with a wood boring or wood inhabiting pest or plant disease pathogen listed in Rule 5B-65.003 or 5B-65.004, F.A.C., shall be quarantined and

returned to the shipper or producer or destroyed by the Department at the expense of the shipper. Infested or infected regulated articles will be placed under Stop Sale and Hold Order DACS-08016, Rev. 11/08. Commercial shipments entering the state through the Department's agricultural interdiction stations without certification of compliance with the Master Permit of the state of origin shall be issued a Report of Plant and Plant Material in Transit, DACS Form 08003, Rev. 06/09, and Report of Plant and Plant Material in Transit Addendum, DACS Form 08441, Rev. 06/09, for the official disposition of the plant material. DACS Form 08003, Rev. 06/09 and Form 08441, Rev. 06/09 are incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100. Non-commercial shipments entering the state through the Department's agricultural interdiction stations without certification will be allowed entry only when issued and accompanied by a Report of Non-Commercial (Homeowner) Plants or Firewood Without Certification in Transit from Other States DACS-08105, Rev. 06/09, issued at the station. DACS form 08105, Rev. 06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100. Commercial shippers found in violation of the rule will be suspended from shipping under the master permit issued with the state of origin. The suspension shall remain in effect until the department of agriculture of the state of origin has notified the Division of Plant Industry in writing that the shipper is in compliance with all requirements for treatment of firewood or unprocessed wood products.

(3) The destruction or return of shipments in violation of this rule chapter shall be at the expense of the shipper.

(4) Prior to the intrastate movement of commercial shipments of firewood or unprocessed wood products, the owner of the articles must submit DACS 08459, Rev.06/09, Compliance Agreement for Firewood and Unprocessed Wood Products Movement Within the State of Florida to the Division of Plant Industry unless exempted in subsection (7). The form Compliance Agreement for Firewood and Unprocessed Wood Products Movement Within the State of Florida, DACS 08459, Rev.06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100.

(5) The importation or movement of non-certified, commercial or non-commercial shipments of firewood or unprocessed wood products within or into the state is prohibited except as permitted in subsection (7).

(6) Cut Christmas trees may enter the state provided they are accompanied by a federal certificate required for movement from regulated areas of the United States or a certificate of inspection issued by the department of agriculture in the state of origin.

(7) Exemptions:

(a) Locally produced or harvested firewood and unprocessed wood products harvested or produced within a 50-mile radius of the distribution point and not moved more than 50-miles from the point of origin. No locally produced firewood outside Miami-Dade County may enter Miami-Dade County unless treated and certified in accordance with Rule 5B-65.005, F.A.C., by the Department.

(b) Primary and secondary forest products (including saw logs, saw timber, chip-n-saw, sawdust, veneer logs, pulpwood, and chips) transported for processing at pulp/paper mills, saw mills (including plywood plants), OSB plants, mulch plants, and biomass plants.

(c) Commercial shipments of processed mulch or processed wood chips for cooking destined for further distribution at retail outlets if the shipments are accompanied by proper bill of lading, proof of origin and any applicable federal certificates for shipments originating from a USDA-regulated area.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Gaskalla, Director, Division of Plant Industry,
Department of Agriculture and Consumer Services, P. O. Box
147100, Gainesville, FL 32614-7100

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Charles H. Bronson, Commissioner,
Department of Agriculture and Consumer Services, The
Capitol, 400 South Monroe Street, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 17, 2009

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-1.003
RULE TITLE: Labels or Tags

PURPOSE AND EFFECT: To update the revision dates for forms DACS-13220 and DACS-13203 to reflect the current form.

SUMMARY: The revision dates for forms DACS-13220 and DACS-13203 are being updated to reflect the current form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 570.07(23), 576.181 FS.

LAW IMPLEMENTED: 576.021, 576.031, 576.181 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Bruce Nicely, Chief, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399; (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.003 Labels or Tags.

(1) through (6) No change.

(7) REGISTRATION OF SPECIALTY FERTILIZER PRODUCTS. All specialty fertilizers to be sold within the state must be registered with the Bureau of Compliance Monitoring prior to any sale. Each product will be registered by filing the properly completed appropriate form with the Bureau. Only one form will be submitted for each product. Specialty fertilizer packaged, marketed, and distributed for home and garden use and packaged in quantities of forty-nine pounds or less (Specialty Fertilizer) will be registered upon the filing of properly completed Application for Specialty Fertilizer Registration, ~~(Fertilizer Form DACS-13220, Rev. 07/09 06/07)~~ and Application for Registration of Specialty Fertilizer, ~~(Fertilizer Form DACS-13203, Rev. 06/08 06/01), which is hereby incorporated by reference. Copies may be obtained from the Division of Agricultural Environmental Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650.~~

(8) LICENSEE.

(a) Any person whose name is on a fertilizer label and who guarantees the fertilizer must obtain a license prior to distribution of that fertilizer to a non-licensee.

(b) A license will be granted upon receipt of a properly executed Application for Fertilizer License, ~~(Fertilizer Form DACS-13222, Rev. 5/03), which is hereby incorporated by reference. Copies may be obtained from the Division of Agricultural Environmental Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650.~~

(9) All forms and filing specifications contained in this rule are hereby adopted and incorporated by reference and may be obtained from the Florida Department of Agriculture and

Consumer Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 6, Tallahassee, Florida 32399-1650; (850)488-8731 or by visiting the Department's website at <http://www.doacs.state.fl.us/onestop/aes/fertilizer.html#forms>.

Rulemaking Specific Authority 570.07(23), 576.181 FS. Law Implemented 576.021, 576.031, 576.181, FS. History-Revised 1-23-67, Amended 10-22-68, 1-1-77, 3-27-77, Formerly 5E-1.03, Amended 8-3-93, 7-9-95, 10-25-98, 12-31-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Anderson H. Rackley, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 2009

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-4.014
 RULE TITLE: Seed Dealer Registration Fees

PURPOSE AND EFFECT: To provide a reference for the Application for Registration as a Seed Dealer (DACs-13204, Rev. 6/09), not previously referenced in rule language.

SUMMARY: The change will update Chapter 5E-4, F.A.C., to provide a reference to the form utilized for the registration of Seed Dealers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 570.07(23), 578.11(2)(i) FS.

LAW IMPLEMENTED: 578.08(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Bruce Nicely, Chief of Bureau of Compliance Monitoring; 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399; (850)487-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-4.014 Seed Dealer Registration Fees.

(1) The Application for Registration as a Seed Dealer, DACS-13204, Rev. 6/09, shall be submitted annually for each place of business at which seed is sold, distributed for sale, offered for sale, exposed for sale, or handled for sale, and shall be accompanied by the applicable fee established in Section 578.08, F.S.

(2) All forms and filing specifications contained in this rule are hereby adopted and incorporated by reference and may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650 or by visiting the Department's website at <http://www.doacs.state.fl.us/onestop/forms/>.

Rulemaking Authority 570.07(23), 578.11(2)(i) FS. Law Implemented 578.08(1) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Anderson H. Rackley, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 2009

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.:	RULE TITLES:
9K-8.005	Title Report and Evidence of Marketable Title
9K-8.007	Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price

PURPOSE AND EFFECT: To improve Florida Communities Trust's efficiency in administering Florida Forever Funds.

SUMMARY: To ensure the rules are user-friendly for the customers.

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

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

RULEMAKING AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.501-.515 FS.

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

DATE AND TIME: November 23, 2009, 1:30 p.m.

PLACE: Department of Community Affairs, Randall Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, 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: Grant Gelhardt, Environmental Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1704. If you are 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: Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-8.005 Title Report and Evidence of Marketable Title.

(1) No change.

(2) Evidence of Owner(s)' marketable title shall be provided to the Recipient(s) and the Trust prior to the conveyance of title. The Trust shall further be provided a Title Insurance Commitment in accordance with the Purchase Agreement. The Title Insurance Commitment shall be followed after conveyance by an owner's marketable title insurance policy (ALTA Form B) in favor of the Recipient or the Board of Trustees in accordance with the Recipient's election under Rule 9K-8.004, F.A.C. The Trust ~~may shall~~ be listed as a co-insured on the Title Insurance Commitment and title insurance policy. The Trust and Recipient may mutually agree to waive the requirement of evidence of marketable title for Acquisition of property assessed by the county property appraiser at \$10,000 or less. Such waiver shall be based on such review of the title records as is reasonable under the circumstances that shows no apparent impediment to marketability or to management of the Project Site by the Recipient.

(3) No change.

Rulemaking Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History—New 5-27-01, Amended 5-20-02, 2-8-05, 2-19-07,_____.

9K-8.007 Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price.

(1) through (5)(a) No change.

(b) Appraisals of all properties ~~valued at or greater than \$100,000~~ shall be reviewed by a review Appraiser who is employed by or under contract to the Trust. The review Appraiser must certify to the Trust that the Appraisals have been conducted substantially in accordance with this rule

chapter and with correct Appraisal standards and methods, and must certify the appraised value(s) of the subject real property. This certified value shall also be referred to as "the Maximum Approved Purchase Price." ~~Appraisals of properties valued at less than \$100,000 may be approved and certified by the Trust-~~

(c) through 1. No change.

2. A third Appraisal shall be obtained if the two Appraisals differ significantly and cannot be rectified as in the above paragraph unless a decision is made by the Trust party ~~responsible for Acquisition activities~~ to negotiate an Acquisition price of no more than 120 percent of the lower of the two reviewed and approved Appraisals.

3. through (6) No change.

Rulemaking Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended 5-20-02, 2-8-05, 2-19-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas G. Pelham, Secretary, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-21.001 RULE TITLE: Bid Guaranty for Construction Contracts

PURPOSE AND EFFECT: Rule 14-21.001, F.A.C., is being repealed to reduce unnecessary rules, as bid guaranties are addressed in the individual contract specifications.

SUMMARY: Rule 14-21.001, F.A.C., is being 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.

RULEMAKING AUTHORITY: 334.044(2), 337.17 FS.

LAW IMPLEMENTED: 337.17 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department

of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-21.001 Bid Guaranty for Construction Contracts.

Rulemaking Specific Authority 334.044(2), 337.17 FS. Law Implemented 337.17 FS. History--Amended 5-9-70, Formerly 14-7.01, Amended 7-9-75, Formerly 14-21.01, Amended 3-21-90, 8-11-05, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita P Moore, Manager, Contracts Administration Office

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2009

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

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designation for FRS Investment Plan
19-11.003	Distributions from FRS Investment Plan Accounts
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs
19-11.009	Reemployment with an FRS-covered Employer after Retirement

PURPOSE AND EFFECT: To adopt revised forms; to adopt one definition; to clarify certain procedures; and to reflect recent legislative changes pertaining to employment after retirement.

SUMMARY: To adopt revised forms; to adopt one definition; to clarify procedures pertaining to beneficiary designations, distributions from Investment Plan Accounts, and Second Election Enrollment forms; and to reflect recent legislative changes pertaining to reemployment after retirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that these rules will not have an impact on small business. A SERC has been prepared in an abundance of caution.

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

RULEMAKING AUTHORITY: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 121.021(29), (39), 121.091(8), (9), 121.4501(2), (3), (4), (8), (13), (14), (15), (20), 121.591, 121.77 FS.

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

DATE AND TIME: Monday, November 16, 2009, 9:00 a.m. – 11:00 am.

PLACE: Hermitage Room, the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Cindy Morea, Office of Defined Contributions, SBA, 1801 Hermitage Blvd., Tallahassee, Florida 32308; (850)413-1491; cindy.morea@sbafla.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 RULES IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308; telephone (850)413-1182; ruth.smith@sbafla.com.

THE FULL TEXT OF THE PROPOSED RULES IS:

19-11.002 Beneficiary Designation for FRS Investment Plan.

(1) An FRS Investment Plan member may name a beneficiary to receive the benefits which may be payable in the event of the member's death. If the member does not name a beneficiary(ies) then the member's beneficiary(ies) will be those as described in Section 121.4501(20), F.S. which are: first, the spouse if he or she is still living after the member's death; second, living children, if the spouse is dead; third, the member's father or mother, if living; fourth, to the member's estate. This means that the spouse will receive the member's account balance if living; but if not, the children will receive the account balance, if living; but if not, the father or mother will receive the account balance, and if none of the people mentioned in this section are still living, the account balance will be paid to the member's estate.

(2) A designation of beneficiary shall only be effective after it has been received by the FRS Investment Plan Administrator. The most recent designation of beneficiary filed

with the FRS Investment Plan Administrator shall replace any previous designation whether made before or after the member's termination of employment or retirement. The member should determine after the designation has been mailed that the form has arrived in the offices of the FRS Investment Plan Administrator. It is the responsibility of the member to ensure the beneficiary designation has been made. Beneficiary information can be reviewed every quarter on the member's quarterly statement.

(3) If the FRS Investment Plan member enrolls in the FRS Investment Plan using the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, rev. 06/06, the General Retirement Plan Enrollment Form for Regular Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1, rev. 10/06, which are adopted and incorporated by reference in subsection 19-11.006(4), F.A.C., or the 2nd Election EZ Retirement Plan Enrollment Form, Form ELE-2-EZ, rev. 12/06, or the 2nd Election Retirement Plan Enrollment Form, Form ELE-2, rev 12/06, which are adopted and incorporated by reference in Rule 19-11.007, F.A.C., the member has chosen the beneficiary designation contained in Section 121.4501(20), F.S. (See subsection (1), above.) Note that the statutory section provides that the member's spouse at the time of death shall be the member's beneficiary unless the deceased member had designated a different beneficiary after his or her most recent marriage. Therefore, if the member marries after designating a beneficiary again, the member he or she must file an updated another beneficiary designation form to ensure that the person he or she wants to be the beneficiary is named if the member wishes to name someone else other than the spouse as a beneficiary. If the member does not file an updated beneficiary designation form, the member's spouse will be the beneficiary of the member's account. Example: John is married to Betty and has named her as his beneficiary. John divorces Betty and marries Carol. Carol will be John's beneficiary unless he files another beneficiary form and names, for example, his son, Bob. Pursuant to subsection (1), once the member is enrolled in the FRS Investment Plan, the member may change his beneficiary designation at any time.

(4) A member may name a beneficiary or beneficiaries at any time, as follows:

(a) A member may name a beneficiary or beneficiaries to receive the assets of the member's FRS Investment Plan account, either sequentially or jointly.

(b) A member may name as beneficiary any person, organization, trust, or his estate.

(c) A primary beneficiary is someone who will receive the member's funds from the FRS Investment Plan account, if that person is living at the death of the member. If there are more than one primary beneficiary, named with percentages of the funds, they will each receive their member-designated

percentages if they are still living at the death of the member. Example: if the member names his four sons, in equal shares (25% each), but two of the four sons die before their father, the other two living sons split the funds two ways, 50% each.

(d) A contingent beneficiary is one or more persons who are named, in case all primary beneficiaries die before the member. Naming a contingent beneficiary is optional. The member does not have to name anyone as a contingent beneficiary.

(e) Any such beneficiary designation ~~may~~ shall be made on Form IPBEN-1, rev. 09-0903, which is hereby adopted and incorporated by reference. This form is available in paper form and may be obtained by calling the toll-free MyFRS Financial Guidance Line at 1(866)446-9377, Monday through Friday, except holidays, 9:00 a.m. to 8:00 p.m. or by accessing the MyFRS.com website and clicking on "Resources" and then "Forms." The beneficiary designation form must be completed and received by the FRS Investment Plan Administrator before it becomes effective. Alternatively, a beneficiary may be designated electronically by logging on to MyFRS.com, clicking on "manage benefits," then clicking on "manage investments," and then clicking on "personal info."

(f) A member may change his beneficiary designation at any time by filing a new beneficiary designation form or by designating a new beneficiary electronically. There is no separate form for changes of beneficiary designation.

(5) If a member is married and names his spouse as a primary beneficiary, regardless of whether the percentage allocated to the spouse on the form is less than 100%, the member is not required to notify the spouse. However, if a member is married and names a primary beneficiary(ies) and the person(s) named is not the spouse of the member, then the member is required to notify the spouse that he or she is not a primary beneficiary of the proceeds of the member's FRS Investment Plan account(s). The spouse must acknowledge that he or she understands that he or she is not a primary beneficiary of the member's FRS Investment Plan account(s) by signing the beneficiary designation form, Form IPBEN-1, rev. 09-0903, in the appropriate place. If a married member fails to obtain the spouse's acknowledgment on the beneficiary designation form, then the member will be sent an Acknowledgement of Beneficiary Designation, reminding the member of the necessity of obtaining the spousal acknowledgement. The member can return this Acknowledgement of Beneficiary Designation with the spouse's signature which will provide the acknowledgement from the spouse that the spouse is aware that he or she is not the primary beneficiary of the member's FRS Investment Plan account(s). Alternatively, the spouse may provide the FRS Investment Plan Administrator with a notarized statement reflecting the spouse's understanding that the spouse is not the beneficiary of the member's FRS Investment Plan account(s).

(6)(a) An Alternate Payee may name a beneficiary to receive the benefits which may be payable in the event of the Alternate Payee's death at any time, as outlined in paragraphs (4)(a) through (f) above, once the Alternate Payee's account has been established by the FRS Investment Plan Administrator.

(b) If the Alternate Payee does not name a beneficiary(ies), then the Alternate Payee's beneficiary(ies) will be those as described in Section 121.4501(20)(a), F.S., which are: first, the spouse, if he or she is still living after the member's death; second, living children, if the spouse is dead; third, the member's father or mother, if living; fourth, to the member's estate. This means that the spouse will receive the member's account balance if living; but if not, the children will receive the account balance, if living; but if not, the father or mother will receive the account balance, and if none of the people mentioned in this paragraph are still living, the account balance will be paid to the Alternate Payee's estate.

(7)(a) If the deceased member has named a beneficiary but has not provided the beneficiary's social security number or address, or if the social security number is incorrect, then, after at least three unsuccessful attempts by the SBA or the FRS Investment Plan Administrator to contact the beneficiary, the FRS Investment Plan Administrator will advise the SBA and the account will not be distributed ~~issue a check payable to the beneficiary and hold the check for 180 days, at which time the check will be considered stale-dated.~~

(b) The FRS Investment Plan Administrator will, with the assistance of the SBA, at the time of notification of death distribution, make a reasonable effort to obtain the beneficiary's Social Security Number or Taxpayer Identification Number, using available search tools, including the internet, LexisNexis Accurint, the Internal Revenue Service, and the Social Security Administration. Additionally, by calendar year-end of each, in the year following the transfer to the Suspense Account, distribution occurred, the FRS Investment Plan Administrator will attempt to locate and obtain the Social Security Number or the Taxpayer Identification Number of the beneficiary, and, at least one time in the calendar year following the distribution death, to locate the beneficiary. The Investment Plan Administrator will document for the Internal Revenue Service the efforts taken to locate the beneficiary's Social Security Number or Taxpayer Identification Number.

(c) If after one year from date of death no information is available to identify the beneficiary, the FRS Investment Plan Administrator will ~~Once 180 days have elapsed from the date the check was issued,~~ transfer the funds ~~shall be transferred~~ to the FRS Investment Plan Suspense State-dated Check Account, indicating the name of the deceased member and the name of the beneficiary. The transferred funds shall be invested in the FRS Select U.S. Treasury Inflation-Protected Securities Index Fund. The amount will be held in the FRS Investment Plan

~~Suspense State-dated-Check~~ Account until (1) the beneficiary contacts the FRS Investment Plan; or (2) another beneficiary requests consideration as the deceased's proper beneficiary; or, (3) at the end of 10 years in the ~~Suspense State-dated-Check~~ Account, the amount is transferred to the FRS Investment Plan Forfeiture Account, where it is held indicating the name of the deceased member and the name of the beneficiary.

(d) Should the beneficiary be located and provides a social security number, ~~a the check will be reissued, without actual interest or earnings due to the delay in payment, from the date of transfer from the member's account to the Suspense Account~~ subject to applicable income tax withholding, which shall be paid to the tax authorities at the time of such payment to the beneficiary.

(8)(a) Pursuant to Federal guidelines, if the deceased member's account is to be paid to the member's estate but no Estate Identification Number is provided, the account will not be paid to the Estate until receipt of the Estate Identification Number. In the event that no Estate Identification Number is provided, this circumstance, and in accordance with federal guidelines, the FRS Investment Plan Administrator will transfer the deceased member's account to the Suspense Account indicating the name of the deceased member and the name of the beneficiary. If after 10 years after the date of death, the FRS Investment Plan Administrator has not received an Estate Identification Number, the deceased member's account will be transferred to the FRS Investment Plan Forfeiture Account where it will be held indicating the name of the deceased member. The transferred funds shall be invested in the FRS Select U.S. Treasury Inflation-Protected Securities Index Fund. issue a check payable to the estate of the member and hold the check for 180 days, at which time the check will be considered state-dated.

(b) The FRS Investment Plan Administrator will, at the time of the transfer to the Suspense Account distribution, make a reasonable effort to obtain the Estate Identification Number. Additionally, by calendar year-end, ~~in the~~ of each year following the transfer to the Suspense Account distribution occurred, the FRS Investment Plan Administrator will attempt to locate and obtain the Estate Identification Number, ~~and, at least one time in the calendar year following the distribution, to locate the Estate Identification Number. The Investment Plan Administrator will document for the Internal Revenue Service the efforts taken to obtain an Estate Identification Number.~~

(c) ~~Once 180 days have elapsed from the date the check was issued, the funds shall be transferred to the State dated Check Account, indicating the name of the deceased member and the name of the estate. The amount will be held in the FRS Investment Plan Suspense State-dated-Check Account until (1) the member's estate representative contacts the FRS Investment Plan; or (2) a beneficiary requests consideration as the deceased's proper beneficiary; or, (3) at the end of 10 years~~

in the ~~Suspense State-dated-Check~~ Account, the amount is transferred to the FRS Investment Plan Forfeiture Account, where it is held indicating the name of the deceased member.

(d) Should the estate's representative subsequently provide an Estate Identification Number, ~~a the check will be reissued, without actual interest or earnings, from the date of transfer from the member's account to the Suspense Account while invested in the FRS Select U.S. Treasury Inflation-Protected Securities Index Fund due to the delay in payment~~ subject to applicable income tax withholding, which shall be paid to the tax authorities at the time of such payment to the estate.

Rulemaking Specific Authority 121.4501(8) FS. Law Implemented 121.091(8), 121.4501(20), 121.591(3) FS. History--New 10-21-04, Amended 3-9-06, 11-26-07, 12-8-08,_____.

19-11.003 Distributions from FRS Investment Plan Accounts.

(1) through (2) No change.

(3) Distributions available after the member terminates FRS-covered employment.

(a) An FRS Investment Plan member shall not be entitled to a distribution from his account unless he has been terminated from all FRS-covered employment, including temporary, part-time, Other Personal Services (OPS) and any regularly established position with an FRS employer, for three (3) calendar months following the month of termination. Example: If a member terminates on May 15, the three calendar months are June, July, and August. Therefore, the member cannot request a distribution until September.

(b) If the member's termination date has not been submitted by the employer via the monthly payroll file within three (3) calendar months, the employee can complete and return the "Employment Termination Form." Form ETF-2, rev. 01/09. The termination form is called Employment Termination Form," Form ETF 2, rev. 01/09 and can be found on the MyFRS.com website. This form has instructions and a section for employer certification. Alternatively, the employer can log onto the employer page at MyFRS.com and go to Online Payroll and submit the termination date electronically.

~~(c)(b)~~ Upon the expiration of the three calendar months after termination, the member may request a distribution from the FRS Investment Plan Administrator, by calling the toll free MyFRS Financial Guidance Line at 1(866)446-9377, Option 4, or by logging on to the MyFRS.com website, accessing his or her personal account information, and then requesting the distribution through the online services.

~~(d)(e)~~ If a member has terminated employment from all FRS-covered employment for one calendar month and he has reached his normal retirement date, in accordance with Section 121.021(29), F.S., he may request a one-time distribution of up to 10 percent (10%) of his account balance. For example, if a

member terminates on May 15, the one calendar month is June. Therefore, the member can request a one-time distribution of up to 10 percent (10%) in July.

~~(e)~~ A member who transfers to the Pension Plan from the Investment Plan and leaves a balance in the member's Investment Plan account is a member of the Pension Plan and, as such, the member cannot take a distribution of the surplus Investment Plan funds until he begins receiving his Pension Plan benefits.

(4) Distributions to beneficiaries on the death of a member.

(a) through (b) No change.

(c) On the death of a member, the beneficiary must file Form IP-DBF, "Death Benefit Information and Distribution Claim Form," rev. 04-9-09, which is hereby adopted and incorporated by reference, with the FRS Investment Plan Administrator, to receive benefits.

(5) Distributions to Alternate Payees as a result of a Qualified Domestic Relations Order (QDRO).

(a) Upon receipt of a QDRO from a court of competent jurisdiction, the named alternate payee may leave their account in the Plan or request a distribution from the account once the account has been established in the alternate payee's name as provided in the QDRO and the Alternate Payee has received their PIN.

(b) Upon receipt of the PIN, the alternate payee may request a distribution by calling the toll free MyFRS Financial Guidance Line at 1(866)446-9377, Option 4 or by logging on to MyFRS.com, go to "Manage My Benefits," "Manage Investments," accessing their personal account information, and then requesting the distribution through the online services.

(6) De Minimus Distributions

(a) If an inactive member's account balance is \$1,000 or less, such amount may be subject to an automatic distribution. However, a distribution will not occur until the member has been terminated from all employment with FRS-covered employers for a minimum of six (6) calendar months.

(b) If the member meets the termination requirements and upon receiving notification of the automatic distribution, the distribution either will be made as a complete lump-sum liquidation of the account balance, subject to the provisions of the Internal Revenue Code, or if so instructed by the member, a lump-sum direct rollover distribution on the member's behalf paid directly to the custodian of an eligible retirement plan, as defined by the Internal Revenue Code. If a member rolls money into the Investment Plan from another qualified plan, which brings the account balance greater than \$1,000, no automatic distribution will occur unless the balance should become \$1,000.00 or less in the future.

(c) If such member returns to FRS-covered employment after receiving this automatic distribution, the member is not considered a reemployed retiree and will not be subject to any limitation applicable to such employees.

(7) Required Minimum Distributions ("RMD")

(a) Members, age 70½ or older, must begin taking an annual minimum distribution from their qualified plan accounts including 401(k), 457, 403(b) plans and IRA accounts if they have terminated employment. The amount of an RMD in any year is based on account balances as of December 31st of the prior year.

(b) The FRS Investment Plan Administrator will notify a member who is subject to an RMD distribution at the beginning of each calendar year. At the end of the calendar year in which the RMD was required to be paid, if the member has not met the RMD requirements, the FRS Investment Plan Administrator will initiate an automatic RMD to meet the mandatory required distribution amount. The member must have terminated all FRS covered employment in order for an RMD to be processed. Members have the right to defer the initial RMD to April of the year following the year in which the RMD was payable. Members can defer the initial RMD by calling the FRS Investment Plan Administrator by November 30.

~~(8)~~ (5) Distributions to non-spousal beneficiaries who are not spouses.

(a) In accordance with Internal Revenue Service (IRS) rules, non-spousal beneficiary accounts cannot be held indefinitely in the FRS Investment Plan. The amount of time a non-spousal beneficiary has before benefits must commence are more restrictive than for a spousal beneficiary. The "required minimum distribution" is required by the Internal Revenue Service and spelled out in IRS Code Section 401(a)(9), requiring that if the beneficiary is not a spouse, the Investment Plan can hold the distribution for no more than 5 years from the date of the member's death.

(b) For a non-spousal beneficiary, there are two possibilities, depending upon whether payments from the account had commenced to the member before his or her death:

1. Where distributions have already begun to the member, but the member dies before his or her entire account has been distributed, the remaining portion of the account must be distributed at least as rapidly as under the method of distribution being used as of the date of the member's death.

2. If a member dies before the distribution of the member's account has begun, the entire account of the member must be distributed within 5 years after the death of the member, unless

a. The member's account will be distributed over the life of the designated beneficiary (or over a period not extending beyond the life expectancy of such beneficiary), and

b. Such distributions begin no later than 1 year after the date of the member's death.

(c) The non-spousal beneficiary must decide within 1 year of the date of death ~~if he or she wants~~ to take lifetime installment or annuity payouts; otherwise, the entire account balance must be distributed within 5 years.

(d) If the whole amount is not paid out during the required 5-year period, the remaining funds in the account will be paid in a lump sum to the non-spousal beneficiary.

~~(9)(6)~~ Beneficiaries who are minors.

(a) A minor is a child under the age of 18. Section 744.301, F.S., allows for the natural guardian (surviving parent) to handle benefits to a minor child where that amount does not exceed \$15,000, without court appointment, authority or bond.

(b) In all cases where a minor child or children are the beneficiary(ies) of the member, a copy of the birth certificate of all minor children shall be sent to the FRS Investment Plan Administrator, and shall be received prior to any payout, regardless of the amount. The purpose is to provide proof that the surviving parent is the natural guardian of the children. The FRS Investment Plan Administrator shall confirm that the surviving parent is providing the instructions for any payment arrangements being made.

(c) In all cases in which a minor is a beneficiary of an account balance which is greater than \$15,000, the FRS Investment Plan Administrator shall place a hold on the account and advise the SBA of the situation and the SBA shall send instructions to the FRS Investment Plan Administrator for any additional action.

(d) If the individual responding to the correspondence sent by the Administrator and providing instructions for payout is not the surviving parent, the Administrator shall request the individual to provide a Court Order wherein a guardian has been appointed for the minor, prior to payout of any balance and the Administrator shall take directions only from the named guardian.

(e) If no instructions for payout are received, the Administrator shall notify the SBA and the SBA will contact the probate court with jurisdiction over the estate of the member to request direction on the disposition of the minor's interest in the account. Expenses shall be deducted from the member's account.

~~(10)(7)~~ Invalid distributions.

(a) An "invalid distribution" is a distribution given to a member to which the member is not entitled.

(b) If a member or a former member of the FRS Investment Plan receives an invalid distribution, the member or former member is required to shall repay the entire invalid distribution within 90 days of the member's receipt of a final notification from the SBA. If the member fails to repay the invalid distribution, the employer is liable for the repayment of the invalid distribution even if the member signed a statement at the time the member was hired that no benefit had been received from the Plan.

1. If a member repays the entire distribution, the member's repayment will be deposited in his FRS Investment Plan account; he will be returned to the Investment Plan; and all future employer contributions will be deposited in the funds he has chosen.

2. If the employer repays the entire distribution, the repayment will be deposited in the Investment Plan Trust Fund and allocated to the Investment Plan's forfeiture account to offset plan expenses. The member will be returned to the Investment Plan; and all future employer contributions will be deposited in the funds the member has chosen.

3. If the member fails to repay the invalid distribution, the SBA will declare the member a "retiree" and will pursue the repayment of the invalid distribution pursuant to paragraph (b) above. As a "retiree," the member is subject to the restrictions of Section 121.122, F.S., which means that if the member is reemployed in the future with an FRS-covered employer, the member is not eligible for Special Risk membership, or for the Deferred Retirement Option Program, nor for disability benefits. Section 121.122, F.S., has other restrictions and should be read by the member with his or her particular situation in mind.

(c) The following are examples of scenarios that could result in invalid distributions. They are only examples and are not inclusive of all possible situations. Members and employers are encouraged to contact the FRS Investment Plan Administrator to discuss the particular situation.

1. Example 1: A member joined the FRS Investment Plan effective September 1, 2002. He terminated all employment from his FRS-covered employer on August 24, ~~2009~~ 2006. On December 15, ~~2009~~ 2006, he takes ~~took~~ a partial distribution from his Investment Plan account. However, he returned to FRS-covered employment on December 1, ~~2009~~ 2006. The member took an invalid distribution because he was working for an FRS-covered employer at the time he received the distribution. His payroll record reflected the August 24, ~~2009~~ 2006, termination date but did not yet reflect his rehire date. Therefore, because the payroll report is not required from the employer to the Division of Retirement until the 5th business day of the month following the end of the work-month, the FRS Investment Plan Administrator, which receives its information from the Division of Retirement, had no knowledge of his return to work in the middle of December, since the information would not have arrived until at least January 6. The member is asked at the time of the distribution whether he is employed or pending employment with an FRS covered employer. If it is determined that the member knew or reasonably knew the answer to this question was yes, the member has taken an invalid distribution.

2. Example 2: A member joined the FRS Investment Plan effective April 1, 2004. He ~~terminates~~ all FRS-covered employment on November 12, ~~2009~~ 2006. The member has not reached his normal retirement date. On March 1, ~~2010~~ 2007,

the member ~~takes~~ took a total distribution from his Investment Plan account. The member ~~returnesd~~ returned to FRS-covered employment on April 15, ~~2007~~. The March 1, 2010 ~~2007~~ distribution is invalid since the member returned to work within ~~36~~ calendar months of his retirement date.

3. Example 3: A member joined the FRS Investment Plan effective May 1, 2005. He ~~terminatesd~~ terminates all FRS-covered employment on November 12, 2009 ~~2006~~. The member has reached his normal retirement date. On January 5, 2010 ~~2007~~, the member ~~receivesd~~ receives his one-time distribution of up to 10 percent from his Investment Plan account. The member ~~returnesd~~ returns to FRS-covered employment on ~~May~~ February 15, 2010 ~~2007~~. The January 5, 2010 ~~2007~~ distribution is invalid since the member returned to work within ~~6~~ 1 calendar months of his retirement date.

Rulemaking Authority 121.4501(8)(a) FS. Law implemented 121.021(29), (39), 121.4501(20), 121.591, 121.77 FS. History--New 3-9-06, Amended 11-26-07, 5-19-09, _____.

19-11.004 Excessive Trading in the FRS Investment Plan.

(1) through (2) No change.

(3) Limitations.

(a) Regarding authorized foreign or global stock funds: After making a non-exempt transaction by transferring any portion of their account balance into an authorized foreign or global or stock fund, members are prohibited from completing a Roundtrip Trade in that fund for a minimum of 7 calendar days, using the convention of last-dollar-in and first-dollar-out for the roundtrip calculation.

(b) Regarding all authorized funds, except for money market funds:

1. Members who engage in Market Timing Trades in authorized funds will receive a warning letter sent by U.S. mail. The warning letter shall notify the member that excessive trades have been identified in his/her accounts and any additional violations will result in a direction letter.

2. Members who engage in Market Timing Trades in authorized funds and who have previously received a warning letter described in subparagraph 1., above, will be sent a direction letter delivered by courier. The direction letter shall require that the member shall not have access to automated online trade instructions for at least one full calendar month following the date of the direction letter. The member shall be required to conduct trades via telephone by contacting the Plan Administrator for at least one full calendar month.

3. Members who engage in Market Timing Trades and who have previously received a direction letter, as described in subparagraph 2., above, will be sent another direction letter, delivered by courier. This direction letter shall require that the member shall not have access to automated trade instructions for at least three full calendar months following the date of the

direction letter. The member shall be required to conduct trades via telephone by contacting the Plan Administrator for at least three full calendar months+.

4. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 3., above, will be sent another direction letter, delivered by courier. The direction letter shall require that the member shall only be permitted to conduct trades via paper trading forms for at least three full calendar months following the date of the direction letter. The form to be used by the member in conducting the trades is the "Transfer Request Form, Excessive Fund Trading Violators," Form EFTPV-1, rev. 3/09, which hereby is adopted and incorporated by this reference. This form must be notarized and returned to the Office of Defined Contribution Programs, via US mail, certified\return receipt requested.

5. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 4., above, will be sent another direction letter, delivered by courier. The direction letter shall require that the member shall only be permitted to conduct trades via paper trading forms for at least twelve full calendar months following the date of the direction letter. The form to be used by the member in conducting the trades is the "Transfer Request Form, Excessive Fund Trading Violators," Form EFTPV-1, rev. 3/09, which hereby is adopted and incorporated by this reference. This form must be notarized and returned to the Office of Defined Contribution Programs, via US mail, certified\return receipt requested.

6. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 5., above, will be sent another direction letter, delivered by courier. The direction letter shall require that the member shall only be permitted to conduct trades via paper trading forms for the remainder of any time that any balance exists in the member's Investment Plan account following the date of the direction letter. The form to be used by the member in conducting the trades is the "Transfer Request Form, Excessive Fund Trading Violators," Form EFTPV-1, rev. 3/09, which hereby is adopted and incorporated by this reference. This form must be notarized and returned to the Office of Defined Contribution Programs, via US mail, certified\return receipt requested.

(c) If Member A receives a direction letter as described in subparagraph (3)(b)2., above, on November 15, Member A's access to automated online trade instructions shall be denied until January 1. "One full calendar month," in this context, means the full calendar month following the month in which the direction letter is received. The direction letter, in this example, was received in November. The "one full calendar month" is December. Therefore, access will not be resumed until January.

(4) through (5) No change.

Rulemaking Specific Authority 121.4501(8) FS. Law Implemented 121.4501(13), (14), (15) FS. History--New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08,_____.

19-11.007 Second Election Enrollment Procedures for the FRS Retirement Programs.

(1) No change.

(2) Definitions

(a) through (e) No change.

(f) “Electronic Means” shall mean an enrollment on the MyFRS.com website, by telephone or other technology as specified by the SBA in a subsequent amended rule.

(3) No change.

(4) Specific Procedures for the “2nd Election Retirement Plan Enrollment Form.”

(a) through (j) No change.

(k) If the member submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name ~~and address and phone number~~ of the member, social security numbers, plan selection, or signatures, or dates. The member will be required to resubmit a completed enrollment form ~~incomplete form will be returned to the member to add any missing information.~~ If the form is incomplete only because the member has made no investment selection, the form will be processed and the member will be defaulted into the FRS Select Moderate Balanced Fund for investing his accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the member at any time once the transfer has been made.

(5) Specific Procedures for the “2nd Election EZ Retirement Plan Enrollment Form.”

(a) through (h) No change.

(i) If the member submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name ~~and address and phone number~~ of the member, social security numbers, plan selection, or signatures, or dates. The member will be required to resubmit a completed enrollment form ~~incomplete form will be returned to the member to add any missing information.~~

(6) No change.

Rulemaking Authority 121.4501(8)(a) FS. Law Implemented 121.4501(3), (4), (8)(b)4., (15)(b), (20) FS. History--New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 5-19-09,_____.

19-11.009 Reemployment with an FRS-covered Employer after Retirement.

(1) Purpose: The purpose of this rule is to clarify the provisions regarding reemployment after retirement for FRS Investment Plan members. The limitations of this rule apply to reemployment in any capacity irrespective of the category of funds from which the member is compensated.

(2)(a) A member who has terminated FRS-covered employment and has taken a distribution from his Investment Plan account is considered a retiree, as of the date of the distribution, in accordance with Section 121.4501(2)(j), F.S. As a retiree, the former member shall not be reemployed with an FRS-covered employer until he has been retired for 12 months, except under certain limitations. Any retiree may return to employment with an FRS-covered employer after 12 calendar months of retirement and may take distributions from prior career benefits, even while reemployed. A retiree may work for any private employer or for any public employer who does not participate in the FRS without affecting his/her FRS retirement benefits.

(b) A member who is reemployed with an employer during the first six calendar months after retirement shall be deemed to not have retired. The distribution will be deemed an invalid distribution. The member shall be required to repay the entire invalid distribution within 90 days of the member’s receipt of a final notification.

~~(c)(b)~~ There are exceptions to paragraph (2)(a) above. This paragraph does not contain an exhaustive list of all possible situations. Members who are not in exactly the same circumstances as described in this paragraph should call the toll-free MyFRS Financial Guidance Line at 1(866)446-9377, Option 1, to have their situations properly analyzed.

1. If reemployed prior to July 1, 2010, the following will apply:

a.1. A member who has reached his normal retirement date, in accordance with Section 121.021(29), F.S., may return to FRS-covered employment after being retired for six one calendar months. Six One calendar months means six the full calendar months following the month the member retired. For example, if a member retires in January, the six calendar months are February, March, April, May, June, and July. The retiree may return to employment in August. The retiree may return to employment in one of the excepted positions identified in Section 121.091(9)(b), F.S., and continue to take distributions from prior career benefits. If the retiree returns to work in a position that is not one of the exceptions allowed by law, he/she must suspend receipt of any remaining retirement benefits for the remainder of the 12 months after retirement.

b.2. A member who has not reached his normal retirement date, in accordance with Section 121.021(29), F.S., can return to work in one of the excepted positions identified in Section 121.091(9)(b), F.S., FRS-covered employment after being retired for six three calendar months. Six “Three calendar months” means six three full calendar months following the month in which the member retired. For example, if a member retires in January, the six three calendar months are February, March, ~~and~~ April, May, June, and July. The retiree may return to employment in August May in one of the excepted positions identified in Section 121.091(9)(b), F.S., and continue to take distributions from prior career benefits. If the retiree returns to

work in a position that is not one of the exceptions allowed by law, he/she must suspend receipt of any remaining retirement benefits for the remainder of the 12 months after retirement.

2. If reemployed on or after July 1, 2010, a member may return to work in any position with an FRS-covered employer after being retired for six calendar months. Six calendar months means six full calendar months following the month the member retired. For example, if a member retires in January, the six calendar months are February, March, April, May, June, and July. The retiree may return to employment in August. The member must suspend receipt of any remaining retirement benefits for the remainder of the 12 calendar months after retirement. Effective July 1, 2010, there are no excepted positions. A member reemployed on or after July 1, 2010 will not be permitted to renew membership in the FRS.

(3) The Plan Choice Administrator must be informed whenever an FRS Investment Plan retiree returns to employment with an FRS-covered employer during the first 12 calendar months of retirement.

~~(4)(a) Any retiree employed in violation of the FRS Investment Plan reemployment limitations and an employer any employing agency which knowingly that employs or appoints such person are jointly and severally liable to the retirement trust fund for reimbursement of any benefits paid. To avoid liability, such employing agency must have a written statement from the retiree that he or she is not retired from a state administered retirement system.~~

(b) Liability will be imposed on the employer if such reimbursement is not received from the retiree, unless there is conclusive evidence to show the employer should not be liable.

(c) To assist the employer, a written statement should be obtained from a prospective employee. The written statement can be set forth on the "Certification Form," Form CERT, rev. 08/2009 and can be found on the MyFRS website. This form should be retained in the employee's personnel file.

(d) When a prospective employee signs the Certification Form, the employee is certifying that he or she has not retired from any State of Florida administered retirement plan nor concluded participation in the Deferred Retirement Option Program (DROP) within the past 12 months, or received an initial distribution or rollover from the FRS Investment Plan within the last 6 calendar months.

Rulemaking Specific Authority 121.4501(8)(a) FS. Law Implemented 121.021(29), (39), 121.091(9)(b), (c), 121.4501(2)(j), 121.591(1)(a)4. FS. History--New 11-26-07, Amended 12-8-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Ron Poppell, Senior Officer, Defined Contributions Programs
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-12.004	Definitions
25-12.005	Codes and Standards Adopted
25-12.008	New, Reconstructed or Converted Facilities
25-12.022	Requirements for Distribution System Valves
25-12.027	Welder Qualification
25-12.040	Leak Surveys, Procedures and Classification
25-12.041	Receiving of Gas Leak and Emergency Reports
25-12.080	General
25-12.084	Notice of Accidents and Outages
25-12.085	Written Annual Reports Required

PURPOSE AND EFFECT: Rule 25-12.004, F.A.C., Definitions – Amendment corrects zip code address for the Commission and updates the Pipeline Inspection, Protection, Enforcement, and Safety Act legal cite; Rule 25-12.005, F.A.C., Codes and Standards Adopted-The amendment adopts the most current three parts of the code of Federal Regulations 191, 192 and 199 that cover natural gas pipeline safety; Rule 25-12.008, F.A.C., New, Reconstructed or Converted Facilities-Amendment deletes the references to filed plans required by a repealed Rule 25-12.039, F.A.C.; Rule 25-12.022, F.A.C., Requirements for Distribution System Valves-The amendment clarifies the requirement is for sectionalizing valves only, not all valves. Also gives a distance exception for location of valves if they are physically impractical to install in areas like river crossing and closed interstate highways; Rule 25-12.027, F.A.C., Welder Qualification-Amendment updates the references to the current standard and code for welding on pipelines; Rule 25-12.040, F.A.C., Leak Surveys, Procedures and Classification-Amendment clarifies intent of rule that cleared gas leaks are repaired; Rule 25-12.041, F.A.C., Receiving of Gas Reports-Amendment adds clarifying language to title and deletes references to filed plans required by a repealed Rule 24-12.039, F.A.C.; Rule 25-12.084, F.A.C., Notice of Accidents and Outages-The amendment increases the dollar amount threshold requiring notification of the Commission of natural gas related accidents; Rule 25-12.085, F.A.C., Written Annual Reports Required-The amendment eliminates the requirement to file forms in triplicate, updates the identification reference to the required form, changes the submittal date to match federal requirements and eliminates a report not needed. Docket No. 090396-GU

SUMMARY: The rule changes describe the Commission’s adoption of federal pipeline safety regulations, a welding standard as part Florida rules and an increase in the dollar amount for reporting accidents to the Commission. Various minor changes include adding clarifying language, deleting references to a repealed rule, correction of an address, changing of a date, updating a form number and reducing the number of copies filed for a required report and eliminate a report not needed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule changes describe the Commission’s adoption of federal pipeline safety regulations, a welding standard as part Florida rules and an increase in the dollar amount for reporting accidents to the Commission. Various minor changes include adding clarifying language, deleting references to a repealed rule, correction of an address, changing of a date, updating a form number and reducing the number of copies filed for a required report and eliminate a report not needed.

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

RULEMAKING AUTHORITY: 368.05(2), 350.127(2) FS.

LAW IMPLEMENTED: 368.03, 368.05(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

25-12.004 Definitions.

Definitions contained in codes or standards adopted by these rules are applicable to the rules and the adopted codes or standards with the following exceptions:

(1) “Commission”. Unless a different intent clearly appears from the context, the word “Commission” shall mean the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, area code (850)413-6770.

(2) “Utility” or “Operator”. Except where a different meaning clearly appears from the context, the word “Utility” or “Operator” shall be every person, corporation, partnership, association, public agency, municipality, cooperative gas district or other legal entity and their lessees, trustees, or receivers, now or hereafter owning, operating, managing or controlling any gas transmission or distribution facility transporting gas as defined herein and not specifically exempt from state jurisdiction by the Pipeline Inspection, Protection,

Enforcement, and Safety Act of 2006 (PIPES Act), Pub. L. 109-468 (codified as amended at 49 U.S.C. §60101 (2006)). Natural Gas Pipeline Safety Act of 1968, Public Law 90-481.

(3) through (4) No change.

(5) “Distribution System”. As used in these rules shall mean any group of interconnected pipe and facilities operating at a hoop stress of less than 20 percent % specified minimum yield strength which transports gas from a common source of supply or storage facility to a customer.

(6) through (13) No change.

Rulemaking Specific Authority 368.05(2) FS. Law Implemented 368.03 FS. History–New 6-24-67, Amended 3-7-70, 11-14-70, 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.04, Amended 1-7-92,_____.

25-12.005 Codes and Standards Adopted.

The Minimum Federal Safety Standards and reporting requirements for pipeline facilities and transportation of gas prescribed by the Pipeline and Hazardous Materials Safety Administration United States Department of Transportation in 49 C.F.R. 191 and 192 (2008) as amended in 74 Fed. Reg. 2889-01 (January 16, 2009) Parts 191 and 192 of Title 49, Code of Federal Regulations (CFR) as amended through January 1, 2004, are adopted as part of these rules. 49 C.F.R. Part 199 (2008), “Drug and Alcohol Testing,” as amended in 74 Red. Reg. 2889-01 (January 16, 2009) through January 1, 2004, is adopted to control drug use, by setting standards and requirements to apply to the testing and use of all emergency response personnel under the direct authority or control of a gas utility or pipeline operator, as well as all employees directly or indirectly employed by gas pipeline operators for the purpose of operation and maintenance and all employees directly or indirectly employed by intrastate gas distribution utilities for on-site construction of natural gas transporting pipeline facilities. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

Rulemaking Specific Authority 368.05(2), 350.127(2) FS. Law Implemented 368.03 FS. History–New 11-14-70, Amended 9-24-71, Revised 9-21-74, Amended 10-7-75, 11-30-82, 10-2-84, Formerly 25-12.05, Amended 8-8-89, 1-7-92, 5-13-99, 4-26-01,_____.

25-12.008 New, Reconstructed or Converted Facilities.

(1) No new or reconstructed system or portion thereof may be:

- (a) No change.
- (b) Placed in service until:

1. ~~‡~~ The pipeline facilities have been inspected and found to comply with the construction specifications; and

2. ~~‡~~ Operating and Maintenance Plans have been filed with the Commission.

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

(e) Establish the maximum allowable operating pressure no greater than the highest sustained operating pressure during the 5 years prior to conversion unless it was tested or uprated after July 1, 1970 in accordance with the Subparts J or K of 49 C.F.R. 192 (2008) Part 192, Title 49, CFR after July 1, 1970.

(f) No change.

(g) Determine areas of active corrosion as required by 49 C.F.R. 192 (2008) Part 192, Title 49, CFR and these rules. Required cathodic protection must be accomplished within 1 year after the date of conversion except that buried steel tubing must be protected prior to placing the system into operation.

Rulemaking Specific Authority 368.05(2) FS. Law Implemented 368.05(2) FS. History–New 11-14-70, Revised 9-21-74, Amended 10-7-75, 10-2-84, Formerly 25-12.08, Amended ..

25-12.022 Requirements for Distribution System Valves.

(1) Valves ahead of regulator stations – A valve shall be installed upstream of each regulator station for us in an emergency to stop the flow of gas. These valves are to be installed at a safe distance from the station, but no more than 500 feet from the regulator station. The distance for the valve location can be greater than 500 feet if physically impractical to install closer.

(2) through (4) No change.

(5) All the sectionalizing valves which may be necessary for the safe operation of the system must be inspected and maintenance performed to assure location, access and operating ability at intervals not exceeding 15 months but at least each calendar year.

Rulemaking Specific Authority 368.05(2) FS. Law Implemented 368.05(2) FS. History–New 9-21-74, Amended 10-7-75, 10-2-84, Formerly 25-12.22, Amended ..

25-12.027 Welder Qualification.

(1) No welder shall make any pipeline weld unless the welder has qualified in accordance with Section 3 of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities 17th edition, 1988, 20th edition, October 2005 including Errata/Addendum July 2007 and Errata 2 (2008), Section IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code 1977, or Sections 1, 2 & 3 of Appendix C of 49 C.F.R. the Code of Federal Regulations Part 192 (2008), as amended through December 27, 1989, within the preceding 15 months, but at least once each calendar year.

(2) No change.

Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.03 FS. History–New 1-7-92, Amended ..

25-12.040 Leak Surveys, Procedures and Classification.

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

(c) “Grade 3 Leak” – a leak that is not a threat to persons and property and is not expected to become so. Above ground grade 3 leaks shall be repaired within 90 days from the date the leak was originally located unless the leak is upgraded or does not produce a positive leak indication when a soap and water solution, or its equivalent, is applied on suspected locations at operating pressure. Grade 3 leaks that are underground shall be reevaluated at least once every 6 months until repaired cleared. The frequency of reevaluation shall be determined by the location and magnitude of the leak.

(3) No change.

Rulemaking Specific Authority 368.05(2) FS. Law Implemented 368.05(2) FS. History–New 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.40, Amended 1-7-92, ..

25-12.041 Receiving of Gas Leak and Emergency Reports.

Each operator must provide a means of receiving and promptly responding to reported gas leaks and emergencies calls on a 24-hour per day basis. The procedure for accomplishing this requirement must be included in the operating and maintenance plan filed with the Commission.

Rulemaking Specific Authority 368.05(2) FS. Law Implemented 368.05(2) FS. History–New 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.41, Amended ..

25-12.080 General.

(1) No change.

(2) Nothing in these rules shall be construed to relieve any operator from responsibility to file reports or give notifications as required by the Pipeline and Hazardous Materials Safety Administration Federal Department of Transportation.

Rulemaking Specific Authority 368.05(2) FS. Law Implemented 368.05(2) FS. History–New 11-14-70, Amended 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.80, Amended ..

25-12.084 Notice of Accidents and Outages.

(1) through (c) No change.

(d) Caused estimated damage to the property of the operator, or others, or both, of a total of \$10,000 \$2,500 or more; or

(e) In the judgment of the operator, was significant even though it did not meet the criteria of paragraph (a), (b), (c), or (d) of this subsection paragraph.

(2) An operator need not give notice of an event that met only the criteria of paragraph subsections (b) or (c) of subsection (1) this paragraph, if it occurred solely as a result of, or in connection with, planned or routine maintenance or construction.

(3)(2) Each operator shall immediately report to the Commission any distribution system-related accident or failure which interrupts service to either 10 percent % or more of its meters or 500 or more meters.

Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.03, 368.05(2) FS. History–New 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.84, Amended _____.

25-12.085 Written Annual Reports Required.

(1) Each operator of a distribution system shall submit an annual report ~~in triplicate on Pipeline and Hazardous Materials Safety Administration Department of Transportation Form PHMSA RSPA F 7100.1-1 (12-05) for each distribution system. In the case of an operator who has more than one distribution system, a combined annual report must be submitted which includes all facilities operated within the State of Florida subject to the Commission’s jurisdiction.~~

~~(a) Each distribution system.~~

~~(b) In the case of an operator who has more than one distribution system, a combined annual report must be submitted which includes all facilities operated within the State of Florida subject to the Commission’s jurisdiction.~~

(2) Each operator of a distribution system shall, for facilities that operate at 20 percent or more of the specified minimum yield strength, or that are used to convey gas into or out of storage, submit an annual reports for those facilities on Pipeline and Hazardous Materials Safety Administration in triplicate on Department of Transportation Form PHMSA RSPA F 7100.2-1 (12-05).

(3) Each operator of a transmission system ~~or a gathering system under Commission jurisdiction~~ shall submit an annual reports on Pipeline and Hazardous Safety Administration in triplicate on Department of Transportation Form PHMSA RSPA F 7100.2-1 (12-05).

(4) All the above reports must be submitted for the preceding calendar year so as to be received by the Commission no later than March 15th February 10 of each year.

Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.03, 368.05(2) FS. History–New 11-14-70, Amended 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.85, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 35, No. 22, June 5, 2009

PUBLIC SERVICE COMMISSION

RULE NOS.: 25-24.516
25-24.630
RULE TITLES: Pay Telephone Operator Services
Rate and Billing Requirements

PURPOSE AND EFFECT: To amend the rules to implement changes made by the Legislature to Section 364.3376, Florida Statutes. Docket No. 060476-TL.

SUMMARY: The amendments remove the price caps for operator services and replace references to “tariffs” with “schedules.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The amendments would not impose costs or confer benefits on the Commission. Companies providing operator services would have more flexibility to price operator services, but customers could face higher costs for those services.

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

RULEMAKING AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01, 364.3376, 364.03, 364.3375(4), (5) 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: Richard C. Bellak, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6092, rbellak@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.516 Pay Telephone Operator Services Rate Caps.

~~(1) Rates charged any end user by a pay telephone provider, providing operator service within the pay telephone premises’ equipment, shall not exceed the following:~~

~~(a) Local coin calls — the rate posted at the pay telephone station.~~

~~(b) Extended area service (EAS) coin calls — a rate equivalent to the local coin call rate.~~

~~(c) Extended calling scope (ECS) calls — the rate equivalent to the local coin rate.~~

~~(d) 0+ toll non person to person — a maximum rate of \$0.30 per minute, plus a \$1.75 charge.~~

~~(e) 0+ toll person to person — a maximum rate of \$.30 per minute, plus a \$3.25 charge.~~

~~(f) 0+ non person to person local — a rate equivalent to the local coin rate, plus a \$1.75 charge.~~

~~(g) 0+ person to person local — a rate equivalent to the local coin rate, plus a \$3.25 charge.~~

(2) A pay telephone provider shall not obtain services from an interexchange carrier or an operator service provider unless such carrier or provider has registered with or has obtained a certificate of public convenience and necessity from the Commission.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.3375(4), (5), 364.3376 FS. History--New 9-5-95, Amended 2-1-99, 9-7-04, _____.

25-24.630 Rate and Billing Requirements.

(1) Services charged and billed to any end user by an operator services provider for an intrastate 0+ or 0- call made from a pay telephone or in a call aggregator context shall not exceed the rates in the company's published schedules, a rate of \$.30 per minute plus the applicable charges for the following types of telephone calls:

- (a) ~~A person to person call a charge of \$3.25;~~
- (b) ~~A call that is not a person to person call a charge of \$1.75.~~
- (2) No change.
- (3) An operator services provider shall require that its certificated or registered name appear on any telecommunications company's bill for regulated charges.

(4) through (5) No change.

(6) An operator services provider shall charge only for conversation time as rounded according to company published schedules tariffs.

(7) An operator services provider shall not:

- (a) through (b) No change.
- (c) Bill for calls in increments greater than one minute except for pay telephone coin calls that may be in increments no greater than three minutes.

~~(d) Bill or collect a surcharge levied by any entity, either directly or through its billing agent, except Commission approved charges for pay telephone providers.~~

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History--New 9-6-93, Amended 2-1-9, 9-7-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Kennedy, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6584

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006, Vol. 32, No. 32 and December 12, 2008, Vol. 34, No. 50

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40A-2.051	Exemptions
40A-2.101	Content of Application
40A-2.351	Transfer of Permits
40A-2.381	Limiting Conditions
40A-2.901	Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: reduce the permitting requirements for water users whose withdrawals pose minimal impact to the water resources, minimize non-potable demands on the potable water supplies, promote use of the lowest quality water suitable for the intended purpose; incorporate forms by reference in the appropriate section or subsection of the rule; and include statutory permit language.

SUMMARY: Rule 40A-2.051, F.A.C., Exemptions – Expand an existing exemption in rule that allows small withdrawals from shallow wells in coastal areas. The current exemption applies to Okaloosa, Walton and Bay counties. A similar exemption allows such withdrawals in Escambia and Santa Rosa Counties. The proposed change will allow such uses in Gulf and Franklin Counties.

Rule 40A-2.101, F.A.C., Content of Application – Distributes forms incorporated by reference into the appropriate subsections of the rule. That, per the current interpretation of subparagraph 120.55(1)(a)4., F.S., being the first subsection in which the form is referenced.

Rule 40A-2.351, F.A.C., Transfer of Permits – Distributes forms incorporated by reference into the appropriate subsections of the rule. That, per the current interpretation of subparagraph 120.55(1)(a)4., F.S., being the first subsection in which the form is referenced.

Rule 40A-2.381, F.A.C., Limiting Conditions – Distributes forms incorporated by reference into the appropriate subsections of the rule. That, per the current interpretation of subparagraph 120.55(1)(a)4., F.S., being the first subsection in which the form is referenced.

Rule 40A-2.901, F.A.C., Forms – Removes inclusive incorporation by reference of forms in the list and allows distribution into the appropriate subsections of the rule. That, per the current interpretation of subparagraph 120.55(1)(a)4., F.S., being the first subsection in which the form is referenced.

NFWFMD Form A2-E – Add the language required by current Florida Statute [373.116(3), F.S.].

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.216, 373.219, 373.223 FS.

LAW IMPLEMENTED: 373.171, 373.216, 373.219, 373.223 FS.

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

DATE AND TIME: November 30, 2009, 1:25 p.m., ET

PLACE: Northwest Florida Water Management District Headquarters, Governing Board Room, 81 Water Management Drive, Midway, Florida (10 miles west of Tallahassee on U.S. Highway 90)

Pursuant to the provisions of 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: Jean Whitten, Division of Administration, at (850)539-5999. If you are 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: Terri Peterson, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333-4711, (850)539-5999, fax (850)539-2693

THE FULL TEXT OF THE PROPOSED RULES IS:

40A-2.051 Exemptions.

(1) through (5) No change.

(6) An Individual Water Use Permit shall not be required for non-public supply shallow wells four (4) inches or smaller in diameter, withdrawing an annual daily average of 15,000 gallons or less of water from the shallow sand aquifer in the portion of Permit Area A found in the counties of Bay, Franklin, Gulf, Okaloosa, and Walton, and which do not penetrate any competent and continuous confining formation.

(7) through (10) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216, 373.219 FS. History–New 10-1-82; Amended 5-17-83, 3-1-84, 1-5-86, 8-1-89, 5-31-92, 11-2-92, 10-1-95, 7-1-98, 1-1-05, 2-27-06,_____.

40A-2.101 Content of Application.

(1) All Individual Water Use Permit applications shall include one original and one copy of the following:

(a) A completed District application appropriate for the specified use. Complete information as required on NFWFMD Form No. A2-A, A2-B, A2-C, or A2-D; all of which are incorporated by reference in Rule 40A-2.901, F.A.C.; either:

1. Consumptive Use Permit Application for a Public Water Supply, NFWFMD Form No. A2-A, effective July 1, 1998;

2. Consumptive Use Permit Application for Agricultural, Aquaculture and Golf Course Water Uses, NFWFMD Form No. A2-B, effective July 1, 1998;

3. Consumptive Use Permit Application for Landscape Uses, NFWFMD Form No. A2-C, effective July 1, 1998; or

4. Consumptive Use Permit Application for Other Uses, NFWFMD Form No. A2-D, effective July 1, 1998.

These forms are hereby incorporated by reference and can be obtained from the District offices in Midway-Gadsden County, Crestview or Marianna or from the District’s website.

(b) through (g) No change.

(2) A permit application shall be accompanied by the appropriate application fee identified in Rule 40A-2.201, F.A.C. Failure to provide the required fee shall result in the denial of the permit request.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.109, 373.223, 373.229, 403.0877 FS. History–New 10-1-82; Amended 1-5-86, 5-31-92, 11-2-92, 11-1-93, 10-1-95, 7-1-98,_____.

40A-2.351 Transfer of Permits.

(1) An Individual Water Use Permit shall be transferred by the Executive Director at the request of the Permittee provided the source, use, and withdrawal amounts remain the same; the request is made in writing on NFWFMD Form No. A2-F, (Request for Consumptive Use Permit Transfer, effective May 31, 1992) hereby incorporated by reference and available from the District offices in Midway-Gadsden County, Crestview or Marianna or from the District’s website; and is accompanied by the required processing fee. All terms and conditions of the permit being transferred shall be binding on the transferee.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.109, 373.118, 373.216, 373.219 FS. History–New 10-1-82, Amended 5-31-92, 11-1-93, 10-1-95,_____.

40A-2.381 Limiting Conditions.

(1) No change.

(2) In addition to specific or special conditions stipulated by the Board, the terms and standard conditions enumerated in the District’s permit document, NFWFMD Form No. A2-E, hereby incorporated by reference, are made part of all permits.

(3) If water use reporting is required, the permittee shall submit the data required on the form specified in the permit. Either:

(a) Annual Water Use Reporting Form, NFWFMD Form No. A2-G, effective July 1, 1998;

(b) Periodic Water Use Reporting Form, NFWFMD Form No. A2-H, effective July 1, 1998; or

(c) Water Use Summary Reporting Form, NFWFMD Form No. A2-I effective July 1, 1998.

These forms are hereby incorporated by reference and can be obtained from the District offices in Midway-Gadsden County, Crestview or Marianna or from the District's website.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.219, 373.223, 373.250, 373.042 FS. History--New 1-5-86, Amended 5-31-92, 10-1-95,_____.

40A-2.901 Forms.

(1) The following forms are used in the implementation of this Chapter ~~and are hereby incorporated by reference:~~

(a) through (d) No change.

(e) Individual Water Use Permit Document, NFWFMD Form No. A2-E, effective ~~_____~~ October 1, 1995.

(f) through (i) No change.

(2) These forms are available at the following District offices:

(a) through (c) No change.

Rulemaking Specific Authority 373.044, 373.171 FS. Law Implemented 373.116, 373.219, 373.229 FS. History--New 10-1-82, Amended 1-5-86, 8-1-89, 5-31-92, 10-1-95, 7-1-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Angela Chelette, Chief, Bureau of Ground Water Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Northwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2009

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

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

RULE NO.: 58L-1.008 RULE TITLE: Administrative Assessments

PURPOSE AND EFFECT: The purpose of the proposed rule is to develop procedures for administrative assessments in order to comply with Section 400.0071, F.S.

SUMMARY: The proposed rule addresses procedures for conducting administrative assessments, including an administrative assessment form incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This proposed rule will not have an impact on small employers as defined in Section 288.703, F.S.; therefore a statement of estimated regulatory costs has not been prepared. This proposed rule will not have an impact on small cities or counties as defined in Section 120.52, F.S.; therefore a statement of estimated regulatory costs has not been prepared.

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

RULEMAKING AUTHORITY: 400.0071 FS.

LAW IMPLEMENTED: 400.0071, 400.0074 FS.

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

DATE AND TIME: November 17, 2009, 10:00 a.m. – 11:00 a.m. EST

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

Pursuant to the provisions of 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: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone: (850)414-2000; Email address: crochethj@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone: (850)414-2000; Email address: crochethj@elderaffairs.org

THE TEXT OF THE PROPOSED RULE IS ALSO AVAILABLE ON THE WEBSITE LISTED BELOW, ALONG WITH THE ADMINISTRATIVE ASSESSMENT FORM INCORPORATED BY REFERENCE (DOEA FORM LTC09-002), UNDER THE HEADING ENTITLED "LONG-TERM CARE OMBUDSMAN PROGRAM, RULE CHAPTER 58L-1, F.A.C. <http://elderaffairs.state.fl.us/english/rulemaking.php>

THE FULL TEXT OF THE PROPOSED RULE IS:

58L-1.008 Administrative Assessments.

This rule outlines procedures for conducting administrative assessments of long-term care facilities.

(1) MINIMUM ASSESSMENT REQUIREMENT.

Pursuant to Section 400.0074, F.S., all long-term care facilities must have at least one onsite administrative assessment conducted annually. For purposes of this rule, the annual period shall be the federal reporting year, which is October 1 through September 30.

(2) ASSESSMENT ASSIGNMENTS.

(a) By October 1 of each year, the DOM, or designee, must assign all facilities within his or her district to individual members of the local council to conduct administrative assessments by September 30 of the following year.

(b) The DOM, or designee, must keep original completed assessment forms in the district office and forward copies to the facility administrator and the local Agency for Health Care Administration field office within 30 calendar days after review and approval.

(3) ADMINISTRATIVE ASSESSMENT PROCESS.

Administrative assessments may include observations, interviews with residents and other individuals, and review of facility records as permitted in Section 400.0081, F.S. The assessment must focus on factors affecting residents' rights, health, safety and welfare from residents' perspectives.

(4) ADMINISTRATIVE ASSESSMENT FORM.

The results of an administrative assessment must be recorded on the DOEA Form LTCOP-0002, 2009, Administrative Assessment, which is incorporated by reference and available from the Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The form may also be obtained from the following website: <http://elderaffairs.state.fl.us/english/ruleform/LTCOP-002.doc>.

(5) OMBUDSMAN RESPONSIBILITY.

At the conclusion of the assessment, the ombudsman must do the following:

(a) Conduct an exit interview with the facility administrator, or designee, to discuss preliminary identified problems, if any; and provide an opportunity for the administrator, or designee, to submit written comments within 3 calendar days after the exit interview in order to be included as part of the assessment record. The ombudsman must inform the administrator, or designee, that an official report of the findings will be submitted after review and approval by the DOM, or designee, pursuant to subsection (6) of this rule.

(b) Document the agreed upon preliminary remedial actions and preliminary target dates for such action to be completed, if any problems are identified during the assessment.

1. Preliminary identified problems, preliminary remedial actions and preliminary target dates must be recorded on the assessment form referenced in subsection (4) of this rule, a copy of which must be provided to the facility administrator, or designee, during the exit interview.

2. The ombudsman must inform the administrator, or designee, that an official report of the identified problems, remedial actions and target dates will be submitted after review and final approval by the DOM, or designee, pursuant to subsection (6) of this rule.

(c) Submit the administrative assessment form and documentation to the DOM, or designee, within 14 calendar days.

(6) DOM RESPONSIBILITY.

(a) The DOM, or designee, must review and approve the administrative assessment after the ombudsman completes the form.

1. As required by Section 400.0075(1)(a), F.S., within 14 calendar days after the DOM, or designee, receives the assessment form from the ombudsman, he or she must submit a written summary of the assessment to the facility, including any changes to the preliminarily agreed upon identified problems, remedial actions and target dates determined at the exit conference.

2. The written summary shall be the official administrative assessment.

3. The facility may submit written comments regarding the summary to the DOM, or designee, within 7 calendar days from the date on the summary letter.

(7) UNRESOLVED PROBLEMS.

If problems identified during an assessment remain unresolved, the ombudsman, the district long-term care ombudsman council and the State Long-Term Ombudsman Council, in consultation with the State Ombudsman, shall proceed with actions pursuant to Section 400.0075, F.S.

Rulemaking Authority 400.0071 FS. Law Implemented 400.0071, 400.0074 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Crochet
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

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: This is a second public hearing on proposed Rules 59C-1.008, 59C-1.010, 59C-1.012, 59C-1.013 and 59C-1.030, F.A.C., related to General Hospital Applications for Certificate of Need. 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: This hearing will consider changes to punctuation and grammar in subsections 59C-1.008(1) and (4), and paragraph 59C-1.010(2)(a), F.A.C.; the deletion of paragraph 59C-1.010(5)(e), F.A.C., the addition of the Batching Calendar cycles for 2010, 2011 and deletion of the Batching Calendar cycles for 2007, 2008 and the first two cycles of 2009; also consider the notices of change submitted since the December 2008 hearing.

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

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

RULEMAKING AUTHORITY: 408.034(3), (6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033, 408.035, 408.036, 408.037, 408.038, 408.039, 408.040(1), (2), 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:

DATE AND TIME: November 16, 2009, 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 5 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). If you are 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: Calvin J Vice, Sr., PhD at (850)488-8672

THE FULL TEXT OF THE PROPOSED RULE 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)(~~1)(k)~~, F.S., and comprehensive medical rehabilitation beds unless otherwise

exempt pursuant to section 408.036(3)(~~j)(4)~~, F.S., and except as provided in Section 408.037(2), F.S., for a general hospital. Unless otherwise directed by 408.037(2), F.S., general hospital applications shall conform to the schedules in this rule and will use all the application and schedules described in paragraph (1)(f). The category "other beds and programs" includes proposals for pediatric 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 bound copy and one unbound print copy.

(c) 1. through 4. No change.

5. Location refers to the health planning subdistricts adopted in Chapter 59C-2, F.A.C., in each program rule under this chapter, or the service districts. The applicant must indicate the subdistrict by name or number. ~~Nursing home~~ Applicants must also give the name of the county where the proposed project will be located, as provided in Chapter 59C-2, F.A.C.

(d) through (e) No change.

(f) Certificate of Need Application Submission. An application for a certificate of need shall be submitted on AHCA Forms 3150-0001, March 2009 Application for a Certificate of Need, or 3150-0003, March 2009 Transfer of a Certificate of Need, CON-1, July 2000, which includes a Cover Page. Cover Page-TRN 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 or 10-TRN, 11-TRN, and 12-TRN, which are incorporated by reference herein. An application for a general hospital shall be submitted on AHCA Form 3150-0002, March 2009 Application for a General Hospital Certificate of Need which includes Schedules 11, A(H), B(H), C, D(H) in addition to a Cover (H) Page, which are incorporated by reference herein. Paper copies or copies on electronic media A copy of AHCA Forms 3150-0001, March 2009 Application for a Certificate of Need; AHCA Form 3150-0002, March 2009 Application for a General Hospital Certificate of Need; or AHCA Form 3150-0003, March 2009 Transfer of a Certificate of Need, CON-1 and the Schedules may be obtained from:

Agency for Health Care Administration;
Certificate of Need
2727 Mahan Drive, Building 1, Mail Stop 28
Tallahassee, FL 32308.

Electronic versions of AHCA Forms 3150-0001, 3150-0002 and 3150-0003 CON-1 and the Schedules are also available at http://ahca.myflorida.com/MCHO/CON_FA/Application/index.shtml. 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.

(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:

Hospital Beds and Facilities

1st Batching Cycle—2007

Summary Need Projections Published in F.A.W.	1-26-07
Letter of Intent Deadline	2-12-07
Application Deadline	3-14-07
Completeness Review Deadline	3-21-07
Application Omissions Deadline	4-18-07
Agency Initial Decision Deadline	6-15-07

Hospital Beds and Facilities

2nd Batching Cycle—2007

Summary Need Projections Published in F.A.W.	7-27-07
Letter of Intent Deadline	8-13-07
Application Deadline	9-12-07
Completeness Review Deadline	9-19-07
Application Omissions Deadline	10-17-07
Agency Initial Decision Deadline	12-14-07

Hospital Beds and Facilities

1st Batching Cycle—2008

Summary Need Projections Published in F.A.W.	1-25-08
Letter of Intent Deadline	2-11-08
Application Deadline	3-12-08
Completeness Review Deadline	3-19-08
Application Omissions Deadline	4-16-08
Agency Initial Decision Deadline	6-13-08

Hospital Beds and Facilities

2nd Batching Cycle—2008

Summary Need Projections Published in F.A.W.	7-25-08
Letter of Intent Deadline	8-11-08

Application Deadline	9-10-08
Completeness Review Deadline	9-17-08
Application Omissions Deadline	10-15-08
Agency Initial Decision Deadline	12-12-08

Hospital Beds and Facilities

1st Batching Cycle—2009

Summary Need Projections Published in F.A.W.	1-23-09
Letter of Intent Deadline	2-09-09
Application Deadline	3-11-09
Completeness Review Deadline	3-18-09
Application Omissions Deadline	4-15-09
Agency Initial Decision Deadline	6-12-09

Hospital Beds and Facilities

2nd Batching Cycle – 2009

Summary Need Projections Published in F.A.W.	7-24-09
Letter of Intent Deadline	8-10-09
Application Deadline	9-09-09
Completeness Review Deadline	9-16-09
Application Omissions Deadline	10-14-09
Agency Initial Decision Deadline	12-11-09

Hospital Beds and Facilities

1st Batching Cycle – 2010

Summary Need Projections Published in F.A.W.	1-22-10
Letter of Intent Deadline	2-08-10
Application Deadline	3-10-10
Completeness Review Deadline	3-17-10
Application Omissions Deadline	4-14-10
Agency Initial Decision Deadline	6-11-10

Hospital Beds and Facilities

2nd Batching Cycle – 2010

Summary Need Projections Published in F.A.W.	7-23-10
Letter of Intent Deadline	8-09-10
Application Deadline	9-08-10
Completeness Review Deadline	9-15-10
Application Omissions Deadline	10-13-10
Agency Initial Decision Deadline	12-10-10

Hospital Beds and Facilities

1st Batching Cycle – 2011

Summary Need Projections Published in F.A.W.	1-21-11
Letter of Intent Deadline	2-07-11
Application Deadline	3-09-11
Completeness Review Deadline	3-16-11
Application Omissions Deadline	4-13-11
Agency Initial Decision Deadline	6-10-11

<u>Hospital Beds and Facilities</u>		Completeness Review Deadline	11-26-08
<u>2nd Batching Cycle – 2011</u>		Applicant Omissions Deadline	12-24-08
<u>Summary Need Projections Published in F.A.W.</u>	<u>7-22-11</u>	Agency Initial Decision Deadline	2-20-09
<u>Letter of Intent Deadline</u>	<u>8-08-11</u>		
<u>Application Deadline</u>	<u>9-07-11</u>	<u>Other Beds and Programs</u>	
<u>Completeness Review Deadline</u>	<u>9-14-11</u>	<u>1st Batching Cycle – 2009</u>	
<u>Application Omissions Deadline</u>	<u>10-12-11</u>	<u>Summary Need Projections Published in F.A.W.</u>	4-03-09
<u>Agency Initial Decision Deadline</u>	<u>12-09-11</u>	<u>Letter of Intent Deadline</u>	4-20-09
		<u>Application Deadline</u>	5-20-09
<u>Other Beds and Programs</u>		<u>Completeness Review Deadline</u>	5-27-09
<u>1st Batching Cycle – 2007</u>		<u>Application Omissions Deadline</u>	6-24-09
<u>Summary Need Projections Published in F.A.W.</u>	4-06-07	<u>Agency Initial Decision Deadline</u>	8-21-09
<u>Letter of Intent Deadline</u>	4-23-07		
<u>Application Deadline</u>	5-23-07	<u>Other Beds and Programs</u>	
<u>Completeness Review Deadline</u>	5-30-07	<u>2nd Batching Cycle – 2009</u>	
<u>Application Omissions Deadline</u>	6-27-07	<u>Summary Need Projections Published in F.A.W.</u>	10-02-09
<u>Agency Initial Decision Deadline</u>	8-24-07	<u>Letter of Intent Deadline</u>	10-19-09
		<u>Application Deadline</u>	11-18-09
<u>Other Beds and Programs</u>		<u>Completeness Review Deadline</u>	11-25-09
<u>1st Batching Cycle – 2007</u>		<u>Application Omissions Deadline</u>	12-23-09
<u>Summary Need Projections Published in F.A.W.</u>	4-06-07	<u>Agency Initial Decision Deadline</u>	2-19-10
<u>Letter of Intent Deadline</u>	4-23-07		
<u>Application Deadline</u>	5-23-07	<u>Other Beds and Programs</u>	
<u>Completeness Review Deadline</u>	5-30-07	<u>1st Batching Cycle – 2010</u>	
<u>Application Omissions Deadline</u>	6-27-07	<u>Summary Need Projections Published in F.A.W.</u>	4-02-10
<u>Agency Initial Decision Deadline</u>	8-24-07	<u>Letter of Intent Deadline</u>	4-19-10
		<u>Application Deadline</u>	5-19-10
<u>Other Beds and Programs</u>		<u>Completeness Review Deadline</u>	5-26-10
<u>2nd Batching Cycle – 2007</u>		<u>Application Omissions Deadline</u>	6-23-10
<u>Summary Need Projections Published in F.A.W.</u>	10-05-07	<u>Agency Initial Decision Deadline</u>	8-20-10
<u>Letter of Intent Deadline</u>	10-22-07		
<u>Application Deadline</u>	11-21-07	<u>Other Beds and Programs</u>	
<u>Completeness Review Deadline</u>	11-28-07	<u>2nd Batching Cycle – 2010</u>	
<u>Application Omissions Deadline</u>	12-26-07	<u>Summary Need Projections Published in F.A.W.</u>	10-01-10
<u>Agency Initial Decision Deadline</u>	2-22-08	<u>Letter of Intent Deadline</u>	10-18-10
		<u>Application Deadline</u>	11-17-10
<u>Other Beds and Programs</u>		<u>Completeness Review Deadline</u>	11-24-10
<u>1st Batching Cycle – 2008</u>		<u>Application Omissions Deadline</u>	12-22-10
<u>Summary Need Projections Published in F.A.W.</u>	4-04-08	<u>Agency Initial Decision Deadline</u>	2-18-11
<u>Letter of Intent Deadline</u>	4-21-08		
<u>Application Deadline</u>	5-21-08	<u>Other Beds and Programs</u>	
<u>Completeness Review Deadline</u>	5-28-08	<u>1st Batching Cycle – 2011</u>	
<u>Applicant Omissions Deadline</u>	6-25-08	<u>Summary Need Projections Published in F.A.W.</u>	4-01-11
<u>Agency Initial Decision Deadline</u>	8-22-08	<u>Letter of Intent Deadline</u>	4-18-11
		<u>Application Deadline</u>	5-18-11
<u>Other Beds and Programs</u>		<u>Completeness Review Deadline</u>	5-25-11
<u>2nd Batching Cycle – 2008</u>		<u>Application Omissions Deadline</u>	6-22-11
<u>Summary Need Projections Published in F.A.W.</u>	10-03-08	<u>Agency Initial Decision Deadline</u>	8-19-11
<u>Letter of Intent Deadline</u>	10-20-08		
<u>Application Deadline</u>	11-19-08	<u>Other Beds and Programs</u>	
		<u>2nd Batching Cycle – 2011</u>	

<u>Summary Need Projections Published in F.A.W.</u>	<u>9-30-11</u>
<u>Letter of Intent Deadline</u>	<u>10-17-11</u>
<u>Application Deadline</u>	<u>11-16-11</u>
<u>Completeness Review Deadline</u>	<u>11-23-11</u>
<u>Application Omissions Deadline</u>	<u>12-21-11</u>
<u>Agency Initial Decision Deadline</u>	<u>2-17-12</u>

Rulemaking 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,_____.

- (h) through (j) No change.
- (2) 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), (2) and (3), ~~(2)~~ 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) No change.

59C-1.010 Certificate of Need Application Review Procedures

(1) No change.

(2) General Provisions.

(a) Applications subject to comparative or expedited review shall be submitted to the agency on AHCA Form 3150-0001, March 2009 Application for a Certificate of Need; or 3150-0003, March 2009 Transfer of a Certificate of Need; or 3150-0002, March 2009 Application for a General Hospital Certificate of Need, CON-1, as referenced in paragraph 59C-1.008(1)(f), F.A.C.

(b) through (c) No change.

(d) An application for a general hospital must meet the requirements of Sections 408.035(2) and 408.037 (2), F.S.

(3) through (7) No change.

Rulemaking Specific Authority 408.034(6)~~(5)~~, 408.15(8) FS. Law Implemented 408.033(1), 408.035(2), 408.036(2), 408.037(2), 408.039(3), (4), (5) 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) The party appealing a final order that grants a general hospital certificate of need shall post a \$1 million bond as directed in Section 408.039(6)(d), Florida Statutes. The bond must be made payable to the appellee or appellees and must reference the appealing party, the CON number being appealed, and the Division of Administrative Hearings (DOAH) case number. The bond needs to be sent to:

Agency for Health Care Administration
Attention: Agency Clerk
2727 Mahan Drive, MS #3
Tallahassee, Florida 32308

Rulemaking Specific Authority 408.034 (6), 408.15(8) FS. Law Implemented 408.039(5), 408.039(6) ~~420.57, 420.59~~ 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:

1. The time period covered by the measures;
2. The measure for assessing compliance with each of the conditions identified and described on the face of the certificate of need;
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.

Rulemaking Specific Authority 408.034(6)(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 408.035, F.S., the following criteria are used in the review of an application.

(1) For a new general hospital as defined in Section 395.002, F.S. and subparagraph 59A-3.252(1)(a)1. and 3., F.A.C. the criteria for evaluation are those found in Sections 408.035(2) and 408.037(2), F.S. ~~General Provisions (Reserved)~~

(2) No change.

Rulemaking Specific Authority 408.15(8), 408.034(3), (6)(5) FS. Law Implemented 408.035, 408.037 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:

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.: RULE TITLES:
 60BB-3.0261 Definitions Relating to Extended Benefits

60BB-3.0262 How to Apply for Extended Benefits
 60BB-3.0263 Diligent Work Search Requirements

PURPOSE AND EFFECT: The new rules set forth in this Notice of Development of Rulemaking implement the program for payment of extended unemployment compensation benefits authorized by Section 443.1117, Florida Statutes, and funded in accordance with the Federal-State Extended Unemployment Compensation Act of 1970 and the Assistance for Unemployed Workers and Struggling Families Act of 2009.

SUMMARY: The new rules define terms used in connection with the

Extended Benefits Program, provide definitions, describe notice and work search requirements, and inform individuals how to apply for Extended Benefits.

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

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

RULEMAKING AUTHORITY: 443.1317(1)(b) FS.

LAW IMPLEMENTED: Sections 443.031, 443.036, 443.091, 443.101, 443.111, 443.1115, 443.1117, 443.151 FS.

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

DATE AND TIME: Friday, November 13, 2009, 2:30 p.m. EDT

PLACE: Agency For Workforce Innovation, Room B-049, 107 E. Madison Street, Tallahassee, Florida 32399-4128

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John R. Perry, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-3.0261 Definitions Relating to Extended Benefits

For the purposes of extended benefits payable under Section 443.1117, Florida Statutes, and Rules 60BB-3.0261 through 60BB-3.0263, F.A.C., the following definitions apply:

(1) Good job prospects: An individual has good job prospects if he or she has a definite return to work date within 4 weeks of the eligibility notices referred to in subsection 60BB-3.0263(2), F.A.C.

(2) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, Florida Statutes, including benefits payable to federal civilian employees and to ex servicemembers under 5 U.S.C. ss. 8501-8525, other than emergency unemployment compensation, trade readjustment allowance, disaster unemployment assistance, and extended unemployment compensation under Sections 443.1115 and 443.117, Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.031, 443.036, 443.1115, 443.1117 FS. History—New _____.

60BB-3.0262 How to Apply for Extended Benefits.

(1) Initiating a Claim for Extended Benefits. The Agency will mail a Form AWI-UC310EB (8-09) (Application for Extended Benefits (EB)), which is hereby incorporated by reference into this rule, to all individuals who exhaust their available emergency unemployment compensation. This form will advise the recipient that the application for extended benefits may be filed using the form or by applying online at <http://www.floridajobs.org>. The Form AWI-UC310EB may be submitted by:

(a) Mailing the completed form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5350, Tallahassee, Florida 32314-5350; or

(b) Faxing the form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, (850)921-3938.

(2) Notice of Determination.

(a) Notice of the Agency's determination of an individual's eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI-UCB11 EB (06/09) (Monetary Determination/Redetermination for Extended Benefits), which is hereby incorporated by reference into this rule, when the Agency.

1. Determines that the individual is eligible for extended benefits, or

2. Determines that the individual is ineligible for extended benefits because:

a. The individual has available credits remaining on a claim for regular benefits or emergency unemployment compensation; or

b. The individual's claim for extended benefits was previously made in relation to the wrong regular unemployment claim.

(b) Notice of the Agency's determination of an individual's eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI-UCB11-I EB (10/09) (Extended Benefits Determination of Eligibility), which is hereby incorporated by reference into this rule, when the individual:

1. Has not exhausted his or her regular benefits or emergency unemployment compensation;

2. Did not exhaust his or her regular benefits or emergency unemployment compensation during his or her eligibility period;

3. Has rights to regular or extended benefits available or is potentially eligible for such benefits under the law of any state (which shall include Puerto Rico, the U.S. Virgin Islands, or the District of Columbia);

4. Is receiving compensation under the unemployment compensation law of Canada;

(c) Any notice mailed pursuant to this rule will be accompanied by an EB BRI (9/09) (Extended Benefits Benefit Rights Information), which is hereby incorporated by reference into this rule.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.031, 443.091, 443.101, 443.111, 443.115, 443.117, 443.151 FS. History--New _____.

60BB-3.0263 Diligent Work Search Requirements.

(1) Claim Certification. Every two weeks, an individual determined to be eligible for extended benefits must report his or her work search activities. The individual may satisfy this requirement by reporting online at <http://www.floridajobs.org/unemployment/EB/index.html>, and clicking on the "Claim Your Weeks" icon, or by filing an AWI UCB-60EB (6/09) (Extended Benefit Weekly Claim Certification), which is hereby incorporated by reference into this rule, in the manner prescribed in paragraphs 60BB-3.0262(1)(a) and (b), F.A.C.

(2) Work Search Requirements. Except as provided in subsection (3) of this rule, any eligible individual must conduct at least two work search activities on separate days per week.

(3) Good Job Prospects. Individuals who have been determined to have good job prospects, as defined in subsection 60BB-3.0261(1), F.A.C.:

(a) Are not required to seek other employment, except as provided by subsection (4) of this rule.

(b) Must list in the Work Search Record portion of the report required in subsection (1) of this rule the name and address of the employer to which the individual expects to report to work, and the date such work is expected to begin.

(4) Additional Reporting Requirement for Individuals with Good Job Prospects. If, after four weeks of extended benefits, an individual determined to have good job prospects remains unemployed, the Agency will mail him or her an AWI Form UCB231EB (Rev. 6/09) (Unemployment Compensation Extended Benefits (EB) Eligibility Review Questionnaire), which is hereby incorporated by reference into this rule. The individual shall fill out and return this form within ten days of the mailing date, in the manner prescribed in paragraphs 60BB-3.0262(1)(a) and (b), F.A.C.

(5) Failure to Comply. Failure to comply with the requirements of this rule will result in the individual's disqualification from receiving extended benefits until:

(a) Four weeks have passed since the noncompliance, and

(b) The individual has earned wages that equal four times his or her weekly benefit amount.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.031, 443.091, 443.101, 443.111, 443.115, 443.117 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John R. Perry, Assistant General Counsel, Agency for Workforce Innovation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo, Director, Agency for Workforce Innovation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-4.001
RULE TITLE: Continuing Education Renewal Requirements

PURPOSE AND EFFECT: The rule amendment is proposed to improve licensee's continuing education by requiring at least ten (10) hours of the required continuing education be in an approved classroom setting. The proposed rule amendment also requires licensees who receive a license after January 1, 2010, who would otherwise be exempt from continuing education requirements until the September 2012 biennium, to take an annual legal update course.

SUMMARY: The rule amendment will require at least ten (10) of the required twenty (20) continuing education hours per biennial licensing period to be taken in an approved classroom setting. The rule amendment will also require licensees who receive a license after January 1, 2010, who would otherwise be exempt from continuing education requirements until the September 2012 biennium, to take an annual legal update course during years 2010 and 2011.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Anthony Spivey, Executive Director, at the address listed below. The following is a summary of the SERC:

- Approximately 11,000 Community Association Managers (CAM) and all licensed Community Association Managers renewing their licenses each biennium will be affected.
- The only costs to be incurred by the agency are rulemaking costs. No effect on state or local revenue is expected.
- No transactional costs are expected to be incurred by applicants or other entities by the proposed changes to the rule.
- Approximately 5,000 small businesses will be affected. No small county or city will be impacted by the rule.

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

RULEMAKING AUTHORITY: 455.2123, 455.2124, 468.4315(2), 468.4336, 468.4337 FS.

LAW IMPLEMENTED: 455.2123, 455.2124, 468.4336, 468.4337 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: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-4.001 Continuing Education Renewal Requirements.

Each hour shall consist of 50 minutes of student involvement in approved classroom, correspondence, interactive, distance education or internet courses which courses shall include the required hours at an approved update seminar. No license shall be renewed unless the licensee has completed the required continuing education during the preceding licensing period.

(1) All community association manager licensees must satisfactorily complete a minimum of 20 hours of continuing education, 10 hours of which must be in an approved classroom setting.

(2) Only continuing education courses approved by the Council shall be valid for purposes of licensee renewal.

(3) The 20 hours of continuing education shall be comprised of courses approved pursuant to Rule 61E14-4.003 61-20.5082, F.A.C., in the following areas:

(a) 4 hours of legal update seminars. Licensees shall satisfactorily complete a 2-hour legal update seminar during each year of the biennial renewal period. The legal update seminars shall consist of instruction regarding changes to Chapters 455, 468, Part VIII, 617, 718, 719, 720 and 721, F.S., and other legislation, case law, Florida Administrative Code, arbitration cases, mediation cases, ethics and regulations impacting community association management. Licensees shall not be awarded continuing education credit for completing the same legal update seminar more than once even if the seminars were taken during different years.

(b) 4 hours of instruction on insurance and financial management topics relating to community association management.

(c) 4 hours of instruction on the operation of the community association's physical property.

(d) 4 hours of instruction on human resources topics relating to community association management. Human resources topics include, but are not limited to, disaster preparedness, employee relations, and communications skills for effectively dealing with residents and vendors.

(e) 4 hours of additional instruction in any area described in ~~subsection paragraph (3)(b), (c) or (d)~~ of this rule or in any course or courses directly related to the management or administration of community associations approved pursuant to Rule 61E14-4.003, F.A.C.

(4) No licensee will receive credit, for purposes of meeting the continuing education requirement, for completing the same continuing education course more than once during two consecutive biennial renewal periods.

(5) Course instructors may receive continuing education credit hours in the amount of hours approved by the Council for licensees only once for each course taught by the instructor during two consecutive biennial renewal periods every renewal period for each approved course taught by the instructor.

(6) Anyone licensed for more than 24 months at renewal time will be required to have complied with the CE requirements set forth in subsection (1), above, prior to renewal. More than 24 months, means 24 months plus 1 day. Licensees licensed for 24 months or less at renewal time are exempt from compliance with the CE requirements set forth in subsection (1), above, until the end of the next renewal cycle. Beginning September 2010 all licensees licensed after January 1, 2010, must take the legal update courses required in paragraph (3)(a) every year, without regard to the exemption set forth in subsection (6).

~~(7) A licensee shall retain, and make available to the Department and its representatives upon request, continuing education course certificates of completion that comply with paragraph 61-6.015(4)(a), F.A.C., for three years following course completion.~~

~~(8) All licensees shall comply with all applicable provisions of subsections 61-6.015(2) and (3), F.A.C.~~

Rulemaking Specific Authority 455.2123, 455.2124, 468.4315(2), 468.4336, 468.4337 FS. Law Implemented 455.2123, 455.2124, 468.4336, 468.4337 FS. History—New 5-5-88, Amended 3-22-89, 2-5-91, 12-28-92, Formerly 7D-55.008, 61B-55.008, Amended 10-18-99, 3-13-00, 2-21-01, 7-21-03, 4-25-05, 2-28-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-4.002
 RULE TITLE: Continuing Education Provider Approval

PURPOSE AND EFFECT: The proposed rule updates the reference to the application forms required to become continuing education providers and updates cross references to portions of the Florida Administrative Code that have been renumbered. The rule amendment also requires that individual course records be maintained by the provider for an additional 24 months beyond the current requirements.

SUMMARY: The proposed rule updates the application forms that individuals who wish to become continuing education providers submit to the Council and updates cross references to portions of the Florida Administrative Code that have been renumbered. The rule amendment also requires that individual course records be maintained by the provider for an additional 24 months beyond the current requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

- Seventy-one providers of continuing education will be affected.
- The only costs to be incurred are rulemaking costs. No effect on state or local revenue is expected.
- Minimal transactional costs will be incurred because the rule simply updates the application form required to be submitted by applicants who wish to become continuing education providers. Minimal storage costs will be incurred by applicants as the rule amendment also requires course providers to maintain individual course records for an additional 24 months.
- Approximately 1-99 small businesses will be affected by this rule.

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

RULEMAKING AUTHORITY: 468.4315(2), (3) FS.

LAW IMPLEMENTED: 455.2179, 468.4337 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: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-4.002 Continuing Education Provider Approval.

(1) A continuing education provider is a person or entity approved pursuant to this rule to conduct continuing education courses for community association managers.

(2) Entities or individuals who wish to become approved providers of continuing professional education shall make application to the Council, on Forms DBPR 0020-1 – Master Organization Application, and DBPR CAM-4302 – Continuing Education Provider and Course Approval Application, effective July 2007, copies of which may be obtained at the Department’s website at <http://www.myfloridalicense.com/dbpr/pro/cam/forms.html> ~~BPR form 33-011, entitled, “COMMUNITY ASSOCIATION MANAGER’S CONTINUING EDUCATION PROVIDER APPROVAL APPLICATION”, incorporated herein by reference and effective 11-1-00, which copies may be obtained from the Council.~~

(3) Each provider application shall contain the following information, and shall be accompanied by the following documentation and other information as required by the Council ~~BPR form 33-011:~~

(a) The name, address, telephone number, fax number, and e-mail address of a contact person who will fulfill the reporting and documentation requirements for provider approval. The provider shall notify the Council of any change of contact person within ten (10) days of the actual change.

(b) The identity and qualifications of all instructors who will be presenting courses during the period of providership. These qualifications at a minimum shall include instructional experience and:

1. A bachelor’s degree and 2 years experience in the subject matter being taught; or
2. An associate’s degree and 4 years experience in the subject matter being taught; or
3. Six years experience in the subject matter being taught.

Should additional instructors be added during the period of providership, the provider shall notify the Council in writing of the new instructor’s qualifications at least 30 days prior to actually conducting the course.

(c) The appropriate continuing education provider application fee pursuant to subsection 61E14-3.001(13) ~~61-20.504(13)~~, F.A.C.

(4) Continuing education provider status shall be valid from the date of approval until May 31 of every odd numbered year. Providers may renew their provider status within 90 days of May 31 of the odd numbered year. Those seeking renewal of provider status must reapply in the same manner as set forth in subsection (2) and submit the appropriate renewal fee pursuant to subsection 61E14-3.001(14) ~~61-20.504(14)~~, F.A.C. Providers who fail to renew their provider status on a timely basis in accordance with this rule shall not offer or advertise a course as an approved course for continuing education. Renewal of provider status shall be for a two year period until

May 31 of the next odd numbered year. ~~Providers who are to expire June 30, 2002 shall have a new expiration date of May 31, 2003.~~

(5) Once approved, providers shall comply with the following requirements:

(a) When advertising approved courses, providers shall disclose the course approval number and the number of contact hours assigned by the Council and the course subject area. Providers shall not advertise courses as approved courses until they are actually approved by the Council.

(b) Providers shall maintain a system of recordkeeping which provides for storage of approved course offerings information.

(c) Records of individual courses shall be maintained by the provider for 6 4 years and shall be available for inspection by the Council and the Department or the Department's designee.

(d) ~~Providers shall furnish each participant with an individual certificate of attendance complies with paragraph 61-6.015(4)(a), F.A.C.~~ An attendance record shall be maintained by the provider for 6 4 years and shall be available for inspection by the Council and the Department or the Department's designee. Providers must electronically provide to the Department a list of attendees taking a course within five (5) business days of the completion of the course. For home study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual. The list and a certificate of attendance provided to the participant shall include the provider's name, the name and license number of the attendee, the date the course was completed and course approval number and the total number of hours successfully completed in each type of continuing education credit granted as described in subsection 61E14.001(3), F.A.C. each subject covered by the continuing education course. If the instructor is receiving credit as set forth in subsection 61E14-4.001(5) 61-20.508(5), F.A.C., the instructor shall be listed as an attendee with the same information required above. Providers shall maintain security of attendance records and certificates.

(e) All information or documentation, including electronic course rosters, submitted to the Council or the Department shall be submitted in a format acceptable to the Council and the Department. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider. No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of the final order against the provider.

(f) Providers shall assure that sales presentations shall not be conducted during, immediately before or after the administration of any courses approved pursuant to this rule.

(6) A continuing education provider initially approved during the last 90 days prior to May 31 of an odd numbered year, shall not be required to reapply as a condition for renewing provider status.

(7) The Council shall deny continuing education provider status to any applicant who submits false, misleading or deceptive information or documentation to the Council.

(8) The Council retains the right and authority to audit ~~all~~ courses offered by any provider approved pursuant to this rule.

(9) The Council shall rescind the provider status or reject individual courses offered by a provider if the provider disseminates any false or misleading information in connection with the continuing education course, or if the provider or its instructor(s) failed to conform to and abide by the rules of the Council or the Department or are in violation of any of the provisions of Chapter 468, Part VIII or 455, F.S.

(10) The Council shall utilize expert groups or individuals as appropriate in implementing these rules.

Rulemaking Specific Authority 468.4315(2), (3) FS. Law Implemented 455.2179, 468.4337 FS. History--New 5-14-98, Amended 3-13-00, 2-5-01, 3-19-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Regulatory Council of Community Association Managers
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-4.003
RULE TITLE: Continuing Education Course Approval

PURPOSE AND EFFECT: The amended rule updates the reference to the application forms required for continuing education course approval and updates cross references to portions of the Florida Administrative Code that have been renumbered.

SUMMARY: The amended rule updates the reference to the application forms required for continuing education course approval and updates cross references to portions of the Florida Administrative Code that have been renumbered.

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

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

RULEMAKING AUTHORITY: 468.4315(2), 468.433 FS.

LAW IMPLEMENTED: 468.433, 468.4337 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: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-4.003 Continuing Education Course Approval.

(1) Continuing education courses shall be valid for purposes of the continuing education requirement only if such courses have been approved by the Council. The Council shall approve a course as a continuing education course for the purpose of this rule when the following requirements are met:

(a) ~~Written Application~~ for course approval shall be received by the Council prior to the date the course is offered, ~~on Forms DBPR 0020-1 – Master Organization Application, and DBPR CAM-4302 – Continuing Education Provider and Course Approval Application, effective July 2007, copies of which may be obtained at the Department’s website at <http://www.myfloridalicense.com/dbpr/pro/cam/forms.html> or BPR form 33-013, entitled “COMMUNITY ASSOCIATION MANAGER’S CONTINUING EDUCATION COURSE APPROVAL APPLICATION,” incorporated herein by reference and effective 11-1-00, which copies may be obtained from the Council.~~

(b) A course outline is submitted to the Council, along with the application, which describes the course’s content and subject matter. A course outline shall address the following:

1. Learner Objectives. Objectives shall describe expected learner outcomes, how learner outcomes will be evaluated, and describe how the objectives will be obtained. The objectives shall describe the content, teaching methodology and plan for evaluation.

2. Subject Matter. The content shall be specifically designed to meet the objectives and the stated level and learning needs of community association managers. Specifically, it shall address one or more of the subject areas outlined in subsection ~~61E14-4.001~~ ~~61-20.508(3)~~, F.A.C.

3. Materials and Methods. It shall be demonstrated to the Council that:

a. Learning experiences and teaching methods are appropriate to achieve the objectives;

b. Time allotted for each activity shall be sufficient for the learner to meet the objectives;

c. Principles of adult education are utilized in determining teaching strategies and learning activities; and

d. Currency and accuracy of subject matter will be documented by references or bibliography.

4. Evaluation. Participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the course.

(c) A list of all instructors for the course, which shall include names, addresses, e-mail addresses and telephone numbers, shall accompany the course approval application.

(d) The course approval application must be accompanied by an approved provider number or the applicant must simultaneously apply for continuing education provider status pursuant to Rule 61E14-4.002 ~~61-20.5084~~, F.A.C.

(2) The course provider shall submit to the Council a sample continuing education course certificate of completion that complies with paragraph 61E14-4.002(5)(d) ~~61-6.015(4)(a)~~, F.A.C., that is given to each course participant if the participant completes the course. In addition to the information required by paragraph 61E14-4.002(5)(d) ~~61-6.015(4)(a)~~, F.A.C., the certificate shall ~~include, the course approval number, and the type of continuing education credit granted as described in subsection 61-20.508(3), F.A.C.~~ The certificate shall be provided to the course participant at the completion of the course. The certificate of completion shall contain, on its face, the following statement in capital letters in at least 12 point type:

IF YOU HAVE ANY CONCERNS THAT THE COURSE YOU HAVE JUST COMPLETED DID NOT MEET THE LEARNING OBJECTIVES SET OUT IN THE COURSE MATERIALS, DID NOT COVER THE SUBJECT MATTER OF THE COURSE, OR WAS A SALES PRESENTATION; PLEASE CONTACT THE COUNCIL’S OFFICE IN WRITING AT:

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, REGULATORY COUNCIL OF COMMUNITY ASSOCIATION MANAGERS, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1040.

(3) Course approvals are valid for 24 months from the date of issuance. Providers must reapply for course approval within 90 days from the expiration of the 24 month period. Written application and course approval shall be in the same form as set forth in paragraph (1)(a) above. The Council shall be notified of any substantive changes made to approved courses during this period. Course approval shall be rescinded by the Council if such notification is not made or the changes fail to otherwise conform to this rule. Course approvals shall be automatically rescinded if the provider approval expires or is rescinded by disciplinary action or otherwise.

(4) Continuing education courses approved prior to the effective date of this rule remain valid for the purposes of fulfilling the continuing education requirement until the course approval expires.

Rulemaking Specific Authority 468.4315(2), 468.433 FS. Law 468.433, 468.4337 FS. History--New 3-13-00, Amended 2-5-01, 3-19-01, Formerly 61-20.5082, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-4.005
 RULE TITLE: Prelicensure Education Provider Approval

PURPOSE AND EFFECT: The proposed amendment provides the application to be electronically filed, deletes the BPR form number, modifies the rule number referenced, and will revise the way on-site audits of training courses are conducted.

SUMMARY: The proposed rule amendment will provide the application to be electronically filed, delete the BPR form number, modify the rule number referenced and revise the way on-site audits of training courses are conducted.

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

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

RULEMAKING AUTHORITY: 468.4315(2), 468.433(2)(d) FS.

LAW IMPLEMENTED: 468.433(2)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-4.005 Prelicensure Education Provider Approval.

(1) A prelicensure education provider is a person or entity approved pursuant to this rule to conduct prelicensure education courses for community association managers.

(2) Entities or individuals who wish to become approved providers of prelicensure education shall make application on Forms DBPR 0020-1 – Master Organization Application, and DBPR CAM-4302 – Prelicensure Provider Application, effective July 2007, copies of which may be obtained at the Department’s website at <http://www.myfloridalicense.com/dbpr/pro/cam/forms.html> on BPR form 33-012, entitled, “COMMUNITY ASSOCIATION MANAGER’S PRELICENSURE EDUCATION PROVIDER APPROVAL APPLICATION”, incorporated herein by reference and effective 1-3-01, which copies may be obtained from the Council.

(3) Each provider application shall contain the following information, and shall be accompanied by the following documentation and other information as required by BPR form 33-012, referenced above.

(a) The name, address, telephone number, fax number, and e-mail address of a contact person who will fulfill the reporting and documentation requirements for provider approval. The provider shall notify the Council of any change of contact person within ten (10) days of the actual change.

(b) The identity and qualifications of all instructors who will be presenting courses during the period of providership. These qualifications at a minimum shall include instructional experience and;

1. A bachelor’s degree and 2 years experience in the subject matter being taught; or
2. An associate’s degree and 4 years experience in the subject matter being taught; or
3. Six years experience in the subject matter being taught.

Should additional instructors be added during the period of providership, the provider shall notify the Council in writing of the new instructor’s qualifications at least thirty (30) days prior to actually conducting the course.

(c) The appropriate prelicensure education provider application fee pursuant to subsection 61E14-3.001(15) 61-20.504(15), F.A.C.

(d) A course outline which describes the course’s content and subject matter. A course outline shall address the following:

1. Learner Objectives. Objectives shall describe expected learner outcomes, how learner outcomes will be evaluated, and describe how the objectives will be obtained. The objectives shall describe the content, teaching methodology and plan for evaluation.

2. Subject Matter. The content shall be specifically designed to meet the objectives and the stated level and learning needs of community association managers. Specifically, it shall address one or more of the subject areas outlined in subsection ~~61E14-1.001(2)~~ ~~61-20.5011(2)~~, F.A.C.

3. Materials and Methods. It shall be demonstrated to the Council that:

- a. Learning experiences and teaching methods are appropriate to achieve the objectives;
- b. Time allotted for each activity shall be sufficient for the learner to meet the objectives;
- c. Principles of adult education are utilized in determining teaching strategies and learning activities; and
- d. Currency and accuracy of subject matter will be documented by references or bibliography.

4. Evaluation. Participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the course.

(4) Prelicensure education provider status shall be valid from the date of approval until May 31 of every even numbered year. Those seeking renewal of provider status must reapply on BPR form 33-012, referenced in subsection (2) above, to the Council and submit the appropriate renewal fee pursuant to subsection ~~61E14-3.001(16)~~ ~~61-20.504(16)~~, F.A.C. Providers who fail to renew their provider status on a timely basis in accordance with this rule shall not offer or advertise a course as an approved course for prelicensure education.

(5) Once approved, providers shall comply with the following requirements:

- (a) When advertising courses, providers shall disclose the number of hours assigned by the Council and the course subject area. Providers shall not advertise courses until they are actually approved by the Council.
- (b) Providers shall maintain a system of record keeping which provides for storage of course offerings information.
- (c) Records of individual courses shall be maintained by the provider for 4 years and shall be available for inspection by the Council.
- (d) Providers shall furnish each participant with an individual certificate of attendance and completion of the course. A roster of participants shall be maintained by the provider for 4 years and shall be available for inspection by the Council. Providers shall maintain security of attendance records and certificates.
- (e) The course provider shall submit to the Council a sample certificate of course completion that the course instructor shall provide each course participant if the participant completes the course. Such certificate shall include the course participant's name, the title of the course, prelicensure education category, date completed and number of hours. The certificate shall be provided to the course

participant at the completion of the course. The certificate of course completion shall contain, on its face, the following statement in capital letters in at least 12 point type:

IF YOU HAVE ANY CONCERNS THAT THE COURSE YOU HAVE JUST COMPLETED DID NOT MEET THE LEARNING OBJECTIVES SET OUT IN THE COURSE MATERIALS, DID NOT COVER THE SUBJECT MATTER OF THE COURSE, OR WAS A SALES PRESENTATION; PLEASE CONTACT THE COUNCIL'S OFFICE IN WRITING AT: DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, REGULATORY COUNCIL OF COMMUNITY ASSOCIATION MANAGERS, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1040.

(f) All information or documentation submitted to the Council or the Department shall be submitted in a format acceptable to the Council and the Department.

(g) Providers shall assure that sales presentations shall not be conducted, immediately before or after the administration of any courses pursuant to this rule.

(6) A prelicensure education provider initially approved during the last 90 days prior to May 31 of an even numbered year, shall not be required to reapply as a condition for renewing provider status.

(7) The Council shall deny prelicensure education provider status to any applicant who submits false, misleading or deceptive information or documentation to the Council.

(8) The Council retains the right and authority to audit ~~all~~ courses offered by any provider approved pursuant to this rule.

(a) The Department may, as needed, conduct on-site audits of training courses, which shall include:

- 1. Training course content;
- 2. Technical accuracy;
- 3. Instructor effectiveness; and
- 4. Course administration.

(b) Such audits may be conducted without advance notice if the Department has reasonable cause to believe that a violation of this rule or Chapter 468, Florida Statutes, has occurred.

(9) The Council shall rescind the provider status if the provider disseminates any false or misleading information in connection with the prelicensure education course, or if the provider or its instructor(s) failed to conform to and abide by the rules of the Council or are in violation of any of the provisions of Chapter 468, Part VIII or 455, F.S.

Rulemaking Specific Authority 468.4315(2), 468.433(2)(d) FS. Law Implemented 468.433(2)(d) FS. History--New 1-3-01, Formerly 60-20.510, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Regulatory Council of Community Association Managers
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Regulatory Council of Community
Association Managers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 22, 2009

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NOS.:	RULE TITLES:
64B-4.005	Pain Management Clinic Inspection Fee
64B-4.006	Pain Management Clinic Registration Requirements, Fees

PURPOSE AND EFFECT: To promulgate new rules related to
the registration and inspection of pain management clinics.

SUMMARY: Rule 64B-4.005, F.A.C., sets an inspection fee of
\$1,500 regardless of the number of physicians located in the
clinic and Rule 64B-4.006, F.A.C., specifies who must register
a clinic. The medical director must ensure that participating
physicians have read a pain standards rule and the registration
fee is \$145 plus a \$5 unlicensed activity fee.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS: The agency has determined that
these rules will have an impact on small business. A Statement
of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 456.004, 458.309, 459.005
FS.

LAW IMPLEMENTED: 458.309(4), 459.005(3) FS.

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULES IS: Larry McPherson, Executive
Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee,
Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B-4.005 Pain Management Clinic Inspection Fee.

An inspection fee of \$1,500 shall be paid annually for each
location required to be inspected, pursuant to Rule
64B8-9.0132 or 64B15-14.0052, F.A.C. Each location will be
assessed the above referenced fee at the time of inspection
regardless of the number of physicians who share this location.

Rulemaking Authority 456.004, 458.309, 459.005 FS. Law
Implemented 458.309(4), 459.005(3) FS. History--New _____.

64B-4.006 Pain Management Clinic Registration
Requirements, Fees.

(1) Registration Requirements.

(a) Every practice location prescribing or dispensing
Schedule II-IV controlled substances as defined in Sections
458.309(3) and (4) and 459.005(2) and (3), F.S., must register
and maintain a valid registration with the Department. To
register with the Department, the medical director of a health
care clinic licensed pursuant to Chapter 400, F.S., or if the
clinic is not licensed pursuant to Chapter 395 or 400, F.S., the
clinic's responsible physician who has an active, full, and
unencumbered license issued pursuant to Chapter 458 or 459,
F.S., must submit Application for Pain Management Clinic
Registration, Form #DH-MQA 1219, effective 10/09,
incorporated herein by reference. This form can be obtained
from the Department of Health, Division of Medical Quality
Assurance, at: 4052 Bald Cypress Way, Bin C01, Tallahassee,
FL 32399 or on the Board of Medicine or Board of Osteopathic
Medicine website, which can be accessed at:
www.doh.state.fl.us/mqa.

(b) The medical director or the designated physician
registering the clinic is required to agree to having read Rule
64B8-9.013, F.A.C., Standards for the Use of Controlled
Substances for the Treatment of Pain, or Rule 64B15-14.009,
F.A.C., Standards for Office Based Opioid Addiction
Treatment, and that all physicians practicing in the clinic have
been or will be provided with a copy of the rule prior to
prescribing or dispensing controlled substance pain
medications in the clinic.

(2) Fees.

(a) The registration fee shall be \$145.00.

(b) An additional five dollar (\$5.00) fee shall be added to
the cost of registration to cover unlicensed activity, as required
by Section 456.065(3), F.S.

Rulemaking Authority 456.004, 458.309, 459.005 FS. Law
Implemented 458.309(4), 459.005(3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry McPherson

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-8.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth additional disciplinary guidelines for specific violations.

SUMMARY: The proposed rule amendments address recent additional violations with regard to disciplinary guidelines.

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

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

RULEMAKING AUTHORITY: 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION	RECOMMENDED RANGE OF PENALTY		THIRD OFFENSE
	FIRST OFFENSE	SECOND OFFENSE	
(a) through (uu) No change. (vv) <u>Engaging in a pattern of practice when prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients.</u> (456.072(1)(gg), F.S.)	(vv) <u>From one (1) year probation to revocation or denial and 50 to 100 hours of community service; and an administrative fine from \$1,000.00 to \$10,000.00.</u>	(vv) <u>From suspension, to be followed by a period of probation, and 100 to 200 hours of community service to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.</u>	
(ww)(vv) Being terminated from a treatment program for impaired practitioners, for failure to comply with the terms of the monitoring or treatment contract or for not successfully completing any drug-treatment or alcohol-treatment program. (456.072(1)(hh)(gg), F.S.)	(ww)(vv) From suspension until licensee demonstrates compliance with all terms of the monitoring or treatment contract, and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation; and a fine of \$1,000 to \$2,500, to revocation.	(ww)(vv) From suspension until licensee demonstrates compliance with all terms of the monitoring or treatment contract and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation; and a fine of \$2,500 to \$10,000, to revocation.	
(xx) <u>Being convicted of, or entering a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program.</u> (456.072(1)(ii), F.S.)	(xx) <u>Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.</u>		

(yy) Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement.

(456.072(1)(jj), F.S.)

(zz) Being terminated from the state Medicaid program, or any other state Medicaid program, or the federal Medicare program.

(456.072(1)(kk), F.S.)

(aaa) Being convicted of, or entering into a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, which relates to health care fraud.

(456.072(1)(ll), F.S.)

(3) through (7) No change.

(yy) From a letter of concern to probation, and a fine of \$500 to \$5,000.

(zz) From a letter of concern to suspension, and a fine of \$1,000 to \$5,000.

(aaa) Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

(yy) From a reprimand to revocation, and a fine of \$2,500 to \$5,000.

(zz) From a reprimand to revocation, and a fine of \$5,000 to \$10,000.

Rulemaking Specific Authority 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04, 1-4-06, 8-13-06, 8-29-06, 11-22-06, 1-30-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.017
RULE TITLE: Citation Authority

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the time frames for various citation penalties.

SUMMARY: The proposed rule amendments require several citation penalties to be documented within 60 days.

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

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

RULEMAKING AUTHORITY: 456.077, 458.309 FS.

LAW IMPLEMENTED: 456.072(2)(d), 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.017 Citation Authority.

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

(1) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. In addition to any administrative fine imposed, the Respondent may be required by the Department to pay the costs of investigation. The form to be used is specified in rules of the Department of Health.

(2) If the violation constitutes a substantial threat to the public health, safety, and welfare, such potential for harm must have been removed prior to issuance of the citation.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS

(a) CME violations.
(Sections 458.321, 458.331(1)(g), (x), 456.072(1)(e), (s), F.S.)

- 1. through 5. No change.
- (b) Failure to comply with a CME audit.
(Sections 456.072(1)(e), (s), F.S.)
- (c) through (h) No change.
- (i) Failure to update physician profile as required in Sections 456.039(3) and 458.319(1), F.S.
(Section 456.039(3)(b), F.S.)
- (j) Negligently making misleading or untrue statements on the physician profile.
- (k) through (q) No change.
- (4) through (5) No change.

PENALTY

Within ~~60 days~~ ~~twelve months~~ of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued. Respondent's continuing education courses will be audited for the next two biennia to ensure compliance with renewal requirements; AND

- \$500 fine and compliance with the CME audit within 60 ~~40~~ days.
- \$1,000 fine; 3 hours CME in ethics within 60 days; and requirement that physician update the profile within 60 ~~30~~ days.
- \$1,000 fine and 3 hours CME in ethics within 60 days.

Rulemaking Specific Authority 456.077, 458.309 FS. Law Implemented 456.072(2)(d), 456.077 FS. History—New 12-30-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00, 1-31-02, 1-12-03, 7-27-04, 2-7-05, 1-4-06, 7-3-06, 1-16-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.011
RULE TITLE: Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized

PURPOSE AND EFFECT: This rule section is being revised to facilitate the movement of prescription drugs by or on behalf of the Department of Health to community pharmacies to assist in

protecting the public health from conditions that pose an imminent threat to public health. The rule will exempt such distributions from Florida prescription drug pedigree requirements.

SUMMARY: This rule provides an emergency medical reason that is exempt from the definition of wholesale distribution under Chapter 499 Part I, F.S. The exemption applies to transfers of prescription drugs by or on behalf of the Department of Health to a community pharmacy for dispensing to patients in need of emergency medical services, including protection from communicable diseases or providing protection from conditions that pose an imminent threat to public health.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed changes will not impact small businesses, small counties, or small cities. There should be no transactional costs for any individual or entity related to this rule revision. There is no change to any fees, costs, monitoring or reporting currently required.

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

RULEMAKING AUTHORITY: 499.003(53)(b), 499.012, 499.03, 499.05 FS.

LAW IMPLEMENTED: 499.003(53)(b), 499.012, 499.03, 499.05 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, R. Ph., Director, Drugs, Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.011 Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized.

(1) The exemption from the definition of wholesale distribution in Section 499.003(53)(b)2, ~~499.012(1)(a)2-b.~~, F.S., for “emergency medical reasons” includes:

- (a) through (i) No change.
- (j) Transfers of prescription drugs by or on behalf of the Department of Health to a community pharmacy authorized to purchase prescription drugs, for dispensing to persons in need of emergency medical services, including controlling communicable diseases or providing protection from unsafe conditions that pose an imminent threat to public health, provided that the community pharmacy returns un-dispensed prescription drugs in a manner and under the conditions specified in a written agreement with the Department of Health.

(2) through (4) No change.

Rulemaking Specific Authority 499.003(53)(b), 499.012, 499.014, 499.03, 499.05 FS. Law Implemented 499.003(53)(b), 499.012, 499.014, 499.03, 499.05 FS. History—New 7-1-96, Formerly 10D-45.0525, Amended 1-26-99, 4-17-01, 1-1-04, 10-4-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rebecca Poston, R.PH.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.012 RULE TITLE: Records of Drugs, Cosmetics and Devices

PURPOSE AND EFFECT: The Department proposes to revise the rule language regarding pedigree requirements to be compliant with Chapter 499 F.S. and to delete language that is no longer relevant to pedigrees because of statutory changes. The department proposes to amend the audit trail and pedigree requirements for wholesale distributions of prescription drugs, to the extent necessary to protect the public health safety and welfare.

SUMMARY: The rule revisions will provide an alternative to the present requirements for how financial information is included in required audit trail records for prescription drug distributions. It will require the recipient of a prescription drug to be included in the audit trail information. It clarifies that all audit trail information required by subsection 64F-12.012(2), and paragraph 64F-12.023(3)(a), F.A.C., be received by a reverse distributor or destruction establishment no later than the time when the prescription drugs described in the documents are received at the establishment. The rule expands the possible use of the direct purchase pedigree, while requiring more descriptive information on direct purchase pedigree documents that also reference prescription drugs that are not within the normal distribution chain. The rule clarifies that use of a wholesaler as the repository of a recipient’s pedigree does not relieve the provider and recipient of a prescription drug in a wholesale distribution of a prescription drug to pass and receive a pedigree. The rule clarifies the emergency distributions exemption from the pedigree requirements that is currently in this rule section. The rule clarifies the time period for persons not required to be permitted, but regulated under Chapter 499, F.S., to provide records to the department or to the Florida Department of Law Enforcement. The rule provides that a Retail Pharmacy Drug Wholesale Distributor and a Restricted Drug

Distributor-Health Care Entity are not required to keep distribution inventory stock separate from stock that is to be dispensed. The rule prohibits wholesale distribution records of a pharmacy from being commingled with patient related records in a manner that production of the wholesale distribution records to the Department would require the release of patient records or records that reveal the identity of a patient. The rule deletes language related to pedigree requirements that are no longer part of Chapter 499, F.S.

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

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

RULEMAKING AUTHORITY: 499.003, 499.05, 499.0121 FS.

LAW IMPLEMENTED: 499.002, 499.01, 499.003, 499.005, 499.012, 499.0121, 499.028, 499.05, 499.051, 499.052, 499.06, 499.063, 499.064, 499.066, 499.067 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, R.Ph., Executive Director, Board of Pharmacy-Drugs Devices and Cosmetics, 4052 Bald Cypress Way, Mail Bin C-04 Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.012 Records of Drugs, Cosmetics and Devices.

(1)(a) Records to document the movement of drugs, devices or cosmetics must provide a complete audit trail from a person’s receipt or acquisition to sale or other disposition of the product or component. A complete audit trail includes records which document each transaction or step in the receipt, manufacture, shipping, transfer, or other steps in the channel of trade of that person, whether or not physical possession or handling of the product or component occurs. At a minimum, records shall consist of invoices from the supplier or source which documents acquisition of each product by the person and invoices of sale or other transfer by the person to the recipient. Retail sales transactions to the consumer of over-the-counter drugs, non-restricted devices, or cosmetics are exempt from the requirements of this rule. Additional recordkeeping is required for persons permitted by the department as further stated in this rule.

(b) A person engaged in the distribution of drugs, devices, or cosmetics is not required to maintain documentation from a common carrier that the designated recipient received the

product shipped; however, the person must obtain such documentation from the common carrier and make it available to the department upon specific request of the department.

(2) Any person engaged in the manufacture of prescription drugs, the wholesale distribution of prescription drugs, or otherwise receiving or distributing prescription drugs must maintain records as follows:

(a) For each step in the channel of trade, records containing the information required by Section 499.0121(6)(a), F.S., and the Florida permit or license number which authorizes the source to possess and transfer prescription drugs in or into Florida must appear on one document, except that, the financial documentation required by Section 499.0121(6)(a)5., F.S. does not have to be included on the same document so long as it is included on the invoice or other billing document for the transaction. For purposes of this paragraph a document, such as a packing slip or invoice, may consist of more than one page. The name, physical address or location where the prescription drugs are, or are to be delivered, and the state license, permit or registration number for that location must also be included on the one document, also if delivery of prescription drugs is made to a person other than the purchaser.

(b) The state permit or registration number of the purchaser or recipient may be omitted if the prescription drugs are exported; but a validated airway bill, bill of lading or other appropriate documentation must be maintained to evidence the exportation of the product.

(c) Invoices must reflect the amount billed per prescription drug product.

(d) Records to document the distribution of prescription drugs required by Section 499.0121(6), F.S., and this rule are to be created during the transaction (i.e., at the time of order, receipt, processing, picking or shipping) and not retroactively created.

(e) A pharmacy or other person authorized to possess prescription drugs that transfers prescription drugs to an establishment performing reverse distribution services or destruction activities must prepare or have prepared an inventory or other record of the prescription drugs so transferred prior to the prescription drugs leaving the premises. In addition to the name, address, and license number of the sender and the name, address, and license number of the receiving establishment, the record must include the elements set forth in paragraph 64F-12.023(3)(a), F.A.C. The records must be provided to and obtained by the receiving establishment at or before the time the establishment receives the prescription drugs.

(f)(e) Inventory. A complete and accurate record of all stock of prescription drugs on hand must be made annually available by establishments permitted under Chapter 499, F.S. A physical inventory must be conducted at least annually unless perpetual inventory records are maintained, in which case the physical inventory may be conducted on a biennial

basis. Significant inventory discrepancies must be investigated and handled in accordance with the written policies and procedures of the establishment. ~~In addition, no later than July 17, 2006, each wholesale distributor shall submit to the department an inventory of drugs it has on hand as of June 30, 2006.~~

~~(f) Inventory existing as of June 30, 2006. A wholesale distributor permitted under section 499.012, F.S. that has purchased a prescription drug on or before close of business June 30, 2006 without the pedigree required by section 499.0121(6)(f), F.S. may distribute such drug provided the wholesale distributor submits to the department an inventory of such drugs no later than July 17, 2006, conforming to paragraph (2)(e) above and provided further that such drugs are otherwise in compliance with the provisions of Sections 499.001 through 499.081, F.S. Inventories shall be submitted to the Department in written form, email, facsimile, or electronic media excluding a web page. The Department will consider the submittal to be a trade secret as defined by Section 812.081(1)(c), F.S., provided that the sending wholesale distributor complies with the requirements of subsections 64F-12.021(1) and (2), F.A.C.~~

(3) Pedigrees; Normal Distribution Chain Direct Purchase Pedigree; Comprehensive Pedigree. In order to satisfy the pedigree requirements in Section 499.01212(2), F.S., the appropriate one of the two pedigree documents defined in Section 499.01212(2), F.S., must be used. Those documents are the "Direct Purchase Pedigree" document, which is defined at Section 499.01212(2)(a), F.S., and the "Comprehensive Pedigree" document, which is defined at Section 499.01212(2)(b), F.S., and also contain the elements in the forms approved by the Department in this rule section.

(a) Normal Distribution Chain Direct Purchase Pedigree.

1. The direct purchase pedigree is the pedigree document defined in Section 499.01212(2), F.S. It is statement in written or electronic form, accurately confirming that the wholesale distributor or its wholly owned subsidiary who purchases and receives the specific unit of the prescription drug being distributed, purchased and received the specific unit of the prescription drug directly from the manufacturer of the drug. The direct purchase pedigree document can be used to satisfy the requirements of Section 499.01212(2), F.S., only if the wholesale distributor or wholly owned subsidiary distributes that specific unit of the prescription drug that it purchased and received directly from the manufacturer, to a chain pharmacy warehouse as described at Section 499.003(7), F.S., or to a person authorized by law to purchase prescription drugs for the purpose of administering or dispensing such drug ("purchaser") in one of two ways:

a. The subject wholesale distributor or wholly owned subsidiary distributes the prescription drug directly to the purchaser; or

b. The subject wholesale distributor or wholly owned subsidiary distributes the prescription drug indirectly to the purchaser through the use of no more than two intracompany transfers.

2. In order to qualify for use of the direct purchase pedigree the wholesale distributor and its wholly owned subsidiary who purchases and receives the specific unit of the prescription drug directly from the manufacturer must accurately provide the statement and information required by Section 499.01212(2)(a), F.S., on the pedigree document. The wholesale distributor and its wholly owned subsidiary shall maintain and make available to the department the records required by Section 499.01212(2)(a)1. through 4., F.S., as well as the records required by Section 499.0121(6), F.S., and this rule chapter.

3. The direct purchase pedigree shall be provided to every recipient of the prescription drug, except for a patient or consumer, who receives the specific unit of the prescription drug directly or indirectly from the wholesale distributor or its wholly owned subsidiary who purchases and receives the specific unit of the prescription drug directly from the manufacturer. In a wholesale distribution of a prescription drug, the direct purchase pedigree document shall not contain any reference to a prescription drug that is not eligible for use of the direct purchase pedigree to satisfy the requirements of Section 499.01212(2), F.S., unless the prescription drug not qualifying for distribution through use of the direct purchase pedigree is clearly identified on the pedigree document as not being distributed within the normal distribution chain. For all wholesale distributions of prescription drugs in or into this state, the direct purchase pedigree shall not be used unless all wholesale distributions of the drug meet the normal distribution chain definition at Section 499.003(33), F.S.

(b) Comprehensive Pedigree. The comprehensive pedigree is the pedigree described in Section 499.01212(2)(b), F.S., in this rule sub-section and in the forms adopted thereunder. For all wholesale distributions that require a pedigree pursuant to Section 499.01212(2)(b), F.S., the comprehensive pedigree must be used. The forms approved by the department for this pedigree are described below in this rule sub-section. They can be obtained by contacting the Drugs, Devices, and Cosmetics Program, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254 or telephone number (850)245-4292, or may be downloaded from the program's web site at www.doh.state.fl.us/pharmacy/drugs.

1. For the wholesale distribution of a prescription drug by a person who has not repackaged the drug that form is "Comprehensive Pedigree Paper (Distribution History of Prescription Drugs)", Form DH 2129, effective, July 2006 which is incorporated by reference herein, or an electronic record that contains all of the elements of Form DH 2129. A wholesale distributor who further distributes a repackaged prescription drug must include in the pedigree the information

related to the repackaged drug contained in DH form 2135 or the electronic record that contains the elements of DH form 2135.

2. For every wholesale distribution of a prescription drug by a person who has repackaged the drug, the required form is "Comprehensive Pedigree Paper (Distribution History of Prescription Drugs)", DH Form 2135, effective July 2006, which is incorporated by reference herein, or an electronic record that contains all of the elements of Form DH 2135.

3. The comprehensive pedigree must include either the proprietary name or the generic name of the prescription drug with the name of the manufacturer, repackager, or distributor as reflected on the label of the product; dosage form; strength; container size; quantity by lot number; the name and address of each owner of the prescription drug that is required to be identified on the pedigree; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates. The pedigree must clearly identify the invoice to which it relates; however, if an invoice number has not been generated at the time the pedigree is prepared then an alternate reference number that is easily traceable to the invoice number may be used.

(c) A copy of the pedigree must be maintained by each wholesale distributor required to prepare or furnish a pedigree and by each recipient. This copy may be maintained in an electronic medium that is readily available and easily accessible to the wholesale distributor required to prepare or furnish the pedigree; each recipient; and authorized federal, state, and local regulators or law enforcement. If a wholesale distributor serves as the repository of its customer's pedigree, the wholesale distributor must specify on the customer's invoice or other distribution document the method for immediately accessing all pedigrees associated with each prescription drug distributed and must enable access by the persons listed above for the duration of the applicable records retention period. No provision of this rule subsection shall be construed to relieve any wholesale distributor from any requirement imposed by any provision of Chapter 499, Part I, F.S., to provide the recipient of a prescription drug in a wholesale distribution with a complete and accurate pedigree paper in a timely manner. No provision of this rule sub-section shall be construed to relieve any recipient of a prescription drug in a wholesale distribution from any requirement imposed by any provision of Chapter 499, Part I, F.S., to receive a pedigree paper in a timely manner.

(d) Each comprehensive pedigree must contain a signature that meets the requirements of DH Form 2129 or 2135 as applicable. An electronic signature may be used on a pedigree.

(e) An electronic record must be easily readable or easily rendered in a readable format, and capable of being reproduced in a paper medium. Data on an electronic pedigree may be transmitted via the internet, data communications, a portable medium such as a CD-Rom or smart card or similar devices.

Additional information to the information required by these rules and Section 499.01212(2)(a) or (b), F.S., as applicable, may be provided on a pedigree so long as the additional information does not detract from or confuse the history of the distribution of the drug or fail to clearly specify each prescription drug identified on a direct purchase pedigree document that is not eligible for use of the direct purchase pedigree pursuant to the requirements of Sections 499.01212(2)(a), 499.003(33), F.S., and this rule section.

(f) Each person required by Section 499.01212, F.S., to receive a pedigree must maintain the pedigree. A copy of the pedigree paper provided to a wholesale distributor must be maintained by the wholesale distributor providing the pedigree paper. No provision of this rule sub section shall be construed to require any person who is exempted by Section 499.01212(3), F.S., to pass a pedigree.

(g) Returns.

1. When a distribution of a prescription drug by a wholesale distributor to an authorized recipient is the result of a mistake in ordering or shipment, the return of that shipment by the authorized recipient to the wholesale distributor need not be reflected in the pedigree paper. For purposes of this subparagraph, a mistake in ordering or shipment shall be deemed to have occurred if, within seven calendar days after the date of receipt of the original shipment:

a. The authorized recipient ships the specific unit of the prescription drug back to the wholesale distributor from which that specific unit was purchased; or

b. The authorized recipient transmits a documented communication to the wholesale distributor from which the prescription drug was purchased stating the authorized recipient's intent to return the shipment in accordance with the wholesale distributor's prescribed written policies and procedures and the wholesale distributor communicates authorization for return of the product.

2. Any returns to a wholesale distributor by an authorized recipient that are not within the scope of subparagraph 1. shall be reflected in the pedigree paper trail for any further distributions of the returned drug product to the extent required by Section 499.01212(2)(b), F.S.

3. An authorized recipient that returns a shipment to the wholesale distributor in accordance with subparagraph 1. or 2. shall verify by written declaration as set forth in Section 92.525(2), F.S., in a written document submitted with the returned product:

a. That the specific unit (exact unit) being returned was purchased from the receiving wholesale distributor (including the corresponding sales invoice number and the date of the sale from that wholesale distributor to the authorized recipient); and

b. that the product was or was not stored and shipped in accordance with the requirements of Section 499.0121, F.S., and the rules adopted thereunder while in the purchaser's custody and control.

c. The written declaration shall be printed or typed at the end of or immediately below the statements in sub-subparagraphs 3.a. and 3.b. and shall state: "Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true." followed by the signature of the person making the declaration.

(h) For purposes of Section 499.01212(2)(b), F.S., a manufacturer or repackager will have uniquely serialized an individual prescription drug unit when the unit contains an electronic product code that meets industry standards for that type of legend drug unit. The department will adopt the industry standards for each type of prescription drug unit when they are established. One pedigree record may be prepared for a group of serialized prescription drugs, provided the only unique characteristic for the pedigree is the serialization codes.

(i) If a manufacturer initiates an electronic pedigree and transmits this information to a wholesale distributor consistent with the standards in sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C., and that wholesale distributor provides a pedigree to its customer consistent with the standards in sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C., the wholesale distributor must transmit the pedigree information initiated by the manufacturer in the pedigree the wholesale distributor provides to its customer.

(j) A wholesale distributor that purchases multiple units of a prescription drug from a manufacturer in one transaction, but receives these units from multiple distribution sites of the manufacturer or on multiple dates from the manufacturer, may reference the first occurrence of receipt in pedigree papers the wholesale distributor prepares for subsequent wholesale distributions unless all applicable information is received from the manufacturer as set forth in paragraph (i) above.

(k) Emergency Distributions. Notwithstanding Section 499.01212(2), F.S. a wholesale distributor may distribute and a purchasing pharmacy, health care clinic establishment or health care practitioner authorized by law to purchase prescription drugs, may accept a prescription drug for which a pedigree that complies with Section 499.01212(2), F.S., is not available, when the prescription drug is required to treat a specific patient with an emergency medical condition as defined by Section 395.002(8)(a), F.S. The prescribing physician or a health care practitioner otherwise licensed to prescribe the drug shall supply a statement, to the supplying wholesale distributor stating that the emergency meets this rule paragraph's requirements. The supplying wholesale distributor must maintain such statement in compliance with the timeframes in Section 499.0121(6)(b), F.S. The supplying wholesale distributor must otherwise comply fully with all other applicable provisions of Sections 499.001 through 499.081, F.S., with respect to such drug. In addition, the supplying wholesale distributor must submit to the recipient within 14 calendar days of the emergency distribution a written

statement, invoices, or other documentation identifying all prior sales or distributions of the specific unit of the prescription drug that is the subject of this distribution.

~~(3) Pedigree Papers.~~

~~(a)1. The pedigree papers required by Sections 499.0121(6)(d), (e) and (f), F.S., must include either the proprietary name or the generic name with the name of the manufacturer, repackager, or distributor as reflected on the label of the product; dosage form; strength; container size; quantity by lot number; the name and address of each owner of the prescription drug that is required to be identified on the pedigree paper; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates. The pedigree paper must clearly identify the invoice to which it relates; however, if an invoice number has not been generated at the time the pedigree is prepared then an alternate reference number that is easily traceable to the invoice number may be used.~~

~~2. A copy of the pedigree paper must be maintained by each wholesaler preparing a pedigree paper and by each recipient. This copy may be maintained in an electronic medium that is readily available and easily accessible to the wholesaler preparing the pedigree paper; each recipient; and authorized federal, state, and local regulators or law enforcement. If a wholesaler serves as the repository of its customer's pedigree, the wholesaler must specify on the customer's invoice or other distribution document the method for immediately accessing all pedigrees associated with each prescription drug distributed and must enable access by the persons listed above for the duration of the applicable records retention period.~~

~~(b) If a wholesale distributor uses the statement contained in Section 499.0121(6)(e)1.a.(II), F.S., "This establishment or a member of my affiliated group purchased the specific unit of the specified drug directly from the manufacturer" the wholesale distributor must provide to the department the names of all members of the affiliated group of which the wholesale distributor is a member and the affiliated group must provide records on prescription drug purchases by the members of the affiliated group not later than 48 hours after the department requests access to such records, regardless of the location where the records are stored.~~

~~(c) Beginning July 1, 2006, "Pedigree Paper (Distribution History of Prescription Drugs)," either Form DH 2129 effective July 2006, which is incorporated by reference herein, or an electronic record that contains all the elements of Form DH 2129 must be used to comply with the requirement in Section 499.0121(6)(f), F.S., for the distribution of a prescription drug. Beginning July 1, 2006, a repackager must use either "Prescription (legend) Drug Pedigree - Repackager" Form DH 2135 effective July 2006, which is incorporated by reference herein, or an electronic record that contains all the elements of Form DH 2135. A wholesaler that further~~

~~distributes a repackaged prescription drug must include in the pedigree the information related to the repacked drug contained in Form DH 2135 or the electronic record that contains all the elements of Form DH 2135. These forms may be used prior to July 1, 2006, to comply with the pedigree paper requirements of Section 499.0121(6)(d) or (e), F.S., at the discretion of the wholesaler. An electronic signature may be used on a pedigree paper. An electronic record must be easily readable or easily rendered in a readable format, and capable of being reproduced in a paper medium. Data on an electronic pedigree may be transmitted via the internet, data communications, a portable medium such as a CD Rom or smart card or similar devices. Additional information to that required by forms DH 2129 and DH 2135 may be included on a pedigree provided it does not detract from or confuse the history of the distribution of the drug.~~

~~(d) A copy of the pedigree paper must be maintained by each recipient. A copy of the pedigree paper provided to a wholesale distributor must be maintained by the wholesaler providing the pedigree paper.~~

~~(e) Effective March 1, 2004, a pedigree paper under Section 499.0121(6)(d), F.S., must trace a prescription drug back to the last authorized distributor of record. The department will maintain a database of authorized distributors of record on its web site at www.doh.state.fl.us/pharmacy/drugs. A prescription drug wholesaler that receives or prepares a pedigree paper under Section 499.0121(6)(d), F.S., and this chapter that traces the previous distributions of a prescription drug back to a prescription drug wholesaler that is not listed on the department's web site as an authorized distributor of record for the drug's manufacturer for the date in which the transaction occurred must maintain and have available for inspection documentation that supports the fact the prescription drug wholesaler is an authorized distributor of record in accordance with the criteria of Section 499.0121(6)(d)5.a., b., or c., F.S.~~

~~(f) Returns.~~

~~1. When a distribution of a prescription drug by a wholesaler to an authorized recipient is the result of a mistake in ordering or shipment, the return of that shipment by the authorized recipient to the wholesaler need not be reflected in the pedigree paper. For purposes of this subparagraph, a mistake in ordering or shipment shall be deemed to have occurred if, within seven calendar days after the date of receipt of the original shipment:~~

~~a. The authorized recipient ships the specific unit of the prescription drug back to the wholesaler from which that specific unit was purchased; or~~

~~b. The authorized recipient transmits a documented communication to the wholesaler from which the prescription drug was purchased stating the authorized recipient's intent to~~

~~return the shipment in accordance with the wholesaler's prescribed written policies and procedures and the wholesaler communicates authorization for return of the product.~~

~~2. Any returns to a wholesaler by an authorized recipient that are not within the scope of subparagraph 1. shall be reflected in the pedigree paper trail for any further distributions of the returned drug product to the extent required by Section 499.0121(6)(d), (e) or (f), F.S.~~

~~3. An authorized recipient that returns a shipment to the wholesaler in accordance with subparagraph 1. or 2. shall verify by written declaration as set forth in Section 92.525(2), F.S., a written document submitted with the returned product,~~

~~a. That the specific unit (exact unit) being returned was purchased from the receiving wholesaler (including the corresponding sales invoice number and the date of the sale from that wholesaler to the authorized recipient); and~~

~~b. That the product was or was not stored and shipped in accordance with the requirements of Section 499.0121, F.S., and the rules adopted thereunder while in the purchaser's custody and control.~~

~~e. The written declaration shall be printed or typed at the end of or immediately below the statements in sub-subparagraphs 3.a. and 3.b. and shall state: "Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true," followed by the signature of the person making the declaration.~~

~~(g) For purposes of Section 499.003(31)(b), F.S., a manufacturer or repackager will have uniquely serialized an individual legend drug unit when the unit contains an electronic product code that meets industry standards for that type of legend drug unit. The department will adopt the industry standards for each type of legend drug unit when they are established. One pedigree record may be prepared for a group of serialized legend drugs, provided the only unique characteristic for the pedigree is the serialization codes.~~

~~(h) If a manufacturer initiates an electronic pedigree and transmits this information to a wholesaler consistent with the standards in sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C., (and that wholesaler provides a pedigree to its customer consistent with the standards in sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C., the wholesaler must transmit the pedigree information initiated by the manufacturer in the pedigree the wholesaler provides to its customer.~~

~~(i) A wholesaler that purchases multiple units of a prescription drug from a manufacturer in one transaction, but receives these units from multiple distribution sites of the manufacturer or on multiple dates from the manufacturer, may reference the first occurrence of receipt in pedigree papers the wholesaler prepares for subsequent wholesale distributions unless all applicable information is received from the manufacturer as set forth in paragraph (h) above.~~

~~(j) A contract distributor for the manufacturer is deemed an agent of the manufacturer and therefore is not required under Section 499.0121(6)(f), F.S., to provide a pedigree paper upon distribution of the manufacturer's prescription drug provided the manufacturer retains title to the prescription drug and the contract distributor meets the requirements to be permitted under Chapter 499, F.S., as a non resident prescription drug manufacturer based on its relationship with the manufacturer.~~

~~(k) Emergency Distributions. A wholesale distributor may distribute and a purchasing pharmacy or health care practitioner authorized by law to purchase prescription drugs may accept a prescription drug for which a pedigree that complies with Section 499.0121(6)(f), F.S., is not available, when the prescription drug is required immediately to treat a specific patient with a life threatening medical condition or a medical condition that will result in serious bodily harm. A pharmacist for the purchasing pharmacy, or the health care practitioner, shall supply a statement to the supplying wholesale distributor(s) that the emergency meets this rule paragraph's requirements and the supplying wholesale distributor(s) must maintain such statement in compliance with the timeframes in Section 499.0121(6)(b), F.S. The supplying wholesale distributor must otherwise comply fully with all other applicable provisions of Sections 499.001 through 499.081, F.S., with respect to such drug.~~

~~(4) Retailers of veterinary legend drugs or medical oxygen must also maintain a prescription or other order of an authorized practitioner evidencing the authority of the purchaser or recipient to receive the veterinary legend drug or medical oxygen. A veterinary legend drug retailer must have the prescription prior to delivery of the drug to the customer. In the case of a medical oxygen retailer, the prescription or order for medical oxygen must be in writing and in the possession of the retailer within 30 days of delivery of the drug to the patient. An order or prescription for veterinary legend drugs or medical oxygen does not constitute authority for the retailer to sell to the purchaser beyond 12 months from the date of the original sale.~~

~~(5) A copy of the Florida Drug and Cosmetic Act, Chapter 499, F.S., and Chapter 64F-12, F.A.C., Regulations for Drugs, Devices and Cosmetics, must be at the permitted establishment.~~

~~(6)(a) Records for permittees not physically located within the state may be maintained at a central location outside of the state but must be made available for inspection at a permitted establishment or at the department's address within 2 working days after a request for inspection.~~

~~(b) Records for permittees located in the state or persons located in Florida and required to be permitted under Chapter 499, F.S., may be stored by computer or other electronic means~~

at a central location inside or outside of the state, but must be readily available and immediately retrievable, i.e., subject to inspection at the permitted establishment during the inspection.

1. Records that are maintained at a central location within this state must be maintained at an establishment that is permitted pursuant to Sections 499.001-.081, F.S., in that person's name.

2. If not maintained at a central location, records must be maintained at the permitted location or, if not otherwise permitted, at the address reflected on the product registration.

3. A permitted establishment in Florida that maintains records at a location outside of the state must have a method, such as computerized access, to make records readily available and immediately retrievable. These records must also be made available at the permitted establishment for copying or reproducing within two working days after a request.

4. An establishment permitted at an address outside of the state must make records available for inspection within two working days after a request.

(c) Records for permittees may be copied or reproduced by the department or the Florida Department of Law Enforcement.

(d) If hard copies (originals or true copies) of required records are not maintained at the permitted establishment in Florida, the department or Florida Department of Law Enforcement must be able to review automated records for any and all records required to be maintained under Chapter 499, F.S., without requesting a specific source, recipient, product, date, etc.

(7) ~~Except as provided in Section 499.012(2)(c), F.S., and paragraph (3)(b) of this rule, R~~records of other persons not required to be permitted, but subject to regulation under Chapter 499, F.S., must be made available to the department or the Florida Department of Law Enforcement within five business days of the request for inspection, copying, or reproduction. This subsection shall not be construed to preempt or affect any other provision of law that requires records to be made available within a shorter period of time than required herein.

(8) Records involving drugs, devices, or cosmetics may be maintained by electronic methods, such as computers or imaging devices. Originals or true copies of required records documentation must be maintained by the person involved in the transaction, including brokers and agents. If electronic methods are used to maintain records related to prescription drugs and these methods do not maintain a true copy of the original record, such as the actual image of the original document, then the security system of the permittee must provide protection against tampering with computers or electronic records.

(9) Documentation provided to the department pursuant to an inspection may not be altered or defaced in any manner to obstruct or conceal any required or other information recorded on the document.

(10) All required records must be retained for a period of two years following disposition of the drug, device or cosmetic, or three years after the creation of the records, whichever period is longer; and must be available to the department for such period or as long as records are retained if longer. Records must be retained beyond the retention period if the person has been notified that an investigation or inspection has been initiated by the department and the investigation has not been completed when the mandatory retention period expires.

(11) Manufacturers shall maintain formulas of drugs and cosmetics, including all ingredients, and shall make these available to the department upon request, either during an inspection or by certified mail.

(12) An establishment permitted under Chapter 499, F.S., that shares a facility with another person or business shall keep all of its operational systems subject to Chapter 499, F.S., separate and distinct from the other person or business. A person permitted under Chapter 499, F.S., that also conducts other business activities not permitted under Chapter 499, F.S., shall keep all of its operational systems subject to Chapter 499, F.S., separate and distinct from the other business activities. For the purpose of this rule, those operational systems required to be kept separate and distinct shall mean all records, inventory, storage areas, repackaging operations, quarantine areas, and manufacturing operations, but this rule shall not require separate entrances to the establishment nor partitioning. A Retail Pharmacy ~~Drug Wholesale Distributor or a Restricted Prescription Drug Distributor-Health Care Entity Wholesaler~~ however, is not required to maintain its stock of prescription drugs which may be distributed through a wholesale transaction separate from the stock of prescription drugs which may be dispensed by a retail pharmacy.

(13) An establishment permitted to purchase or possess prescription drugs that has no records or has not done any business under the permit that would require such records, shall upon request, provide to the department a written statement to that effect.

(14) The recordkeeping requirements of this subsection do not apply to the prescription dispensing records of a pharmacy or to the patient medical records of a licensed practitioner; however, such records may be required to be produced pursuant to a subpoena issued by the department under Section ~~499.002~~ 499.0053, F.S. Notwithstanding any other provision in this section to the contrary, a pharmacy that sells a prescription drug to any person other than the ultimate consumer of a given prescription drug, for each sales transaction, must establish and maintain the audit trail records that are described in paragraphs (2)(a), (b), (c), (d) of this subsection. The records must be maintained in a manner that the records can be inspected by and originals or copies provided to the Department without the record owner or record custodian having to provide or disclose to the Department information

that would reveal the name or identity of a patient or ultimate consumer, or provide the Department with a patient record within the meaning of Section 456.057, F.S. For purposes of this paragraph the term "ultimate consumer" means a human patient, or the owner of the animal for which a prescription drug intended for veterinary use is being sold.

(15) Charitable Donations of Prescription Drug. A physician or other authorized recipient donating prescription drugs, including prescription drug samples, pursuant to Section 499.012(1)(a)2.e., F.S., must prepare and maintain a donation record that includes at a minimum:

- (a) The donor's name, address, telephone number, the practitioner's state license number, and D.E.A. number if a controlled substance is donated;
- (b) The manufacturer, brand name, strength, and dosage form of the product; the quantity donated by lot number; and the expiration date of the product;
- (c) The date of the donation;
- (d) The name, address, and state license number that authorizes the possession of prescription drugs by the charitable organization, if applicable; and
- (e) Within 48 hours of receipt, excluding holidays and weekends, the recipient charitable institution must provide a written receipt to the donor acknowledging receipt of the donated prescription drugs.

~~(16) Establishing an ongoing relationship pursuant to Sections 499.0121(6)(d)5.b. and c., F.S. A wholesale distributor that is not listed as an authorized distributor of record on the list submitted to the department by a prescription drug manufacturer may request the department add the wholesale distributor to the department's web site of authorized distributors of record for a drug manufacturer for purposes of the pedigree paper requirements of Section 499.0121(6)(d), F.S., that become effective March 1, 2004, provided that such wholesale distributor satisfies the requirements of paragraph (a) or (b) below:~~

~~(a) A wholesale distributor or its affiliated group must submit the information in subparagraphs 1. and 2. below to document eligibility for inclusion as an authorized distributor of record for a manufacturer of prescription drugs pursuant to Section 499.0121(6)(d)5.b., F.S. If the information submitted in subparagraphs 1. and 2. is based on the cumulative activity of an affiliated group, a wholesale distributor or its affiliated group must submit the information in subparagraph 3. below to document the eligibility of the individual wholesaler establishment that is a member of the affiliated group to be an authorized distributor of record for a manufacturer of prescription drugs pursuant to Section 499.0121(6)(d)5.b., F.S.~~

~~1. To document total annual prescription drug sales of \$100 million or more submit either:~~

~~a. The most recent audited financial report that includes an Income Statement or Statement of Profit/Loss that indicates sales of prescription drugs of at least \$100 million. (Note: the~~

~~statement or notes in the audited financial report must clearly demonstrate the sales amount related to prescription drugs as opposed to other commodities); OR~~

~~b. A signed attestation from a certified public accountant that the establishment or affiliated group, if applicable, had total annual prescription drug sales of \$100 million or more in the most recent fiscal year; OR~~

~~e. A computerized listing of prescription drug sales transactions during the period 10/1/02 - 9/30/03, or a 12-month period ending on the last day of the most recent calendar quarter, of at least \$100 million. This report must be totaled. The detail should include the invoice number, invoice date, customer name, and total invoice amount related to prescription drugs. A statement must be provided that the report documents at least \$100 million in prescription drug sales, excluding customer returns; and~~

~~2. For each manufacturer for whom the wholesaler claims authorized distributor of record status, submit both subparagraphs a. and b. to document that the wholesaler annually purchases not less than 90%, based on dollar volume, of all of its purchases of a manufacturer's prescription drug products directly from that manufacturer.~~

~~a. A computerized listing of all of a manufacturer's prescription drugs purchased by the wholesaler during the period 10/1/02 - 9/30/03, or a 12-month period ending on the last day of the most recent calendar quarter, regardless of the source of those prescription drugs. This report must be totaled. AND~~

~~b.i. A computerized listing of all purchases of a manufacturer's prescription drugs directly from the manufacturer during the same time period. This report must be totaled. The detail should include the invoice number, invoice date, and total invoice amount related to prescription drugs. A statement must be provided that the report documents at least 90% of the wholesaler's purchases of a manufacturer's prescription drug products directly from that manufacturer, excluding returns to the manufacturer. OR~~

~~ii. Copies of the manufacturer's sales invoices of prescription drugs to the wholesaler. An adding machine tape, or equivalent, must be included that lists each invoice, in order, and provides a total of all invoices submitted. A statement must be provided that the invoices document at least 90% of the wholesaler's purchases of a manufacturer's prescription drug products directly from that manufacturer, excluding returns to the manufacturer.~~

~~3. Each wholesaler establishment that applies to the department to be listed as an authorized distributor of record of a drug manufacturer based upon its affiliated group's ongoing relationship with the manufacturer, or the affiliated group on behalf of each wholesaler establishment, must submit the names and address of all member wholesaler establishments of the affiliated group. In addition, each wholesaler establishment must either:~~

~~a. Conduct its prescription drug wholesale activities under an establishment name that incorporates the same business name as the affiliated group upon which the eligibility criteria for the affiliated group was met, or~~

~~b. Hold a valid prescription drug wholesaler permit or out of state prescription drug wholesaler permit issued under Chapter 499, F.S.~~

~~(b) A wholesale distributor or its affiliated group must submit the information in subparagraphs 1. and 2. below to document eligibility for inclusion as an authorized distributor of record for a manufacturer of prescription drugs pursuant to Section 499.0121(6)(d)5.c., F.S.~~

~~1. To document total annual prescription drug sales of \$100 million or more submit either:~~

~~a. The most recent audited financial report that includes an Income Statement or Statement of Profit /Loss that indicates sales of prescription drugs of at least \$100 million. (Note: the statement or notes in the audited financial report must clearly demonstrate the sales amount related to prescription drugs as opposed to other commodities), OR~~

~~b. A signed attestation from a certified public accountant that the establishment or affiliated group, if applicable, had total annual prescription drug sales of \$100 million or more in the most recent fiscal year, OR~~

~~e. A computerized listing of prescription drug sales transactions during the period 10/1/02—9/30/03, or a 12-month period based on the most recent calendar quarter, of at least \$100 million. This report must be totaled. The detail should include the invoice number, invoice date, customer name, and total invoice amount related to prescription drugs. A statement must be provided that the report documents at least \$100 million in prescription drug sales, excluding customer returns.~~

~~2. For each manufacturer for whom the wholesaler claims authorized distributor of record status, submit a., b., or c. to document that the wholesaler has a verifiable account number issued by the manufacturer and has made at least 12 purchases of prescription drugs directly from that manufacturer using the verifiable account number.~~

~~a. If the wholesaler is a member of an affiliated group and all purchases from that manufacturer are made at a central location for the wholesaler, copies of at least 12 invoices dated during the previous 12 months from the date the information is submitted, which invoices document purchases of prescription drugs, at least one unit of which on each invoice was not returned, under that central account number but shipped to the wholesaler's address for whom the authorized distributor of record status is claimed. A statement must be provided that the invoices document purchases of prescription drugs for the wholesaler for whom the authorized distributor of record status is claimed and that the wholesaler did not return to the manufacturer at least one unit of the prescription drugs on each invoice.~~

~~b. If the wholesaler is a member of an affiliated group and all purchases from that manufacturer are made at a central location and received at a central location for the wholesaler, copies of at least 12 invoices dated during the previous 12 months from the date the information was submitted, under the same account number which is clearly assigned to the wholesaler at the permitted address. Each invoice must document the purchase of prescription drugs, of which at least one unit identified on the invoice was not returned. A statement must be provided that the invoices document purchases of prescription drugs by that central location and that the central location or wholesaler for which the drugs were obtained did not return to the manufacturer at least one unit of the prescription drugs on each invoice, and that the central location shipped at least 12 times to the individual wholesaler for whom the authorized distributor of record status is claimed during the 12 months based on the fiscal year or designated timeframe.~~

~~e. For all other wholesale distributors, copies of at least 12 invoices dated during the previous 12 months from the date the information was submitted, under the same account number that is clearly assigned to the wholesaler at the permitted address. Each invoice must document the purchase of prescription drugs, of which at least one unit identified on the invoice was not returned. A statement must be provided that the invoices document purchases of prescription drugs by that wholesaler and that the wholesaler did not return to the manufacturer at least one unit of the prescription drugs on each invoice.~~

~~Rulemaking Specific Authority 499.003, 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.002, 499.003, 499.005, 499.0051, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.051, 499.052, 499.06, 499.063, 499.064, 499.066, 499.067 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03, 1-1-04, 1-29-04, 5-29-05, 1-19-06, 2-14-06, 8-6-06, 12-27-07, _____.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE: Rebecca Poston, R.Ph.~~

~~NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Ana Viamonte Ros, State Surgeon General~~

~~DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009~~

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009~~

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.013
 RULE TITLE: Prescription Drugs; Receipt, Storage and Security

PURPOSE AND EFFECT: This rule section is being updated in response to statutory changes made to Chapter 499 part I F.S. made by the 2008 Florida Legislature.

SUMMARY: This rule section will clarify authentication of pedigree requirements regarding medical convenience kits, revise the term “wholesaler” to “wholesale distributor” and clarify the direct purchase pedigree is for use within the normal distribution chain.

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

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

RULEMAKING AUTHORITY: 499.0121(1), 499.05 FS.

LAW IMPLEMENTED: 499.002, 499.003, 499.004, 499.006, 499.007, 499.012, 499.0121, 499.01212, 499.028(6), 499.05, 499.052 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, R.Ph., Executive Director, Board of Pharmacy-Drugs Devices and Cosmetics, 4052 Bald Cypress Way, Mail Bin #C04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.013 Prescription Drugs; Receipt, Storage and Security.

(1) Establishments in which prescription drugs are stored, manufactured, repackaged, kept, held, used, sold, stored, offered for sale, or exposed for sale, shall be secured against unauthorized entry or unauthorized access to prescription drugs when establishment personnel are not present.

(a) Establishments permitted under Chapter 499, F.S., that are authorized to take possession of prescription drugs, other than medical oxygen, must be secured by an alarm system which functionally and practically provides a deterrent to unauthorized entry to the establishment or the area where the prescription drugs are held or stored.

(b) Prescription medical oxygen may be stored outside in an area surrounded by a fenced enclosure with a lock which must be secure when authorized persons are not present. Other compressed medical gases must be stored in accordance with paragraph (a).

(2)(a) While not being used to make deliveries, a vehicle of a permittee containing prescription medical oxygen must be parked at the permitted establishment and either locked inside a fenced compound or secured by a vehicle alarm system. A vehicle containing prescription medical oxygen may only be parked at a residence temporarily while the vehicle is making deliveries or while “on call” for emergency deliveries.

(b) When a vehicle used for prescription drug wholesale distributions or for distributions subject to a restricted prescription drug distributor’s permit contains prescription drugs and is not being used to make deliveries, it must be parked inside a building secured by an alarm system.

(c) A residence cannot be used to store any prescription drug which has not been dispensed, unless a natural person residing at that residence is licensed or otherwise authorized to possess prescription drugs.

(3)(a) The storage temperature definitions in the U.S.P. are incorporated by reference herein. If no storage and temperature requirements are set forth by the manufacturer in the labeling or in the U.S.P., prescription drugs other than compressed medical gases must be stored at controlled room temperature. Compressed medical gases, unless otherwise indicated, may be stored in a manner so that they are protected from freezing and are not stored at or near excessive heat or open flame.

(b) All establishments permitted under Chapter 499, F.S., that handle prescription drugs other than medical gases, must, in the absence of electronic monitoring devices, mount two thermometers in the immediate area of the stored prescription drugs. For purposes of this provision, immediate area of the stored prescription drugs is within six (6) feet of the prescription drugs in storage. One thermometer will be mounted in the warmest area of the stored prescription drugs and the other thermometer will be mounted in the coolest immediate area of the stored prescription drugs.

(c) A record must be maintained recording the date; time; thermometer one temperature; thermometer two temperature; and the initials of the person recording the data or reviewing the data if electronically monitored. This record and temperature reading must be recorded at least five (5) days each week with the temperature readings taken between 2:00 p.m. and 4:00 p.m. E.S.T. Alternate times may be approved by the department in writing. This record must be kept on file by the facility for at least two years.

(d) Facility requirements for the storage and handling of prescription drugs.

1. An applicant for an initial prescription drug wholesale distributor ~~wholesaler~~ permit must have a facility that is large enough to store the estimated quantity of prescription drugs the applicant intends to possess under its initial application to comply with the requirements of Section 499.0121(1), F.S. An applicant for renewal of a prescription drug wholesale distributor ~~wholesaler~~ permit must have a facility that is large enough for the ongoing operations of the wholesale distributor

establishment based on the prior year's volume of activity with prescription drugs, which may be modified for reasonable fluctuations in inventory management for the current year. These determinations will be based on the type of prescription drugs the applicant possesses, or intends to possess, considering the size of the containers as well as any other products the applicant possesses or intends to possess. Notwithstanding the contention that an applicant will distribute all prescription drugs the same day received, the facility must be large enough to accommodate prescription drugs as set forth herein in case the drugs are not distributed the same day received.

2. An applicant for an initial prescription drug wholesale distributor ~~wholesaler~~ permit must have a refrigeration capacity and freezer capacity large enough to store the estimated quantity of prescription drugs that might require refrigeration or freezing that the applicant intends to possess under its initial application to comply with the requirements of Sections 499.0121(1) and (3), F.S., and this rule. An applicant for renewal of a prescription drug wholesale distributor ~~wholesaler~~ permit must have a refrigeration capacity and freezer capacity that is large enough for the ongoing operations of the wholesale establishment based on the prior year's volume of activity with prescription drugs that required refrigeration or freezing, which may be modified for reasonable fluctuations in inventory management for the current year, to comply with the requirements of Sections 499.0121(1) and (3), F.S., and this rule. These determinations will be based on the type of prescription drugs the applicant possesses, or intends to possess, considering the size of the containers as well as any other products the applicant possesses or intends to possess that might require refrigeration or freezing. Notwithstanding the contention that an applicant will distribute all prescription drugs the same day received, the refrigeration and freezer capacity must be large enough to accommodate prescription drugs as set forth herein in case the drugs are not distributed the same day received.

(4) Quarantine.

(a) A quarantine section shall be clearly marked and designated separate and apart from any other place where drugs are stored so that products therein shall not be confused with usable products being held for sale. Any prescription drug stored outside the quarantine area is a product held for sale or other distribution.

(b) The requirement of Section 499.0121(5)(b), F.S., that prescription drugs must be quarantined if damage has occurred to the immediate or sealed outer or sealed secondary containers means: a prescription drug must be quarantined if obvious damage, determined by a visual inspection of the exterior of the product's packaging, has occurred to any part of the packaging that is or may be in direct contact with the dosage

form of the drug or any additional part of the packaging which is provided to prevent adulteration of the drug in addition to "containing" the product.

(c) A person who handles both prescription drugs and over-the-counter drugs or medical devices may have one quarantine section; however, the storage requirements for prescription drugs must be followed.

(5) Examination of Prescription Drugs; Physical Product and Records.

(a)1. Every person receiving prescription drugs other than the consumer receiving dispensed prescription drugs pursuant to Chapter 465, F.S., has a duty to examine the product to prevent acceptance of prescription drugs that are unfit for distribution or use. The extent of the examination should be predicated on the conditions surrounding the transaction, including but not limited to any previous sales of the product, i.e., purchase and delivery is not direct from the manufacturer; the conditions of transport; and environmental conditions to which the product may have been subjected.

2. A wholesale distributor ~~wholesaler~~, chain pharmacy warehouse, or person authorized to administer or dispense a prescription drug that physically receives a prescription drug must verify that the prescription drug received matches the prescription drug identified on the corresponding pedigree. The corresponding pedigree document shall contain all of the required information described in Sections 499.01212(2)(a) or (b), ~~499.003(31)(a) or (b)~~, F.S. as applicable, including the information required in the forms described in subsection 64F-12.012(3), F.A.C., for those distributions that are not eligible for the use of the direct purchase pedigree by being within the normal distribution chain.

(b) Upon receipt, each outside shipping container must be visually examined for identity and to prevent the acceptance of misbranded drugs, adulterated drugs or prescription drugs that are otherwise unfit for distribution. If visual examination of the shipping container or other conditions surrounding the transaction suggest possible misbranding or adulteration, the person has a duty to examine further the contents or conditions of sale.

(c) Prescription Drug Wholesale Distributors ~~Wholesalers~~ must employ personnel who can perform product examinations. Once the Prescription Drug Wholesale Distributor ~~Wholesaler~~ has inspected the shipped drugs and elected to accept them, the wholesale distributor ~~wholesaler~~ is responsible for the condition of the drugs. Until that time, the shipper or manufacturer remains responsible for delivering a prescription drug product in acceptable condition, unless responsibilities are modified by contract.

(d) Authentication.

1. A prescription drug ~~wholesale distributor wholesaler~~ may use any, all, or any combination of the following methods to authenticate each transaction on a pedigree paper and must maintain the corresponding documentation regarding the authentication for the method used:

a. Receipt of an invoice (or shipping document) from the seller to the purchaser, which may have the prices redacted. Documentation requirements include at a minimum a copy of the invoice or shipping document. If this method is used to authenticate a pedigree, the ~~wholesale distributor wholesaler~~ must review the document received for signs of tampering, incompleteness, or inconsistency with other invoices or shipping documents from that manufacturer or ~~wholesale distributor wholesaler~~, and must randomly verify the authenticity of the invoice or shipping document with the seller or shipping point reflected on that document using one of the methods in sub-subparagraph b., c., or d. below. Each ~~wholesale distributor wholesaler~~ shall establish and adhere to policies and procedures for the random verification of the authenticity of the invoices or shipping documents according to statistically valid standards.

b. Telephone call to the seller. Documentation requirements include a signed statement by the person placing the telephone call identifying the person's name and position title representing the seller who provides the information, the date the information was provided, and verification of the sales transaction between the parties, including verification of the date of the transaction and the quantity of prescription drugs involved in the transaction.

c. E-mail communication with the seller. Documentation requirements include a copy of the e-mail that identifies the person's name and position title representing the seller who provides the information, the date the information was provided, and verification of the sales transaction between the parties, including verification of the date of the transaction and the quantity of prescription drugs involved in the transaction.

d. Verification of the transaction per a web-based system established by the seller or an independent person that is secure from intentional or unintentional tampering or manipulation to conceal an accurate and complete history of the prescription drug transaction(s). Documentation requirements include a written representation from the seller or independent person that the seller or independent person, as applicable, is responsible for the information included on the web site and has adequate security on the information posted to prevent unauthorized tampering, manipulation, or modification of the information and a copy of the (dated) web site page that confirms the sales transaction between the parties, including the date of the transaction and the quantity of prescription drugs involved in the transaction.

e. Receipt of a legible and unaltered copy of a previous transaction's pedigree paper that had been signed under oath at the time of the previous transaction to support the transaction

to which the pedigree paper relates. If this method is used to authenticate a pedigree, the ~~wholesale distributor wholesaler~~ must review the document received for signs of tampering, incompleteness, or inconsistency, and must randomly verify the authenticity of pedigrees using one of the methods in sub-subparagraph b., c., or d. above. Each ~~wholesale distributor wholesaler~~ shall establish and adhere to policies and procedures for the random verification of the authenticity of these copies of pedigrees according to statistically valid standards.

f. Receipt of a pedigree in an electronic form from an automated system that complies with this sub-subparagraph that was successfully opened and decrypted by an automated system that complies with this sub-subparagraph. In order to rely on receipt of an electronic pedigree without employing additional authentication methods as set forth in sub-subparagraphs a.-e.,

(I) The system used to digitally sign and electronically authenticate the electronic pedigree must at a minimum support the following digital signature standards or future revisions governed by the National Institute of Standard and Technology (NIST):

(A) FIPS 140-2 validated cryptographic module which is hereby adopted by reference,

(B) FIPS 186-2 validated digital signature system which is hereby adopted by reference,

(C) FIPS 180-2 validated hash function which is hereby adopted by reference,

(II) The system must employ controls to ensure the security and integrity of the private key so that it cannot be accessed by someone other than the certificate holder. At a minimum, the system must:

(A) Control the activation of the private key with an authentication mechanism,

(B) Employ a ten-minute inactivity time period after which the certificate holder must re-authenticate to access the private key,

(C) When the signing module is deactivated, clear the plain text private key from the system memory to prevent the unauthorized access to, or use of, the private key,

(III) The system must communicate with the Certification Authority directory, either each time authentication and validation steps in sub-subparagraph (IX) below occur or at least on a daily basis to download information to perform the authentication and validation which will occur on that day.

(IV) The system must have a time system that is within five minutes of the official NIST time source and date and time stamp any and all digital signatures.

(V) The system must archive digitally signed files unaltered, including the original hashes and reference to the public keys, in a manner that facilitates retrieval of the record consistent with the recordkeeping requirements.

(VI) The system must prevent issuance of an outgoing pedigree paper if the total quantity of prescription drugs distributed in all pedigrees exceeds the quantity of prescription drugs received in the corresponding incoming electronic pedigree.

(VII) The system must maintain a history file of any outgoing electronic pedigree that is subsequently voided or altered and notify the recipient that the pedigree sent to it was voided or altered.

(VIII) The system must maintain a history file of any incoming notification received pursuant to sub-sub-subparagraph (VII) above that a pedigree was voided or altered and prevent the issuance of an outgoing pedigree using a pedigree that was voided or altered.

(IX) The system must verify or perform the following:

(A) Each transaction on the electronic pedigree must be digitally signed using certificates issued through a public key infrastructure system authorized by the department.

(B) The electronic pedigree must contain each prior transaction digitally signed and unaltered, including the original hash and reference to the public key, with the new transaction information appended to the new document and the entire resulting pedigree digitally signed, including the resulting hash and reference to the public key.

(C) The system must check the certificate expiration date of each signed transaction and compare it against the date and time that the transaction was signed to determine that the certificate has not or had not expired at the time the record was signed.

(D) The system must check the digital signature for each signed transaction against the Certificate Authority's directory and the Certificate Revocation List and verify whether the certificate holder is or was authorized to sign electronic pedigrees at the time the transaction was signed.

(F) The system must require that all authentication and validation steps in the preceding paragraphs are carried out prior to allowing the acceptance of the transaction. The system should not allow the further processing of any transaction that has failed to pass any authentication or validation step. (E) The system must decrypt each digital signature for each signed transaction in the pedigree using each sender's public key and compare it against the message digest to determine that the record has not been altered since it was originally signed.

(X)(A) The manufacturer must initiate the pedigree; or, until such time as the manufacturer initiates a pedigree to the wholesale distributor wholesaler, the wholesale distributor wholesaler that purchased the prescription drug from the manufacturer must imbed a copy of the sales invoice or the manufacturer's EDI transmission or Advance Ship Notice (ASN) that contains all required data elements for a complete audit trail as set forth in Rule 64F-12.012, F.A.C., related to that wholesale distributor's wholesaler's acquisition of the

prescription drug from the manufacturer. Price information related to the transaction may be redacted from the imbedded copy of the sales invoice, the EDI transmission, or the ASN.

(B) If a pedigree complies with all provisions within sub-subparagraph f. except for sub-sub-subparagraph (X)(A) above, then a prescription drug wholesale distributor wholesaler must use another method authorized by this rule to authenticate the distribution from the manufacturer to the first wholesale distributor wholesaler. Subsequent distributions may be authenticated in accordance with sub-subparagraph f.

2. If a pedigree cannot be authenticated because of a clerical error, the pedigree must be corrected by the sender.

3. If a pedigree cannot be authenticated and the reason is other than a clerical error, or the reason cannot be satisfactorily ascertained based on preliminary investigation, the prescription drug for which the pedigree cannot be authenticated must be quarantined and the department notified within 3 business days.

4. A purchasing wholesale distributor wholesaler may use a written contract between the purchasing wholesale distributor wholesaler and its wholesale supplier, which is a primary wholesale distributor wholesaler as defined in Section 499.003(36), 499.012(1)(d), F.S., that requires that all prescription drugs distributed to the purchasing wholesale distributor wholesaler by the wholesale supplier must be purchased by the wholesale supplier from the manufacturer. If this method is used to authenticate a pedigree, the purchasing wholesale distributor wholesaler shall establish and adhere to policies and procedures for the random verification of the authenticity of the pedigrees that disclose the wholesale supplier wholesaler purchased the prescription drug from the manufacturer according to statistically valid standards.

5. The following persons in Florida that are authorized to purchase or possess prescription drugs are not required to authenticate a pedigree paper received from a person authorized by law to distribute prescription drugs to that person:

a. A licensed pharmacy, unless it is also permitted as a retail pharmacy drug wholesale distributor wholesaler and will engage in the wholesale distribution of that drug, or unless it is a member of an affiliated group, as that term is defined at Section 499.003(2), F.S., and will distribute a prescription drug to another member of its affiliated group, that the licensed pharmacy purchased or received directly from a prescription drug wholesale distributor or out of state prescription drug wholesale distributor wholesaler that is not also a member of its affiliated group to another member of its affiliated group;

b. A medical practitioner; ~~or~~

c. A restricted prescription drug distributor – health care entity; ~~or~~

d. A health care clinic establishment.

6. In order to authenticate pedigrees, a manufacturer of a prescription drug that is sold or distributed in Florida must make available upon request information relevant to authenticating a pedigree for that drug regardless of whether the prescription drug was sold directly by the manufacturer to a person in Florida.

7. Any wholesale distributor ~~wholesaler~~ or repackager required under Chapter 499, F.S., to receive a pedigree paper must authenticate the pedigree pursuant to Section 499.0121(4), F.S., notwithstanding the absence of a pedigree paper or authentication by persons in the distribution chain not subject to the requirements of Chapter 499, F.S.

8. Convenience Kits: A wholesale distributor is not required to open a sealed medical convenience kit to authenticate a pedigree paper for a prescription drug contained within the kit.

9. All wholesale distributors of prescription drugs, unless exempted in this rule section from the requirement to authenticate a pedigree, are required to authenticate the pedigree upon receipt of the prescription drug. The authentication requirement includes but its not limited to authentication of pedigree transactions involving prescription drugs included within a sealed medical convenience kit.

(6) Any establishment that is permitted as a prescription drug wholesale distributor ~~wholesaler~~ or repackager must notify the department in writing within three working days of discovery of a significant loss or theft of prescription drugs. Whether a loss or theft is significant is to be based on the prescription drug wholesale distributor's ~~wholesaler's~~ written policies and procedures that may take into account the actual quantity in relation to the type or size of the business; any pattern of losses or thefts; and local trends or other indicators of the diversion potential. Notification to the Drugs, Devices and Cosmetic Program may be made by facsimile to (850)413-6982 and must include at a minimum, identification of the permitted establishment reporting the loss or theft; a complete identification of the prescription drug(s) involved, including but not limited to the name of the manufacturer or distributor reflected on the label of the products, the dosage form, strength, container size, the quantity of each, the lot numbers if known; a brief description of the circumstances surrounding the theft or loss; and a contact person's name and telephone number to provide additional information.

(7) Due Diligence Inspection. With respect to the inspection required under Section 499.0121(13)(12)(e), F.S., a prescription drug wholesale distributor ~~wholesaler~~ may rely on a due diligence inspection performed by a person that is independent of both wholesale distributors ~~wholesalers~~ for purposes of the requirement in Section 499.0121(13)(12)(e), F.S.

Rulemaking Specific Authority 499.0121(4), 499.05 FS. Law Implemented 499.002, 499.003, 499.004, 499.006, 499.007, 499.012, 499.0121, 499.01212, 499.028(6), 499.05, 499.052 FS. History—New 7-8-84, Amended 1-30-85, Formerly 10D-45.535, Amended 11-26-86, 7-1-96, Formerly 10D-45.0535, Amended 1-26-99, 4-17-01, 1-1-04, 1-19-06, 11-18-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rebecca Poston, R.Ph.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.:	RULE TITLE:
69W-600.0021	Effect of Law Enforcement Records on Applications for Registration as Associated Persons

PURPOSE AND EFFECT: The proposed rule imposes disqualifying periods pursuant to which an applicant will be disqualified from eligibility for registration based upon criminal convictions, pleas of nolo contendere, or pleas of guilt, regardless of whether adjudication was withheld. The proposed rule applies to persons applying for registration as an associated person.

SUMMARY: The rule sets forth the policies of the Office of Financial Regulation with respect to processing registration applications for persons who have been found guilty of, or who have pled guilty or nolo contendere to, certain crimes. The rule makes a general classification of crimes into two classes: Class A and Class B. Class A crimes address felonies involving fraud, dishonesty or any other act of moral turpitude; and Class B crimes address misdemeanors involving those same issues. Under the proposed rule, the disqualification period for a Class A crime is 15 years. For Class B crimes, the disqualification period is 5 years. The rule provides that the disqualification period will be extended if the applicant has multiple Class A or B crimes, and it provides that mitigating factors may be considered to reduce disqualifying periods. The disqualifying periods established in the rule do not give an applicant a right to registration after any set period of time. Regardless of the expiration of any disqualifying period imposed by the rule, the burden to prove entitlement to registration remains on the applicant. Other factors related to the consideration of the applicant's criminal history are also addressed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has been prepared and may be obtained by contacting Pam Epting, Chief, Bureau of Regulatory Review, Office of

Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@lofr.com.

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

RULEMAKING AUTHORITY: 517.1611(2) FS.

LAW IMPLEMENTED: 517.12, 517.161 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Epting, Chief, Bureau of Regulatory Review, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@lofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.0021 Effect of Law Enforcement Records on Applications for Registration as Associated Persons.

(1) General Procedure Regarding Law Enforcement Records. As part of the application review process, the Office is required to consider an applicant's law enforcement record when deciding whether to approve an application for registration as an associated person. When conducting this review, the Office reviews the applicant's Form U-4 responses, criminal history information derived from the fingerprint check, and information from other resources such as the Financial Industry Regulatory Authority. In the event of a question regarding the applicant's criminal history, the Office may request additional information from the applicant to determine the status of a criminal event, the specific facts and circumstances surrounding a criminal event, or to address other issues determined relevant to the review of the law enforcement record. The Office will notify the applicant of any specific documents that it requires in order to complete its review. Documentation that is typically requested includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

If the requested documentation cannot be obtained, the applicant shall submit evidence of that fact in order for the application to be deemed complete. Evidence that documentation cannot be obtained shall consist of a certified or

sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed on the Form U-4 is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 517.161(1)(b), F.S.

(b) If the Office discovers the applicant's failure to disclose any part of a law enforcement record required to be disclosed on the Form U-4 after a registration has been granted, the Office will suspend or revoke each registration currently held by the applicant as follows:

1. Suspension for 12 months if, had the application been accurate, the application would have been granted, based on the statutes and rules applicable to the application at the time the Office granted registration.

2. Revocation if, had the application been accurate, the application would have been denied, based on the statutes and rules applicable to the application at the time the Office granted registration.

(3) Classification of Crimes.

(a) The Office makes a general classification of crimes into two classes: A and B, as listed in subsections (14) and (15), of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude and the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(4) Applicants with a Single Crime. The Office finds it necessary to implement the following standards for applicants whose law enforcement record includes a single crime, subject to the mitigating factors set forth in this rule before registration. All periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant will not be granted a registration until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted registration until 5 years have passed since the trigger date.

(5) Applicants With Multiple Crimes.

(a) The Office construes Section 517.161, F.S., to require that an applicant whose law enforcement record includes multiple class "A" or "B" crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for registration in order to assure that such applicant's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances, before registration can safely be granted. Accordingly, where the applicant has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as "Single Crime" versus "Multiple Crimes." For purposes of this rule, two (2) or more offenses are considered a single crime if they are based on the same act or transaction or on two (2) or more connected acts or transactions.

(6) Mitigating Factors.

(a) The disqualifying period for a Class "A" or "B" crime or crimes shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all of the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if registered as an associated person.

2. One year is deducted if restitution or settlement has been made for all crimes in which wherein restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year will be deducted if the applicant was under age 21 when the crime was committed and there is only one crime in the applicant's law enforcement record.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied

by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before registration is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the registration decision.

(b) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(7) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of plea, e.g., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results wherein the applicant was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) Subjective Factors. The Office finds that subjective factors involving state of mind have no mitigating weight.

(8) Effect of Pending Appeal in Criminal Proceedings; Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of registration as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny registration, unless a Florida court specifically stays the Office's adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of registration.

(9) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant registration to any person who at time of application is participating in a

pre-trial intervention program. The Office finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before registration may be considered.

(10) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally an applicant will have a matter sealed or expunged after submitting his or her application, but before a registration decision is made by the Office. In such situations the Office policy is as follows:

1. If the applicant properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 517.161(1)(b), F.S.

(11) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequi; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(12) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not register any applicant under Chapter 517, F.S., while the applicant is imprisoned, under arrest, or serving a sentence for any crime. Further, the Office shall not register any applicant who has been released

from imprisonment until the later of the period otherwise set out in these rules or five (5) years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least five (5) years on good behavior, before registration can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant registration to any person who at the time of application or at any time during the pendency of the application is under supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of the courts, paroling authorities, correctional agencies, or other criminal justice agencies for any felony crime or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude.

(13) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give an applicant a right to registration after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to registration remains on the applicant.

(14) Class "A" Crimes include felonies involving an act of fraud, dishonesty, or a breach of trust, or money laundering, and the Office finds that such crimes constitute crimes of moral turpitude. The Office finds the following list of crimes are Class "A" crimes. This list is representative only and shall not be construed to constitute a complete or exclusive list of all crimes that are Class "A" crimes. Crimes similar to the crimes on this list may also be considered Class "A" crimes, and no inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but not limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

(b) Perjury.

(c) Armed robbery.

(d) Robbery.

(e) Extortion.

(f) Bribery.

(g) Embezzlement.

(h) Grand theft.

(i) Larceny.

(j) Burglary.

(k) Breaking and entering.

(l) Identity Theft.

(m) Any type of forgery or uttering a forged instrument.

(n) Misuse of public office.

(o) Racketeering.

(p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.

(q) Treason against the United States, or a state, district, or territory thereof.

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

(u) Impersonating or attempting to impersonate a law enforcement officer.

(v) Money laundering.

(w) Murder in all degrees.

(x) Arson.

(y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.

(z) Aggravated Assault (e.g., as with a deadly weapon).

(aa) Aggravated Battery (e.g., as with a deadly weapon).

(bb) Rape.

(cc) Sexually molesting any minor.

(dd) Sexual battery.

(ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.

(ff) Kidnapping.

(15) Class "B" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.

(16) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States; for example, the right of a defendant to a public trial, the right against self-incrimination, the right of notice of the charges, the right to confront witnesses, the right to call witnesses, and the right to counsel.

(17) Form U-4 is incorporated by reference in subsection 69W-301.002(7), F.A.C.

Rulemaking Authority 517.1611(2) FS. Law Implemented 517.12, 517.161 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Epting, Chief, Bureau of Regulatory Review, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.003
RULE TITLE: Tax Statement; Overpayments
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 37, September 18, 2009 issue of the Florida Administrative Weekly.

This rule adopts, by reference, Form DR-908, Insurance Premium Taxes and Fees Return for Calendar Year 2009, and Form DR-908N, Instructions for Preparing Form DR-908, Florida Insurance Premium Taxes and Fees Return.

The proposed changes to amend the statement on Page 3, under Schedule III (Credits Against the Premium Tax), to add a statement on Page 4, under Schedule IV (Computation of Salary Credit), and to amend the statement on Page 4, under Schedule V (Corporate Income, Emergency Excise, Salary and SFO Credit Limitation), of Form DR-908, have been withdrawn. When adopted, this statement will not be included on Page 4, under Schedule IV, and no changes will be made to the statement on Page 3, under Schedule III, or to the statement on Page 4, under Schedule V.

Form GT-600002 (Florida Insurance Premium Taxes and Fees Suggested Consolidated Corporate Income Tax Allocation Schedule), as referenced in the proposed changes to Form DR-908N, has been withdrawn. Form GT-600002 will not be used by the Department.

The following provision to the instructions on Page 7, for Schedule IV, Line 4. (Corporate Income Tax and Emergency Excise Tax Paid), and on Page 8, for Schedule V, Line 1. (Total Corporate Income Tax and Emergency Excise Tax Paid), and on Page 12, for Schedule XIV, Line 3. (Total Corporate Income Tax and Emergency Excise Tax), of Form DR-908N, has been withdrawn:

Attach a schedule showing the computation allocating the corporate income tax among the filers included in a Florida corporate income tax return. Form GT-600002 (Florida Insurance Premium Taxes and Fees Suggested Consolidated Corporate Income Tax Allocation Schedule), is included with

the return package mailed to every insurance premium taxpayer, and it can also be downloaded from the Department's Internet site.

When adopted, by reference, no changes will be made to the instructions on Page 7, for Schedule IV, Line 4., on Page 8, for Schedule V, Line 1., or on Page 12, for Schedule XIV, Line 3., of Form DR-908N.

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

Regulatory Council of Community Association Managers

RULE NO.: 61E14-2.001 RULE TITLE: Standards of Professional Conduct

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The Board Staff submitted a revised Statement of Estimated Regulatory Costs (SERC), which supersedes the original SERC that was published in the Notice of Rulemaking. The foregoing change does not affect the substance of the Notice.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-18.0055 RULE TITLE: Supervised Cosmetology Practice Exception

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 36, September 11, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.712 RULE TITLE: SSI-Related Medicaid Resource Eligibility Criteria

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 30, July 31, 2009 issue of the Florida Administrative Weekly.

TEXT OF THE PROPOSED RULE CHANGE:

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(3) Transfer of Resources and Income. According to 42 U.S.C. § 1396p(c) (2006), incorporated by reference, if an individual, the spouse, or their legal representative, disposes of resources or income for less than fair market value on or after the look back date, the Department must presume that the disposal of resources or income was to become Medicaid eligible and impose a period of ineligibility for nursing facility care services, institutional hospice or HCBS waiver services. The Department will mail a notice to individuals who report a transfer for less than fair market value (Form CF-ES 2264, 02/2007, Notice of Determination of Assets (Or Income) Transfer, incorporated herein by reference), advising of the opportunity to rebut the presumption and of the opportunity to request and support a claim of undue hardship per subparagraph (c)5. below. If the Department determines the individual is eligible for Medicaid on all other factors of eligibility except the transfer, the individual will be approved for general Medicaid services (not long-term care services) and advised of their penalty period (Form 2358, 02/2007, Medicaid Transfer Disposition Notice, incorporated herein by reference). Transfers of resources or income made prior to (first day of month following effective date) are subject to a 36 month look back period ~~The look back period is 36 months prior to the date of application~~, except in the case of a trust treated as a transfer in which case the look back period is 60 months ~~prior to the date of application~~. Transfers of resources or income made on or after (first day of month following effective date) are subject to a 60 month look back period. ~~All applications for nursing home and waiver based Medicaid programs (except in the case of a trust treated as a transfer) are subject to an asset transfer look back period as provided for below.~~

If the application is received:	The look back period is:
Prior to November 1, 2010	36 months prior to the month of application
November 2010	37 months prior to the month of application
December 2010	38 months prior to the month of application
January 2011	39 months prior to the month of application
February 2011	40 months prior to the month of application
March 2011	41 months prior to the month of application
April 2011	42 months prior to the month of application
May 2011	43 months prior to the month of application
June 2011	44 months prior to the month of application
July 2011	45 months prior to the month of application
August 2011	46 months prior to the month of application
September 2011	47 months prior to the month of application
October 2011	48 months prior to the month of application
November 2011	49 months prior to the month of application
December 2011	50 months prior to the month of application
January 2012	51 months prior to the month of application
February 2012	52 months prior to the month of application
March 2012	53 months prior to the month of application
April 2012	54 months prior to the month of application
May 2012	55 months prior to the month of application
June 2012	56 months prior to the month of application
July 2012	57 months prior to the month of application
August 2012	58 months prior to the month of application
September 2012	59 months prior to the month of application
On or after October 1, 2012	60 months prior to the month of application

(6) Copies of the forms and materials incorporated by reference in this rule are available from the ACCESS Florida Headquarters Office at 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Forms are also available on the Department’s web site at <http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04, 8-10-06(1)(a), (f), 8-10-06(1)(f), 8-10-06(3)(g)1., 11-1-07,_____.

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: November 4, 2009, 2:00 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Whitford, Economic Self-Sufficiency Services, phone (850)410-3479

FINANCIAL SERVICES COMMISSION
OIR – Insurance Regulation

RULE NO.: 690-171.009
 RULE TITLE: Medical Malpractice Insurance Open Claims Reporting

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 8, February 24, 2006 issue of the Florida Administrative Weekly has been withdrawn.

Section IV
Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-51
 RULE TITLE: Facility Leases

SUMMARY: This emergency rule sets forth the provisions of facility leases of 10,000 square feet or more and replaces Rule 53ER08-79, F.A.C.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-51 Facility Leases.

(1) The Lottery finds that, due to the unique nature of its business, strict compliance with Chapter 255, F.S., and the rules adopted thereunder, would impair or impede the effective and efficient operation of the Lottery. Therefore, the Lottery is adopting this rule to provide the following alternative procedures for acquiring facility leases in an open and competitive manner.

(2) The Lottery will follow Section 255.25, F.S., and the rules (excluding the forms) adopted thereunder, to competitively acquire leased office or warehouse space of 10,000 square feet or more, subject to the provisions of Section 24.105(13), F.S.

(3) For leases of office or warehouse space less than 10,000 square feet, competitive offers will be solicited. Negotiation of terms, conditions and costs will be conducted thereafter. Alternatively, if the Lottery rejects all offers received, it will either re-solicit competitive offers or the procurement will be canceled.

(4) The Lottery shall enter into facility lease agreements that have a base term, renewal and/or extension periods that are determined by the Lottery to provide the greatest long-term benefit to the state.

Rulemaking Authority 24.105(13), 24.109(1) FS. Law Implemented 24.105(13), 24.111, 255.25 FS. History--New 10-9-09, Replaces 53ER08-79, F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 9, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-52
RULE TITLE: POWERBALL®

SUMMARY: This emergency rule sets forth the provisions for the conduct of POWERBALL® and replaces Rule 53ER08-84. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-52 POWERBALL®.

(1) Definitions.

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

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

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

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

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

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

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

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

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

(2) How to Play POWERBALL.

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

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

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

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

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

(3) POWERBALL Drawings.

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

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

(4) Determination of Prize Winners.

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

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

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

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

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

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

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

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

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

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

(5) POWERBALL Odds of Winning.

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

1. Grand Prize – 1:195,249,054.0000
2. Second Prize – 1:5,138,133.0000
3. Third Prize – 1:723,144.6444

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

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

4. Fourth Prize – 1: 19,030,1222

5. Fifth Prize – 1:13,644,2386

6. Sixth Prize – 1:359,0589

7. Seventh Prize- 1:787,1676

8. Eighth Prize – 1:123,4773

9. Ninth Prize – 1: 61,7386

(b) The overall odds of winning a prize in a POWERBALL drawing are 1:35,1138.

(6) POWERBALL Prize Pool.

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

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

(c) Expected prize payout percentages.

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

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

(e) The number of plays determined to be winners of the second through ninth prize categories will be paid as set cash prizes, except as provided in subparagraph (g) below. If all or

any portion of the set prize pool is not awarded in the current POWERBALL drawing, that portion of the set prize pool shall be carried forward to subsequent POWERBALL drawings.

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

1. The amount allocated to the set prizes and carried forward from previous draws, if any.

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

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

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

(7) POWERBALL Grand Prize.

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

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

(c) In order to select the Cash Option, the Grand Prize winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Grand Prize winner does not elect the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (f) below.

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

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

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

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

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

(i) In the event of the death during the annuity payment period of a POWERBALL winner who elected the Annual Payment option, the estate of the deceased winner (the "Estate") may file a petition with the Florida Lottery to accelerate payment of all the remaining prize proceeds to the Estate. Such petition will be forwarded by the Florida Lottery to MUSL for processing.

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

(k) Guaranteed Grand Prize.

On occasion, guaranteed minimum Grand Prize amounts or minimum increases in the Grand Prize amount between drawings will be offered for promotional purposes. If a minimum Grand Prize amount or a minimum increase in the Grand Prize amount between drawings is offered, the Grand Prize shares shall be determined as follows:

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

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

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

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

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

When the Grand Prize reaches a new high annuitized amount, the maximum amount to be allocated to the Grand Prize pool from the Grand Prize percentage shall be the previous high amount plus \$25 million (annuitized) or as otherwise set by the Product Group. Any amount of the Grand Prize percentage which exceeds the \$25 million (annuitized) increase shall be deposited into a Match 5 Bonus prize pool. The Match 5 Bonus prize pool shall accumulate until the Grand Prize is won, at which time the Match 5 Bonus prize pool shall be divided equally by the winners of the Match 5 prize for that draw. If there are no Match 5 winners on the draw when the new high Grand Prize is won, then the Match 5 Bonus prize pool shall be divided equally by the winners of the Match 4+1 prize.

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

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

(8) Power Play® Option.

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

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

(c) At the time of each POWERBALL drawing, a Power Play drawing shall be conducted to select the Power Play number from among a series of numbers designated for the drawing.

(d) POWERBALL tickets that contain the Power Play option and one or more plays eligible for POWERBALL set prizes shall be entitled to a total set prize calculated by multiplying each POWERBALL set prize other than the Match 5 prize by the Power Play number. The Match 5 prize shall be multiplied by five (5) unless a higher multiplier is announced for promotional purposes prior to the drawing, in which case the Match 5 prize will be multiplied by the higher multiplier.

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

(f) An additional .5% of Power Play sales will be collected and placed in prize reserve accounts until the prize reserve accounts meet the amounts designated by MUSL.

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

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

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

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

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

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

	Prize Amount	5X	5X	5X	5X
Match 5+0	\$200,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
	Prize Amount	5X	4X	3X	2X
Match 4+1	\$10,000	\$50,000	\$40,000	\$30,000	\$20,000
Match 4+0	\$100	\$500	\$400	\$300	\$200
Match 3+1	\$100	\$500	\$400	\$300	\$200
Match 3+0	\$7	\$35	\$28	\$21	\$14
Match 2+1	\$7	\$35	\$28	\$21	\$14
Match 1+1	\$4	\$20	\$16	\$12	\$8
Match 0+1	\$3	\$15	\$12	\$9	\$6

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

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

Power Play Multiplier	Odds
Two	1:4
Three	1:4
Four	1:4

(9) POWERBALL Rules and Prohibitions.

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

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

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

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

(e) POWERBALL tickets cannot be cancelled.

Rulemaking Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History--New 10-9-09, Replaces 53ER08-84, F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 9, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-53
 RULE TITLE: \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing

SUMMARY: The Department of the Lottery will conduct a \$250,000 Treasure Tree Holiday Shopping Spree Second Chance drawing between October 14, 2008 and December 2, 2008, in which special prizes will be awarded.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-53 \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing.

(1) Beginning Tuesday, October 13, 2009, players can enter their non-winning Florida Lottery "\$250,000 Treasure Tree" scratch-off tickets in the \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing on the Florida Lottery website to win a \$5,000 Shopping Spree or Simon Mall gift cards.

(2) One \$250,000 Treasure Tree Second Chance Drawing Holiday Shopping Spree drawing will be held on Tuesday, December 15, 2009, from entries received by midnight Monday, December 14, 2009, to award nine (9) Grand Prizes and all second and third prizes. One final drawing to award the final Grand Prize will be held on the second Tuesday following the end of game sales (to be determined) from all entries received between December 15, 2009 and midnight on the night before the drawing. Entries will be good for one (1) drawing only.

(3) A total of ten (10) \$250,000 Treasure Tree Holiday Shopping Spree Grand Prize \$5,000 shopping sprees, consisting of \$5,000 in Simon Mall gift cards, will be awarded.

(4) A total of ten (10) second place prizes of \$1,000 in Simon Mall gift cards and thirty (30) third place prizes of \$500 Simon Mall gift cards will be awarded on Tuesday, December 15, 2009.

(5) To enter a non-winning ticket in the \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing, players must visit the Florida Lottery's Web site at www.flalottery.com, click on the \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing icon and follow the directions.

The ticket number, which is needed for entry into a second chance drawing, is located below the play instructions on the front of the \$250,000 Treasure Tree scratch-off ticket. Scratch off the latex covering to reveal the 24-digit ticket number. Winning \$250,000 Treasure Tree tickets cannot be used for entry into a second chance drawing. The odds of winning are dependent upon the number of entries received.

Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one time, for one entry into the next scheduled drawing. The ticket must be presented in order to claim a prize in the \$250,000 Treasure Tree Holiday Shopping Spree Second Chance drawing. Tickets should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Non-winning tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(6) A total of forty-nine (49) entries will be drawn on December 15, 2009. The first nine (9) numbers drawn will win the Grand Prize of a \$5,000 Holiday Shopping Spree, consisting of \$5,000 in Simon Mall gift cards. The tenth through nineteenth numbers drawn will win \$1,000 in Simon Mall gift cards and will be alternates for the Grand Prize Shopping Spree prize. The twentieth through forty-ninth numbers drawn will win a \$500 Simon Mall gift card and will be alternates for the second prize.

Two (2) entries will be drawn in the final drawing held following the end of the "\$250,000 Treasure Tree" game. The first number drawn will be awarded a \$5,000 Holiday Grand Prize Shopping Spree and the second number drawn will be an alternate.

(7) The prizewinners in each \$250,000 Treasure Tree Holiday Shopping Spree Second Chance drawing will be posted on www.flalottery.com on the day of the draw. The Florida Lottery will attempt to notify prizewinners by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a prizewinner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate. For the December 15, 2009, drawing, alternates will be selected, in the order in which they were drawn, from winners in the next lowest prize category who have been contacted within the three (3) week period. An alternate who has already claimed his or her prize will be awarded additional gift cards valued at the difference between the prize already claimed and the higher prize. For the drawing after the end of the \$250,000 Treasure Tree game, if the Florida Lottery is unable to contact the alternate winner within three (3) weeks of forfeiture by the initial winner, the alternate winner will forfeit his or her right to claim the prize and the prize will not be awarded. Second Chance Shopping Spree prizes will be shipped to the winner's address within approximately 15

business days after the winning ticket has been received by the Lottery. Unclaimed gift cards, if any, will be used for future Florida Lottery promotional prizes.

(8) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing prize, the player must submit to the Florida Lottery the original valid non-winning ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER08-89, F.A.C., and a copy of acceptable identification to the Florida Lottery within two (2) weeks of notification by the Lottery that they are a winner. Winners who cannot produce a valid entry ticket and/or do not return the required documents as set forth above will forfeit their right to claim the prize.

(9) Federal income tax withholding for the value of the \$250,000 Treasure Tree Holiday Shopping Spree Grand Prize will be paid by the Florida Lottery. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner. The value of the prize reported to the Internal Revenue Service as income will be \$6,666.67 for a U.S. citizen.

All federal, state and/or local taxes or other fees on the second and third prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because the second and third prizes in this promotion do not involve cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(10) No cash option is available in lieu of the prizes.

(11) The right to claim a prize cannot be assigned to another person or entity.

(12) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder, including the official \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing rule. Prizes will be paid in accordance with the rule of the Florida Lottery governing payment of prizes. Copies of the current prize payment rule and the \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(13) 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.

(14) A player entering \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(15) The \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawings will be available after the drawing on the Florida Lottery's Website at www.flalottery.com, by phone at (850)487-7777 and at Florida Lottery retailers.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 10-9-09.

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: October 9, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER09-54 FLORIDA LOTTO™

SUMMARY: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™ and replaces Emergency Rule 53ER08-88, F.A.C.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-54 FLORIDA LOTTO™

(1) How to Play FLORIDA LOTTO™.

(a) FLORIDA LOTTO is a lottery on-line game in which players select six (6) numbers from a field of one (1) to fifty-three (53).

(b) Players may make their FLORIDA LOTTO ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting six (6) numbers from each panel played, or may mark the "QP" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the six (6) numbers. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

(c) Players may receive one (1) ticket with either five (5), ten (10) or twenty (20) sets of six (6) numbers randomly selected by the terminal for the next FLORIDA LOTTO drawing by marking the desired purchase amount under the number 5, 10 or 20, respectively, in the "Quick Picks" box. Players may mark Quick Picks in addition to panel plays. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player.

(d) Players may play up to fifty-two (52) consecutive FLORIDA LOTTO drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel (A-J) played. Advance play does not apply to Grouper®.

(e) Players may receive six (6) quick pick tickets for \$5.00, consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™ and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO, by telling the retailer they wish to play "Grouper®". Tickets in Grouper play cannot be player-selected and cannot be cancelled. Free tickets will be generated in the following percentages: FANTASY 5 – 47%; MEGA MONEY – 47%; FLORIDA LOTTO – 6%.

(2) FLORIDA LOTTO Drawings.

(a) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday.

(b) FLORIDA LOTTO drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FLORIDA LOTTO drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) The equipment shall be configured so that six (6) balls are drawn from one (1) set of balls numbered one (1) through fifty-three (53).

(e) Once the ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower.

(f) Six (6) balls shall be drawn by vacuum action into the display devices. The numbers shown on the six (6) balls, after certification by the Draw Manager and the Accountant, are the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs, or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and

effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (b). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

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

(3) FLORIDA LOTTO Prize Divisions.

(a) FLORIDA LOTTO is a pari-mutuel game. For each draw, a variable percentage, as closely approximating 50 percent (50%) as is practicable, of net sales after cancels and promotional plays from the sale of FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the Lotto pool for the payment of prizes as provided below.

(b) The Jackpot prize pool shall consist of 63.5 percent (63.5%) of the Lotto pool for the drawing plus any Jackpot money carried forward from the previous draws. The Jackpot prize shall be divided equally among the players matching all six official winning numbers. If there is no Jackpot winner in a drawing, the Jackpot pool shall be carried over and added to the Jackpot pool of the next FLORIDA LOTTO drawing.

(c) The second prize pool shall consist of 12.3 percent (12.3%) of the Lotto pool for the drawing. The second prize pool shall be divided equally among the players matching five (5) of the six (6) official winning numbers. If there is no winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(d) The third prize pool shall consist of 10 percent (10%) of the Lotto pool for the drawing. The third prize pool shall be divided equally among the players matching four (4) of the six (6) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(e) The fourth prize pool shall consist of 14.2 percent (14.2%) of the Lotto pool for the drawing. The fourth prize pool shall be divided equally among the players matching three (3) of the six (6) official winning numbers. If there is no winner in the fourth prize category for a drawing, the fourth prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(f) The Jackpot prize will pay the guaranteed dollar amount. The second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$5.00. All rounding differences in the second, third and fourth prizes shall be used to fund future prizes in Lottery games or for special Lottery prize promotions. If the funds available for the payment of

fourth prizes are insufficient to pay the minimum amount, the variable percentage described in paragraph (3)(a) above will be adjusted to cover the prize liability.

(4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning FLORIDA LOTTO numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

(a) Jackpot Prize(s): Six of six official winning numbers.

(b) Second Prize: Five of six official winning numbers.

(c) Third Prize: Four of six official winning numbers.

(d) Fourth Prize: Three of six official winning numbers.

(5) FLORIDA LOTTO Guaranteed Jackpot.

(a) For each drawing the Lottery will announce a guaranteed deferred payment value of the Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers, if any.

(b) For prizes to be paid in annual installments, if the cash available in the Jackpot pool is insufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, F.S., to the Jackpot pool to render it sufficient to yield the announced guaranteed Jackpot.

(c) For prizes to be paid in annual installments, if the cash available in the Jackpot pool is more than sufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the excess funds will be used for future prizes in Lottery games or for special Lottery prize promotions.

(d) The guaranteed cash option value of the Jackpot will be the amount required on the day of the drawing or, if the drawing is held on a Saturday or holiday, the business day prior to the drawing, to purchase securities to fund the announced guaranteed deferred payment value of the Jackpot. This day shall be referred to as the "prize determination day."

(e) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is less than the cash option value of the Jackpot determined on the prize determination day, the Lottery shall add to the Jackpot pool prize money rendered unclaimable by Section 24.115, F.S., sufficient to pay the cash option value of the Jackpot.

(f) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is more than the cash option value of the Jackpot determined on the prize determination day, the excess funds will be used for future prizes in Lottery games or for special Lottery prize promotions.

(6) FLORIDA LOTTO with XTRA® Option.

(a) The FLORIDA LOTTO with XTRA® option shall be available in association with the FLORIDA LOTTO game beginning Sunday, October 11, 2009. FLORIDA LOTTO tickets that contain the XTRA option and one or more plays eligible for FLORIDA LOTTO prizes shall be entitled to a total prize calculated by multiplying each FLORIDA LOTTO prize other than the Jackpot prize and the 2-of-6 prize described in paragraph (6)(d) below by the XTRA number for the applicable draw. The FLORIDA LOTTO Jackpot and the 2-of-6 prize will not be eligible for multiplication under the XTRA option.

(b) At the time of purchasing a FLORIDA LOTTO ticket, a player may choose the XTRA option for an additional \$1 per play for each play on the FLORIDA LOTTO ticket. The XTRA option will apply to all panels and selections marked on the play slip. The prize pool for XTRA prizes shall be funded by LOTTO with XTRA ticket sales. If the funds available from XTRA ticket sales are insufficient to pay all XTRA prizes, the

variable percentage described in paragraph (3)(a) above will be adjusted or prize money rendered unclaimable by Section 24.115, F.S., will be used to cover the prize liability.

(c) Prior to each FLORIDA LOTTO drawing, the Lottery shall conduct an XTRA drawing to select the XTRA number from among the following series of numbers: 2, 3, 4, and 5. The odds of a particular XTRA number being selected in an XTRA drawing are 1:4. During special promotions, the Lottery will announce XTRA numbers that are higher than the foregoing series of numbers.

(d) FLORIDA LOTTO with XTRA tickets that match 2 of 6 winning numbers shall entitle the holder to a prize of a free FLORIDA LOTTO with XTRA quick pick ticket for the next available FLORIDA LOTTO draw. FLORIDA LOTTO with XTRA tickets generated as a prize cannot be cancelled.

(e) All XTRA prizes shall be paid in single, lump-sum payments determined by multiplying the FLORIDA LOTTO prize by the number selected in the XTRA drawing as follows:

FLORIDA LOTTO		XTRA Estimated Prizes			
Match	Prize	X2 (Odds 1:4)	X3 (Odds 1:4)	X4 (Odds 1:4)	X5 (Odds 1:4)
6 of 6	Jackpot (Guaranteed)	—	—	—	—
5 of 6	\$5,000 (Estimated)	\$10,000	\$15,000	\$20,000	\$25,000
4 of 6	\$70 (Estimated)	\$140	\$210	\$280	\$350
3 of 6	\$5 (Guaranteed minimum)	\$10	\$15	\$20	\$25
2 of 6	N/A	Free Ticket	Free Ticket	Free Ticket	Free Ticket

(f) On occasion, the Florida Lottery will conduct promotions in which specified prize levels of FLORIDA LOTTO with XTRA tickets will be designated to have a higher multiplier number than the number drawn pursuant to paragraph (6)(c), above.

(7) FLORIDA LOTTO Odds of Winning.

The odds of winning the prizes described in subsection (4) and paragraph (6)(d) are as follows:

- (a) Jackpot Prize – 1:22,957,480.
- (b) Second Prize – 1:81,409.50.
- (c) Third Prize – 1:1,415.82.
- (d) Fourth Prize – 1:70.79.
- (e) Fifth Prize for LOTTO EXTRA plays only – 1:8.58

(f) The overall odds of winning a prize in a FLORIDA LOTTO drawing with a LOTTO ticket without the XTRA feature are 1:67.36. The overall odds of winning a prize in a FLORIDA LOTTO drawing with a LOTTO with XTRA ticket are 1:7.61.

(8) FLORIDA LOTTO Payment Options.

(a) Players have a choice of two payment options for receiving their portion of a FLORIDA LOTTO Jackpot prize. Payment options are “Cash Option” and “Annual Payment.”

(b) Jackpot winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once a Jackpot winner files a claim and exercises the winner’s chosen option, the election of that option shall be final. In order to select the Cash Option, the Jackpot winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Jackpot winner does not elect the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (8)(f) below.

(c) A Jackpot winner who chooses the Cash Option will receive one (1) lump sum cash payment of the amount required on the prize determination day to purchase securities to fund the Jackpot prize paid over thirty (30) years, less applicable withholding taxes. The amount of the Cash Option payment to multiple Jackpot winners will be the amount required on the prize determination day to purchase securities to fund their pro rata share of the Jackpot prize paid over thirty (30) years, less applicable withholding taxes.

(d) If a Jackpot prize winner elects the Annual Payment option, his or her portion of the Jackpot prize will be paid in thirty (30) annual installments, each less applicable withholding taxes.

(e) If the prize amount per winner in a FLORIDA LOTTO drawing cannot be paid in increments of \$1,000 in thirty (30) installments, the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over thirty (30) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the announced guaranteed Jackpot, the present value of the difference between the amount the investment will yield and the winner's guaranteed prize amount over thirty (30) years will be paid to the winner in the first payment.

(f) If the number of winners of a Jackpot prize would result in each person's prize being less than \$1,000,000 if paid over thirty (30) years, the Lottery shall pay the Jackpot winner or winners in a single cash payment of the amount required on the prize determination day to purchase securities to fund the winner's pro rata share of the Jackpot paid over thirty (30) years, less applicable withholding taxes.

(g) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made.

(h) Any interest or earnings accrued on a FLORIDA LOTTO Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment option, shall accrue to the State of Florida and not to the winner.

(9) FLORIDA LOTTO Rules and Prohibitions.

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

(b) FLORIDA LOTTO prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

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

(d) Subject to a retailer's hours of operation and on-line system availability, FLORIDA LOTTO tickets are available for purchase daily between the hours of 6:00 a.m. and midnight Eastern Time (ET); however, on October 10, 2009, FLORIDA LOTTO tickets will not be available for purchase after approximately 10:38 p.m.

(e) The scheduled time for the Wednesday and Saturday FLORIDA LOTTO drawings is approximately 11:15 p.m. (ET). Ticket sales for a specific FLORIDA LOTTO drawing will close at approximately 10:40 p.m. (ET).

(f) Retailer cancellations of FLORIDA LOTTO tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FLORIDA LOTTO ticket shall be cancelled after game close for the related drawing. FLORIDA LOTTO tickets that produce cash prize coupons, entry vouchers or free FLORIDA LOTTO tickets in a promotion cannot be cancelled. The two (2) hour cancellation period may

be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FLORIDA LOTTO close of game. Any ticket sold after the close of game will be printed with the next FLORIDA LOTTO draw date.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers, wager amounts and draw date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

(10) FLORIDA LOTTO \$2.00 and \$3.00 Jackpots.

(a) Sales of \$2.00 and \$3.00 FLORIDA LOTTO jackpot tickets as described in Rule 53ER08-88, F.A.C., will be discontinued at approximately 10:38 p.m. on Saturday, October 10, 2009 before the FLORIDA LOTTO draw.

(b) Advance Play sales for FLORIDA LOTTO \$2.00 and \$3.00 Jackpots will not count down draws before the add-on feature is disabled.

(c) The higher jackpot prize payouts described in subsections 53ER08-88(4), (8) and (9), F.A.C., will be honored for players who have purchased Advance Play FLORIDA LOTTO \$2.00 or \$3.00 Jackpot tickets for drawings beyond October 10, 2009. When Advance Play FLORIDA LOTTO \$2.00 or \$3.00 Jackpot winning tickets are claimed, players will receive a continuation FLORIDA LOTTO \$2.00 or \$3.00 Jackpot ticket for any remaining draws.

(d) FLORIDA LOTTO with XTRA non-jackpot prizes will not apply to FLORIDA LOTTO \$2.00 or \$3.00 Jackpot tickets purchased before October 11, 2009.

(11) This rule becomes effective October 10, 2009.

Rulemaking Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105 (9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 10-10-09, Replaces 53ER08-88, F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 10, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER09-55	FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission Program

SUMMARY: The Florida Lottery will award bonus and sales commissions to the retailer(s) that sell FLORIDA LOTTO™ with XTRA® tickets.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-55 FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission Program.

(1) Beginning October 11, 2009 through November 8, 2009, the Florida Lottery will conduct, as a retailer sales incentive, a FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission Program in which the Florida Lottery will award bonus sales commissions to retailers.

(2) The Florida Lottery will pay retailers a 2% bonus sales commission on each XTRA sale in addition to the regular commission set forth in Rule 53ER05-14, F.A.C., for a total of \$.12 for each \$2.00 FLORIDA LOTTO with XTRA ticket.

(3) The bonus commission will be reflected on the retailer's weekly Settlement Report.

(4) Retailers whose Florida Lottery contracts are terminated or inactivated prior to payment of the bonus commissions shall be paid the commissions earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

(5) Bonus commissions will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Florida Lottery, and to award the remaining balance of the commission(s), if any.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 10-9-09.

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: October 9, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-56
 RULE TITLE: Retailer FLORIDA LOTTO™ Bonus Commission Program

SUMMARY: The Florida Lottery will award bonus commissions to the retailer(s) that sells one or more FLORIDA LOTTO Jackpot ticket(s) for a Wednesday or Saturday LOTTO drawing.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-56 Retailer FLORIDA LOTTO™ Bonus Commission Program.

(1) The Florida Lottery will conduct, as a retailer sales incentive, a Retailer FLORIDA LOTTO Bonus Commission Program ("Program") in which the Florida Lottery will award bonus commissions to retailers that sell a winning jackpot ticket for a Wednesday or Saturday FLORIDA LOTTO drawing.

(2) The bonus commission will start at \$10,000. In the event no winning jackpot ticket is sold for a FLORIDA LOTTO drawing, the bonus commission amount will increase by \$5,000 per draw until a winning jackpot ticket is sold, at which time the bonus commission will start over at \$10,000.

(3) The bonus commission awarded to retailers that sell a winning \$2.00 or \$3.00 Lotto Plus™ jackpot ticket for a Wednesday or Saturday FLORIDA LOTTO drawing described in Rule 53ER08-37, F.A.C., will be continued for Advance Play FLORIDA LOTTO \$2.00 or \$3.00 Jackpot tickets sold on or before October 10, 2009, the date the sale of such tickets will be discontinued.

(4) If multiple winning jackpot tickets are sold for the same FLORIDA LOTTO drawing, the retailers selling such tickets will share the bonus commissions. Each retailer selling a winning jackpot ticket will receive a share of the bonus equal to the number of winning jackpot tickets sold by that particular retailer divided by the total number of winning jackpot tickets sold for that drawing.

(5) Award of a bonus commission is not dependent upon the winning jackpot ticket being claimed by the winner.

(6) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

(7) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Florida Lottery, and to award the remaining balance of the bonus commission, if any.

(8) FLORIDA LOTTO bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state's best interest to use such funds for this purpose.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 10-9-09, Replaces 53ER08-13 and 53ER08-37, F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 9, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN THAT on October 12, 2009, the Department of Education has issued an order.

The Department has denied the request for a variance or waiver of subparagraphs 6A-1.039(3)(a)2. and (4), F.A.C., as the established deadline for submission of applications to be a Supplemental Educational Services Provider did not create a substantial hardship upon the Petitioners nor would it violate the principles of fairness. This order was issued in response to the petition filed RE: Applications by Sylvan Learning Centers of Collier and Lee Counties, Sylvan Learning Centers of Charlotte and Sarasota Counties, Ace It! Powered by Sylvan of Collier and Lee Counties, and Ace It! Powered by Sylvan of Charlotte and Sarasota Counties for Authorization to Serve as SES Providers. DOE Agency Case No.: DOE-2009-1872.

A copy of the Order may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education, lynn.abbott@fldoe.org or (850)245-9661.

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 on February 19, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Michael Marlowe, West Cove, Maitland, FL, to not comply with Rules 3.11.3, and 2.7.4, ASME A17.3, 1996 edition until August 31, 2009 (VW 2008-326).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 10, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Dr. Mickey Carter, Landmark Baptist, Haines City, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition to allow installation of door restrictors for a manned, attendant operated elevator operated by a trained operator in a building where it would be impossible to meet code (VW 2009-009).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That the order is denied as the petitioner has not met its burden to meet the intent of the code and a substantial hardship, as submitted by Mark J. Stempler, Lake Harbor Cove Condominium Association and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-017).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Snyder, Willow Lake Condominiums, Kenneth City, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 addenda edition to allow installation firefighters' service at the above project because the elevator travel is less than the required 25 feet (VW 2009-023).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That the order is denied as the petitioner has not met its burden to meet the intent of the code to address the factor of safety and breaking strength of ropes smaller than 9.5mm (3/8") as submitted by Ryan Fish, USF, Tampa, FL, Residence Facility and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-024).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 19, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. The Request for Variance is withdrawn by the petitioner, Steve Austin, The Palms, Sebring, FL, as specified in Section 120.542, Florida Statutes (VW 2009-062). A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Chuck Sanz, Horizon House, Naples, FL, to not comply with Rule 3.3.4, ASME A17.3, 1996 edition to allow installation of top of car hatch as it is not feasible by engineering standards to safely install the emergency hatch at the above project (VW 2009-077 and 080). A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That the order is denied as the petitioner has not met its burden to meet the intent of the code to have other than 12 inch channel girts in the hoistway be beveled 75 degrees, as submitted by Larry Bradley, St. Johns River Power Park and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-079).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 20, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Michael Shumack, Greater Orlando Aviation Authority, Orlando, FL, to not comply with Rule 2.7.2.1, ASME A17.1, 2005 edition to allow foreign wiring in the machine room at the above project (VW 2009-093).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 19, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Mark DeWitt, Most Worshipful Union Grand Lodge, Jacksonville, FL, to not comply with Rule 2.7.2.1, ASME A17.1, 2005 edition to allow access to another room through the elevator machine room in a building where it would be impossible to meet code (VW 2009-096).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Michael Shumack, Greater Orlando Aviation Authority, Orlando, FL, to not comply with Rule 5.4, ASME A17.3, 1996 edition to allow use of 5 foot candles of illumination above all escalators until January 1, 2011 (VW 2009-099).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on May 22, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wayne Ernst, University of South Florida, Tampa Residence Facility, Tampa, FL, to not comply with Rule 2.14.1.7.1, ASME A17.1, 2005 addenda edition to allow installation of a car top railing on the outside perimeter of the car at the above project (VW 2009-103).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable time as submitted by Cy Hornsby, Sunshine Towers and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-115).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That the order is denied as the petitioner has not met its burden to meet the intent of the code to address the factor of safety when installing a lift greater than the required 12 feet per 2.7.1 ASME 18.1a 2003 edition as submitted by Gloria Higham, 320 1st Avenue and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-129).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 17, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. The Request for Variance is withdrawn by the petitioner, Donna A. Kish, Waterview Towers Condominium Association, Inc., as specified in Section 120.542, Florida Statutes (VW 2009-132).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Deighton Babis, The Grove Wesley Chapel, Wesley Chapel, FL, to not comply with Chapter 3002.1, 2007 Florida Building Code and Chapter 3006.4, 2007 Florida Building Code to allow the machine room door and roof deck assembly as constructed, in a building where it would be impossible to meet code (VW 2009-141).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The Request for Variance is withdrawn by the petitioner, Terry Carpenter, Sterling Health, as specified in Section 120.542, Florida Statutes (VW 2009-179).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 27, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to David Thompson, 1st Union Building, Bradenton, FL, to not comply with Rules 3.11.3, and 2.7.4, ASME A17.3, 1996 edition until October 1, 2009 (VW 2009-180).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 26, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. The Request for Variance is withdrawn by the petitioner, Monica Giglio, Villa D'Este Condominium Association, Inc., as specified in Section 120.542, Florida Statutes (VW 2009-182).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 3, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. The Request for Variance is withdrawn by the petitioner, Jeanne S. Dufresne, The Housing Authority of the City of Ft. Myers, Ft. Myers, FL, as specified in Section 120.542, Florida Statutes (VW 2009-187).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Stephen Ritz, Tower East, Pensacola, FL, to not comply with Rules 2.1.3, 3.3.2 and 2.3.1(a), ASME A17.3, 1996 addenda edition to allow installation of permanent pit access, flush hoistway walls and a 21 inch faceplate in a historic building at the above project (VW 2009-195).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The Request for Variance is withdrawn by the petitioner, Dave Wilson, Surfside North Condominium, as specified in Section 120.542, Florida Statutes (VW 2009-197).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 11, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. The Request for Variance is withdrawn by the petitioner, Mark R. Lapp, Esq., Hendry County, as specified in Section 120.542, Florida Statutes (VW 2009-203). A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 18, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. The Request for Variance is withdrawn by the petitioner, Helen Ruisi, Seacrest Country Day School, as specified in Section 120.542, Florida Statutes (VW 2009-213). A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Lee Rigby, Westin Village of Imagine, Orlando, FL, to not comply with Rule 2.20.4, ASME A17.1, 2000 edition to allow the removal of previously used Kevlar ropes in light of their failure in other similar installations and replace them with steel ropes (VW 2009-220). A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 22, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The Request for Variance is withdrawn by the petitioner, Brian Hood, DeAngelis Diamond Construction, Inc., as specified in Section 120.542, Florida Statutes (VW 2009-231).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 5, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to John D. Lambert, Terrace East Condominium Association, Maitland, FL, to not comply with Rules 3.11.3, 3.10.4(t) and 2.7.4, ASME A17.3, 1996 edition until October 1, 2011 (VW 2009-248).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Danya Luby, 555 Winderly Place, Maitland, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until July 1, 2010 (VW 2009-265).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Danya K. Luby, Maitland 200 Bldg., Maitland, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until July 1, 2010 (VW 2009-266).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Denise Vaters, Vanderbilt Beach and Harbour Club, Naples, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until December 1, 2009 (VW 2009-268).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to David Vondenberger, Calvary Towers, Winter Park, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until March 1, 2010 (VW 2009-269).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Sharon Brown, Cathedral Gerontology Center, Jacksonville, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 1, 2012 (VW 2009-271).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Rich Peterson, The Breakers, Redington Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 1, 2011 (VW 2009-274).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Jim McGregor, San Marco Residences, Marco Island, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until December 31, 2010 (VW 2009-277).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Paul Komie, Palm Beach Airport Hilton, Palm Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 1, 2013 (VW 2009-280).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Vincent Mennella, Presidential Golfview Condominium Association, Inc., West Palm Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until December 31, 2010 (VW 2009-281).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Oscar Keuker, Lemon Bay Breezes Condo Association, Inc., Port Charlotte, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until June 30, 2011 (VW 2009-285).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Lorraine J. Thomas, Trafalgar Condominium Association, Inc., Highland Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 1, 2012 (VW 2009-287).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Robert Adamczewski, Maridian Club Condominium Association, Naples, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until October 15, 2010 (VW 2009-288).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Larry Woodward, Ocean Trail Condominium, Jupiter, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until December 31, 2010 (VW 2009-290).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Dan Rowell, Chambre Condominium Association, Madeira Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 1, 2012 (VW 2009-291).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Cynthia J. Waypa, Lakewood Mid-Rise Condominium, Boca Raton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until October 1, 2012 (VW 2009-294).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Richard N. Arcuri, The Park Trammell Building, Tampa, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 1, 2011 (VW 2009-296).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by Melvyn Van Dyke, Vantage Pointe and, as specified in Section 120.542, Florida Statutes (VW 2009-298).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to James Watkins, Verizon Building, Sarasota, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until December 31, 2009 (VW 2009-304).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Karen S. Wright, Oceans Seven Condominium Association, Inc., Daytona Beach Shores, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 1, 2012 (VW 2009-315).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Ted L. Strand, City of Clearwater, Clearwater, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 addenda edition to allow installation firefighters' service at the above project because the elevator travel exceeds the required 25 feet of travel threshold by 1/2 inch (VW 2009-316).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Snyder, Town Shores Condominiums, Chatham House Building, Gulfport, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until October 1, 2011 (VW 2009-319).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to James Refiner, Sarasota County Health, Trinity "B" Cart, Venice, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until March 1, 2010 (VW 2009-321).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Sandi Parris, The 3560 Condominium Association, South Palm Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until June 30, 2010 (VW 2009-325).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Richard H. Jones, Siesta Towers, Sarasota, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 1, 2010 (VW 2009-326).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to David S. Maglich, Galleon Resort, Key West, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 1, 2011 (VW 2009-329).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Dieter Walz, Westgate, Naples, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until October 30, 2010 (VW 2009-330).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Bea Green, Southtrust Center, West Palm Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until December 31, 2011 (VW 2009-331).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Steve Carpenter, 6000 Park Place Condominium Association, St. Petersburg, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 1, 2012 (VW 2009-332).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Bud Guyer, The Addison Condominium Association, Boca Raton, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-333).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Janette Mackesy, Sayana Condominium Association, Sanibel, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 31, 2010 (VW 2009-334).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Janette Mackesy, Sand Pointe Condominium Association, Sanibel, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 1, 2010 (VW 2009-335).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Janette Mackesy, By The Sea Condominium, Sanibel, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 31, 2012 (VW 2009-336).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Janette Mackesy, Sanibel Surfside, Sanibel, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 1, 2010 (VW 2009-337).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Cathy Ballinger, Caxambas Towers Condominium Association, Marco Island, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until October 1, 2010 (VW 2009-343).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 3, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. The Request for Variance is withdrawn by the petitioner, Jeff Rock, Azalea Trace, as specified in Section 120.542, Florida Statutes (VW 2009-344).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Gary Niznik, Shipwatch 1, Largo, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until December 31, 2013 (VW 2009-346).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 11, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Jack Marraccini on behalf of FelCor Lodging Trust, Holiday Inn Select, Orlando, FL, to not comply with Rules 3.11.3, 3.11.1(a)(1), 3.4.5(d)(1) and 2.7.4, ASME A17.3, 1996 edition until January 1, 2012 (VW 2009-365).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 11, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has

received an order. That order granted a variance to Jack Marraccini on behalf of FelCor Lodging Trust, Embassy Suites, Jacksonville, FL, to not comply with Rules 3.11.3, 3.11.1(a)(1), 3.4.5(d)(1) and 2.7.4, ASME A17.3, 1996 edition until January 1, 2012 (VW 2009-366).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 27, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Keith Tompkins, Fairway Building, Naples, FL to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 1, 2010 (VW 2009-368).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 2, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lindsay A. Morgan, City of Brooksville, Brooksville, FL, to not comply with Rules 3.11.3, and 2.7.4, ASME A17.3, 1996 edition until October 1, 2009 (VW 2009-372).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 11, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. The Request for Variance is withdrawn by the petitioner, Jeff Rock, Azalea Trace, as specified in Section 120.542, Florida Statutes (VW 2009-382).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 23, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. The Request for Variance is withdrawn by the petitioner, Chuck O' Grady, FIMC, as specified in Section 120.542, Florida Statutes (VW 2009-401).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Mark Velez, Sea Harbor Office Center, Orlando, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 31, 2011 (VW 2009-467).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 22, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, El Caribe Resort & Conference Center, Daytona Beach, FL and location of the Serial Number 26908, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Stephen E. Farley (VW 2009-495).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Carter House, Live Oak, FL and location of the Serial Numbers 30419 and 30420, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from James Schenck (VW 2009-499).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Admiralty House, Inc., Marco Island, FL and location of the Serial Numbers 20053, 20054, 20055 and 20056, requests the variance for an

extension of time to complete repairs and for economic/financial hardship. The petition was received from Lou Wolfenson, Property Manager (VW 2009-500).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3 and A17.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Midnight Cove II Association, Inc., Sarasota, FL and location of the Serial Number 30919, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Kenneth W. Brand, General Manager (VW 2009-501).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, M&I Bank, Sarasota, FL and location of the Serial Numbers 42908, 42909, 42910, 42797 and 42798, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Bob Smith, Property Manager (VW 2009-502).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ocean Royale Condominium Association, Satellite Beach, FL and location of the Serial Number 39588, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Stephen J. Murray, Secretary (VW 2009-503).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Maitland Green I, Maitland, FL and location of the Serial Numbers 36894, 36895 and 36896, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Karen S. Padgett, Property Manager (VW 2009-504).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Venice Regional Medical Center, Venice, FL and location of the Serial Numbers 8065, 24285, 3112, 20046, 6259, 24286, 30950 and 30951, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from James T. Childers, Branch Manager of Otis Elevator Company (VW 2009-506).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Boca Teeca Condo 1 Inc., Boca Raton, FL and location of the Serial Number 7092, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Tate Fuller, Manager (VW 2009-507).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Boca Inlet Apartment Association, Inc., Boca Raton, FL and location of the Serial Number 6482, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Tom R. Foster, President (VW 2009-508).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Wilder Corporation of Clearwater and location of the Serial Numbers 37085, 37086, 37087, 37088 and 37807, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Michael Dean (VW 2009-509).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Chateau Bayonne Condominium Association, Oldsmar, FL and location of the Serial Numbers 31477 and 31478, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Bernadette Massaro, Manager (VW 2009-510).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30,

Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Overby Enterprise, Pensacola, FL and location of the Serial Number 62022, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from George R. Overby (VW 2009-511).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Martinique South Condominium, Sarasota, FL and location of the Serial Number 8848, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from David Ricereto, Property Manager for Argus Property Management, Inc. (VW 2009-512).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ironwood Third Condominium, Englewood, FL and location of the Serial Number 10630, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from David Ricereto, Property Manager with Argus Property Management, Inc. (VW 2009-513).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 25, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Old Port Cove Condominium Association Five, Inc., North Palm Beach, FL and location of the Serial Numbers 22521 and 22522, requests

the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Steven L. Cohen, President (VW 2009-514).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 25, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 311.3.18, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Fairview Isles Condominium Association, Inc., Fort Myers Beach, FL and location of the Serial Numbers 29084, 29085 and 29086, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Nancy R. Mead, Manager (VW 2009-515).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 25, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, 2.7.4 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, University Community Medical Center, Inc., Tampa, FL and location of the License Number 23876, requests the variance for an extension of time to complete repairs and for economic/ financial hardship. The petition was received from B.A. Bobanic, Property Manager (VW 2009-516).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 25, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Visual Health @ Jupiter Eye Center, Jupiter, FL and location of the License Number 37102, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Madonna Coffman, Administrator (VW 2009-517).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bellair Condominium, Daytona Beach, FL and location of the Serial Number 12553 and 12554, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Sheila Sostarich, Manager (VW 2009-518).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3 and A17.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ironwood Fifteenth Condominium Association, Inc., Bradenton, FL and location of the License Number 35098, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Thomas Cook, CAM (VW 2009-519).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Century Plaza, Orlando, FL and location of the Serial Number 32777, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Carol Bryant, Manager (VW 2009-520).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Century Plaza, Orlando, FL and location of the Serial Number 32775, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Carol Bryant (VW 2009-521).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Century Plaza, Orlando, FL and location of the Serial Number 32776, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Carol Bryant, Agent (VW 2009-522).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Buccaneer Condominium of Satellite Beach and location of the Serial Number 22776, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Larry Nelson, agent (VW 2009-523).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Century Plaza of Orlando and location

of the Serial Number 32778, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Carol Bryant (VW 2009-524).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Fort Walton Beach Medical Center, Fort Walton Beach, FL and location of the Serial Numbers 20262, 20263, 20264 and 33954, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Robert Settles, Director of Facilities (VW 2009-525).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Cypress Cathedral Apartments, Winter Haven, FL and location of the Serial Numbers 33395 and 33396, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from David Vondenberger, Manager Agent (VW 2009-526).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Argus Property Management, Inc., Sarasota, FL and location of the License Number 21035, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from David Ricereto, Property Manager (VW 2009-527).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3 and A17.1, Section 211.3c, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Enterprise Center, Clearwater, FL and location of the Serial Numbers 33499 and 33500, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Steve Engelhardt, President of Hallmark Development of FL, Inc. (VW 2009-528).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Sarasota Sands, Sarasota, FL and location of the License Numbers 24034, 24033 and 16278, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Daniel C. Breiding, General Manager (VW 2009-529).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Pierce 100, Inc., Clearwater, FL and location of the Serial Numbers 21431 and 21432, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Judy K. Schweikert, CAM (VW 2009-530).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Island Gulf Resort Condominium Association, Inc., Madeira Beach, FL and location of the Serial Number 33038, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Jo-Ann McNew, General Manager (VW 2009-531).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Sections 3.11.3 and 1.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Pinellas County, Criminal Justice Center, Clearwater, FL and location of the Serial Numbers 31346 and 31347, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from William Snyder (VW 2009-536).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Sections H603F and H118C, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ironwood Fifth Condominium Association, Inc., Bradenton, FL and location of the Serial Number 11868, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Carole S. Bowden, CAM (VW 2009-537).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Sections H603F and H118C, as adopted by Chapter 30,

Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ironwood Fourth Condominium Association, Inc., Bradenton, FL and location of the Serial Number 11129, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Carole S. Bowden, CAM (VW 2009-538).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Sections H603F and H118C, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ironwood Sixth Condominium Association, Inc., Bradenton, FL and location of the Serial Number 20086, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Carole S. Bowden, CAM (VW 2009-539).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Pelican Walk Condominium, Juno Beach, FL and location of the Serial Number 34698, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from William R Wedral, President (VW 2009-540).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Sections H603F and H118C, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ironwood Seventh Condominium Association, Inc., Bradenton, FL and location of the Serial Number 20087, requests the variance for an

extension of time to complete repairs and for economic/financial hardship. The petition was received from Carole S. Bowden, CAM (VW 2009-541).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, MG Tower, LLC, Brookfield, FL and location of the Serial Numbers 22444, 22445, 22446 and 22447, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Chester J. Oszkandy, President (VW 2009-542).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Liberty Property Trust, Jacksonville, FL and location of the Serial Number 40191, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Suzi Ford, Property Manager (VW 2009-543).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, The Art Institute of Jacksonville, Jacksonville, FL and location of the Serial Numbers 43298 and 94105, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Suzi Ford, Property Manager (VW 2009-544).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Butler Plaza I, Jacksonville, FL and location of the Serial Numbers 56133 and 56134, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Suzi Ford, Property Manager (VW 2009-545).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Butler Plaza II, Jacksonville, FL and location of the Serial Numbers 59838, 59839 and 59969, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Suzi Ford, Property Manager (VW 2009-546).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Centurion Plaza, Jacksonville, FL and location of the Serial Numbers 51244 and 51245, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Suzi Ford, Property Manager (VW 2009-547).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bank of America Building, Jacksonville, FL and location of the Serial Numbers 33903 and 33904, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Suzi Ford, Property Manager (VW 2009-548).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, PSS Worldmed Shared Services, Jacksonville, FL and location of the Serial Numbers 52143, 52144 and 52145, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Suzi Ford, Property Manager (VW 2009-549).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Enterprise Park, Jacksonville, FL and location of the Serial Numbers 37368, 37369 and 37370, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Suzi Ford, Property Manager (VW 2009-550).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30,

Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Liberty Center, Jacksonville, FL and location of the Serial Numbers 41262, 41263 and 41264, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Suzi Ford, Property Manager (VW 2009-551).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Central Florida Regional Hospital of Sanford and location of the Serial Number 32249, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Eddie G. Brooks, Director (VW 2009-552).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Central Florida Regional Hospital, Sanford, FL and location of the Serial Number 32248, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Eddie G. Brooks, Director (VW 2009-553).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Central Florida Regional Hospital, Sanford, FL and location of the Serial Number 32247, requests the variance for an extension of time

to complete repairs and for economic/financial hardship. The petition was received from Eddie G. Brooks, Director (VW 2009-554).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Central Florida Regional Hospital, Sanford, FL and location of the Serial Number 32242, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Eddie G. Brooks, Director (VW 2009-555).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Central Florida Regional Hospital of Sanford and location of the Serial Number 32245, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Eddie G. Brooks, Director (VW 2009-556).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Central Florida Regional Hospital, Sanford, FL and location of the Serial Number 32246, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Eddie G. Brooks, Director (VW 2009-557).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Sections 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Fairview Isles of Fort Myers Beach and location of the Serial Numbers 29084, 29085 and 29086, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, President (VW 2009-558).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, La Playa East Condominium Association, Inc., Satellite Beach, FL, and location of the Serial Numbers 11632 and 11633, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Gene Craig, Secretary (VW 2009-559).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, The Enclave Hotel & Suites, Orlando, FL, and location of the Serial Numbers 37797, 37798, 38767 and 38768, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, VAA President (VW 2009-560).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Franklin Exchange Office Building of Tampa, and location of the Serial Numbers 02869, 02870 and 06713, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Sara M. Wayson, General Manager (VW 2009-561).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Sections 3.11.3, 2.7.4, 3.11.1 and 3.10.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Orlando World Center Marriott, Inc., Orlando, FL, and location of the Serial Numbers 35174-84, 35187-96, 35281-85 and 38062, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mark Stich, Authorized Rep. (VW 2009-562).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Sandpiper Gulf Resort II, Naples, FL, and location of the Serial Number 30812, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Michael J. Towns, CAM (VW 2009-563).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The

petitioner, Ironwood Fourteenth Condominium Association, Inc., Bradenton, FL, and location of the Serial Number 34376, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Carole S. Bowden, CAM (VW 2009-564).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Sections 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ironwood Ninth Condominium Association, Inc., Holmes Beach, FL, and location of the Serial Number 26913, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Carole S. Bowden, CAM (VW 2009-565).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, 2180 Sanlando Center, Longwood, FL, and location of the Serial Number 39195, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Sean Westcott, Director of Leasing & Property Management (VW 2009-566).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, 5750 Major Blvd. Building, Orlando, FL, and location of the Serial Number 10285, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Sean Westcott, Director of Leasing & Property Management (VW 2009-567).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Maitland Center, Maitland, FL, and location of the Serial Number 35224, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Sean Westcott, Director of Leasing & Property Management (VW 2009-568).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Sections 3.11.3 and 3.11.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Fairway Pines at Sun 'N Lake, Sebring, FL, and location of the Serial Numbers 35620 and 35622, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, President (VW 2009-569).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Sections 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Central Manor Apartments, Daytona Beach, FL, and location of the Serial Numbers 28746 and 28747, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Jane Bentley (VW 2009-570).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Seaside Plaza of Orlando, and location of the Serial Numbers 32104, 32105, 32106, 32107, 32108, 32109 and 32110, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Robert 'Chip' Duncan (VW 2009-571).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Feather Sound II Building, Clearwater, FL, and location of the Serial Numbers 37884 and 37885, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Robert 'Chip' Duncan (VW 2009-572).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Landmark I and II, Orlando, FL, and location of the Serial Numbers 33324, 33325, 33326, 33327, 36717, 36718, 36719 and 36720, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Robert 'Chip' Duncan (VW 2009-573).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a),

F.A.C. The petitioner, Pavilion Building, Clearwater FL, and location of the Serial Numbers 30662 and 30663, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Robert 'Chip' Duncan (VW 2009-574).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, One Harbor Place, Tampa, FL, and location of the Serial Numbers 36430, 36431, 36432, 36433, 36434, 36435 and 36401, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Robert 'Chip' Duncan (VW 2009-575).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Lake Howard Heights, Winter Haven, FL, and location of the Serial Numbers 26878 and 26879, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Howar Brody, Vice President (VW 2009-576).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Commodore Club II, Naples, FL, and location of the Serial Numbers 11100 and 11101, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Frank Murphy, CAM (VW 2009-577).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Lake Virginia Condominium Association, Inc., Winter Park, FL, and location of the Serial Numbers 14679 and 14680, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Thomas D. Malcom, Agent (VW 2009-578).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Royal Palm Club of Naples, and location of the Serial Numbers 10462 and 10463, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Frank Murphy, CAM (VW 2009-579).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Sections 3.11.3, 2.7.4 and 3.11.4(t), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ironwood Fifteenth Condominium Association, Inc., Bradenton, FL, and location of the Serial Number 35098, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Thomas W. Cook, CAM (VW 2009-580).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Delray Corporate Center of Delray Beach, and location of the Serial Number 40399, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Eddie Armesto, Service Manager (VW 2009-581).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 5, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Shoreline Island Resort, Madeira Beach, FL, and location of the Serial Number 23991, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Kay Yocum, General Manager (VW 2009-582).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 5, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ritz Resort Motel, Clearwater Beach, FL, and location of the Serial Number 18001, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Weronika Giadla (VW 2009-583).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 5, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Islander Club, Longboat Condominium Association,

Longboat Key, FL, and location of the Serial Numbers 9779, 9780, 10113 and 10114, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Robert Mastrippolito, Property Manager (VW 2009-584).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 5, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Shipp's Landing, Marco Island, FL, and location of the Serial Numbers 9927, 9928, 10441, 10442, 11246, 11247 and 11248, requests the variance for an extension of time to complete repairs and for economic/ financial hardship. The petition was received from Darrel Self, Property Manager (VW 2009-585).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Fairway Bay Association, Longboat Key, FL, and location of the Serial Numbers 34541 and 34540, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Cheri Johnson, CAM (VW 2009-586).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, St. Petersburg Kennel Club, St. Petersburg, FL, and location of the Serial Numbers 06882, 06883, 23678, 23676 and 23677, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Maggie M. Schultz, Esq (VW 2009-587).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Florida Department of Transportation, District Two, Jacksonville, FL, and location of the Serial Number 5023, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mathew Saponara (VW 2009-588).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Sections 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Jacksonville Urban Office, FDOT, D2, Jacksonville, FL, and location of the Serial Number 5024, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mathew Saponara (VW 2009-589).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Palm Beach Club Homeowner's Association, Pensacola Beach, FL, and location of the Serial Number 89864, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Dana Schikora, CAM (VW 2009-590).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received

a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Water's Edge East Condominium Association, Inc., Cocoa Beach, FL, and location of the Serial Numbers 28565 and 28566, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Patrick Boone, CAM (VW 2009-591).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.4.2 and 3.10.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, 320 West Kennedy Building, Tampa, FL, and location of the Serial Number 1747, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from William Snyder (VW 2009-592).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Whispering Sands Condominium Association, Inc., Sarasota, FL, and location of the Serial Number 20050, 20049, 20051 and 20052, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Richard H. Jones, General Manager (VW 2009-593).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Sections 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ocean Trail Condominium Association No. 1, Inc., Jupiter, FL, and location of the Serial Numbers 23433 and 23434, requests the

variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Larry Woodard, CAM (VW 2009-594).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 5, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on September 1, 2009 for a Routine Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Munchwagon Catering, Bunnell, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The variance request was published in Vol. 35, No. 36, September 11, 2009 and is contingent upon the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid, the steam table is enclosed within a cabinet with tight-fitting doors and protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries per the parameters of the currently adopted FDA Food Code and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on October 5, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on September 15, 2009 for an Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Sunnibunni Frozen Yogurt & Organic Fruit Smoothies, Lakewood Ranch, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within 300 feet in an adjacent business located within the same strip mall.

The variance request was published in Vol. 35, No. 38, September 25, 2009 and is contingent upon the Petitioner ensuring the bathrooms located within Sandra D's Hair Designs 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. If the ownership of Sandra D's Hair Designs changes, an updated signed agreement for use of the bathroom facilities is required immediately. 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: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on December 9, 2008, the Electrical Contractors' Licensing Board, received a petition for Roberta M. Plamondon, seeking a variance or waiver of subsection 61G6-5.002(1), Florida Administrative Code, which requires that an applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data including information required to be submitted under Rules 61G6-5.003 and 61G6-5.004, F.A.C., if applicable. Petitioner is also seeking a variance or waiver of subsection 61G6-5.002(3), F.A.C., which requires that the initial Business Computer-Based Test portion may be taken from the professional testing service at any time after the applicant has been approved to sit for the initial paper and pencil Technical/Safety Examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on October 5, 2009, the Board of Accountancy, received a petition for Giji Alex, seeking a variance or waiver of subsection 61H1-28.0052(2), Florida Administrative Code, which requires that a candidate having been deemed to have passed the CPA Examination shall meet all licensure requirements as imposed by Chapters 455 and 473, F.S, or the candidate must reapply for licensure.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida

32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on October 7, 2009, the Board of Chiropractic Medicine, received a petition for Mitchell L. Eiseman, seeking a variance or waiver of subsection 64B2-13.004(2), Florida Administrative Code, which requires that only those classroom hours earned at Board approved continuing education courses or under the provisions of this rule are acceptable.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, received a petition for Keith B. Venum, M.D., seeking a variance or waiver of Rule 64B4-2.001, F.A.C., which requires that two years of "clinical experience" consists of at least 1500 hours of providing psychotherapy face-to-face with clients as a registered intern for the profession for which licensure is sought. Petitioner also seeks a waiver of Section 491.005(4)(c), Florida Statutes, which requires that the clinical experience requirement may be met by work performed on or off the premises of the supervising mental health counselor or the equivalent, provided the off-premises work is not the independent private practice rendering of services that does not have a licensed mental health professional, as determined by the Board, on the premises at the same time the intern is providing services.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on September 11, 2009, the Board of Pharmacy has issued an order.

The Order pertains to the Petition for Variance or Waiver filed on July 14, 2009, by David N. Collins. Although the petition does not state a specific rule, it appears that Petitioner is seeking a variance or waiver of Rule 64B16-26.300, Florida Administrative Code, entitled, "Consultant Pharmacist Licensure," which lists the requirements for licensure as a Consultant Pharmacist. The Notice of Petition published on July 31, 2009, Vol. 35, No. 30, of the Florida Administrative Weekly.

The Board of Pharmacy considered the Petition at a duly-noticed meeting held on August 12, 2009, Orlando, Florida. The Board's Order, filed on September 11, 2009, dismissed the petition finding that the Petition does not comply with the requirements of Florida law.

A copy of the Order may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

NOTICE IS HEREBY GIVEN THAT on October 1, 2009, the Board of Physical therapy Practice, received a petition for waiver of the requirements of Rule 64B17-3.003, Florida Administrative Code. The Petitioner, Lakshmi I. Shankar, seeks a waiver of the requirement that applicants for endorsement meet the educational requirements contained in Rule 64B17-3.001, F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

The Board of Physical Therapy Practice hereby gives notice that it has received a petition, filed on October 5, 2009, by Anthony B. Kurrant, seeking a waiver of the requirements of paragraphs 64B17-3.001(4)(h) and (j), Florida Administrative Code. The Petitioner seeks a waiver, due to hardship, of the requirement that a foreign trained applicant must have his educational credentials approved by a Board approved credentialing agency that uses original documentation. The Petitioner also seeks a waiver of the requirement that an applicant, who did not receive his or her education in English, must obtain a minimum score on the TOEFL exam.

Comments on this petition should be filed with: Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice. For a copy of the petition, contact Allen Hall, Executive Director, Board of Physical Therapy Practice, at the above address or telephone (850)488-0595.

NOTICE IS HEREBY GIVEN THAT on September 25, 2009, the Board of Physical Therapy Practice, received a petition for waiver of the requirements of paragraph 64B17-3.001(4)(j), Florida Administrative Code. Paula Mayorga seeks a waiver of

the requirement that applicants who did not receive their education in English, obtain a minimum score of 24 on the speaking portion of the TOEFL exam.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT on October 5, 2009, the Board of Physical Therapy Practice, received a petition for waiver of the requirements of paragraph 64B17-3.001(4)(j), Florida Administrative Code. Nicole Rebecca Nicodemo seeks a waiver, due to hardship, of the requirement that an applicant who did not receive his or her education in English, must obtain a minimum score on the TOEFL exam. Comments on this petition should be filed with the Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)488-0595.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Historical Resources, Bureau of Historic Preservation** announces a workshop to which all persons are invited.

DATE AND TIME: November 4, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Room 307, R. A. Gray Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop I: Applying for a Historic Preservation Grant will focus on the revised online grant application, attachments, new rules governing grants, and the grant review process.

A copy of the agenda may be obtained by contacting: Grants staff at bhprgrants@flheritage.com or 1(800)847-7278 or go to flheritage.com/grants within seven days of the workshop date.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Lynnsey Weissenberger at lkweissenberger@dos.state.fl.us or call 1(800)847-7278. If you are 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: Grants staff at bhpgrants@flheritage.com or 1(800)847-7278.

The **Division of Historical Resources, Bureau of Historic Preservation** announces a workshop to which all persons are invited.

DATE AND TIME: November 5, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Room 307, R. A. Gray Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop II: Grants Management will include an overview of both Small Matching and Special Category grants, new rules governing grants, grantee documents, and the appropriation process.

A copy of the agenda may be obtained by contacting: Grants staff at bhpgrants@flheritage.com or 1(800)847-7278 or go to flheritage.com/grants within seven days of workshop date.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Lynnsey Weissenberger at lkweissenberger@dos.state.fl.us, or 1(800)847-7278. If you are 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: Grants staff at bhpgrants@flheritage.com or 1(800)847-7278.

The **Division of Historical Resources, Bureau of Historic Preservation** announces a workshop to which all persons are invited.

DATES AND TIMES: November 6, 2009, 10:00 a.m. – 11:30 a.m.; December 3, 2009, 2:00 p.m. – 3:30 p.m.

PLACE: Workshops will be presented as webinars. To register, go to: www.flheritage.com/grants

GENERAL SUBJECT MATTER TO BE CONSIDERED: Webinars will both focus on the revised online grant application, application attachments, new rules governing grants, and the grant review process.

A copy of the agenda may be obtained by contacting: Grants staff at bhpgrants@flheritage.com or 1(800)847-7278 or go to flheritage.com/grants within seven days of webinar dates.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Lynnsey Weissenberger at lkweissenberger@dos.state.fl.us or 1(800)847-7278. If you are 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: Grants staff at bhpgrants@flheritage.com or 1(800)847-7278.

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 9, 2009, 11:00 a.m. – 1:00 p.m.

PLACE: Mission San Luis, 2100 W. Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The MSL Executive Committee will be discussing plans for the Visitor Center Grand Opening, strategic plan objectives and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)487-1666 or email: jbshiver@dos.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jessica Shiver at (850)487-1666 or email: jbshiver@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jessica Shiver at (850)487-1666 or email: jbshiver@dos.state.fl.us.

The **State Historical Records Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Florida State Records Center, Training Room, 4319 Shelfer Road, Tallahassee, FL 32305

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review the Board grant to develop a user friendly guide to Florida historical record collections; discuss the reauthorization of the National Historical Publications and Records Commission (NHPRC) Program at the National Archives; receive public input from attendees on the Draft Electronic Recordkeeping Strategic Plan being developed by the Department of State, State Library and Archives of Florida. A copy of the agenda may be obtained by contacting: Jim Berberich, Coordinator, Florida State Historical Records Advisory Board at (850)245-6750 or a copy of the agenda and the draft strategic plan are available at <http://dhis.dos.state.fl.us/archives/shrab/meetings/>.

Pursuant to the provisions of 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, Florida 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, Florida State Historical Records, Advisory Board at (850)245-6750.

The Department of State, Division of Cultural Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 3, 2009, 9:00 a.m.

PLACE: Polk County Health Department, Lake Wales Clinic, 835 W. Central Avenue, Lake Wales, FL 33853-4017, (863)678-4144, ext. 20032

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Art Selection Committee for this facility is meeting to evaluate and discuss artworks submitted for review and determine artwork sites and media.

A copy of the agenda may be obtained by contacting: Lee Modica, ASB Administrator, 500 S. Bronough Street, Tallahassee, FL 32399-0250, (850)245-6476.

Pursuant to the provisions of 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: Morgan Lewis at (850)245-6356. If you are 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 AGRICULTURE AND CONSUMER SERVICES

The **Division of Plant Industry** announces a public meeting to which all persons are invited.

DATE AND TIME: November 4, 2009, 12:00 Noon

PLACE: Everglades Research and Education Center, 3200 E. Palm Beach Rd., Belle Glade, FL 33430, (561)993-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lettuce Advisory Committee will be discussing Nutrilink Products; Muck Soil PH Management; the role of bio-pesticide regalia in a conventional disease control program; and review project updates.

A copy of the agenda may be obtained by contacting: Stephen Basore at (561)261-0465.

Pursuant to the provisions of 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: Stephen Basore at (561)261-0465. If you are 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 Agriculture and Consumer Services announces a meeting of the Florida Emergency Food Assistance Program Advisory Board announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2009, 1:30 p.m. – 4:30 p.m.

PLACE: The State Logistics Response Center, 2702 Director's Row, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Florida's Emergency Food Assistance Program.

A copy of the agenda can be obtained by contacting: Andy Windsor, 407 S. Calhoun Street, 2nd Floor, Tallahassee, Florida 32399-0800.

A copy of the agenda may be obtained by contacting: Andy Windsor at (850)487-6694, by October 29, 2009.

For more information, you may contact: Andy Windsor at (850)487-6694, by October 29, 2009.

The Florida Viticulture Advisory Council Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 10, 2009, 9:00 a.m. – 3:00 p.m.

PLACE: Leroy Collins Building, Innovation Park, 2051 East Dirac, Tallahassee, Florida 32301, (850)488-0163

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Reports on the Status of the Industry, Viticulture Plan Revision Complete, Committee Reports, Report on Viticulture Trust Fund Collections.

A copy of the agenda may be obtained by contacting: Tom Thomas at (850)922-9827.

For more information contact: Tom Thomas at (850)922-9827.

The Florida **Department of Agriculture and Consumer Services, Division of Food Safety** announces a public meeting to which all persons are invited.

DATE AND TIME: November 3, 2009, 10:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Terry Rhodes Building, Agricultural Law Enforcement Conference Room, 2005 Apalachee Parkway, Tallahassee, Florida, (850)245-5595.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Informational and business meeting of the Florida Food Safety and Food Defense Advisory Council.

A copy of the agenda may be obtained by contacting: Carol Windham, Division of Food Safety, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)245-5595.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting. If you are 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: Carol Windham, Division of Food Safety, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)245-5595.

DEPARTMENT OF EDUCATION

The **State Advisory Committee for the Education of Exceptional Students** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, December 3, 2009, 8:30 a.m. – 5:00 p.m.; Friday, December 4, 2009, 8:30 a.m. – 12:45 p.m. (Executive Committee, Wednesday, December 2, 2009, 7:00 p.m. – 8:00 p.m.); An opportunity for public comment, Friday, December 4, 2009, 11:30 a.m.

PLACE: Residence Inn Marriott Tallahassee Universities at the Capitol, Tallahassee, Florida, (850)329-9080

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics include Bureau of Exceptional Education and Student Services Update, Secondary Transition, State Performance Plan/Annual Performance Report, Florida Alternate Assessment, Rules Update, and Monitoring.

A copy of the agenda may be obtained by contacting: State Advisory Committee, Bureau of Exceptional Education and Student Services, Florida Department of Education, 614 West Gaines Street, Tallahassee, Florida 32399-0400.

For more information, you may contact: Michele Polland, Exceptional Education and Student Services at (850)245-0475.

The Florida **Department of Education**, Charter School Appeal Commission announces a hearing to which all persons are invited.

DATE AND TIME: November 2, 2009, 9:00 a.m. – completion
PLACE: Florida Department of Education, 325 West Gaines Street, Conference Room 1721/25, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission will hear the charter terminations of Taylor Peace Academy vs. The Hillsborough

County School Board and Imagine Schools at North Indian River County, LLC. vs. The Indian River County School Board.

A copy of the agenda may be obtained by contacting: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

Pursuant to the provisions of 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: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

The **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATE AND TIME: November 19, 2009, 9:00 a.m.

PLACE: Orlando Marriott – Lake Mary, 1501 International Parkway, Lake Mary, Florida 32646

GENERAL SUBJECT MATTER TO BE CONSIDERED: All Degree Granting Institutions and Non-Degree granting institutions for the following: Disciplinary Matters, Informal Hearings, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, Institutional Applications for Program Modifications and Additional Programs, Application for Annual License, Motions for Extension of License, Motions for Request for Extension of Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent, Licenses Sent, Closed Schools, Agent Training Programs, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Substantive Change Applications, Name Change Applications, Attorney and Executive Director Reports, Applications for Exemption for Religious Colleges.

A copy of the agenda may be obtained by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Commission for Independent Education, 325 West Gaines Street, 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Commission for Independent Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

The **Florida State College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION:

DATE AND TIME: November 3, 2009, 12:00 Noon – 2:00 p.m.

PLACE: Advanced Technology Center, Room T-140, 401 W. State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College Readiness.

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: November 3, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Donald T. Martin Center for College Services, Boardroom 451, 501 W. State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS:

DATE AND TIME: November 3, 2009, 3:00 p.m. – 5:00 p.m.

PLACE: Donald T. Martin Center for College Services, Room 462, 501 W. State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, October 27, 2009, and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with: College President, Florida State College at Jacksonville, on or before November 3, 2009. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

Through the months of November and December, 2009, the Board will hold informal meetings each Thursday from 12:00 Noon – 4:00 p.m., Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **State Emergency Response Commission**, Subcommittee on Training announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2009, 9:30 a.m. – 11:30 a.m.

PLACE: This is a telephone conference call which can be attended via the internet or telephone. To attend by telephone, Dial: (850)410-3315, Access Code/Meeting ID:744-424-459, Audio PIN: Shown after joining the meeting. To join by internet go to: <https://www2.gotomeeting.com/join/744424459>. Use your microphone and speakers (VoIP) – a headset is recommended.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Novembers State Emergency Response Commission Subcommittee on Training conference call will discuss model protocols and other subject matters from the project board.

A copy of the agenda may be obtained by contacting: Division of Emergency Management at (850)413-9970.

Pursuant to the provisions of 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: Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-9970. If you are 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 **Department of Transportation**, Florida's Turnpike Enterprise announces a hearing to which all persons are invited.

DATE AND TIMES: October 29, 2009, Open House, 5:30 p.m. – 6:30 p.m.; Formal Presentation, 6:30 p.m.

PLACE: Embassy Suites, 661 Northwest 53rd Street, Boca Raton, Florida 33487 (In the event that severe weather or other unforeseen conditions cause the hearing to be postponed, it will be held on the alternate date of December 3, 2009 at the same time and location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to allow interested persons an opportunity to express their views concerning the location, conceptual design; and social, economic and environmental effects of the proposed widening of Florida's Turnpike from

the Sawgrass Expressway to Atlantic Avenue, Project Development and Environment Study, in Broward and Palm Beach Counties, Florida, a distance of approximately 10 miles (Financial Project Identification Number 415927-1).

A copy of the agenda may be obtained by contacting: Imran Ghani, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069 or Imran.ghani@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 7 days before the workshop/meeting by contacting: Imran Ghani at (407)264-3802 or by email: Imran.Ghani@dot.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 Transportation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: November 5, 2009, 2:00 p.m. – until conclusion of business

PLACE: Port of Palm Beach Board Room, One East 11th Street, Riviera Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation Commission Workshop.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

Pursuant to the provisions of 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: Lisa O. Stone at (850)414-4316. If you are 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: Florida Transportation Commission, 605 Suwannee Street, Room 176, MS #9, Tallahassee, Florida 32399-0450.

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2009, 8:30 a.m. – until conclusion of business

PLACE: Port of Palm Beach Board Room, One East 11th Street, Riviera Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation Commission Meeting.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

Pursuant to the provisions of 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: Lisa O. Stone at (850)414-4316. If you are 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: Florida Transportation Commission, 605 Suwannee Street, Room 176, MS #9, Tallahassee, Florida 32399-0450.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** of Florida (the "SBA") has solicited competitive responses from firms interested in providing management services for the SBA with respect to Real Estate Third Party Appraisal Administration. The Invitation to Negotiate (the "ITN") is available as of October 8, 2009 and may be obtained from the SBA's website at: <http://www.sbafla.com> under "Meetings & Notices". The SBA reserves the right to reject any and all responses and to cancel the above ITN at any time. The SBA announces the following meeting dates, times and locations with respect to this ITN, and all meetings are open to the public.

DATE AND TIME: Monday, November 9, 2009, 9:00 a.m. – until the conclusion of business

PLACE: Hermitage Room, 1st Floor, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the responses received concerning the above ITN and to designate short-listed respondents for interviews, if necessary, and further consideration.

DATES AND TIME: Monday, November 16, 2009 through Tuesday, November 17, 2009, 9:00 a.m. – until the conclusion of business

PLACE: Hermitage Room, 1st Floor, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the responses received concerning the above ITN and to conduct interviews with the short-listed respondents, if necessary.

DATE AND TIME: Monday, November 23, 2009, 9:00 a.m. – until the conclusion of business

PLACE: Hermitage Room, 1st Floor, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the responses received and all other information gathered concerning the above ITN to determine a final ranking of short-listed respondents and to recommend to the

Executive Director that the SBA enter into an agreement with one respondent to provide Real Estate Third Party Appraisal Administrator Services covered in the above ITN.

Any changes to the above meeting dates and/or times (including the cancellation of any meeting) will be posted on the SBA's website at: <http://www.sbafla.com> at least 7 days prior to the meeting.

Anyone requiring special accommodations to participate in any meeting or anyone wishing further information should contact: Laura Frost at (850)413-1398 or by mail: 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 10, 2009, 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, 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.floridapsc.com> at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** will consider at its November 10, 2009, Agenda Conference, Docket No. 090469-EI, Application by Gulf Power Company (Gulf) for authority to issue and sell securities and to receive common equity contributions during the 12 months ending December 31, 2010. Pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, Gulf seeks authority to receive equity funds from and/or issue common equity securities to the Southern Company (Southern), Gulf's parent company; issue and sell long-term debt and equity securities; and issue and sell short-term debt securities. The maximum amount of common equity contributions received from and common equity issued to Southern, the maximum amount of equity securities issued and the maximum principal amount of long-term debt securities issued will total not more than \$800 million. The maximum principal amount of short-term debt outstanding at any one time will total not more than \$300 million.

DATE AND TIME: Tuesday, November 10, 2009, Agenda Conference, 9:30 a.m. although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action on Docket No. 090469-EI.

Emergency Cancellation of Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Any person requiring some accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-085, (850)413-6770. Any person who is hearing or speech impaired, should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

For additional information, please contact: Katherine Fleming, Office of the General Counsel at (850)413-6218.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: November 10, 2009, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: 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 Telecommunications Access System Act (TASA) Advisory Committee to the Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 12, 2009, 1:00 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 040763-TP – Request for submission of proposals for relay service, beginning in June 2005, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991. The purpose of this committee meeting is to discuss current relevant issues related to relay such as Service Quality, current call volumes, CapTel service, the use of 3-digit numbers for relay (i.e., 711, 911, 511, 347 (Florida Highway Patrol), etc.) and other TRS updates.

If a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Lee Eng Tan at (850)413-6185.

Pursuant to the provisions of 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 meeting by contacting: Office of the Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lee Eng Tan, Office of General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6185.

The Florida **Public Service Commission** announces a Prehearing Conference to which all persons are invited.

DATE AND TIME: Friday, November 20, 2009, 9:30 a.m.

PLACE: Florida Public Service Commission, 4075 Esplanade Way, Betty Easley Conference Center, Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080366-GU – Petition for rate increase by Florida Public Utilities Company (gas).

The purpose of this Prehearing Conference is: (1) to define and limit, if possible, the number of issues; (2) to determine the parties' positions on the issues; (3) to determine what facts, if any, may be stipulated; (4) to dispose of any motions or other matters that may be pending; and (5) to consider any other matters that may aid in the disposition of this case.

EMERGENCY CANCELLATION: If the settlement of the case or a named storm or other disaster requires cancellation of the prehearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the prehearing will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

EXECUTIVE OFFICE OF THE GOVERNOR

The Florida **Film and Entertainment Advisory Council**, Executive Committee announces a public meeting to which all persons are invited.

DATES AND TIME: November 2, 2009, 1:30 p.m. – 4:30 p.m. and possible related events on November 3, 2009

PLACE: Office of Film and Entertainment, Suite 2001, The Capitol, Tallahassee, FL (November 2, 2009)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general administrative matters of the Advisory Council and hear public input and advisement.

A copy of the agenda may be obtained by contacting: Office of Film and Entertainment at (850)410-4765.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Office of Film and Entertainment at (850)410-4765. If you are 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: Office of Film and Entertainment at (850)410-4765.

The Governor's Commission on Volunteerism and Community Service (Volunteer Florida) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 3, 2009, 10:00 a.m. until business is complete

PLACE: Volunteer Florida, 401 South Monroe Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of a working group of representatives from the Governor's Commission on Volunteerism and Community Service, the Commission's Direct Support Organization (Volunteer Florida Foundation), and a representative of the Executive Office of the Governor to discuss business between the Commission and the Foundation.

A copy of the agenda may be obtained by contacting: Kristin Mullikin at (850)921-5172 or kristin@volunteerflorida.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: Kristin Mullikin at (850)921-5172 or kristin@volunteerflorida.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kristin Mullikin at (850)921-5172 or kristin@volunteerflorida.org

The Governor's Office of Policy and Budget announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 13, 2009, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 7517473

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2010 Sunshine Census Statewide Complete Count Committee, Full Committee Meeting

-Update from the Governor's Office

-Update from the U.S. Census Bureau

-Update from the six subcommittees

A copy of the agenda may be obtained by contacting: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 9, 2009, 8:30 a.m.

PLACE: ECFRPC Offices, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Executive Director Committee to discuss the upcoming November 18, 2009 Council Meeting (visit our website at www.ecfrpc.org for map and directions).

A copy of the agenda may be obtained by contacting: Tuesdai Brunsonbyrd-Bowden, Administrative Assistant, East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Suite, 2000, Altamonte Springs, Florida 32701 or email: tbyrd@ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2009, 10:00 a.m.

PLACE: Avon Park Air Force Range, 29 South Boulevard, Conference Room, Avon Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Policy Committee of the Avon Park Air Force Range Joint Land Use Study will meet.

A copy of the agenda may be obtained by contacting: Melissa Zerth at mzerth@cfrpc.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **District XI Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 2, 2009, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 09-10.

A copy of the agenda may be obtained by contacting: Manny Cela: celam@sfrpc.com or (954)985-4416.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Manny Cela: celam@sfrpc.com or (954)985-4416.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Manny Cela: celam@sfrpc.com or (954)985-4416.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2009, 10:00 a.m.

PLACE: Indian River State College, Public Safety Complex, Banner Center for Homeland Security and Defense, Auditorium, 4600 Kirby Loop Road, Fort Pierce, FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the quarterly meeting of Council's Florida District X Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Kathryn Boer at (772)221-4060.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting. If you are 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 CORRECTIONS

The Florida **Department of Corrections** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 28, 2009, 10:30 a.m.

PLACE: Reception and Medical Center, Regional Director's Conference Room, 7765 South CR 231, Lake Butler, FL 32054

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting of the RMC Hospital Governing Body.

Pursuant to the provisions of 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: Gerda Godwin at (386)496-6074. If you are 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: Gerda Godwin at (386)496-6074.

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch, Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: November 5, 2009, 6:30 p.m.

PLACE: R. O. Ranch, Manager's Residence, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board of Directors meeting to discuss the development of equestrian facilities on Suwannee River Water Management District properties.

A copy of the agenda may be obtained by contacting: Mrs. Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Mrs. Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **St. Johns River Water Management District**, Central Region, Recreational Public Meeting and Management Review Tour announces a public meeting to which all persons are invited.

Central Region Recreational Public Meeting

DATE AND TIME: Wednesday, November 4, 2009, 9:30 a.m. – 11:30 p.m.

PLACE: Blue House at Sunnyhill Restoration Area, 19561 S. E. CR 42, Umatilla, FL (located off CR 42, 6 miles east of Weirsdale, FL)

MANAGEMENT REVIEW TOUR

DATE AND TIME: Wednesday, November 4, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: Ocklawaha Prairie Restoration Area. We will meet at the Chernobyl Memorial Forest parking lot off 464C, 1:00 p.m. Please RSVP by Friday, October 30, 2009 to Terri at tmashour@sjrwmd.com or (386)329-4855, so transportation can be provided for all participants.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Central Region Recreational Public Meeting and Management Review Tour will review land management and land acquisition activities in the Central Region.

A copy of the agenda may be obtained by contacting: Terri Mashour at (386)329-4855.

Pursuant to the provisions of 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: Karen M. Davis at (386)329-4404. If you are 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**, Projects and Land Committee announces a public meeting to which all persons are invited.

Projects and Land Committee Public Meeting and Tour

DATE AND TIME: Friday, November 6, 2009, 10:00 a.m.

PLACE: Bayard Conservation Area, East Parking Area – SR 16, Green Cove Springs, FL 32043

GENERAL SUBJECT MATTER TO BE CONSIDERED: Projects and Land Committee Timber Management/Timber Data Management Workshop and Tour of Bayard Conservation Area.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Jo Anna Emanuel, 4049 Reid Street, Palatka, FL 32177, (386)329-4879. Pursuant to the provisions of 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: Jo Anna Emanuel at (386)329-4879. If you are 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 **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

Projects and Land Committee Business Meeting

DATE AND TIME: Monday, November 9, 2009, 5:00 p.m.

PLACE: District Headquarters, Room 162, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board.

NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on Tuesday, November 10, 2009, 8:00 a.m., District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, (386)329-4347, 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: District Clerk at (386)329-4500. If you are 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 workshop to which all persons are invited.

Governing Board Workshop

DATE AND TIME: Monday, November 9, 2009, 1:00 p.m.

PLACE: District Headquarters, Governing Board Room, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Informational workshop on Water Conservation Rule Concepts # 1.

NOTE: One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

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: District Clerk at (386)329-4500. If you are 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 **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, November 10, 2009

8:15 a.m. Chairwoman's Meeting

9:00 a.m. Finance, Administration and Audit Committee

10:00 a.m. Regulatory Committee

1:00 p.m. Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, (386)329-4214, 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: District Clerk at (386)329-4500. If you are 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 hearing to which all persons are invited.

DATE AND TIMES: November 10, 2009, Governing Board, 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Chapter 40C-1, F.A.C., regarding the release and amendment of conservation easements received solely for mitigation or in compliance with other regulatory requirements.

A copy of the agenda may be obtained by contacting: District Clerk at (386)329-4127 or sbertram@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 5 days before the workshop/meeting by contacting: District Clerk at (386)329-4127 or sbertram@sjrwmd.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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Wendy Gaylord, Rules Coordinator at (386)326-3026, wgaylord@sjrwmd.com.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: November 3, 2009, 2:00 p.m. – 4:00 p.m. unless business concludes earlier

PLACE: Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637-6759

GENERAL SUBJECT MATTER TO BE CONSIDERED: Permit #/Project Name

- 49018888.022 Waterset South
- 43033510.003 Hillsborough County – County Road 581 – Bruce B. Downs Boulevard, Segment D
- 43000741.035 North Tampa Mitigation Bank
- 43001557.045 St. Petersburg Clearwater International Airport Seawall Replacement

43020581.006 Hillsborough County – Citrus Park Drive Extension Design

20004708.010 Sun N Lake of Sebring Improvement District
43023534.027 Connerton, LLC/Connerton Commerce Park – Ph. 1 & 2

49013881.053 Hernando County Aviation Authority/Hernando County Airport – New Cargo Apron

A copy of the agenda may be obtained by contacting: PMO (Performance Management Office), Southwest Florida Water Management District, Attention: Patty McLeod, 2379 Broad Street, Brooksville, FL 34609 (352)796-7211, ext. 4346 or by visiting the District’s website: www.watermatters.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: District’s Human Resources Director, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, ext. 4702 or 1(800)423-1476 (FL Only), ext. 4702: TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2009, Joint Green Industry and Agricultural Advisory Committee, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: SWFWMD meeting to discuss committee business.

A copy of the agenda may be obtained by contacting: SWFWMD Planning Department, 2379 Broad Street, Brooksville, FL 34604-6899, 1(800)423-1476 (FL Only) or Teri Hudson at (352)796-7211, ext. 4402.

Pursuant to the provisions of 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 Human Resources, Director at 1(800)423-1476, ext. 4702; TDD (FL 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).

For more information, you may contact: SWFWMD at the above address or phone numbers.

The **Big Cypress Basin** announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2009, 9:00 a.m.

PLACE: City of Marco Island, Commission Chamber, 51 Bald Eagle Drive, Marco Island, FL 34145

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Basin Board business.

A copy of the agenda may be obtained by contacting: Kathleen M. Tetrault at (239)263-7615.

Pursuant to the provisions of 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: Kathleen M. Tetrault at (239)263-7615. If you are 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: Kathleen M. Tetrault at (239)263-7615.

The **Water Resources Advisory Commission** (WRAC) announces a public meeting to which all persons are invited.

DATE AND TIME: November 5, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wra>.

Pursuant to the provisions of 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 Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 28, 2009, 3:00 p.m.

PLACE: Peace River Facility, 8998 S. W. County Road 769, Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of the Peace River Facility Expansion and Regional Reservoir Expansion. Members of the Authority and Southwest Florida Water Management District Governing Board and Basin Boards and local government elected officials may be in attendance.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

Pursuant to the provisions of 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.

For more information, you may contact: (941)316-1776.

DEPARTMENT OF THE LOTTERY

The **Department of the Lottery** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 10, 2009, 3:00 p.m.

PLACE: 250 Marriott Drive, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lottery will open and read aloud the submitted replies for ITN 09-09/10, Production Services & Related Commodities and Services.

For more information, please visit the vendor's bid system at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Rhett Frisbie at (850)487-7710.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting. If you are 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.

SPACE FLORIDA

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 18, 2009, 8:30 a.m. – 10:00 a.m. (Eastern Time)

PLACE: Space Florida South Campus, 100 Spaceport Way, Cape Canaveral, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Legislative Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov.

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 18, 2009, 10:00 a.m. – 11:30 a.m. (Eastern Time)

PLACE: Space Florida South Campus, 100 Spaceport Way, Cape Canaveral, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Spaceport Operations Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Relations at dspicer@spaceflorida.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Deb Spicer, Vice President of Communications, Government and External Relations at dspicer@spaceflorida.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Deb Spicer, Vice President of Communications, Government and External Relations at dspicer@spaceflorida.gov.

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 18, 2009, 12:00 Noon – 1:30 p.m. (Eastern Time)

PLACE: Space Florida South Campus, 100 Spaceport Way, Cape Canaveral, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Business Development Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov.

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 18, 2009, 2:00 p.m. – 3:30 p.m. (Eastern Time)

PLACE: Space Florida South Campus, 100 Spaceport Way, Cape Canaveral, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Education, Research & Development and Workforce Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov.

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 19, 2009, 8:30 a.m. – 12:00 Noon (Eastern Time)

PLACE: Kennedy Space Center Visitor Complex, Kurt H. Debus Conference Facility, Cape Canaveral, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Board of Directors Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATES AND TIME: November 4, 2009; December 9, 2009, 10:00 a.m. – 11:00 a.m. (EST)

PLACE: 210 North Palmetto Ave., Room 148, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast South District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Claudia Dinardo, Department of Elder Affairs, 210 N. Palmetto, Ste. 403, Daytona Beach, FL 32114, (386)226-7846 or email: dinardoc@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: Claudia Dinardo, Department of Elder Affairs, 210 N. Palmetto, Ste. 403, Daytona Beach, FL 32114, (386)226-7846 or email: dinardoc@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: Claudia Dinardo, Department of Elder Affairs, 210 N. Palmetto, Ste. 403, Daytona Beach, FL 32114, (386)226-7846 or email: dinardoc@elderaffairs.org.

The **Department of Elder Affairs**, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATES AND TIME: November 10, 2009; December 1, 2009, 9:30 a.m. – 10:45 a.m. (EST)

PLACE: Temple Shalom, 23190 Utica Avenue, Port Charlotte, FL 33949

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southwest District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ann Proie, Department of Elder Affairs, 2295 Victoria Ave., Room 135, Ft. Myers, FL 33901, (239)338-2563 or by email: prioed@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: Ann Proie, Department of Elder Affairs, 2295 Victoria Ave., Room 135, Ft. Myers, FL 33901, (239)338-2563 or by email: prioed@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: Ann Proie, Department of Elder Affairs, 2295 Victoria Ave., Room 135, Ft. Myers, FL 33901, (239)338-2563 or by email: prioed@elderaffairs.org.

The **Department of Elder Affairs**, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATE AND TIME: November 5, 2009, 9:00 a.m. – 12:00 Noon (EST)

PLACE: Embassy Suites Hotel, 225 Shorecrest Drive, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Executive Committee Business.

A copy of the agenda may be obtained by contacting: Betty Cambor, 11351 Ulmerton Road, Ste. 303, Largo, FL 33778, (727)518-3913 or email: camblorbj@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: Betty Cambor, 11351 Ulmerton Road, Ste. 303, Largo, FL 33778, (727)518-3913 or email: camblorbj@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: Betty Cambor, 11351 Ulmerton Road, Ste. 303, Largo, FL 33778, (727) 518-3913 or email: camblorbj@elderaffairs.org.

The **Department of Elder Affairs**, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2009, 8:00 a.m. – 12:30 p.m. (EST)

PLACE: Embassy Suites Hotel, 225 Shorecrest Drive, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Quarterly State Council business.

A copy of the agenda may be obtained by contacting: Rachel Bailey, Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2323 or email: baileyr@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: Rachel Bailey, Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2323 or email: baileyr@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: Rachel Bailey, Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2323 or email: baileyr@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 28, 2009, 1:30 p.m. – 3:30 p.m. (Eastern Time)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 59G-4.200, Nursing Facility Services, F.A.C. The 2009 Florida Legislature, in the General Appropriations Act, created specific proviso language effective July 1, 2009 (Section 3, line 219) which authorizes the Agency for Health Care Administration to transfer nursing home line item funds to certain Medicaid waiver programs for the purpose of transitioning appropriate individuals to the community. The primary purpose of this public meeting is to educate stakeholders and interested parties about the nursing home transition initiative, provide an overview of the program and present an opportunity for public comment.

A copy of the agenda may be obtained by contacting: GP. Mendie, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)922-5188, e-mail: mendieg@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: GP. Mendie, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)922-5188, e-mail: mendieg@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 2, 2009, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Meeting to review the SSRC organization, spend plan, rate structure, and customer impact statements.

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 **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 9, 2009, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Board of Trustees.

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 **FSECC Statewide Steering Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, November 6, 2009, 9:00 a.m. – 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Passcode: 4139503#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the Statewide Steering Committee to approve the list of recommended employees to serve on the 27 local steering committees, pursuant to the provisions of Section 110.181(2)(d), F.S.

A copy of the agenda may be obtained by contacting: Erin Thoresen at (850)922-1274 or by emailing: erin.thoresen@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 48 hours before the workshop/meeting by

contacting: Erin Thoresen at (850)922-1274 or by emailing: erin.thoresen@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).

For more information, you may contact: Erin Thoresen at (850)922-1274 or email: erin.thoresen@dms.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Regulatory Council of Community Association Managers** announces a public meeting to which all persons are invited.

DATE AND TIME: November 20, 2009, 10:30 a.m. or as soon thereafter as can be heard

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coastline Drive, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: The Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458.

Pursuant to the provisions of 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: Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458. If you are 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: Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458.

The **Regulatory Council of Community Association Managers** announces a workshop to which all persons are invited.

DATE AND TIME: November 20, 2009, 1:00 p.m. or as soon thereafter as can be heard

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coastline Drive, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Regulatory Council of Community Association Managers to discuss the language for Rule 64E14-4.001,

F.A.C. A workshop for this rule, which has been previously noticed for development, has been requested by Bert Rodgers Schools.

A copy of the agenda may be obtained by contacting: Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458. If you are 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: Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458.

The **Board of Architecture and Interior Design** announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2009, 9:00 a.m.

PLACE: Hyatt Regency Miami, 400 S. E. Second Avenue, Miami, Florida 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: Edgar Aldana, Case No. 2009-034956

Amazing Plans Solutions Corp.

and Magda De La Incera

Case No. 2009-038732

Angel's Architectural Builders, Inc.

and Angel Pintado

Case No. 2008-032937

Architectural Animation & Design, Inc.

and Adelson Ramos

Case No. 2009-034715

Architex Design, Inc., Case No. 2009-034009

and Terry L. Lessard

Gregorio Batista, Case No. 2009-033209

and G. Batista & Associates

Steven D. Bayer, Case No. 2009-030897

Dale Caswell, Case No. 2009-006696

C. Brett Carter Enterprises, Case No. 2009-008472

and Brett Carter

David Lee Cogswell, Case No. 2009-018931

and David Lee Cogswell House & Garden Décor

George Coon, Case No. 2009-018269

and George Coon, Inc.
 Design 7, Inc., Case No. 2009-044184
 and Angel De La Rosa
 Design Solutions by Atlantic Breeze
 and Margaret Martin
 Case No. 2009-038315
 Designs & Permit Drawings LTD Co.
 and David Randall Young
 Case No. 2009-042904
 Florida Highland Design, Case No. 2009-034453
 and William C. Darby
 Gamble & Associates Construction, Inc.
 and Fred J. Hatfield
 Case No. 2009-038831
 Kerby Glenn, Case No. 2009-004683
 JAG Services & Design, Inc., Case No. 2009-042288
 and Jerome A. Grant
 K. Salowe & Co., Case No. 2008-006580
 and Kenneth A. Salowe
 Miami Architect Designs, Case No. 2008-036428
 and Angel D. Gamboa
 Cristina S. Pellizzetti, Case No. 2009-041795
 Rafael Portuondo, Case No. 2009-025546
 R&W Architectural Design, Case No. 2009-003212
 and Daryl W. Hosey
 SW3 Consultants, Inc., Case No. 2009-034683
 and Cheree Roberts
 Vernon J. Thompson, Case No. 2007-027108
 and Paradise Design & Construction
 Robert J. Vick, Case No. 2009-006417
 A copy of the agenda may be obtained by contacting: David K. Minacci, Smith, Thompson, Shaw & Manausa, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: David K. Minacci, Smith, Thompson, Shaw & Manausa, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 For more information, you may contact: David K. Minacci, Smith, Thompson, Shaw & Manausa, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.
 DATE AND TIMES: October 27, 2009, 9:00 a.m. and 10:00 a.m.
 PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.
 A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.
 For more information, you may contact: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The **Construction Industry Licensing Board** announces a telephone conference call to which all persons are invited.
 DATE AND TIME: Tuesday, November 10, 2009, 10:00 a.m. or soon thereafter
 PLACE: Via Telephone Conference Call. To connect, dial 1(888)808.6959, Conference code: 4879516#
 GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting.
 A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, November 11, 2009, 12:00 Noon; Thursday, November 12, 2009, 8:00 a.m.; Friday, November 13, 2009, 8:00 a.m. or soon thereafter

PLACE: Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

The **Electrical Contractors' Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: November 18, 2009, 4:00 p.m.; November 19, 2009, 8:30 a.m.; November 20, 2009, 8:30 a.m.

PLACE: Department of Business and Professional Regulation, Professions' Board Room, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: November 18, 2009, 4:00 p.m. – Probable Cause Panel (portions closed to the public); November 19, 2009, 8:30 a.m. – Discipline and General Business; and November 20, 2009, 8:30 a.m. – General Business.

A copy of the agenda may be obtained by contacting: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)487-8304.

Pursuant to the provisions of 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: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)487-8304. If you are 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: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)487-8304.

The **Board of Veterinary Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: December 1, 2009, 8:00 a.m.

PLACE: Hampton Inn & Suites, 19 South 19th Street, Fernandina Beach, FL 32034, (904)491-4911

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board and business meeting.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

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: Thursday, November 19, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Energy, Climate Change and Economic Security Act of 2008 includes language that requires the Department to perform an analysis and present a report regarding the efficacy and necessity of both statewide and local regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry product from retail establishments. This public meeting is intended to solicit feedback regarding DEP's draft Retail Bags Report from all interested parties.

A copy of the agenda may be obtained by contacting: Jill Scarborough, 2600 Blair Stone Road, MS #4570, Tallahassee, FL 32399-2400, (850)245-8782, or by going to the website: <http://www.dep.state.fl.us/waste/retailbags/>.

Pursuant to the provisions of 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: Jill Scarborough. If you are 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 **Department of Health, Board of Medicine**, Dietetic and Nutrition Practice Council announces a telephone conference call to which all persons are invited.

DATES AND TIME: February 11, 2010; August 12, 2010, 9:30 a.m. or soon thereafter.

PLACE: Conference Call: 1(888)808-6959, when prompted, enter Conference Code: 1022351047 followed by the pound 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. 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: 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: May 14, 2010, 9:00 a.m. or soon thereafter; November 15, 2010, 9:00 a.m. or soon thereafter

PLACE: Capital Circle Office Center, 4052 Bald Cypress Way, Room 301, Tallahassee, FL 32399

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 Practice Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 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)245-4373, ext 3473. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Medicine**, Probation Meeting Notice announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday November 7, 2009, 8:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The general business of the Committee.

A copy of the agenda may be obtained by contacting: Reginald Colston, Medical Compliance Officer, Department of Health, Division of Medical Quality Assurance, Compliance Management Unit, 4052 Bald Cypress Way, Bin #C76, Tallahassee, FL 32399-3251.

Pursuant to the provisions of 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 hours before the workshop/meeting by contacting: Reginald Colston at (850)245-4268, ext. 3546. If you are 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 meetings to which the public may attend. A meeting or portion of a probable cause panel meeting is public only if a case or cases are public by reason of reconsideration.

DATES AND TIME: February 1, 2010, May 3, 2010; August 2, 2010; October 18, 2010, beginning at 8:00 a.m. or soon thereafter.

PLACE: Capital Circle Office Center, 4052 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 for the public portion of the meeting 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 **Board of Orthotists and Prosthetists** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, November 13, 2009, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9849329103#. Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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 Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing: www.doh.state.fl.us/mqa/orthPros/index.html.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Probable Cause Panel of the **Board of Osteopathic Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: November 10, 2009, 5:00 p.m. or shortly thereafter

PLACE: Florida Department of Health, 4042 Bald Cypress Way, Tallahassee, FL 32399

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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)245-4161.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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 Florida **Board of Osteopathic Medicine** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, November 13, 2009, 4:00 p.m. or shortly thereafter; Saturday, November 14, 2009, 9:00 a.m. or shortly thereafter

PLACE: Hyatt Regency, 9300 Airport Blvd., Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (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 Advisory Council of **Medical Physicists Probable Cause Panel** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 3, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9849329103. Department of Health, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3285

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Vicki Grant, Executive Director, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3285.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Department of Health, Division of Health Access and Tobacco** announces a series of four public meeting to which all persons are invited.

DATE AND TIME: January 4, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: Room 301, Building 4052 Bald Cypress Way, Tallahassee, Florida 32399

DATE AND TIME: March 1, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: Room 301, Building 4052 Bald Cypress Way, Tallahassee, Florida 32399

DATE AND TIME: June 7, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: Room 301, Building 4052 Bald Cypress Way, Tallahassee, Florida 32399

DATE AND TIME: September 13, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: Room 301, Building 4052 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Each is a meeting of an Advisory Council required by Section 381.84, F.S. The council meets four times per year to provide advice to the Department of Health relating to the Comprehensive Tobacco Education and Use Prevention Program. Each meeting will provide updates about the media, tobacco cessation, and community intervention programs. There will be additional discussion in the Advisory Council Subcommittee breakout sessions during each meeting.

A copy of the agenda may be obtained by contacting: Michelle Beard at (850)245-4444, ext 2472 (michelle_beard@doh.state.fl.us) or, by going to the Department of Health Tobacco website: <http://www.doh.state.fl.us/tobacco/TAC.html> prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Michelle Beard at (850)245-4444, ext 2472 (michelle_beard@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1 (800) 955-8771 (TDD) or 1 (800) 955-8770 (Voice). If you are 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 the meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Orange County Alliance for Children** announces a public meeting to which all persons are invited.

DATE AND TIME: November 10, 2009, 12:15 p.m.

PLACE: Heart of Florida United Way, 1940 Traylor Blvd., Orlando, FL 32804

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to Children and Families.

A copy of the agenda may be obtained by contacting: Kristi Gray at (407)245-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting. If you are 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: Kristi Gray at (407)245-0400.

The **Developmental Disabilities Prepaid Services**, Study Group announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2009, 10:00 a.m. – 12:00 Noon or conclusion

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, FL 32399. Conference Call-In: 1(888)808-6959, Conference Code: 9439484#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will serve as an opportunity of the Developmental Disabilities Prepaid Services Study Group Bill Drafting Sub-Committee to provide input and feedback on a first draft bill distributed to Study Group members.

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 3 days before the workshop/meeting by contacting: Kimberly Copley at (850)487-3763 or by email: Kimberly_Copley@apd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kimberly Copley at (850)487-3763 or by email: Kimberly_Copley@apd.state.fl.us.

The **Department of Children and Families** and Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Hilton Miami Downtown, Symphony Ballroom I, 1601 Biscayne Blvd., Miami, FL 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: First meeting of the Florida Statewide Task Force on Human Trafficking created by SB168.

A copy of the agenda may be obtained by contacting: No specific agenda is available.

For more information, you may contact: Jeannee Elswick-Morrison at (850)487-4386.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Affordable Rental Strategies, Monday, November 2, 2009, 10:00 a.m.

PLACE: Conference Call: 1(866)875-8705, Conference Code: 33693755#

DATE AND TIME: Affordable Homeownership Strategies, Tuesday, November 3, 2009, 10:00 a.m.

PLACE: Conference Call: 1(866)875-8705, Conference Code: 33696425#

DATE AND TIME: Community Land Banking Strategy, Wednesday, November 4, 2009, 10:00 a.m.

PLACE: Conference Call: 1(866)875-8705, Conference Code: 33699155#

GENERAL SUBJECT MATTER TO BE CONSIDERED: State of Florida's Proposed Neighborhood Stabilization Program 2 Strategies. To provide information and solicit comments regarding the implementation of its proposed Neighborhood Stabilization Program 2 (NSP2) strategies. Florida Housing partnered with the Florida Department of Community Affairs to establish the State of Florida Consortium for the purpose of applying to the U.S. Department of Housing and Urban Development (HUD) for NSP2 funding. The State of Florida Consortium has applied for the NSP2 funding to assist local governments, community development organizations, housing providers and other stakeholders address the stabilization and revitalization of neighborhoods and communities across Florida that HUD has targeted as being significantly affected and at risk due to factors related to the national and state's economic downturn and foreclosure crisis. Although HUD has not yet selected the NSP2 awardees, Florida Housing is holding the public meetings to be prepared to implement its proposed strategies if the State of Florida NSP2 Consortium is awarded funding.

Florida Housing will hold three telephonic public meetings, each addressing one of its NSP2 strategies regarding rental, homeownership and community land banking. Interested parties may participate by calling a toll-free number.

A copy of the agenda may be obtained by contacting: Elaine Roberts at (850)488-4197 or via email: elaine.roberts@floridahousing.org.

For more information on these meetings, including agendas, as well as the State of Florida's proposed NSP2 strategies, please visit www.floridahousing.org or the direct link to the State of Florida NSP2 Web page at: <http://www.floridahousing.org/Home/Developers/ARRA%20of%202009/NSP2.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Elaine Roberts at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2009, 7:00 p.m.

PLACE: Neil Combee Administration Building, Room 413, 330 West Church Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding considerations for FWC's ten-year Management Plan for the Crooked Lake Wildlife and Environmental Area (WEA).

This hearing is designed exclusively for discussion of the draft management plan. A Management Prospectus for Crooked Lake WEA is available upon request from: Florida Fish and Wildlife Conservation Commission, Conservation Planning Group, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-9102 or by e-mail: Larame.Ferry@MyFWC.com.

A copy of the agenda may be obtained by contacting: Larame Ferry at (850)487-9102 or by e-mail: Larame.Ferry@MyFWC.com.

The **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: November 6, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: FWC Headquarters, Farris Bryant Building, 620 South Meridian Street, Tallahassee, FL 32399, (850)488-4676; FWRI Wildlife Research Lab, 1105 S. W. Williston Road, Gainesville, FL 32601, (352)955-2081;

The Fish and Wildlife Research Institute, 100 8th Avenue S. E., St. Petersburg, FL 33701, (727)896-8626;

South Regional Office, 8535 Northlake Blvd., West Palm Beach, FL 33412, (561)625-5122

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is considering revising Rule 68A-1.004 and Chapter 68A-27, F.A.C., rules relating to species classified as Candidate Species, Endangered Species, Threatened Species and Species of Special Concern and considering proposing additional rules related to endangered and threatened species as part of the ongoing effort to develop a new imperiled species listing process.

A copy of the agenda may be obtained by contacting: Caly Murphy at (850)488-3831, 620 South Meridian Street, MS #2A, Tallahassee, FL 32399; please also use this contact information to submit written or other physical evidence which you intend to offer as part of the record during the workshop.

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

For more information, you may contact: Caly Murphy at (850)488-3831, 620 South Meridian Street, MS #2A, Tallahassee, FL 32399.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services**, Office of the Insurance Consumer Advocate announces a public meeting to which all persons are invited.

DATE AND TIME: November 18, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: The Capitol, House Office Building, Room 404, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Claims Dispute Resolution Roundtable.

A copy of the agenda may be obtained by contacting website: www.myfloridacfo.com/ICA/.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Vicki Twogood at (850)413-2970 or e-mail: Vicki.twogood@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 3, 2009, 10:30 a.m.

PLACE: The Office of Insurance Regulation, 200 East Gaines Street, Larson Building, Room B43, Tallahassee, FL 32399-0331

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Office of Insurance Regulation announces an annual meeting of the Continuing Care Advisory Council to which all persons are invited to participate in person or by teleconference.

To appoint a new chairperson and vice chairperson for the Advisory Council and discuss issues currently facing the Continuing Care industry.

A copy of the agenda may be obtained by contacting: Mr. Christopher Struk at Christopher.Struk@flor.com or (850)413-2480.

Pursuant to the provisions of 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: Mr. Christopher Struk at Christopher.Struk@flor.com or (850)413-2480. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Christopher Struk at Christopher.Struk@flor.com or (850)413-2480.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology**, Chief Information Officers Council Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 3, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Bryant Bldg., 620 South Meridian Street, Room 272, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Lauren Pope, Florida Fish and Wildlife Conservation Commission, Office of Information Technology at Lauren.Pope@MyFWC.com or (850)414-2870.

Pursuant to the provisions of 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: Lauren Pope. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WORKFORCE FLORIDA

The **Workforce Florida** announces a public meeting to which all persons are invited.

DATES AND TIMES: November 3, 2009, Partners Council, 1:30 p.m. – 5:00 p.m. (EST); November 4, 2009, Council Meetings, 8:00 a.m. – 5:30 p.m. (EST); November 4, 2009, Board Reception, 5:30 p.m. – 7:00 p.m. (EST) Governors Club; November 5, 2009, Board of Directors' meeting, 8:00 a.m. – 1:00 p.m. (EST)

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board meeting, Council meetings discussion workforce issues.

A copy of the agenda may be obtained by contacting: www.workforceflorida.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: Peggy Dransfield at (850)921-1119. If you are 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 INDEPENDENT LIVING COUNCIL, INC.

The **Florida Independent Living Council, Inc.** announces a public meeting to which all persons are invited.

MEETING: FULL COUNCIL

DATES AND TIME: Tuesday, Wednesday and Thursday, November 3-5, 2009 (Please call (850)488-5624 for agenda)

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E. Coast Drive, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or Toll Free 1(877)822-1993.

TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY

The Conceptual Design/Infrastructure Committee of the **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2009, 10:00 a.m.
PLACE: Room 113, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of the October 7, 2009 meeting, reports of the Executive Director, reports of others, and such other business as the Committee may deem appropriate.

A copy of the agenda may be obtained by contacting: Treasure Coast Education, Research and Development Authority (“Authority”) at (772)467-3107.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Authority at (772)467-3107. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2009, 1:00 p.m.
PLACE: Room 219 West, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of the October 7, 2009 meeting, committee reports, such other business as the Authority may deem appropriate, and Joint Meeting with the Board of County Commissioners of Saint Lucie County, Florida.

A copy of the agenda may be obtained by contacting: The Treasure Coast Education, Research and Development Authority (“Authority”) at (772)467-3107.

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.

FLORIDA WORKERS’ COMPENSATION INSURANCE GUARANTY ASSOCIATION

The Investment Committee of the **Florida Workers’ Compensation Insurance Guaranty Association** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, November 10, 2009, 10:00 a.m. (EST)

PLACE: Via Teleconference
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet regarding general business of the Committee as well as a Parliamentary Investments Consultant Report.

A copy of the agenda may be obtained by contacting: Cathy Irvin at cirvin@agfgroup.org.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2009, 8:00 a.m.
PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

PBS & J

The **Walton County Public Works Department** announces a hearing to which all persons are invited.

DATE AND TIME: November 17, 2009, 6:00 p.m. – 7:30 p.m. (CT)

PLACE: Bruce United Methodist Church, 293 Church Road, Bruce, FL 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to allow interested persons an opportunity to express their views concerning the location, conceptual design; and social, economic, and environmental effects of the proposed improvements to realign SR 20/ SR 81/ CR 3280 in Walton County, Florida. This Public Hearing is being held as part of the Project Development and Environment Study conducted for this project, FIN #421996-1-28-01.

A copy of the agenda may be obtained by contacting: Mr. Greg Vaughn, Public Involvement Coordinator, PBS&J, 2639 North Monroe Street, Building C, Tallahassee, FL 32303, or via email: gavaughn@pbsj.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: Mr. Greg Vaughn, PBS&J, 2639 North Monroe Street, Building C, Tallahassee, FL 32303, Toll-Free 1(866)940-7275. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA, INC.

The **Center for Independent Living of South Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, November 21, 2009, 12:00 Noon
PLACE: Center for Independent Living of South Florida, 6660 Biscayne Boulevard, Miami, FL 33138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Board of Directors of the Center for Independent Living of South Florida, Inc.

A copy of the agenda may be obtained by contacting: Mary Fountain at mary@soflacil.org or by calling (305)751-8025.

Pursuant to the provisions of 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: Mary Fountain at mary@soflacil.org or by calling (305)751-8025. If alternative format (Braille, large print, electronic, or audiotape) or ASL interpretation is required, please RSVP to: mary@soflacil.org or call (305)751-8025 Voice or (305)751-8891 TTY. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

VISIT FLORIDA

The **VISIT FLORIDA**, Board of Directors, Florida Commission on Tourism announces a public meeting to which all persons are invited.

DATES AND TIME: November 30-December 2, 2009, 8:00 a.m.

PLACE: Saddlebrook Resort, 5700 Saddlebrook Way, Wesley Chapel, FL 33543

GENERAL SUBJECT MATTER TO BE CONSIDERED: Marketing Plan for 2009/2010.

A copy of the agenda may be obtained by contacting: Susan Gale.

Pursuant to the provisions of 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: sgale@visitflorida.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: sgale@visitflorida.org.

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 4, 2009, 8:00 a.m. – 12:00 Noon

PLACE: Tampa Marriott Waterside & Marina Hotel, 700 South Florida Ave., Tampa, FL 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to discuss the promotion and development of sports within the State of Florida.

For more information, you may contact: Larry Pendleton, President/CEO at (850)488-8347 or info@flsports.com.

SOIL AND WATER CONSERVATION DISTRICT

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: November 4, 2009, 5:00 p.m.

PLACE: Suite 6181-P, 6191 Orange Drive, Davie, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District Board.

A copy of the agenda may be obtained by contacting: (954)584-1306 or Mail@BrowardSWCD.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: (954)584-1306 or Mail@BrowardSWCD.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).

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Agriculture and Consumer Services has received the petition for declaratory statement from Exxon Mobil Corporation dated October 9, 2009. The petition seeks the agency's opinion as to the applicability of provisions of Chapter 501, F.S., specifically Section 501.160 ("Price Gouging Law"), Section 501.164, The Florida Deceptive and Unfair Trade Practices Act ("Deceptive and Unfair Trade Practices Act"), Sections 501.201 through 501.213, F.S., to the circumstances confronting Exxon Mobil Corporation during a declared state of emergency as it applies to the petitioner.

A copy of the Petition for Declaratory Statement may be obtained by contacting: William N. Graham, Senior Attorney, Office of General Counsel, Mayo Building, Room 526, Tallahassee, Florida 32399-0800.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has issued an order disposing of the petition for declaratory statement filed by Southern Manatee Fire Rescue District, Case No. DS-2009-001 on August 20, 2009. The following is a summary of the agency's disposition of the petition: The Commission determined that the Southern Manatee Fire Rescue District cannot lawfully demote the lieutenant or require him to resign his union office solely because of his dual role as a supervisor and a district vice president of Suncoast Professional Firefighters and Paramedics, International Association of Fire Fighters, Local 2546.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 150, Tallahassee, Florida 32399-0950.

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 Mike Senek, Unit Owner, In Re: Riverside Club, Inc., on October 12, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division does not have jurisdiction to interpret vague or ambiguous provisions in the governing documents; or where there are parties who will be affected by the decision who are not parties to the proceeding.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on October 13, 2009, the Board of Chiropractic Medicine has received the petition for declaratory statement from Edward James Leonard. The petition seeks the agency's opinion as to the applicability of Section 460.403, Florida Statutes, as it applies to the petitioner. Petitioner is seeking the Board's interpretation of Section 460.403, Florida Statutes, concerning whether petitioner is permitted to provide radio frequency ablation, i.e., rhizotomy, services to his patients.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, Board of Clinical Laboratory Personnel has received the petition for declaratory statement from Debra E. Pless on

behalf of Florida Hospital Laboratory. The petition seeks the agency's opinion as to the applicability of subsection 64B3-5.002(1), F.A.C. as it applies to the petitioner.

The petition seeks the Board's interpretation of subsection 64B3-5.002(1), F.A.C., asking that in order to meet the educational requirements for supervisor, can the applicant's bachelors degree be of any major, i.e., Health Services Administration with the completion of additional science courses to meet the 24 hours of academic science required or does the bachelors degree have to be in an academic science that includes the 24 hours of academic science with 8 hours of biology and chemistry.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT the Board of Pharmacy has issued an order disposing of the petition for declaratory statement filed by Gerald Letendre, on behalf of Sarasota Specialty Pharmacy and Wellness Center on May 27, 2009. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement published on June 26, 2009, Vol. 35, No. 25, of the Florida Administrative Weekly. Petitioner sought the Board's interpretation of Section 465.185(1), Florida Statutes, entitled "Rebates Prohibited; penalties" and whether a specific contract between pharmacies and a physician's office would violate Section 465.185 F.S. The Board of Pharmacy considered the Petition at its meeting held on August 12, 2009, in Orlando, Florida. The Board's Order filed on September 11, 2009, found that the Petitioner lacked standing to file the petition and the Petition for Declaratory Statement was dismissed.

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.

The Board of Pharmacy hereby gives notice that on October 7, 2009, it received a Petition for Declaratory Statement filed by Nova Southeastern University. The petition seeks the Board's interpretation of subsections 64B8-9.012(4) and (6), Florida Administrative Code, concerning initial prescriptions, prescription refills, quantity restriction, and prescription transfers.

Copies of the petition may be obtained from: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT the Board of Pharmacy has issued an order disposing of the petition for declaratory statement filed by Unique Pharmaceuticals on January 8, 2009. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement published on January 23, 2009, Vol. 35, No. 3, of the Florida Administrative Weekly. Petitioner sought the Board's interpretation of Rule 64B16-27.700, Florida Administrative Code, entitled "Definition of Compounding," concerning the practice of compounding. The Board of Pharmacy considered the Petition at its meeting held on February 11, 2009, Orlando, Florida. The Board's Order filed on March 5, 2009, found that because the petition failed to specify or describe Petitioner's specific or particular circumstances, the Board was unable to provide a response to the Declaratory Statement.

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.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation received a petition for declaratory statement on October 6, 2009, from Libby Lane, Executive Director of Tallahassee Lenders' Consortium. The petition seeks the Office's opinion as to the application of Sections 494.001(3) and 494.004(6), Florida Statutes, to the activities of Tallahassee Lenders' Consortium, a licensed mortgage brokerage business. The petition seeks a declaratory statement from the Office on (1) whether Petitioner's business activities require continued licensure as a mortgage brokerage business and (2) if so, whether changes in Petitioner's board membership require reapplication for licensure.

A copy of the petition for declaratory statement may be obtained by writing: Agency Clerk, Office of Financial Regulation, Fletcher Building, Suite #526, 200 E. Gaines Street, Tallahassee, Florida 32399-0379.

Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

UF-363 College of Engineering Renovations Design Build
NOTICE TO DESIGN/BUILDER:
The University of Florida Board of Trustees announces that Design/Build services will be required for the project listed below:
Project: UF-363, College of Engineering Renovations (Gainesville, FL)
The project consists of the renovation of 4 – 5 buildings within the College of Engineering. These projects are estimated at 35,000 – 40,000 total square feet. The purpose of these renovations is to create more lab space, reduce energy consumption, upgrade space to latest code, and allow for more technologically advanced lab space. The scope may also include the renovation of temporary space as laboratories are renovated. The spaces are identified as follows:
Benton Hall (Building #0721) – approximately 5,200 square feet of offices and labs (10/90) including some circulation space.
Nuclear Science Building (Building #0634) – approximately 8,000 square feet of offices and labs (30/70) including restrooms, data closet, and circulation space.

Weil Hall (Building #0024) – approximately 14,800 square feet of offices and labs (50/50) including mechanical and electrical systems, server room, data closet, and circulation space.
Larsen Hall (Building #0722) – approximately 10,500 square feet of offices and labs (20/80) including restrooms, mechanical and electrical systems, data storage, and circulation space.

The total project budget is up to \$7.5 million, including fees, surveys and tests, total building commissioning (if any), furnishings and equipment, and contingencies. Construction shall be “fast tracked” to begin by January 2010. (Gold) LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The contract for design/build services will consist of two parts. Part one services include design, construction administration, value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) proposal based on 60/100% Construction Documents, for which the design/building will be paid a fixed fee.

If the GMP is accepted, part two, the construction phase, will be implemented. In part two of the contract, the design/building becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for part one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design/building’s contract.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection and structural engineering subconsultants for this project in the amount of \$1,000,000 each, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design and construction ability, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and the applicant or its architectural, landscape architectural, and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida.

Applicants desiring to provide design/build services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the DBQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "Design/Builder Qualifications Supplement" (DBQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
5. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for all construction, architectural, landscape architectural, and engineering entities (applicant and consultants) from the appropriate governing board.
6. Proof of bonding capacity and proof of all design entities' or consultants' (architecture and engineering) ability to be insured for the level of professional liability coverage demanded for this project.

If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design/builders must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific DBQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Design/Builder agreement, and other project and process information – can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), Monday, November 23, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction

232 Stadium / P. O. Box 115050

Gainesville, FL 32611-5050

Telephone: (352)273-4000; Fax: (352)273-4034

Internet: www.facilities.ufl.edu

CALL FOR QUALIFICATIONS

The University of West Florida Board of Trustees is soliciting sealed Qualifications submittals for Construction Manager at Risk services for the construction of a Maritime Museum in Pensacola, FL.

Interested firms are required to attend a mandatory pre-submittal conference to participate in this solicitation. The mandatory meeting is scheduled for November 3, 2009 at 2:00 p.m. (Central Time), Bldg. 92, Room 110, The University of West Florida, 11000 University Parkway, Pensacola, FL.

Sealed submittals will be received until 2:00 p.m. (Central Time), November 24, 2009, at the Department of Procurement and Contracts, Bldg. 90, Room 133, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

All potential respondents are hereby advised that the obligations of the University of West Florida to proceed with this project are subject to the availability of funds lawfully obtained through donations, State matches, Tax Exempt programs and other contract or grant programs. Some of the funding sources may not be in place at the time of the release of this solicitation.

View this solicitation and related information on UWF's Procurement and Contracts' website: <http://uwf.edu/procurement>.

All inquiries should be submitted to: Elaine Smith at etsmith@uwf.edu.

DCPS OFDC RFQ-003-09/10 CM Services for New Classroom Buildings at R.E. Lee HS No. 30 and Ed White HS No. 241/DCSB Project No. C-91400

NOTICE TO CONSTRUCTION MANAGEMENT FIRMS THAT THE OFFICE OF FACILITIES DESIGN AND CONSTRUCTION Request for Qualifications (RFQ) OFDC-RFQ-003-09/10 for Construction Management Services/Date of Publication – October 16, 2009. The Office of Facilities Design and Construction announces that Construction Management services are required for the following project: Project Number: C-91400/Project Title: New Classroom Addition at Robert E. Lee High School No. 33/DCSB Project No. C-91400 and New Classroom Addition at Edward H. White High School No. 248/DCSB Project No. C-91400. Project Location: Robert E. Lee High School No. 33 is located at 1200 McDuff Avenue, S., Jacksonville, FL 32205 and Edward H. White High School No. 248 is located at 1700 Old Middleburg Road, Jacksonville, FL 32210. RFQ's ARE DUE ON OR BEFORE NOVEMBER 17, 2009 AND WILL BE ACCEPTED UNTIL 4:30 p.m. The selected Construction Manager(s) will provide preconstruction services including

value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase. Scope of Work: The project at Robert E. Lee High School No. 33 is for a new seventeen (17) classroom building addition and associated sitework with demolition and new construction. The estimated construction budget is "Budgeted Not to Exceed" \$5,859,000. The project at Edward H. White High School No. 248 is for a new twelve (12) classroom building addition and associated sitework with demolition and new construction. The estimated construction budget is "Budgeted Not to Exceed" \$3,520,800. Selection of firms will be made on the basis of construction manager qualifications in accordance with the criteria outlined in the DCPS manual for the Selection of the Construction Manager. Proposal requirements and information for Award Selection may be obtained at: www.duvalschools.org, http://www.duvalschools.org/static/aboutdcps/departments/facilities/selection_booklets.asp Selection of the Construction Manager.doc. Construction management firms may elect to submit on one or both projects with separate qualification packages submitted for each project. The District reserves the right to award each school project individually to separate construction management firms or both to a single construction management firm. The selected firm shall be required to execute the Duval County School Board standard form of agreement. All firms submitting proposals shall be required to be pre-qualified with Duval County Public Schools prior to the RFQ due date. Firms who are not approved as a pre-qualified bidder will not be considered for award. Prequalification forms and information may be obtained at: www.duvalschools.org, http://www.duvalschools.org/static/aboutdcps/departments/facilities/general_documents.asp "Contractor Prequalification Package for Educational Facilities Construction". Applications are to be sent to: Facilities Design and Construction

1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: Tony Gimenez
PHONE NO.: (904)390-2279

MBE GOALS: 20% overall based on available MBE's for each school.

October 16, 2009. The Office of Facilities Design and Construction announces that Architectural/Engineering Professional Services are required for a project entitled NEW CLASSROOM BUILDING ADDITION AT ROBERT E. LEE HIGH SCHOOL NO. 33, DCSB Project No. C-91400 for Duval County Public Schools. The firm selected will be responsible for design, bid review and construction administration of this project having an estimated construction cost of approximately \$5,859,000.00 (CONSTRUCTION BUDGET). The project scope shall consist of design and construction of a new classroom addition building with a minimum of 17 classrooms and associated sitework for demolition and new construction. Applicants are advised that all plans, drawings and specifications for this project may be reused by the Owner as a prototype for future projects in the School District. Applications are to be sent to:

Duval County Public Schools
Facilities Design and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: Tony Gimenez

PHONE NO.: (904)390-2279

RESPONSE DUE DATE: NOVEMBER 17, 2009 AND WILL BE ACCEPTED UNTIL 4:30 p.m.

MBE GOALS: 20% overall based on available MBE's. Information on the selection process can be found at www.duvalschools.org, http://www.duvalschools.org/static/aboutdcps/departments/facilities/selection_booklets.asp Selection of Architect/Engineer.doc.

External Independent Auditing Services RFP

The School Board of Polk County, Florida shall receive sealed proposals for External Independent Auditing Services. RFP 026-PSC-1110, will be opened at 3:00 p.m., Thursday, November 12, 2009.

A Request for Proposal may be obtained by visiting The School Board of Polk County, Purchasing Department website at <http://www.polk-fl.net/community/doingbusinesswithus/purchasing/default.htm> or from: School Board of Polk County, Purchasing Department, 1915 S. Floral Ave., Bartow, Florida between the hours of 8:00 a.m. and 4:00 p.m. on regular business days. Contact: Scott Clanton at (863)534-0572 for any questions regarding this bid.

Interested vendors must have a completed vendor application on file with the School Board Purchasing Department prior to bid award in order for your bid to be considered.

DCPS OFDC RFQ-002-09/10 A/E Services for New Classroom Building at R.E. Lee HS No. 30/DCSB Project No. C-91400

NOTICE TO PROFESSIONAL CONSULTANTS THAT OFFICE OF FACILITIES DESIGN AND CONSTRUCTION Request for Qualifications (RFQ) OFDC RFQ-002-09/10 Professional Services Architectural/Engineering Services

DEPARTMENT OF TRANSPORTATION

FDOT District Three – Fixed Capital
Outlay Projects – 11-12-2009

Sealed bids will be received by the Florida Department of Transportation, District Three, Administration Building, Procurement Services Conference Room, District Office Complex, Department of Transportation, 1074 Highway 90, Chipley, Florida. Bids will be publicly opened and read aloud on:

DATE AND TIME: Thursday, November 12, 2009, 2:00 p.m. (Local Time)

PLACE: Florida Department of Transportation, Procurement Services Conference Room, Room 230, District Office Complex, 1074 Highway 90, Chipley, Florida 32428.

FINANCIAL ITEM NO.: 425493 1 5201 & 423903 3 5201

PROJECT NAME & LOCATION: FDOT Panama City Operations Re-Roofing

The work performed under this contract includes flat roof removal and new placement of shop, warehouse, gas house and crew building at the Panama City Operations Center in Bay County. Contract No. E3H99 – 60 Days. Approved budget for this project is \$200,000. (There is a \$40.00 charge for the plans and specifications for this project.)

Note: A Mandatory Pre-Bid Conference has been scheduled for this project.

Location: Florida Department of Transportation, Panama City Operations Center Conference Room, 3633 Highway 390, Panama City, Florida 32405.

Date and Time: October 20, 2009, 1:00 p.m. (Local Time). Attendance at the Mandatory Pre-Bid Conference is required to bid on this project. Note: All Proposers must be present and signed in prior to the start of the Mandatory Pre-Proposal Meeting. The convener of the meeting will circulate the attendee sign in sheet at the time the meeting was advertised to begin. Once everyone has signed, the sign in sheet will be taken and the meeting will “Officially” start. Anyone not signed in at the “Official” start of the meeting will be considered late and will not be allowed to propose on the project. Please allow 10 to 15 minutes to sign in as a visitor prior to arriving at the Mandatory Pre-Proposal Meeting.

FINANCIAL ITEM NO.: 423903 3 5201

PROJECT NAME & LOCATION: FDOT Midway Operations HVAC Renovations

The work performed under this contract includes the replacement of the HVAC system at the Midway Operations Center in Leon County. Contract No. E3I01 – 180 Days. Approved budget for this project is \$250,000. (There is a \$40.00 charge for the plans and specifications for this project.)

Note: A Mandatory Pre-Bid Conference has been scheduled for this project.

Location: Florida Department of Transportation, Midway Operations Center Conference Room, 17 Commerce Blvd., Midway, Florida 32343.

Date and Time: October 21, 2009, 12:00 Noon (Local Time). Attendance at the Mandatory Pre-Bid Conference is required to bid on this project. Note: All Proposers must be present and signed in prior to the start of the Mandatory Pre-Proposal Meeting. The convener of the meeting will circulate the attendee sign in sheet at the time the meeting was advertised to begin. Once everyone has signed, the sign in sheet will be taken and the meeting will “Officially” start. Anyone not signed in at the “Official” start of the meeting will be considered late and will not be allowed to propose on the project. Please allow 10 to 15 minutes to sign in as a visitor prior to arriving at the Mandatory Pre-Proposal Meeting.

Orders for drawings, specification, and/or bid documents should be directed to: Amanda Barefield, Professional Services Office, 1074 Highway 90, Chipley, FL 32428, (850)415-9364. Proposal documents will not be issued after 2:00 p.m. (Local Time), Wednesday, November 11, 2009. Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Professional Services Office.

*New or first time bidders with the Florida Department of Transportation can request a bid process orientation meeting by calling (850)415-9364, by emailing: amanda.barefield@dot.state.fl.us or by writing: Florida Department of Transportation, Attention: Amanda Barefield, 1074 Highway 90, Chipley, Florida 32428.

MINORITY PROGRAM: The Department encourages Minority Business Enterprise (MBE) firms to compete for Department contracts, and also encourages non-MBE firms to use MBE firms as sub-contractors. However, the use of MBE sub-contractors is not mandatory and no goals have been established for MBE participation for this project.

Requirements for the projects noted above:

1. **PREQUALIFICATION:** Each bidder shall submit a current applicable State Contractor’s license issued by the State of Florida and, if a Corporation, a copy of the Corporate Charter as prequalification of their eligibility to submit bids prior to the Department releasing the Bid Proposal package. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Bid Proposal package.
2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of 5% of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to the Florida Department of Transportation, a cashier’s check, treasurer’s check or bank draft of any

national or state bank. A bid bond, check or draft in an amount less than five per cent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to the furnished proposal forms.

3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount of the contract is required.
4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notices of Intent will be posted at: Professional Services Office, Florida Department of Transportation, Room 250, 1074 Highway 90, Chipley, Florida 32428, on November 25, 2009. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested. Information concerning the posted project can be obtained by calling: Professional Services Office at (850)415-9364, during the posting period. The right is reserved to reject any or all bids.
5. **BID SOLICITATION / AWARD / NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Section 120.57(3), Florida Statutes, and DOT Chapter 14-25, Florida Administrative Code (F.A.C.). The required notice of protest and formal protest must each be timely filed with: Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station #58, Room 550, Tallahassee, Florida 32399-0458, (850)414-5393. 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.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR GENERAL CONTRACTORS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: MSFM-25010005

PROJECT NAME: Erosion Control, Ft. Pierce Regional Service Center

PROJECT LOCATION: St. Lucie County, Florida

MANADATORY PRE-BID MEETING: Tuesday, November 3, 2009

BID OPENING: Tuesday, December 8, 2009

ESTIMATED BASE BID CONSTRUCTION BUDGET: Range: \$250,000.00 to \$350,000.00

PREQUALIFIED BIDDERS: Refer to DMS Website (below) for further details

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

Please visit the Department's Website http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu and click on "Search Advertisements – Division of Real Estate Development and Management" Look for "Opportunities for Design and Construction Firms" and click on link.

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. 2010019C Phase III-A Earthmoving and Revegetation Services

The Department of Environmental Protection, Division of Water Resource Management, Bureau of Mining and Minerals Regulation, is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Phase III-A Restoration at the Tenoroc Fish Management Area

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment, and materials required for earthmoving, revegetation, and construction for upland and wetland creation, mitigation, reclamation, and enhancement for the Upper Peace River/Saddle Creek Restoration Project.

LOCATION: Approximately 2.25-miles east/southeast of the Tenoroc Fish Management Area (TFMA) office. Township 27 South, Range 25 East, and Sections 29, 30, 31, 32.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may download a copy from the Florida Department of Management Services (DMS) Vendor Bid System (http://vbs.dms.state.fl.us/vbs/main_menu).

MANDATORY SITE INSPECTION: Tuesday, November 3, 2009, 9:00 a.m., Tenoroc Fish Management Area Office, 3829 Tenoroc Mine Road, Lakeland, Florida 33805. Directions may be obtained by calling (863)534-7077 or (863)499-2421.

PRE-QUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapters 399, 455, 489 and 633, Florida Statutes, for licensure or certification must submit prequalification data of their eligibility five (5) days prior to the bid opening date.

QUALIFICATIONS FOR AWARD OF CONTRACT: After bid opening, the low bidder may be required to provide additional financial and bidding qualifications in accordance with Rule 60D-5.004, Florida Administrative Code. These requirements are outlined in paragraph B-2(2) "Qualifications for Award of Contract". Pursuant to Chapter 62C-17, F.A.C., proof of previous experience with the reclamation of lands mined or disturbed by phosphate operations prior to July 1, 1975 is a requirement for award.

SEALED BID SUBMITTAL: Florida Department of Environmental Protection, Procurement Section MS #93, 3800 Commonwealth Blvd., Tallahassee, Florida 32399-3000. The Department reserves the right to reject any or all bids.

SEALED BIDS RECEIVED AND OPENED: No later than 3:00 p.m. (ET) on Monday, November 23, 2009.

PROCUREMENT CONTACT: Diane Harper at (850)245-2361 or Fax: (850)245-2412.

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.

ADA REQUIREMENTS: If accommodations are needed because of disability, please contact: Diane Harper (Procurement), (850)245-2361 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).

NOTICE OF INVITATION TO BID

BID NO. BDC 55-09/10

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from contractors certified with the Florida Department of Transportation for this type of construction and prequalified with the Department of Environmental Protection for the project listed below:

PROJECT NAME: Marion County Road Trail Crossings at CR475 and CR475A.

SCOPE OF WORK: The contractor shall provide the necessary labor, materials, equipment, and supervision to construct temporary detour roads around the project sites, remove a section of the roadway for the installation of a precast culvert system for a trail crossing under the roadway, reconstruction the road over the culvert system, landscaping, and then the removal of the detour road.

PROJECT BUDGET: \$3,500,000 – This project is partially funded with 2009 American Recovery and Reinvestment Act (ARRA) funds and is subject to the act's criteria and conditions.

Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

PARK LOCATION: Marjorie Harris Carr Cross Florida Greenway

PROJECT MANAGER: Jim Wolfe, Office of Greenways and Trails, 3900 Commonwealth Blvd., MS #795, Tallahassee, Florida 32399-3000, (850)245-2052, Fax: (850)245-2082.

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 Chapters 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 or email: Jim.D.Wolfe@dep.state.fl.us. Compact Disk (CD) containing the plans and specifications will be available on October 23, 2009 at the Office of Greenways and Trails. Contact: Jim Wolfe, Project Manager, Office of Greenways and Trails, 3900 Commonwealth Blvd., MS #795, Tallahassee, Florida 32399-3000, (850)245-2052, Fax: (850)245-2082.

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 2:00 p.m. (ET), Tuesday, November 24, 2009, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administer, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Tuesday, December 8, 2009, unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by) the: Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS #35, 3900 Commonwealth Blvd., Tallahassee Florida 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 60-09/10

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from certified or registered contractors licensed to work in the jurisdiction for the project listed below:

PROJECT NAME: Highland Hammock State Park-Restoration of CCC Structures

SCOPE OF WORK: The Contractor shall furnish all labor, material, equipment and supervision to renovate twelve (12) historic structures.

Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

PROJECT BUDGET: \$200,000.00

PARK LOCATION: Highlands Hammock State Park, 5931 Hammock Road, Sebring, Florida in Highlands County

INSTRUCTIONS: Any firm desiring a Project Manual for this project may obtain a copy by writing to the address or calling the telephone number below. A Compact Disk (CD) containing the plans and specifications will be available on October 23, 2009, Highlands Hammock State Park, 5931 Hammock Road, Sebring, Florida 33872, Attention: Peter Anderson, Park Manager, (863)386-6094, Fax: (863)386-6095.

PROJECT MANAGER: Hubert Baxter, Architect, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, (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 Chapters 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.

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 2:00 p.m. (ET), Tuesday, November 17, 2009, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Tuesday, November 24, 2009 unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by): Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS #35, 3900 Commonwealth Blvd., Tallahassee Florida 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

PROFESSIONAL SERVICES FOR ARCHITECTURE-ENGINEERING CONTINUING CONTRACTS FOR NORTH FLORIDA REGION

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction, announces that professional services are required for the Contract listed below. These Services may be used for projects anywhere in the State of Florida at the sole discretion of the Department of Health, however, it is

anticipated that the vendors selected will primarily be activated for projects in the Northern region of the state. For this contract, the Northern Region is defined as all counties north of, but not including, Levy, Marion and Volusia. Multiple firms may be selected under this Continuing Contract and may be activated at the sole discretion of the Department as workload may occasion. Selected firms may be assigned projects having estimated construction cost, planning or study fees not exceeding the threshold amounts of \$2,000,000 (Construction) and \$200,000 (Planning or Study fee) respectively, provided for in Section 287.055, Florida Statutes. This contract will be for an initial period of two (2) years with an option to renew for an additional two-year period.

QUALIFICATIONS SELECTION CRITERIA: Firms must be properly licensed in the State of Florida at the time of submittal. Selections will be made in accordance with Section 287.055, Florida Statutes. The Selection Committee will conduct interviews with and may require public presentation by no fewer than three (3) firms regarding their qualifications, understanding of program/requirements and approach and methodology for providing required services.

SELECTION OF FINALIST FOR INTERVIEW: Selection for interview will be made on the basis of professional services qualifications including relevant experience and ability, location, recent experience, current and projected workloads of the firms, technical and Florida licensed professional staff and volume of Florida Departments of Health and Management Services work. The firm or firms selected must be registered with MyFloridaMarketPlace (MFMP) prior to execution of a contract. However, they will be exempt from the one percent MFMP fee.

Applications being sent via the U.S. Mail or via overnight express service shall be sent to: Thomas Matthias, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, BIN #B06, Tallahassee, Florida 32399-1734, (850)245-4444, ext. 3166, Fax: (850)412-1419.

PROJECT NUMBER: 20090000

PROJECT NAME: North Region Continuing Contracts for Architectural – Engineering Services

SERVICES TO BE PROVIDED: Architecture-Engineering Services

RESPONSE DUE DATE: Friday, November 6, 2009, 4:00 p.m. (EDT). Any Responses received after the due date and time will be deemed non-responsive and will not receive further consideration.

INSTRUCTIONS: Submit three (3) bound copies of the following information:

1. Table of contents
2. Letter of interest

3. A copy of the current Department of Health Professional Qualifications Supplement (PQS) Form DBC5112 Revised 7/1/04. A copy of this form can be obtained by calling (850)245-4444, ext 3167 and at the following Website: http://vbs.dms.state.fl.us/vbs/main_menu
4. A copy of the firm's current Florida Professional License registration. (Proper registration at the time of application is required.)
5. (CORPORATIONS ONLY) Current Corporate Certificate providing evidence of validation date and designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
6. Completed Standard Form 330
 *In Article 19, Relevant Projects, and Article 23, Project Owner's Information, list only projects designed, under construction, and/or completed within the past five (5) years.
7. All future notices regarding this solicitation and results of selection will be posted at the following web site: http://vbs.dms.state.fl.us/vbs/main_menu
 * All applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and any section dividers. However, this is not a mandatory requirement.

EVALUATION: All proposals submitted shall become the property of the Department of Health. The submitted proposals will be placed on file and not returned. The Department reserves the right to deem proposals that do not comply with the above instructions and/or do not include the required qualification data non-responsive. The applicant will not receive further consideration.

POSTING OF RESULTS: Results of the short listing evaluation will be posted on the DMS Vendor Bid System at http://vbs.dms.state.fl.us/vbs/main_menu within 48 hours after the committee's recommendation. In the event that this information cannot be posted within this time frame, then the applicant firms will be notified of the results by e-mail. Proposals shall include, in the cover letter of each submission, the name of the contact person, e-mail address and direct phone number to be used. All future announcements, results and information about the selection for this project will be posted on the DOH Website at http://vbs.dms.state.fl.us/vbs/main_menu.

A.D. MORGAN CORPORATION

Notice of Bid/Request for Proposal

Expansion of Domestic Water Treatment Plant and Wastewater Treatment Plant Pond De-Watering/Sludge Removal for State of Florida Department of Corrections, Lancaster Correctional Institution, Trenton, Florida.

Please contact Terry Lilling at: tlilling@admorgan.com (subject: Lancaster C.I. Domestic Water Treatment Plant Expansion) specifying scope of work and mailing address, or call (352)463-0375, if you are interested in bidding this project, and to obtain a full set of bid documents.

Sealed bids for furnishing all labor and material and performing all work necessary and incidental to the construction of the Domestic Water Treatment Plant Expansion and the Wastewater Treatment Plant Pond De-Watering/Sludge Removal for the following bid packages:

Bid Package #	Description
3	Domestic Water Treatment Plant (WTP) Expansion
4	Wastewater Treatment Plant (WWTP) Pond De-Watering/Sludge Removal

Bid packages include all components indicated on the contract documents for the work.

Bids will be marked "Sealed Bid" and delivered Attention: A.D. Morgan Corporation, Construction Trailer, Lancaster Correctional Institution, 3449 S. W. State Road 26, Trenton, FL 32693-5641, (352)463-4395 until 2:00 p.m., Tuesday, November 24, 2009.

A non-mandatory pre-bid meeting will be held at 11:00 a.m., Tuesday, November 3, 2009 at: Lancaster Correctional Institution, Training Facility (located behind the institution), 3449 S. W. State Road 26, Trenton, Florida 32693.

Plans are also located at the following plan rooms:

Mid State Builders Exchange
 19 N. W. 8th Street
 Ocala, FL 34475
 (352)351-5292

Reed Construction Data
 30 Technology Pkwy., South, Suite 110
 Norcross, GA 30092
 (813)657-7599

MHC Plan Room
 542 Edgewood Avenue, South
 Jacksonville, FL 32205
 (904)384-5203

MCH/ABC Plan Room
 1319 N. Florida Avenue
 Tampa, FL 33602
 (813)204-9200

MHC Plan Room
 823 Thomasville Road
 Tallahassee, FL 32303
 (850)877-6987

BALFOUR BEATTY CONSTRUCTION, LLC

INVITATION TO BID

Lowell Correctional Institution Phase II – Ancillary Buildings
 Balfour Beatty Construction LLC (BBC) is accepting bids for the site work portion only for the above referenced project no later than Tuesday, October 27, 2009, 2:00 p.m., Keeneland Ballroom, The Hilton of Ocala, 3600 S. W. 36th Avenue, Ocala, Florida 34474 The bids will be opened immediately following the 2:00 p.m. bid close at the same location.

Bids are being accepted at this time for the sitework (div. 2) scope of work only.

The Bid Package will be available: NGI, Friday, October 2, 2009.

SEALED BIDS AND PREQUALIFICATION FORMS RECEIVED PRIOR TO BID DAY ARE TO BE SENT TO:

Attn: Mike Miller/Project Manager
 Balfour Beatty Construction LLC.
 *11650 N. W. Gainesville Road
 Ocala, Florida 34482
 (352)369-6183

*Bids will only be accepted at this address up to the day prior to bid day. All bids received on bid day must be hand delivered to: Keeneland Ballroom, The Hilton of Ocala as listed above.

Interested parties can obtain plans, specifications, bid package and prequalification forms at the following location. Estimated cost of a full set of Bidding Documents is \$50. CD's with bidding documents will also be available. All bidders must follow the bidding requirements listed in the instructions to bidders available at:

NGI
 304A S. W. Broadway St.
 Ocala, FL 34474
 (352)622-5039

A pre bid conference will be held at:

The Hilton of Ocala
 3600 S. W. 36th Ave.
 Ocala, FL 34474
 Ph: (352)854-1400

On October 7, 2009, 9:00 a.m.

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.

INVITATION TO BID

Lowell Correctional Institution Phase II – Ancillary Buildings
 Construction of Food Service and Visitors Center Buildings,
 Renovation of Security Offices.

Balfour Beatty Construction LLC (BBC) is accepting bids for the above referenced project no later than Tuesday, November 10, 2009, 2:00 p.m., Churchill Ballroom, The Hilton of Ocala,

3600 S. W. 36th Avenue, Ocala, Florida 34474. The bids will be opened immediately following the 2:00 p.m., bid close at the same location.

Bids will be accepted for the following Bid Packages at this time:

For the following scopes contract Watson Rogers:

- 3A – Cast-In-Place Concrete
- 4A – Masonry
- 8A – Detention Equipment, Security Controls, Doors, Windows and Glass, and Misc. Specialties
- 9A – Trusses, Walls and Ceilings
- 15A – HVAC
- 15B – Plumbing & Natural Gas Piping

For the following scopes contact Mike Miller:

- 2B – Security Fencing and Gates
- 5A – Structural Steel/Misc. Metals
- 7A – Caulking & Sealants
- 7B – Roofing, Siding and Metal Panels
- 9E – Paint & Wall Coverings
- 11A – Food Service Equipment
- 16 A – Electrical

For the following scopes contact Marcus Niceley:

- 8B – Overhead Doors
- 9B – Carpet, Ceramic tile and Resilient Flooring
- 10A – Covered Walkways
- 12A – Millwork & Casework
- 13A – Metal Buildings (Alternate)

All of the above can be reached at (352)369-6183:

Bid Packages will be available: NGI, Monday, October 19, 2009.

SEALED BIDS AND PREQUALIFICATION FORMS RECEIVED PRIOR TO BID DAY ARE TO BE SENT TO:

Attn: Mike Miller/Project Manager
 Balfour Beatty Construction LLC.
 *11650 N. W. Gainesville Road
 Ocala, Florida 34482
 (352)369-6183

*Bids will only be accepted at this address up to the day prior to bid day. All bids being submitted on bid day must be hand delivered to: Churchill Ballroom, The Hilton of Ocala as listed above.

Interested parties can obtain plans, specifications, bid package and prequalification forms at the following location. Estimated cost of a full set of Bidding Documents is \$300. CD's with bidding documents will also be available. All bidders must follow the bidding requirements listed in the instructions to bidders available at:

NGI
 304A S. W. Broadway St.
 Ocala, FL 34474
 (352)622-5039

A pre bid conference will be held at:

The Hilton of Ocala
 3600 S. W. 36th Ave.
 Ocala, FL 34474
 Ph: (352)854-1400

On October 29, 2009, 9:00 a.m.

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.

Mayo Correctional Institution – Construction of the Annex adjacent to and the Future Expansion/Renovation of the Main Unit at the Mayo Correctional Institution.

The Work

Water Treatment Equipment and Installation For Treating Ground Water To Potable Water From a 650GPM Well

Balfour Beatty Construction LLC (BBC) will be accepting Sealed bids for all or part of the WTP Work from qualified Subcontractors/Suppliers for the above referenced project no later than 2:00 p.m., Tuesday, November 24, 2009, at the address provided below: Bids will be opened publicly immediately following the 2:00 p.m. cut off.

All questions will be addressed by: Kevin Gray, Balfour Beatty, (386)294-3100, email: kgray@balfourbeattyus.com.

The test results from the well are available immediately upon request.

Bid Package will be available at NGI, Tuesday, November 17, 2009. Interested parties can obtain plans, specifications, bid package and prequalification forms at the following location. The estimated cost for the documents is less than \$100.

NGI (Ocala)
 (352)622-5039
 304A Southwest Broadway Street
 Ocala, FL 34474

SEALED BIDS AND PREQUALIFICATION FORMS ARE TO BE SENT TO:

Attention: Kevin Gray
 Balfour Beatty Construction
 804 N. W. Jackson Bluff Road
 Mayo, FL 32066

Please note that the project is located in a remote location and each bidder is encouraged to contact their shipping company regarding delivery times to avoid missing the bid cut off.

A pre bid conference will be held at 9:00 a.m., Thursday, November 19, 2009, at:

Jobsite Construction trailer
 804 N. W. Jackson Bluff Road
 Mayo, FL 32066

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.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

RFP 2010-HC-8300

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2010-HC-8300) is released in order to fund activities that will facilitate collaboration and strategic planning for stakeholders throughout the state in order to provide funding sustainability to the Early Steps program.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. FDDC has set aside up to \$93,000 of federal funds for a period not to exceed one (1) year for fiscal support of this RFP, however the project is intended to be completed within a shorter period of time. Continuation of tasks identified in the plan will be conducted by the lead agency, therefore funding for subsequent years are not anticipated.

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, (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is October 30, 2009. Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of November 6, 2009. The deadline for submitting proposals for this RFP to FDDC is December 2, 2009, 2:00 p.m. (EST).

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTION 163.3177(2), FLORIDA STATUTES
 DCA DOCKET NO. 21-03**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Gilchrist County School Board and the City of Fanning Springs, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Fanning Springs, 17651 N. W. 90th Court, Fanning Springs, Florida 32693.

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 Gilchrist County School Board and the City of Fanning Springs. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

Mike McDaniel, Chief
Office of Comprehensive Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

DEPARTMENT OF REVENUE

Notice of Adoption of Communications Services Tax Address/Jurisdiction Database

Section 202.22(2), F.S., requires the Department of Revenue to create and maintain an electronic siting database that assigns customer service addresses to local taxing jurisdictions for purposes of the communications services tax. The update to the Address/Jurisdiction Database, as posted on October 4, 2009, becomes effective on January 1, 2010. The database can be accessed at <http://geotax.state.fl.us>. The next update to the database will be effective July 1, 2010, and is required to be posted 90 days in advance of the effective date. Local governments are required to submit changes and additions for inclusion in the July 1, 2010, update no later than March 3, 2010.

Additional information concerning procedures for requesting changes and additions to the database is available from: Department of Revenue, Local Government Unit at (850)921-9181 or by e-mail: local-govt-unit@dor.state.fl.us. Persons with hearing or speech impairments may call the TDD line at 1(800)367-8331 or (850)922-1115.

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 Moto Dealer Import, LLC, intends to allow the establishment of Carley's Scooters, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 595 Avenue K, Southeast, Winter Haven (Polk County), Florida 33880, on or after October 15, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Carley's Scooters are dealer operator(s): Carla Smith, 595 Avenue K, Southeast, Winter Haven, Florida 33880; principal investor(s): Carla Smith, 595 Avenue K, Southeast, Winter Haven, Florida 33880.

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: Jack Lin, Moto Dealer Import, LLC, 4998-B, South Royal Atlanta Drive, Tucker, Georgia, 30084.

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 Indian Motorcycle Company, intends to allow the establishment of Daytona Beach Cycles, LLC, as a dealership for the sale of motorcycles manufactured by Indian Motorcycle Company (INDI) at 402 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after October 14, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Daytona Beach Cycles, LLC are dealer operator(s): Enzo Almeida, 402 North Beach Street, Daytona Beach, Florida 32114; principal investor(s): John Owen, 402 North Beach Street, Daytona Beach, Florida 32114.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: JP Barbeau, Indian Motorcycle Company, 116 Battleground Road, Kings Mountain, North Carolina, 28086.

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 BMW of North America, LLC, intends to allow the establishment of SAI Fort Myers B, LLC d/b/a MINI of Fort Myers, as a dealership for the sale of automobiles manufactured by BMW of North America, LLC (MINC) at 13880 South Tamiami Trail, Fort Myers (Lee County), Florida 33912, on or after October 14, 2009.

The name and address of the dealer operator(s) and principal investor(s) of SAI Fort Myers B, LLC, d/b/a MINI of Fort Myers are dealer operator(s): Darryl Shepherd, 13880 South Tamiami Trail, Fort Myers, Florida 33912; principal investor(s): B. Scott Smith, 6415 Idlewild Road, Suite 109, Charlotte, North Carolina 28212.

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: Robert Goodheart, BMW of North America, LLC, 300 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

STATE BOARD OF ADMINISTRATION OF FLORIDA

SECURITIES LITIGATION COUNSEL SEARCH

The State Board of Administration of Florida (the “SBA”) is seeking responses to an Invitation To Negotiate (“ITN”) from law firms that are interested and qualified to provide legal representation to the SBA on matters relating to securities litigation (class actions, opt-out and individual actions and derivative actions). The SBA is a constitutional entity that acts as investment fiduciary for the Florida Retirement System Trust Fund and other state and local funds. As of July 31, 2009, the SBA had \$126.87 billion total assets under management.

The ITN will available on Monday, October 19, 2009, and responses are due no later than 5:00 p.m. (EST), Tuesday, November 3, 2009. The ITN is posted and available on the SBA’s website at www.sbafla.com under the tab labeled “Vendors.”

AGENCY FOR HEALTH CARE ADMINISTRATION

REVISED NOTICE OF

HOSPICE PROGRAM FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for January 2011, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Fixed need pool projections as published in the October 2, 2009 edition of the Florida Administrative Weekly are being revised due to an error in the fixed need pool calculations. The fixed need pool is revised as follows:

Hospice Program Net Need	
Service Area	Net Need
Subdistrict 4A	1
Subdistrict 5B	0
Subdistrict 7B	1
State Total	2

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://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT ON AN INITIAL PLAN OF EXPLORATION FOR FEDERAL WATERS OF THE CENTRAL GULF OF MEXICO PLANNING AREA

Interested persons are hereby given notice that a U.S. Department of the Interior, Minerals Management Service, Initial Plan of Exploration submitted by Murphy Expro USA, for Desoto Canyon Block 4, was received by the State of Florida. Proposed activities include drilling up to three exploration wells in approximately 5,600 feet of water located approximately 90 miles south of Alabama.

The plan is available for inspection at: Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953 DA, Douglas Building, 3900 Commonwealth Boulevard, MS #47, Tallahassee, Florida 32399-3000, (850)245-2163. Written comments regarding this activity and its consistency with the Florida Coastal Management Program should be submitted to: FDEP, at the address listed above, by November 6, 2009. Contact: Shana Kinsey or Debby Tucker at (850)245-2163, email: Shana.Kinsey@dep.state.fl.us or Debby.Tucker@dep.state.fl.us.

This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted revised procedures for review and comment on www.MyFlorida.com at: http://www.djj.state.fl.us/policies_procedures/policyreview.html.

Background Screening Procedures (FDJJ 1800P) – Technical changes were made to these procedures, part of the Background Screening Policy. The policy and procedures are designed to promote the integrity of the Department of Juvenile Justice and ensures the proper care, safety, and protection of youth in the Department’s care and custody by requiring background screening to be conducted of all persons having access to youth served by the Department.

These procedures are posted for a single 20 working day review and comment period, with a closure date of November 6, 2009, for submission of comments. Responses to comments received will be posted on the above Website.

DEPARTMENT OF HEALTH

On October 9, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Ricardo Jose Sabates, M.D. License #ME 33389. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the

public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 9, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Elizabeth L. Hanrahan, R.N. License #RN 3295372. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 8, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Susan M. Slingerland, L.P.N. License #PN 5151199. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 12, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Timothy George Seager, O.T. License #OT 8655. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF TREASURY
BUREAU OF COLLATERAL MANAGEMENT
PUBLIC DEPOSITS SECTION

FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT

ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THE CITIES AND STATES LISTED ARE THE HOME OFFICE LOCATIONS. QPDS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT OPENING ACCOUNTS FOR NEW PUBLIC DEPOSITORS. QPDS HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

ALABAMA

ATMORE
UNITED BANK

BIRMINGHAM
COMPASS BANK
REGIONS BANK
SUPERIOR BANK

MOBILE
BANKTRUST

ARKANSAS

CONWAY
CENTENNIAL BANK

DELAWARE

WILMINGTON
TD BANK, N.A.

FLORIDA

ARCADIA

FIRST STATE BANK OF ARCADIA

AVENTURA

TURNBERRY BANK

BARTOW

COMMUNITY NATIONAL BANK AT BARTOW 12/31/2009

BELLE GLADE

BANK OF BELLE GLADE

BOCA RATON

1ST UNITED BANK

FIRST SOUTHERN BANK

LEGACY BANK OF FLORIDA

PARADISE BANK

BONIFAY

BANK OF BONIFAY

01/20/2011

BRADENTON

FLAGSHIP NATIONAL BANK *

BRANDON

PLATINUM BANK

CARRABELLE

GULF STATE COMMUNITY BANK

CHIEFLAND

DRUMMOND COMMUNITY BANK

CHIPLEY

ONE SOUTH BANK

CLEWISTON

FIRST BANK

OLDE CYPRESS COMMUNITY BANK *

COCOA BEACH

SUNRISE BANK *

CORAL GABLES

BANKUNITED

GIBRALTAR PRIVATE BANK & TRUST COMPANY

THE BANK OF MIAMI, N.A.

10/03/2010

CRAWFORDVILLE

WAKULLA BANK

CRESTVIEW

FIRST NATIONAL BANK OF CRESTVIEW

DADE CITY

FIRST NATIONAL BANK OF PASCO

FLORIDA TRADITIONS BANK

DANIA BEACH

COMMUNITY BANK OF BROWARD

DAVIE

FLORIDIAN COMMUNITY BANK, INC.

REGENT BANK

DAYTONA BEACH

FLORIDIAN BANK

GATEWAY BANK OF FLORIDA

DESTIN

DESTIN FIRST BANK

GULFSOUTH PRIVATE BANK

ENGLEWOOD

ENGLEWOOD BANK

PENINSULA BANK *

EUSTIS

FIRST GREEN BANK

FERNANDINA BEACH

CBC NATIONAL BANK

FIRST COAST COMMUNITY BANK

FORT LAUDERDALE

BANKATLANTIC

LANDMARK BANK, N.A.

VALLEY BANK

FORT MYERS

EDISON NATIONAL BANK

FINEMARK NATIONAL BANK & TRUST

FLORIDA GULF BANK

IRONSTONE BANK

RELIANCE BANK, F.S.B.

SOUTHWEST CAPITAL BANK, N.A.

FORT PIERCE

OCULINA BANK *
RIVERSIDE NATIONAL BANK OF FLORIDA *

FORT WALTON BEACH

BEACH COMMUNITY BANK
FIRST CITY BANK OF FLORIDA *
FNBT.COM BANK

09/19/2011

FROSTPROOF

CITIZENS BANK & TRUST

GAINESVILLE

FLORIDA CITIZENS BANK
MERCHANTS & SOUTHERN BANK

GRACEVILLE

BANK OF JACKSON COUNTY *
PEOPLES BANK OF GRACEVILLE

HALLANDALE

DESJARDINS BANK, N.A.

HOMESTEAD

1ST NATIONAL BANK OF SOUTH FLORIDA *
COMMUNITY BANK OF FLORIDA

IMMOKALEE

FLORIDA COMMUNITY BANK

11/21/2011

INDIANTOWN

FIRST BANK AND TRUST COMPANY OF INDIANTOWN

INVERNESS

BRANNEN BANK

JACKSONVILLE

AMERICAN ENTERPRISE BANK OF FLORIDA
EVERBANK
FIRSTATLANTIC BANK

JACKSONVILLE BEACH

OCEANSIDE BANK *

KEY WEST

FIRST STATE BANK OF THE FLORIDA KEYS

KISSIMMEE

CENTERSTATE BANK CENTRAL FLORIDA, N.A.

LAKE CITY

COLUMBIA BANK
FIRST FEDERAL BANK OF FLORIDA
PEOPLES STATE BANK

LAKELAND

BANK OF CENTRAL FLORIDA
COMMUNITY SOUTHERN BANK

LARGO

USAMERIBANK

LEHIGH ACRES

PANTHER COMMUNITY BANK, N.A.

LONGWOOD

OLD FLORIDA NATIONAL BANK

MADISON

MADISON COUNTY COMMUNITY BANK

MARIANNA

FIRST CAPITAL BANK

MAYO

LAFAYETTE STATE BANK

MELBOURNE

PRIME BANK

MERRITT ISLAND

COMMUNITY BANK OF THE SOUTH

MIAMI

BAC FLORIDA BANK
CITY NATIONAL BANK OF FLORIDA
COCONUT GROVE BANK
CONTINENTAL NATIONAL BANK OF MIAMI
EASTERN NATIONAL BANK
ESPIRITO SANTO BANK *
EXECUTIVE NATIONAL BANK
INTERAMERICAN BANK, F.S.B.
JGB BANK, N.A.
MELLON UNITED NATIONAL BANK
METRO BANK OF DADE COUNTY
NORTHERN TRUST, N.A.
OCEAN BANK
SUNSTATE BANK
TOTALBANK
TRANSATLANTIC BANK
U.S. CENTURY BANK

01/16/2013

MILTON

FIRST NATIONAL BANK OF FLORIDA *

MONTICELLO

FARMERS & MERCHANTS BANK

MOUNT DORA

FIRST NATIONAL BANK OF MOUNT DORA

NAPLES

ORION BANK

PARTNERS BANK *

SHAMROCK BANK OF FLORIDA

TIB BANK

NEW SMYRNA BEACH

FRIENDS BANK

NICEVILLE

PEOPLES NATIONAL BANK

NORTH PALM BEACH

ENTERPRISE BANK OF FLORIDA

OAKLAND PARK

AMERICAN NATIONAL BANK

OCALA

ALARION BANK

COMMUNITY BANK & TRUST OF FLORIDA

GATEWAY BANK OF CENTRAL FLORIDA

INDEPENDENT NATIONAL BANK *

OLDSMAR

JEFFERSON BANK OF FLORIDA

ORANGE PARK

HERITAGE BANK OF NORTH FLORIDA

ORLANDO

CNLBANK

FLORIDA BANK OF COMMERCE

OLD SOUTHERN BANK *

ORANGE BANK OF FLORIDA

SEASIDE NATIONAL BANK & TRUST

URBAN TRUST BANK

OSPREY

FIRST AMERICA BANK

OVIEDO

CITIZENS BANK OF FLORIDA

PALATKA

FIRST FEDERAL BANK OF NORTH FLORIDA 11/01/2009

PALM COAST

INTRACOASTAL BANK

PANAMA CITY

BAY BANK & TRUST COMPANY

FIRST NATIONAL BANK NORTHWEST FLORIDA

PEOPLES FIRST COMMUNITY BANK *

SUMMIT BANK, N.A.

VISION BANK

PANAMA CITY BEACH

COASTAL COMMUNITY BANK *

PENSACOLA

BANK OF THE SOUTH

COASTAL BANK AND TRUST OF FLORIDA

GULF COAST COMMUNITY BANK

PERRY

CITIZENS STATE BANK

PINELLAS PARK

FIRST COMMUNITY BANK OF AMERICA

POMPANO BEACH

FLORIDA SHORES BANK – SOUTHEAST

PORT CHARLOTTE

CHARLOTTE STATE BANK

PORT RICHEY

REPUBLIC BANK

PORT ST. JOE

BAYSIDE SAVINGS BANK *

PORT ST. LUCIE

FIRST PEOPLES BANK *

ST. AUGUSTINE

BANK OF ST. AUGUSTINE

PROSPERITY BANK

10/04/2011

ST. PETERSBURG

SYNOVUS BANK

SARASOTA

LANDMARK BANK OF FLORIDA

SEBRING

HEARTLAND NATIONAL BANK
HIGHLANDS INDEPENDENT BANK

SOUTH MIAMI

FIRST NATIONAL BANK OF SOUTH MIAMI

STARKE

COMMUNITY STATE BANK

STUART

GULFSTREAM BUSINESS BANK
SEACOAST NATIONAL BANK *

TALLAHASSEE

CAPITAL CITY BANK
HANCOCK BANK OF FLORIDA
PREMIER BANK
PRIME MERIDIAN BANK
TALLAHASSEE STATE BANK

TAMPA

AMERICAN MOMENTUM BANK
CENTRAL BANK
FIRST CITRUS BANK
FLORIDA BANK
NORTHSTAR BANK
THE PALM BANK *

THE VILLAGES

CITIZENS FIRST BANK

TRINITY

PATRIOT BANK *

UMATILLA

UNITED SOUTHERN BANK

VENICE

FLORIDA SHORES BANK SOUTHWEST

WAUCHULA

FIRST NATIONAL BANK OF WAUCHULA
WAUCHULA STATE BANK

WEST PALM BEACH

FIRST BANK OF THE PALM BEACHES
FLAGLER BANK
GRAND BANK & TRUST OF FLORIDA

WILLISTON

PERKINS STATE BANK

WINTER HAVEN

CENTERSTATE BANK OF FLORIDA, N.A.

WINTER PARK

BANKFIRST
FIRST NATIONAL BANK OF CENTRAL FLORIDA *
RIVERSIDE BANK OF CENTRAL FLORIDA

ZEPHYRHILLS

CENTERSTATE BANK, N.A.

GEORGIA

ALBANY

HERITAGEBANK OF THE SOUTH

ATLANTA

SUNTRUST BANK

COLQUITT

PEOPLESSOUTH BANK

DARIEN

SOUTHEASTERN BANK

MOULTRIE

AMERIS BANK

IOWA

FORT DODGE

FIRST AMERICAN BANK

LOUISIANA

NEW ORLEANS

WHITNEY NATIONAL BANK

MASSACHUSETTS

BOSTON

ONEUNITED BANK

MINNESOTA

ST. CLOUD
STEARNS BANK, N.A.

MISSISSIPPI

JACKSON
TRUSTMARK NATIONAL BANK

KOSCIUSKO
MERCHANTS AND FARMERS BANK

STARKVILLE
CADENCE BANK, N.A.

TUPELO
BANCORPSOUTH BANK

MISSOURI

CREVE COEUR
FIRST BANK

NEVADA

LAS VEGAS
CITIBANK, N.A.

NEW YORK

NEW YORK CITY
BANCO POPULAR NORTH AMERICA
INTERVEST NATIONAL BANK

NORTH CAROLINA

CHARLOTTE
BANK OF AMERICA, N.A.
WACHOVIA BANK, N.A.

RALEIGH
RBC BANK (USA)

WINSTON-SALEM
BRANCH BANKING & TRUST COMPANY

OHIO

CINCINNATI
FIFTH THIRD BANK

CLEVELAND
NATIONAL CITY BANK

WILMINGTON
LIBERTY SAVINGS BANK, F.S.B.

07/14/2010

SOUTH CAROLINA

GREENVILLE
CAROLINA FIRST BANK

TEXAS

HOUSTON
ENCORE BANK, N.A.

WISCONSIN

MILWAUKEE
M&I MARSHALL & ILSLEY BANK

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT
HAD A CHANGE SINCE THE LAST PUBLICATION OF
THIS REPORT.

BANK OF NAPLES

NAPLES
BANK OF NAPLES WITHDREW FROM THE FLORIDA
PUBLIC DEPOSITS PROGRAM EFFECTIVE OCTOBER 1,
2009.

BUSEY BANK, N.A.

FORT MYERS
BUSEY BANK, N.A. WAS ACQUIRED BY BUSEY BANK,
A NON-QPD LOCATED IN CHAMPAIGN, ILLINOIS.
BUSEY BANK AUTOMATICALLY BECAME A QPD
WITH THIS ACQUISITION BUT DECIDED TO NOT
REMAIN IN THE FLORIDA PUBLIC DEPOSITS
PROGRAM AND WITHDREW EFFECTIVE AUGUST 29,
2009.

COLONIAL BANK

MONTGOMERY, ALABAMA
COLONIAL BANK FAILED ON AUGUST 14, 2009.
BRANCH BANKING & TRUST COMPANY, A QPD WITH
A HOME OFFICE LOCATED IN WINSTON-SALEM,
NORTH CAROLINA ACQUIRED THE REMAINING
ASSETS.

07/17/2012

COMMUNITY NATIONAL BANK OF SARASOTA COUNTY

VENICE

COMMUNITY NATIONAL BANK OF SARASOTA COUNTY FAILED ON AUGUST 7, 2009. STEARNS BANK, N.A. WHOSE HOME OFFICE IS LOCATED IN ST. CLOUD, MINNESOTA ACQUIRED THE REMAINING ASSETS. STEARNS BANK, N.A., A NON QPD, AUTOMATICALLY BECAME A QPD WITH THE ACQUISITION OF COMMUNITY NATIONAL BANK OF SARASOTA COUNTY’S ASSETS AND HAS NINETY DAYS TO COMPLETE THE NECESSARY PAPERWORK TO REMAIN IN THE FLORIDA PUBLIC DEPOSITS PROGRAM.

FIFTH THIRD BANK

GRAND RAPIDS, MICHIGAN

FIFTH THIRD BANK (GRAND RAPIDS, MICHIGAN) WAS MERGED WITH AND INTO FIFTH THIRD BANK (CINCINNATI, OHIO) EFFECTIVE SEPTEMBER 30, 2009. THE FIFTH THIRD BANK LOCATED IN CINCINNATI AUTOMATICALLY BECAME A QPD WITH THE MICHIGAN BANK’S MERGER. THE OHIO BANK HAS NINETY DAYS FROM THE EFFECTIVE DATE OF THE MERGER TO FILE THE REQUIRED PAPERWORK TO REMAIN A QPD.

FIRST AMERICA BANK

BRADENTON

FIRST AMERICA BANK’S HOME OFFICE LOCATION WAS CHANGED TO OSPREY, FLORIDA.

GREAT FLORIDA BANK

MIAMI

GREAT FLORIDA BANK WITHDREW FROM THE FLORIDA PUBLIC DEPOSITS PROGRAM EFFECTIVE OCTOBER 7, 2009.

PUTNAM STATE BANK

PALATKA

PUTNAM STATE BANK WITHDREW FROM THE FLORIDA PUBLIC DEPOSITS PROGRAM EFFECTIVE OCTOBER 16, 2009.

STERLING BANK

LANTANA

STERLING BANK WITHDREW FROM THE FLORIDA PUBLIC DEPOSITS PROGRAM EFFECTIVE SEPTEMBER 30, 2009.

SUN AMERICAN BANK

BOCA RATON

SUN AMERICAN BANK WITHDREW FROM THE FLORIDA PUBLIC DEPOSITS PROGRAM EFFECTIVE SEPTEMBER 27, 2009.

THE BANK OF VENICE

VENICE

THE BANK OF VENICE WAS MERGED WITH AND INTO TIB BANK (NAPLES) EFFECTIVE AS OF THE CLOSE OF BUSINESS SEPTEMBER 25, 2009. TIB BANK IS A QPD.

IN RE: THE RECEIVERSHIP OF CUMBERLAND CASUALTY & SURETY COMPANY – NOTICE REGARDING APPROVAL OF REHABILITATION PLAN AND DEADLINE FOR FILING CLAIMS

IN THE Circuit Court of Leon County, Florida (“Receivership Court”), Case No. 2004-507, Receivership of Cumberland Casualty & Surety Company (“Cumberland”). Notice to all persons having business with Cumberland. By order of the Receivership Court entered July 30, 2009 (“Order”), you are hereby notified of approval of the Plan of Rehabilitation; the cancellation of Cumberland bonds; and deadline to file claims in the receivership. All persons having claims against Cumberland shall present them to the receivership by January 26, 2010, or such claims shall be forever barred. Claims are to be submitted to: Cumberland Casualty & Surety Company in Receivership, 4311 West Waters Avenue, Suite 401, Tampa, Florida 33614. Copies of the Order, Plan of Rehabilitation, and a Proof of Claim Form may be obtained at: www.floridainsurancereceiver.org. You may also obtain a Proof of Claim Form by calling: 1(800)723-0171.

Section XIII
Index to Rules Filed During Preceding Week

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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RULES FILED BETWEEN October 5, 2009 and October 9, 2009

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE
Division of Cultural Affairs

IT-1.001	10/7/09	10/27/09	35/27	
IT-1.031	10/7/09	10/27/09	35/27	
IT-1.032	10/7/09	10/27/09	35/27	
IT-1.033	10/7/09	10/27/09	35/27	
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Division of Housing and Community Development

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Florida Prepaid Postsecondary Education Expense Bo

19B-4.001	10/6/09	10/26/09	35/33	
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27O-1.003	10/5/09	10/25/09	35/32	
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40B-1.709	10/5/09	10/25/09	35/33	

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BUSINESS AND PROFESSIONAL REGULATION
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61H1-28.0011	10/6/09	10/26/09	35/33	
61H1-29.005	10/6/09	10/26/09	35/33	
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