

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE NO.: 2B-1.0055
 RULE TITLE: Late-filed Reports; Unusual Circumstances

PURPOSE AND EFFECT: The Commission proposes the development of rule amendments to clarify unusual circumstances with regard to the late filing of reports.

SUBJECT AREA TO BE ADDRESSED: Unusual circumstances with regard to the late filing of reports.

SPECIFIC AUTHORITY: 106.26(1) FS., Ch. 97-13, Sec. 52, Laws of Florida.

LAW IMPLEMENTED: 106.04(8), 106.07(8) 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: Barbara Linthicum, Executive Director, Florida Elections Commission, PL-01, The Capitol, Tallahassee, Florida 32399-1050

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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| RULE NOS.: 59G-13.091 59G-13.092 | RULE TITLES: Family and Supported Living Waiver Provider Rate Table Family and Supported Living Waiver Services Procedure Codes |
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PURPOSE AND EFFECT: The purpose of Rule 59G-13.091, F.A.C., is to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 2007. The effect will be to incorporate by reference in rule Family and Supported Living Waiver Provider Rate Table, January 2007.

The purpose of Rule 59G-13.092, F.A.C., is to incorporate by reference in rule the Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 2007. The effect will be to incorporate by reference in rule the Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 2007.

SUBJECT AREA TO BE ADDRESSED: Family and Supported Living Waiver Provider Rate Table and Family and Supported Living Waiver Services Procedure Codes.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON 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, January 8, 2007, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jarret Stone, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-2773

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.091 Family and Supported Living Waiver Provider Rate Table.

(1) This rule applies to all family and supported living waiver services providers enrolled in the Medicaid program.

(2) All family and supported living waiver services providers enrolled in the Medicaid program must be in compliance with the Family and Supported Living Waiver Provider Rate Table, January 2007, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

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

59G-13.092 Family and Supported Living Waiver Services Procedure Codes.

(1) This rule applies to all family and supported living waiver services providers enrolled in the Medicaid program.

(2) All family and supported living waiver services providers enrolled in the Medicaid program must be in compliance with the Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 2007, which is

incorporated by reference. The Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service is available from the Medicaid fiscal agent website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-18.0051
 RULE TITLE: Declarations

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify that declarations of condominiums shall be consistent with subsection 61B-22.007(1), F.A.C., that insurance and the costs of repairing condominium property for which the association has insurance coverage is a common expense.

SUBJECT AREA TO BE ADDRESSED: This rule amendment clarifies provisions relating to insurance coverage and common expenses.

SPECIFIC AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.104(f), (g), 718.111(11), 718.115 FS.

IF REQUESTED 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: January 8, 2007, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-22.007
 RULE TITLE: Common Expense; Insurance

PURPOSE AND EFFECT: The purpose of the rule is to clarify that insurance and the costs of repairing condominium property for which the association has insurance coverage is a common expense. This includes the cost of any insurance deductible that is part of the cost of the repair.

SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses condominium insurance and associated costs of repairing condominium property.

SPECIFIC AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.111(11), 718.115, 718.504(21)(c)(1)g. FS.

IF REQUESTED 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: January 8, 2007, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-31.010
 RULE TITLE: Design of Aluminum Structures

PURPOSE AND EFFECT: Purpose and effect is to develop engineering standards for the design of aluminum structures.

SUBJECT AREA TO BE ADDRESSED: Design of aluminum structures.

SPECIFIC AUTHORITY: 471.008, 471.033 FS.
 LAW IMPLEMENTED: 471.033 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-31.010 Design of Aluminum Structures.

(1) The engineer of record for the structure is responsible for all structural aspects of the structure's design including the design of the structure's components and connections, and structural engineering documents.

(2) The structural engineering documents shall include:

(a) The project and its location on plan and elevation drawings for a particular site.

(b) Drawings which show all structural components and connection details and/or alternate details.

(c) Material specifications for all structural components and fasteners, including tolerances.

(d) The nature, magnitude, and location of all design loads and the load cases for the structure.

(e) The location and magnitude of the structure's reactions for each load case.

(3) Supporting structural engineering calculations and documents shall include:

(a) Material specifications for all structural components and fasteners.

(b) The support conditions assumed in the design.

(c) Calculations showing the maximum stress, allowable stress, and span to deflection ratio for each structural component type, and calculations showing the maximum force and allowable force for each connection type.

Specific Authority 471.008, 471.033 FS. Law Implemented 471.033 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-2.001 Fees

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-2.001, F.A.C., to eliminate the wall certificate fee.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 475.614 FS.
 LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-2.001 Fees.

(1) through (16) No change.

~~(17) Wall Certificate~~ ~~\$10.00~~

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS. History—New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99, 11-15-99, 11-10-03, 2-21-06, 9-21-06, 12-4-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-3.001 Application by Individuals

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-3.001, F.A.C., to eliminate newly adopted language with respect to fingerprinting.

SUBJECT AREA TO BE ADDRESSED: Application by Individuals.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-3.001 Application by Individuals.

(1) An applicant for registration, or certification as an appraiser shall submit an application in such a manner as provided by the Department.

~~(a) Beginning July 1, 2006, every person applying for any real estate appraiser certification or registration must provide fingerprints in electronic format along with his or her application for real estate appraiser certification or registration.~~

~~(b) Every person applying for any real estate appraiser certification or registration must have his or her fingerprints taken electronically by a Department of Business and Professional Regulation approved electronic fingerprint service provider or vendor. The Department of Business and Professional Regulation shall maintain a list of approved electronic fingerprint service providers and vendors.~~

~~(c) The Department of Business and Professional Regulation approved electronic fingerprint service providers and vendors shall be responsible for submitting each applicant's electronic fingerprints to the Florida Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record.~~

(2) through (7) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History--New 10-15-91, Formerly 21VV-3.001, Amended 10-29-98, 1-7-99, 2-21-02, 5-25-04, 1-8-06, 12-4-06,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-9.017
RULE TITLE: Eligibility of Individuals Practicing in a State in Which Licensure is Not Required

PURPOSE AND EFFECT: The proposed rule amendment will clarify requirements for licensure of individuals practicing in another state.

SUBJECT AREA TO BE ADDRESSED: Eligibility of Individuals Practicing in a state in which Licensure is not required.

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.007(1)(d)3. FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-9.017 Eligibility of Individuals Practicing in a State in Which Licensure is Not Required.

(1) For purposes of determining eligibility for examination of an individual pursuant to Sections 484.007(1)(d)2. and 3., Florida Statutes, the Board shall interpret the phrase "immediately preceding application" to mean that the individual must apply for the examinations set forth in subsections 64B12-9.001(1), (3) and (4), F.A.C., for licensure in Florida within two (2) years of ceasing the actual practice of opticianry in the other state upon which the eligibility is claimed.

(2) Applicants for examination pursuant to Section 484.007(1)(d)3., F.S., shall submit with the application documentation that they have actively practiced opticianry for a period of more than 5 years immediately preceding application. Periods of apprenticeship or training in opticianry shall not be considered to constitute any portion of the required years of practice. The applicant must establish independent engagement in all aspects of the practice of opticianry during the period for which actual practice is claimed. Such documentation shall include the following:

(a) Tax records and business records which establish that the applicant has actually engaged in the practice of opticianry. Affidavits from eye-care business people or professionals which state the method by which the affiant has knowledge of the applicant's practice of opticianry, the extent of the affiant's knowledge of the applicant's actual practice and a detailed statement of the applicant's professional acts or experience of which the affiant has personal knowledge.

(b) An affidavit by the applicant which states with specificity the professional acts or experiences engaged in during the five-year period during which the applicant claims the actual practice of opticianry occurred.

(c) Current certification of ABO and NCLE and verification of licensure status from another state, when applicable.

(3) For the purposes of this rule, an affidavit is defined to mean a written statement of facts which the affiant has confirmed by oath or affirmation taken before a person

authorized by law to administer the oath or affirmation and which bears the signature and official seal of the officer or person before whom the affidavit was taken.

Specific Authority 484.005 Law Implemented 484.007(1)(d)2. FS. History-New

DEPARTMENT OF HEALTH

Division of Environmental Health

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| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 64E-8 | Drinking Water Systems |
| RULE NOS.: | RULE TITLES: |
| 64E-8.001 | Definitions |
| 64E-8.002 | New Limited Use Public Water System Construction |
| 64E-8.003 | New Private and Multi-family Water System Construction |
| 64E-8.004 | Limited Use System Operating Permits |
| 64E-8.005 | Operation and Maintenance |
| 64E-8.006 | Water Quality Standards and Monitoring |
| 64E-8.007 | Corrective Actions |
| 64E-8.008 | Public Notification |
| 64E-8.009 | Variances |
| 64E-8.010 | Prohibited Acts |
| 64E-8.011 | Services Provided |
| 64E-8.012 | Schedule of Fines |
| 64E-8.013 | Cross-Connection Control |

PURPOSE AND EFFECT: To revise and update technical sections of the rules. To correct any errors that have resulted over time. To clarify phrases and requirements that are difficult to understand.

SUBJECT AREA TO BE ADDRESSED: Construction, permits, well setbacks, MCLs, sampling and testing.

SPECIFIC AUTHORITY: 381.006, 381.0062, 381.0063 FS.

LAW IMPLEMENTED: 381.0062 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, January 23, 2007 beginning at 10:00 a.m. Eastern, ending at 1:00 p.m. or sooner if done

PLACE: Dept. of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Deborah Jackson at (850)245-4240, DOH Bureau of Water Programs If you are 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: Michelle_Kearney@doh.state.fl.us (850)245-4240, DOH, 4052 Bald Cypress Way, Mailbin C-22, Tallahassee, Florida 32399-1742

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

DEPARTMENT OF HEALTH

Division of Family Health Services

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| RULE NO.: | RULE TITLE: |
| 64F-12.011 | Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized |

PURPOSE AND EFFECT: The Department intends to review changes in this rule chapter for the purpose of better enabling the Department to provide for the movement of prescription drugs to areas, facilities and health care providers within the state to allow a more efficient response to natural disaster, communicable disease or other health care emergencies for which the Department has responsibility to protect the public health.

SUBJECT AREA TO BE ADDRESSED: Distribution of prescription drugs for the purpose of enabling the Department to prepare for and respond to health care emergencies.

SPECIFIC AUTHORITY: 499.03, 499.05, 499.012, 499.014 FS.

LAW IMPLEMENTED: 499.03, 499.012, 499.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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| RULE NOS.: | RULE TITLES: |
| 68A-20.004 | Regulations in Fish Management Areas |
| 68A-20.005 | Specific Fish Management Area Regulations |

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish or revise rule provisions, during calendar year 2007, associated with general regulations for taking and possessing freshwater fish, which are applicable to all fish management areas, such as fishing license requirements, daily bag limits for certain freshwater fish such as catfish or game fish, possession of certain devices such as nets, fish traps, trotlines or bush hooks, temporary closure of fish management areas, or intentional release of fish and wildlife into any fish management area. Additional rule development proposals may establish or revise rule provisions associated with regulations on specific fish management areas for taking and possessing freshwater fish or other activities such as swimming, use of firearms, or use of boats or other vehicles, that will ensure conservation of freshwater fish populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing freshwater fish in fish management areas.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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| RULE NOS.: | RULE TITLES: |
| 68A-23.002 | General Methods of Taking Freshwater Fish |
| 68A-23.003 | Commercial Fishing Devices; Provision for Use in Certain Waters |
| 68A-23.005 | Bag Limits, Length Limits, Open Season: Freshwater Fish |
| 68A-23.008 | Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish |
| 68A-23.012 | Special Regulations on Lake Okeechobee |

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, and to provide a forum for the public to provide input on proposed changes relating to general methods of taking freshwater fish; commercial fishing devices, including special regulations for Lake Okeechobee; bag limits, length limits, and season dates in order to protect and ensure conservation of freshwater fish populations; and changes relating to importation, selling, possession or transporting of live aquatic species or hybrids, including those species that may be classified as prohibited or restricted.

SUBJECT AREA TO BE ADDRESSED: General methods of taking freshwater fish; commercial fishing devices, including commercial fishing on Lake Okeechobee; bag limits, length limits, and season dates for freshwater fish; and importation, selling, possession or transporting of live aquatic species or hybrids or regulations.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

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| RULE NO.: | RULE TITLE: |
| 68B-4.009 | Monofilament Line and Netting; Prohibition of Intentional Discard, Recovery Requirements, Recommendations for Appropriate Disposal |

PURPOSE AND EFFECT: The purpose of this rule development effort is to close what has become an enforcement loophole for persons violating the Commission's netting rules. Recovery and disposal of monofilament netting is being used as a defense to rules prohibiting possession of monofilament gill or entangling nets and requiring direct transit for persons seeking to use such nets in federal waters where they are legal. The effect of these rule changes should be to improve enforcement of those net provisions and make prosecutions of net violations more successful.

SUBJECT AREA TO BE ADDRESSED: Use of monofilament recovery and disposal provisions as defense to net violations.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-21.305
 RULE TITLE: Downdraft Appliance and System Protection

PURPOSE AND EFFECT: The purpose and effect of this rule workshop are twofold.

- (1) To implement, interpret, and clarify the requirements for downdraft appliance and system.
- (2) To develop a rule that implements, interprets and clarifies the effect of placing a tag on a fire extinguisher as opposed to placing a tag on a pre-engineered system, and what in addition, if anything, may be required if a pre-engineered system is non-compliant.

SUBJECT AREA TO BE ADDRESSED: Downdraft appliances and systems protection in restaurants, and service tags on fire extinguishers and pre-engineered systems.

SPECIFIC AUTHORITY: 633.01, 633.022, 633.065 FS.

LAW IMPLEMENTED: 633.022, 633.065 FS.

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

DATE AND TIME: Wednesday, January 17, 2007, 10:00 a.m.
 PLACE: Florida State Fire College Auditorium, Bureau of Fire Standards and Training, 11655 N.W. Gainesville Road, Building C, Ocala, Florida 34482-1486

Pursuant to the provisions of 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: Angie Cain, (352)369-2818. If you are 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: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342. Phone: (850)413-3171; Fax: (850)414-6119

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-21.305 Downdraft Appliance and System Protection

(1) A downdraft fire suppression system (for purposes of this rule, "system") must be designed to protect all specific hazards created by the downdraft table, and must be installed according to the pre-tested limitations and configurations specified by the manufacturer of the downdraft table and to the applicable National Fire Protection Association (NFPA) standards.

(2) The system must be installed using components specified by the manufacturer and listed by a nationally recognized testing laboratory such as Underwriters Laboratories, or Factory Mutual Laboratories, Inc.

(3) The system must:

(a) Be listed by a nationally recognized testing laboratory in compliance with Section 633.021, F.S., and

(b) Be installed and maintained in compliance with sec. 633.065, F.S.

(4) The system shall comply with all of the equipment and performance standards of NFPA 96, 2004 edition, which is hereby adopted and incorporated herein by reference, which can be obtained by contacting the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(5) Each system shall be equipped with an exhaust duct system that complies with all of the material, equipment, and performance standards of NFPA, 2004 adopted and incorporated herein.

Specific Authority 633.01, 633.022, 633.065 FS. Law Implemented 633.022, 633.065 FS. History--New _____

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-60.012
 RULE TITLE: Purpose, Criteria and Procedures for Designation as an Approved Nationally Recognized Testing Laboratory in Florida for Firesafety Purposes

PURPOSE AND EFFECT: To provide procedures and criteria for becoming a nationally recognized testing laboratory in Florida for firesafety purposes.

SUBJECT AREA TO BE ADDRESSED: Florida designated Nationally Recognized Testing Laboratories.

SPECIFIC AUTHORITY: 633.065, 633.071, 633.083, 633.539, 633.701 FS.

LAW IMPLEMENTED: 633.065, 633.071, 633.083, 633.539, 633.701 FS.

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

DATE AND TIME: Wednesday, January 10, 2007, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Millicent King, (850)413-3619. If you are 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: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342. Phone: (850)413-3171; Fax: (850)922-2553

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-60.012 Purpose, Criteria and Procedures for Designation as an Approved Nationally Recognized Testing Laboratory in Florida for Firesafety Purposes.

(1) The purpose of this rule is to determine whether a laboratory is nationally recognized in accordance with the following provision:

(a) Section 633.065, F.S., pertaining to fire suppression equipment;

(b) Section 633.071, F.S., pertaining to fire extinguishers;

(c) Section 633.083, F.S., pertaining to certain types of fire extinguishers;

(d) Section 633.539, F.S., pertaining to fire protection systems, and

(e) Section 633.701, F.S., pertaining to Alarm Systems.

(2) Criteria for Determination of Designation.

(a) Documentation that the applicant is designated as a Nationally Recognized Testing Laboratory by the U.S. Department of Labor, and the purpose or purposes for which it was recognized; or, in the alternative,

(b) Documentation that the applicant is eligible for recognition as a Nationally Recognized Testing Laboratory by the U.S. Department of Labor, and the purpose or purposes for which Florida designation is sought in accordance with subsection (1) above.

(3) Application Procedure.

(a) An applicant that is currently recognized by the United States Department of Labor as a Nationally Recognized Testing Laboratory can make application for Florida designation to the Division of State Fire Marshal on Form DFS-K3-xx1 which is hereby adopted and incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, or by visiting the Division of State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>.

(b) An applicant that is not currently recognized by the United States Department of Labor as a Nationally Recognized Testing Laboratory can make application for Florida designation to the Division of State Fire Marshall on Form DFS-K3-xx2, which is hereby adopted and incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, or by visiting the Division of State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>, and shall include all of the information and material requested thereon.

(c) The Division of State Fire Marshal shall review the application for completeness and request additional information that was either not provided or is necessary to make a determination.

(d) When the application is deemed complete, the Division of State Fire Marshal shall either approve or deny the application.

(e) If the application is approved, the Division of State Fire Marshal shall issue a certificate to the applicant evidencing its designation as a Nationally Recognized Testing Laboratory qualified in Florida, and the purposes to which the designation is limited. The designation may be for any of the purposes set forth in subsection (1) above, as approved by the Division of State Fire Marshal, but only for those purposes.

(f) If the application is denied, the applicant shall be notified in writing, along with the reasons for denial and rights under Chapter 120, F.S.

(g) An application that is approved in part but denied for one or more requested purposes shall be treated procedurally as a denied application.

(4) Material Changes. Any testing laboratory designated in Florida as "nationally recognized" for one or more of the purposes in the statutes listed in subsection (1):

(a) Will be subject to ongoing verification that it continues to meet the Florida designation criteria, and

(b) Shall notify the Division of State Fire Marshal within 30 days of the occurrence of any of the following:

- 1. Change in the company name or the company address;
- 2. Change in any major test equipment;
- 3. Establishment of a new branch office or facility at which items are to be tested;
- 4. Change in principal officers, key supervisory personnel, or key testing personnel in the company.

Specific Authority 633.065, 633.071, 633.083, 633.539, 633.701 FS.
Law Implemented 633.065, 633.071, 633.083, 633.539, 633.701 FS.
History—New _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-149.041 Marketing Communication Material
 and Marketing Guidelines

PURPOSE AND EFFECT: Consider amendments to existing language specifying marketing requirements applicable to small group employer carriers.

SUBJECT AREA TO BE ADDRESSED: Small Employer Group Product Marketing.

SPECIFIC AUTHORITY: 626.9611, 627.6699(13)(i), (17) FS.

LAW IMPLEMENTED: 626.9541(1)(b), (g)2., (x)3., 627.6699(3)(g), (v), (5)(a), (7), (12), (12)(c), (13), (13)(b) 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: January 24, 2007, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

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

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

FINANCIAL SERVICES COMMISSION

Indexing Agency Orders

| | |
|------------|-------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 69T-8.001 | Authority |
| 69T-8.002 | Purpose |
| 69T-8.003 | Public Inspection and Duplication |
| 69T-8.004 | Final Orders Required to be Indexed |
| 69T-8.005 | Listing of Final Orders |
| 69T-8.006 | Numbering of Final Orders |
| 69T-8.007 | System for Indexing Final Orders |
| 69T-8.008 | Maintenance of Records |
| 69T-8.009 | Accessibility of Final Orders |

PURPOSE AND EFFECT: The proposed amendments are intended to update the Office of Financial Regulation’s procedures with regarding to the indexing of final orders.

SUBJECT AREA TO BE ADDRESSED: Indexing of Final Orders.

SPECIFIC AUTHORITY: 120.53 FS.

LAW IMPLEMENTED: 119.07, 120.53, 120.533 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: Andrea Moreland, Attorney, Office of Financial Regulation, 200 E. Gaines Street, Tallahassee, FL 32399-0370, andrea.moreland@fldfs.com, (850)410-9662

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

FINANCIAL SERVICES COMMISSION

Division of Finance

| | |
|-------------|--|
| RULE NOS.: | RULE TITLES: |
| 69V-560.102 | Application Forms, Procedures and Requirements |
| 69V-560.103 | Definitions |
| 69V-560.104 | Application Fees |
| 69V-560.105 | Regulatory Standards for Evaluating Applications |
| 69V-560.107 | Registration of Locations and Authorized Vendors |
| 69V-560.108 | Declaration of Intent to Engage in Deferred Presentment Transactions |
| 69V-560.201 | Requirements |
| 69V-560.202 | Regulatory Standards for Evaluating Notices of Change of Control |
| 69V-560.301 | Scope |
| 69V-560.302 | Renewal Fees, Deadlines and Requirements |

- 69V-560.303 Renewal Application Forms, Procedures and Requirements
- 69V-560.304 Renewal Fees
- 69V-560.402 Bond
- 69V-560.602 Quarterly Reports
- 69V-560.603 Quarterly Reports to Be Filed by Foreign Currency Exchangers
- 69V-560.604 Quarterly Reports to Be Filed by Funds Transmitters
- 69V-560.605 Quarterly Reports to Be Filed by Payment Instrument Sellers
- 69V-560.606 Annual Filing of Financial Statements by Part II Registrants
- 69V-560.607 Quarterly Reports to Be Filed by Deferred Presentment Providers
- 69V-560.906 Consumer Credit Counseling Services

PURPOSE AND EFFECT: Among other provisions, Chapter 2006-213, Laws of Florida, contains amendments to chapter 560, Florida Statutes. The proposed rules implement and reflect the statutory changes contained in this chapter law that relate to the licensing and regulation of money transmitters.

SUBJECT AREA TO BE ADDRESSED: Money Transmitters.
 SPECIFIC AUTHORITY: 215.405, 560.105, 560.118, 560.123, 560.205, 560.208, 560.209, 560.403 FS.

LAW IMPLEMENTED: 215.405, 560.102, 560.103, 560.109, 560.114, 560.118, 560.123, 560.127, 560.129, 560.204, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.303(1), 560.305, 560.306, 560.307, 560.308, 560.403 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 IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.102 Application Forms, Procedures and Requirements.

(1) Forms. Application forms for all registrations covered by these rules are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376 ~~may be obtained at no cost from the Office of Financial Regulation's website (www.dbf.state.fl.us), by telephone, or in writing.~~ All applications must be in the format

required by the Office of Financial Regulation. ~~Requests for forms should be sent to: Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

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

(b) In lieu of filing the required application forms, an applicant may file the application information electronically by following the applicable instructions on the Office of Financial Regulation's website at www.flofr.com (~~www.dbf.state.fl.us~~) on the Internet.

(3)(a) All applicants for registration must file a completed application Form OFR-MT-5-01, Application to Register as a Money Transmitter Pursuant to Chapter 560, F.S., effective 11/01/2006 ~~10/01~~, which is hereby incorporated by reference.

(b) All applicants for registration who propose to engage in deferred presentment transactions as defined in Section 560.402, F.S., shall file a completed Form OFR-MT-3-01, Declaration of Intent to Engage in Deferred Presentment Transactions, effective 11/01/2006 ~~10/01~~, which is hereby incorporated by reference, together with the required nonrefundable fee for deferred presentment providers. Applicants must be registered pursuant to Part II or Part III of Chapter 560, F.S., in order to engage in deferred presentment transactions.

(c) All applicants for registration shall submit a completed Form OFR-MT-2-01, Location Notification Form, effective 11/01/2006 ~~10/01~~, which is hereby incorporated by reference, for each proposed "location" as defined in Rule 69V-560.103, F.A.C., not including the applicant's primary business location, together with the required nonrefundable fee.

(d) No change.

(4)(a) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, ~~executive officer, partner principal,~~ member, joint venturer, and all controlling shareholders shall complete Form OFR-MT-7-01, Biographical Form, effective 11/01/2006 ~~10/01~~, which is hereby incorporated by reference. If any of the foregoing individuals are non-U.S. Citizens, Addendum (1) to the Biographical Form shall also be completed and filed.

(b) An existing or proposed director, ~~executive officer,~~ partner, member, joint venturer, controlling shareholder, and responsible person shall review and attest to the accuracy of the forms submitted on his or her behalf.

(5) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, ~~executive officer, principal, partner,~~ member, joint venturer, and all controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL922720Z)

~~FL921050Z) accompanied by a nonrefundable \$47 processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Office of Financial Regulation reserves the right to require as many submissions of fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate law enforcement agency. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.~~

(6) No change.

(7) Request for Additional Information. ~~All information the applicant wants to present to support the application should be submitted with the original filing.~~ Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond within forty-five (45) days from the date of the request shall be grounds for the Office of Financial Regulation to deny the application for failure to complete the application, and the application shall be denied pursuant to subsection 120.60(1), F.S.

(8) Refunds. If the application is withdrawn or denied, the application fee is nonrefundable.

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

~~(10)(8)(a) Amendment of Application. If the information contained in any application for a registration as a money transmitter, biographical form, or in any amendment thereto, becomes inaccurate for any reason, the registrant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-MT-5-01 or Form OFR-MT-7-01, revised 11/01/2006, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. A request to amend an application must be in writing and shall be submitted to the Office of Financial Regulation at the address in subsection (1).~~

(b) Provided the Office of Financial Regulation has not already docketed a Notice of Intent to Deny the Application, an applicant may amend the application after receiving written permission from the Office of Financial Regulation following the Office of Financial Regulation's review of and determination that the applicant's written request to amend:

1. through 5. No change.

(c) A request to amend which makes a material change to the application or to the Office of Financial Regulation's evaluation of the application is a violation of subsection (7) and the Office of Financial Regulation shall deny the application in accordance with Section 560.114(1)(a), F.S., unless the applicant has made a good faith effort to comply with the statutory requirements of Chapter 560, F.S., and the rules of this chapter. Material changes include:

1. No change.

2. The substitution or addition of a director, officer, partner, member, joint venturer, responsible person, or controlling shareholder;

3. through 5. No change.

(d) No change.

~~(9) When an application is denied on the grounds set forth above, the applicant shall be duly notified.~~

Specific Authority 215.405, 560.105(3), 560.118(2), 560.205(1), 560.205(2), 560.403(1) FS. Law Implemented 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS. History—New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended _____.

69V-560.103 Definitions.

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

(1) through (5) No change.

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

(a) Statement of Financial Condition (Balance Sheet); ~~and~~

(b) Statement of Income;

(c) Statement of Cash Flows; and

(d) Statement of Changes in Stockholders' Equity.

(7) through (9) No change.

(10) "Net worth" means an excess of assets over liabilities, as determined by accounting principles generally accepted; for purposes of this subject:

(a) Assets shall not include:

1. Prepaid expenses, other than items properly classified as current assets under generally accepted accounting principles;

2. Goodwill;

3. Franchise rights;

4. Organizational expenses;

5. Patents;

6. Copyrights;

7. Marketing rights;

8. Un-amortized debt discount and expense;

9. Assets of an intangible nature;

10. A home, home furnishings, automobiles, and any other personal items not readily marketable, if the money transmitter is an individual;

11. A corporation’s advances or loans to shareholders or officers; and

12. A partnership’s advance or loans to partners.

(b) Liabilities that can be shown to be collateralized by assets (including capital assets such as equipment, property, etc.) that are owned by the money transmitter are excluded from the computation. Likewise, liabilities owed to the owners or shareholders of the money transmitter are excluded. All other types of liabilities, including non-collateralized short and long term debt, must be included in the computation.

~~(11)(10)~~ “Person” means any individual, corporation, partnership, association, trust, or other group, however organized.

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

~~(13)(11)~~ “Registrant” means a person registered by the Office of Financial Regulation pursuant to Part II or Part III of the Money Transmitters’ Code.

~~(14)(12)~~ “Responsible person” means any individual who has principal active management authority over the business as defined by Section 560.103(18), F.S.

~~(15)(13)~~ “Unaudited Financial Statements” shall be defined as those financial statements prepared in accordance with United States Generally Accepted Accounting Principles and reviewed by a Certified Public Accountant, but not accompanied by the statements and representations as set forth in paragraphs (3)(b), (c), and (d) of this rule.

~~(16)(14)~~ “Holiday” means such days as are designated by Section 110.117, F.S.

~~(17)(15)~~ “Gross Income” means Gross Revenue (Sales) – Cost of Goods Sold.

Specific Authority 560.105(2) FS. Law Implemented 560.103, 560.118(2), 560.205(3), (4), 560.208 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.103, Amended 9-14-04, _____.

69V-560.104 Application Fees.

(1) through (4) No change.

(5) Applicable fees for all initial applications may be paid by the applicant electronically by following the applicable instructions on the Office of Financial Regulation’s website at www.floft.com (www.dbf.state.fl.us) ~~on the Internet.~~

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

69V-560.105 Regulatory Standards for Evaluating Applications.

(1) No change.

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

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

69V-560.107 Registration of Locations and Authorized Vendors.

~~(1) Every registrant shall designate all locations and authorized vendors operating prior to October 1, 2001 by:~~

~~(a) Filing all of the information required by Form OFR-MT-2-01 (Location Notification Form) with the Office of Financial Regulation on or before December 1, 2001 for all locations and authorized vendors. After December 1, 2001, the registrant shall file all location information in accordance with subsection (2) of this rule; and~~

~~(b) No fee shall be required for the registration of locations and authorized vendor locations in operation prior to October 1, 2001 that have been designated by the registrant in accordance with the provisions of paragraph (a).~~

~~(1)(2)~~ Every registrant that commences operations at locations or through an authorized vendor in this state ~~on or after October 1, 2001~~ shall:

(a) File a completed Form OFR-MT-2-01 (Location Notification Form) which must be received by the Office of Financial Regulation within sixty (60) calendar days from the date that a location opens or an authorized vendor commences operations on behalf of the registrant ~~on or after October 1, 2001~~;

~~(b) Demonstrate the required net worth for Part II registrants in accordance with the provisions of subsection 69V-560.606(4), F.A.C.; and~~

~~(b)(e)~~ Submit the required \$50 fee.

~~(2)(3)~~ Every registrant shall be responsible for filing a completed Form OFR-MT-2-01 within sixty (60) calendar days from the date that a location closes or authorized vendor either ceases operation or has its authority to act on the registrant’s behalf terminated by such registrant.

~~(3)(4)~~ In lieu of filing Form OFR-MT-2-01, a registrant may notify the Office of Financial Regulation of the opening or closing of locations and authorized vendors electronically by following the applicable instructions on the Office of Financial Regulation’s website at www.floft.com (www.dbf.state.fl.us) ~~on the Internet.~~

For purposes of this section, Note: The sixty (60) day period referenced in subsections (1)(2) and (2)(3) above is solely for the filing of the required form and payment of the required nonrefundable fee. A registrant must file Form OFR-MT-2-01 notify the Office of Financial Regulation and pay the required fee for all locations of the registrant and authorized vendors that commence operations on behalf of the registrant. If the registrant for any reason closes a location or terminates the relationship with such authorized vendor within the first sixty (60) days, it will not relieve the registrant of the obligation to comply notify the Office of Financial Regulation in accordance with the provisions of this subsection.

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

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

~~(1) All registrants actively registered pursuant to Part II or Part III of Chapter 560, F.S., before October 1, 2001 and who are acting as a deferred presentment provider as defined by Section 560.402, F.S., shall file a completed Form OFR-MT-3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions). This form and the required nonrefundable fee must be received by the Office of Financial Regulation by November 30, 2001.~~

~~(1) Any (2) After October 1, 2001, any person who seeks to act as a deferred presentment provider as defined in Section 560.402, F.S., shall:~~

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

~~(b) Submit a completed Form OFR-MT-3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions) together with the required nonrefundable fee for deferred presentment providers.~~

~~(2)(3) A registrant may not convey authority to an authorized vendor to engage in deferred presentment transactions on behalf of the registrant.~~

~~(3)(4) In lieu of filing Form OFR-MT-3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions), such declaration of intent may be made electronically by following the applicable instructions on the Office of Financial Regulation's website at www.flofr.com (www.dbf.state.fl.us) on the Internet.~~

~~(4) A registrant may terminate authority to engage in deferred presentment transactions by submitting Form OFR-MT-3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions) within 30 days of the registrant ceasing deferred presentment transactions.~~

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

69V-560.201 Requirements.

~~Notices of change of control will be processed pursuant to Section 560.127, F.S.~~

~~(1) Where a person or group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a money transmitter registrant, such person or group shall file with the Office, no later than thirty (30) days prior to the date of such acquisition, a new application for registration on the forms prescribed by the Office, together with all required exhibits and fees. Additionally, there shall be filed with the Office, at the time the new application is filed, a notice of termination of registration of the acquired entity on the forms prescribed by the Office, effective upon disposition of the new application by the Office. Regardless of whether the change of control involves a registered money transmitter, an Application to Register as a Money Transmitter (Form OFR-MT-5-01) shall be filed. All information requested by that form shall be submitted to the Office of Financial Regulation, along with the required nonrefundable application fee as set forth in Rule 69V-560.104, F.A.C. The written notification should provide the Office of Financial Regulation with information concerning the change of control, including the proposed effective date and any significant changes to be made to the registrant's present business.~~

~~(2) A registrant required to file a new application as a result of an acquisition of a controlling interest pursuant to Section 560.126(2), F.S., must also file new location forms and applicable fees for all existing locations on file with the office at the time of filing the new application in subsection (1) and a Declaration of Intent to Engage in Deferred Presentment Transactions and applicable fee if currently engaged in Deferred Presentment Transactions. The responsible person who will be in charge of the applicant's business activities in this state, each existing or proposed director, executive officer, principal, member and all controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL921050Z) accompanied by a \$47 nonrefundable processing fee. No fingerprint card will be required from any person described above who has been reported to the Office of Financial Regulation by the registrant and for whom the Office of Financial Regulation has received the required Biographical Form (Form OFR-MT-7-01) prior to October 1, 2001. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Office of Financial Regulation reserves the right to require as many submissions of such fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate~~

law enforcement agency. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(3) ~~The office shall waive the requirement for a registrant to file a new application pursuant to Section 560.126(2), F.S.: An original of all parts of the application shall be filed, together with the appropriate filing fee at the following address: Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) When a person or group of persons proposing to purchase or acquire a controlling interest in a registrant has previously filed the information required in Sections 560.205 and 560.306, F.S., with a money transmitter currently registered with the office, provided that such person is currently affiliated with the money transmitter; or

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

~~(4) For purposes of this chapter "control" shall have the meaning defined in Section 560.127, F.S.~~

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

69V-560.202 Regulatory Standards for Evaluating Notices of Change of Control.

Specific Authority 560.105(3) FS. Law Implemented 560.109, 560.114, 560.127, 560.205, 560.206, 560.306 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.202, Repealed.

69V-560.301 Scope.

Specific Authority 560.105(3) FS. Law Implemented 560.207, 560.308, 560.403 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.301, Repealed.

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

(1)(a) No change.

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

~~(c)(b) All renewal fees applications for Part II registrants must be received by the office on or filed on or after January 1 of the year in which the existing registration expires, but before the expiration date of April 30. If the renewal fees are received a renewal application is filed within 60 calendar days after the expiration date of an existing registration, the renewal~~

~~application and renewal fees must shall be accompanied by a nonrefundable late fee of \$500.00. If the registrant has not filed the requisite renewal fees and late fees a renewal application within 60 calendar days after the expiration date of an existing registration, the registration shall expire and a new application must shall be filed pursuant to Section 560.205, F.S.~~

(2)(a) No change.

(b) A renewal of a check casher or foreign currency exchanger registration (Part III registrant) shall include a nonrefundable renewal fee of \$500.00, plus \$50.00 for each location being renewed, including branch offices and authorized vendors, operating within this state, or a total 2-year nonrefundable renewal fee of \$20,000.00 to renew all such locations operating within this state. The \$50.00 location renewal fee shall not apply to the registrant's primary business address.

~~(c)(b) All renewal fees applications for Part III registrants must be received by the office on or before the expiration date of filed on or after June 1 of the year in which the existing registration expires, but not later than December 31 of that year. If the renewal fees are received A renewal application, renewal fees, and a late fee of \$250.00 must be filed within 60 calendar days after the expiration date of an existing registration, the renewal fees must be accompanied by a non-refundable late fee of \$250.00 in order for the registration to be reinstated. If the registrant has not filed the requisite renewal fees and late fees a renewal application within 60 calendar days after the expiration date of an existing registration, the registration shall expire and a new application must be filed pursuant to Section 560.307, F.S.~~

(3)(a) Deferred Presentment Providers (Part IV): The "Declaration of Intent to Engage in Deferred Presentment Transactions" shall expire concurrently with the registrant's Part II or Part III registration. A registrant who intends to continue to engage in deferred presentment transactions must concurrently renew their registration pursuant to Part II or Part III in order to remain qualified to act as a deferred presentment provider. A declaration of intent non-refundable renewal fee of \$1000 must be received by the Office on or before the expiration date of the registrant's Part II or Part III registration. The renewal of a deferred presentment provider's "Declaration of Intent to Engage in Deferred Presentment Transactions" shall be indicated on Form OFR MT 6 01 (Application to Renew Registration as a Money Transmitter Pursuant to Chapter 560, F.S.), and submitted together with the required nonrefundable renewal fee for a deferred presentment provider.

(b) If the declaration of intent renewal fee is received A renewal declaration of intent and fee, and a late fee of \$500.00, must be filed within 60 calendar days after the expiration of the registrant's Part II or Part III an existing registration, the declaration of intent renewal fee must be accompanied by a non-refundable late fee of \$500.00 in order for the declaration of intent to be reinstated. If the registrant has not filed the

~~requisite declaration of intent renewal fee and late fee a renewal declaration of intent~~ within 60 calendar days after the expiration date of ~~the registrant's Part II or Part III an existing~~ registration, ~~the declaration of intent shall expire and a new declaration must be filed pursuant to Chapter 560.403, F.S.~~

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

(5) All fees required to renew the registration of a money transmitter may be paid electronically by following the applicable instructions on the Office of Financial Regulation's website (www.flofr.com) on the Internet.

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

69V-560.303 Renewal Application Forms, Procedures and Requirements.

Specific Authority 560.105(3) FS. Law Implemented 560.114(1), 560.205(2), (3), 560.207, 560.305, 560.308 FS. History--New 9-24-97, Amended 11-4-01, Formerly 3C-560.303, Repealed _____.

69V-560.304 Renewal Fees.

Specific Authority 560.105(3) FS. Law Implemented 560.207, 560.308, 560.403 FS. History--New 9-24-97, Amended 11-4-01, Formerly 3C-560.304, Repealed _____.

69V-560.402 Bond.

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

(2) The corporate surety bond must be issued by a bonding company or insurance company authorized to do business in this state. The originally executed Form OFR-MT-9-01, Surety Bond Form, effective 11/01/2006, which is hereby incorporated by reference, shall be maintained on file with the Office at all times. The bond form must be executed by the bonding company and the applicant.

(3) All items pledged in lieu of a corporate surety bond must be held or deposited at a federally insured financial institution as defined by Section 655.005(1)(h), F.S. The originally executed Form OFR-MT-8-01, Pledge Agreement, effective 11/01/2006, which is hereby incorporated by reference, shall be maintained on file with the Office at all times. The bond form included in Form OFR-MT-5-01, must be executed by the federally insured financial institution and the applicant.

(4)(a) No change.

(b) No change.

(5) The amount of the surety bond, collateral deposit, or combination thereof shall under no circumstances be for an amount less than \$50,000. The amount of the surety bond or collateral shall not exceed \$500,000, but be the greater of:

(a) 2% of the registrant's total U.S. dollar volume of transactions for the preceding 12 month period; or

(b) An amount based on the number of locations/vendors as determined in accordance with the following schedule:

| Number of Locations/Vendors | Required Amount of Surety/Collateral |
|-----------------------------|--------------------------------------|
| 0-10 | \$50,000 |
| 11-25 | \$100,000 |
| 26-50 | \$150,000 |
| 51-100 | \$200,000 |
| 101-250 | \$250,000 |
| 251 or more | \$500,000 |

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

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

(7) Annually, each registrant shall file on Form 11/01/2006X, Security Device Calculation Form, which is hereby incorporated by reference, the required information regarding the registrant's amount of surety bond, collateral deposit, or combination thereof as prescribed in subsection (5) of this rule not later than January 31st of each calendar year. If based on the registrant's calculation, the amount of the device must be increased, the registrant shall provide to the Office an additional surety bond, surety rider for an existing bond, collateral deposit pledge agreement or combination thereof reflecting the amount required no later than sixty (60) days following the deadline to file Form 11/01/2006X, Security Device Calculation Form.

~~(b) The required bond, collateral deposit or combination thereof for renewal registration shall be calculated in accordance with Form OFR-MT-6-01.~~

~~(c) The required bond, collateral deposit or combination thereof shall not exceed \$250,000.00, unless the Office of Financial Regulation determines that an extraordinary circumstance, such as those of Section 560.209(2)(a), F.S., exists which requires an additional amount above \$250,000.00. However, the maximum bond, collateral deposit or combination thereof shall be \$500,000.00.~~

~~(8)(6) The bond, collateral deposit or combination thereof shall remain in place for 5 years after the registrant ceases operations in this state. The security shall be reduced or eliminated prior to that time upon written approval, if the Office of Financial Regulation determines that the registrant's~~

outstanding payment instruments or funds transmitted in this state have been paid or reduced and that such lesser amount adequately protects the interests of the public.

(9)(7) A registrant must at all times have and maintain the bond, collateral deposit or combination thereof in the amount prescribed by the Office of Financial Regulation. If the Office of Financial Regulation at any time reasonably determines that the bond or elements of the collateral deposit are insecure, deficient in amount, or exhausted in whole or in part, the Office of Financial Regulation shall, by written order, require the filing of a new or supplemental bond or the deposit of new or additional collateral deposit items.

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

69V-560.602 Quarterly Reports to Be Filed by ~~Cashers~~ ~~Cashers~~.

(1) Every money transmitter registered pursuant to the Code ~~registered check casher~~ shall submit a quarterly report to the Office of Financial Regulation ~~or~~ by filing a completed Form OFR-MT-1-01, Money Transmitter Quarterly Report Form, effective 11/01/2006 4/04, which is hereby incorporated by reference and available on the Office's website at www.flofr.com. Such report shall be received by the Office of Financial Regulation no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Division of Securities and Finance at the address listed in subsection 69V-560.102(1), F.A.C. Should the forty-fifth day fall on a Saturday, Sunday, weekend or holiday, the reports must be received by the Office of Financial Regulation no later than the next business day.

(2) In lieu of filing Form OFR-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Office of Financial Regulation's website (www.flofr.com dbf.state.fl.us) on the Internet.

(3) No change.

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

69V-560.603 Quarterly Reports to Be Filed by Foreign Currency Exchangers.

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2), 560.123 FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.603, Repealed _____.

69V-560.604 Quarterly Reports to Be Filed by Funds Transmitters.

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2), 560.123, 560.210 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.604, Repealed _____.

69V-560.605 Quarterly Reports to Be Filed by Payment Instrument Sellers.

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2), 560.123, 560.210 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.605, Repealed _____.

69V-560.606 Annual Filing of Financial Statements by Part II Registrants.

(1)(a) No change.

(b) Each registered payment instrument seller shall annually submit audited financial statements to the Office of Financial Regulation for the registrant's most recent fiscal year unless it is exempt pursuant to Section 560.118(2)(a), F.S. Any registrant claiming such exemption shall submit such claim in writing on Form OFR-MT-4-01, Money Transmitter Audited Financial Statement Exemption Claim Form, effective 11/01/2006 ~~4/04~~, which is hereby incorporated by reference and available on the Office's website at www.flofr.com. The claim shall be executed by the registrant or an officer of the registrant under penalty of perjury. The exemption shall be valid for the current fiscal year only, and must be resubmitted each year by the registrant.

(c) through (3) No change.

(4) For purposes of adding new locations or authorized vendors, a Part II registrant may rely upon its annual financial statements that were received by the Office of Financial Regulation in a timely manner as required in subsections (1) and (2) of this rule ~~or the net worth disclosure required by Form OFR-MT-2-01~~. The Office of Financial Regulation reserves the right to require additional documentation up to and including the submission of financial statements to substantiate the net worth ~~disclosure on Form OFR-MT-2-01~~.

Specific Authority 560.105(3), 560.118(2)(a), 560.205(3)(f), (4)(d) FS. Law Implemented 560.118(2), 560.205, 560.208 FS. History—New 11-4-01, Formerly 3C-560.606, Amended _____.

69V-560.607 Quarterly Reports to Be Filed by Deferred Presentment Providers.

Specific Authority 560.105(3), 560.118(2) FS. Law Implemented 560.118(2) FS. History—New 11-4-01, Formerly 3C-560.607, Repealed _____.

69V-560.906 Consumer Credit Counseling Services.

(1) The Office of Financial Regulation shall publish a list of consumer credit counseling agencies by October 1 of each calendar year via the Office of Financial Regulation's website (www.flofr.com dbf.state.fl.us). The Office of Financial Regulation will accept requests from consumer credit counseling agencies to be included on the list on an ongoing basis and may periodically republish the list at its discretion. If the Office of Financial Regulation makes a decision to publish the list more often, a notice of such change will be posted on the Office of Financial Regulation's website. The provider will

then be responsible for making and distributing such additional copies of the list to all branch locations engaging in deferred presentment transactions.

(2) through (8) No change.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New 2-20-02, Formerly 3C-560.906, Amended _____.

FINANCIAL SERVICES COMMISSION

Division of Securities

RULE NO.: 69W-200.001
RULE TITLE: Definitions

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. In particular, Rule 69W-200.001, F.A.C., is being amended to re-define the term "branch office" and specify exceptions to the definition.

SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.061, 517.051, 517.081, 517.161 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 IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-200.001 Definitions.

As used in the Rules and Regulations of the Financial Services Commission and Office of Financial Regulation, pursuant to Chapter 517, F.S., unless the context otherwise specifically requires:

(1) through (8) No change.

(9)(a) Except as otherwise provided in this subsection, the term "Branch Office" shall mean any location in this state of a dealer or investment adviser at which one or more associated persons regularly conduct the business of rendering investment advice or effecting any transactions in, or inducing or attempting to induce the purchase or sale of, any security or

any location that is held out as such. Pursuant to Section 517.021(4), F.S., the Financial Services Commission may adopt exceptions to this definition. The following locations shall not be deemed branch offices for purposes of Section 517.12(5), F.S., and are considered exceptions to the definition of a branch office under Section 517.021(4), F.S.:

1. Any location that is established solely for customer service or back office type functions where no sales activities are conducted and that is not held out to the public as a branch office;

2. Any location that is the associated person's primary residence; provided that:

a. Only one associated person, or multiple associated persons, who reside at that location and are members of the same immediate family, conduct business at the location;

b. The location is not held out to the public as an office and the associated person does not meet with customers at the location;

c. Neither customer funds nor securities are handled at that location;

d. The associated person is assigned to a designated branch office, and such designated branch office is reflected on all business cards, stationery, advertisements and other communications to the public by such associated person;

e. The associated person's correspondence and communications with the public are subject to the firm's supervision in accordance with NASD Rule 3010, as incorporated in subparagraph 69W-600.013(1)(h)1., F.A.C.;

f. Electronic communications (e.g., e-mail) are made through the registrant's electronic system;

g. All orders are entered through the designated branch office or an electronic system established by the registrant that is reviewable at the branch office;

h. Written supervisory procedures pertaining to supervision of sales activities conducted at the residence are maintained by the registrant; and

i. A list of the residence locations is maintained by the registrant;

3. Any location, other than a primary residence, that is used for securities business for less than 30 business days in any one calendar year, provided the registrant complies with the provisions of this rule in sub-subparagraphs 9(a)2.a. through i. above;

4. Any office of convenience, where associated persons occasionally and exclusively by appointment meet with customers, which is not held out to the public as an office;

5. Any location that is used primarily to engage in non-securities activities and from which the associated person(s) effects no more than 25 securities transactions in any one calendar year; provided that any advertisement or sales literature identifying such location also sets forth the address

and telephone number of the location from which the associated person(s) conducting business at the non-branch locations are directly supervised;

6. The Floor of a registered national securities exchange where a registrant conducts a direct access business with public customers; or

7. A temporary location established in response to the implementation of a business continuity plan.

8. The main office of an investment adviser registered with the Office of Financial Regulation pursuant to Section 517.12(4), F.S.

(b) Notwithstanding the exclusions provided in subparagraph (9)(a)2. above, any location that is responsible for supervising the activities of persons associated with the registrant at one or more non-branch locations of the registrant is considered to be a branch office.

(c) The term "business day" as used in NASD Rule 3010(g)(2)(A), which is incorporated by reference in subparagraph 69W-600.013(1)(h)1., F.A.C., shall not include any partial business day provided that the associated person spends at least four hours on such business day at his or her designated branch office during the hours that such office is normally open for business.

~~(9)(a) Except as otherwise provided herein, the term "Branch Office" shall mean any location in Florida other than a home office:~~

~~1. Which is owned or controlled by a dealer or investment adviser for purposes of offering for sale or selling securities or for rendering investment advice and in which two or more associated persons are engaged in such activities. "Control" as used herein and in Section 517.021(4), F.S., shall be presumed from the fact that such location is used by associated persons of a dealer or investment adviser to conduct business on behalf of such dealer or investment adviser;~~

~~2. Which is listed in any publication, including a professional digest or telephone directory, or advertised in any media as an office of a dealer or investment adviser; or~~

~~3. Which is designated with the Securities and Exchange Commission or with a securities exchange or self-regulatory organization as a branch office of a dealer or investment adviser.~~

~~(b) The following locations shall not be deemed branch offices for purposes of Section 517.12(5), F.S.~~

~~1. Locations used temporarily for the purposes of conducting seminars or distributing printed information;~~

~~2. The home of a client;~~

~~3. A public location, such as a restaurant, which is occasionally used by a registered associated person to conduct business on behalf of the dealer or the investment adviser provided the location is not held out to the investing public as an office of the dealer or investment adviser; or~~

~~4. Any location defined as a branch office in paragraph (9)(a) of this rule from which an associated person registered with a dealer and one or more investment advisers registered with the Office of Financial Regulation conducts business on behalf of said multiple entities provided that such location is lawfully registered with the Office of Financial Regulation as a branch office of at least one of said entities.~~

(10) through (33) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021, 517.061, 517.051, 517.081, 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-10-93, 5-5-94, 10-20-97, 8-9-98, 8-19-99, 10-30-03, Formerly 3E-200.001, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.:

RULE TITLE:

69W-300.002

Financial Statements and Reports

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. In particular, the proposed rules provide that financial statements must be prepared in accordance with United States Generally Accepted Accounting Principles (GAAP).

SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.081, 517.12 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 IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-300.002 Financial Statements and Reports.

(1) All financial statements required for registration of securities, or registration of dealers and investment advisers, shall be prepared in accordance with United States Generally Accepted Accounting Principles, ~~as promulgated by the American Institute of Certified Public Accountants.~~ Financial

statements required to be prepared in accordance with Regulation S-X together with the Accounting Series Releases, pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934, will be acceptable to the Office of Financial Regulation unless otherwise required by these rules.

(2) Definitions:

(a) No change.

(b) "Financial Statements and Reports" shall be defined as those reports, schedules and statements, prepared in accordance with United States generally accepted accounting principles, which contain at least the following information unless the context otherwise dictates:

1. Statement of Financial Condition or Balance Sheet;
2. Statement of Income;
3. Statement of Changes in Financial Position;
4. Statement of Changes in Stockholder's/Partner's/Proprietor's Equity;
5. Statement of Changes in Liabilities Subordinated to Claims of General Creditors.

(c) No change.

(d) "Unaudited Financial Statements" shall be defined as those financial statements prepared in accordance with United States generally accepted accounting principles, not accompanied by the statements and representations as set forth in subparagraphs (2)(a)2., 3. and 4. of this rule, and shall include an oath or affirmation that such statement or report is true and correct to the best knowledge, information, and belief of the person making such oath or affirmation; such oath or affirmation shall be made before a person authorized to administer such oath or affirmation, and shall be made by a duly authorized representative of the entity for whom the financial statements were prepared.

(3) through (5) No change.

(6) Requirements for Securities Registration.

(a) through (c) No change.

(d) For purposes of Rule 69W-700.005, F.A.C., Individual General Partners shall submit an unaudited sheet which conforms to United States generally accepted accounting principles. Such balance sheet should be prepared on a cost basis. A two-column presentation showing both cost in the first column paralleled by a second column presenting estimated values will also be acceptable. However, the Office of Financial Regulation will not base the net worth computation on estimated values unless satisfactory evidence of the estimated values is presented to the Office of Financial Regulation.

(7) No change.

Specific Authority 517.03 FS. Law Implemented 517.081, 517.12 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-300.02, Amended 6-28-93, 11-22-93, 12-24-95, 9-19-00, 10-30-03, Formerly 3E-300.002, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: 69W-301.002
 RULE TITLE: Processing of Applications
 PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. In particular, the proposed rules adopt a new form that is to be used by Canadian Dealers for notice filings.
 SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.
 SPECIFIC AUTHORITY: 517.03(1), 517.12, 517.1201 FS.
 LAW IMPLEMENTED: 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 69W-301.002 Processing of Applications.
- (1) through (6) No change.
- (7)(a) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapters 69W-100 through 69W-900, F.A.C.:
 1. through 12. No change.
 13. OFR Form DA-5-91, Issuer/Dealer Compliance Form (Revised 1/91); ~~and~~
 14. Form FL921250Z, Florida Fingerprint Card (Revised 1/91) ~~and~~;
 - 15 OFR Form CAN, Canadian Dealer Notification (New _____).
- (b) through (c) No change.

Specific Authority 517.03(1), 517.12, 517.1201 FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History--Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended 3-16-06, _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.: RULE TITLES:
 69W-400.001 Rules for Eleemosynary and
 Religious Organizations Under the
 Requirements of Section
 517.051(9), F.S.
 69W-400.003 Rules for Government Securities
 Under Section 517.051(1), F.S.

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. In particular, the proposed rules provide that financial statements must be prepared in accordance with United States Generally Accepted Accounting Principles (GAAP).

SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.

SPECIFIC AUTHORITY: 517.03, 517.051 FS.

LAW IMPLEMENTED: 517.051, 517.12 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 IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-400.001 Rules for Eleemosynary and Religious Organizations Under the Requirements of Section 517.051(9), F.S.

The requirement of Section 517.051(9), F.S., that no persons shall directly or indirectly offer or sell securities under this section except by an offering circular containing full and fair disclosure shall be deemed satisfied if the following information is contained in the offering circular which is provided to each offeree prior to sale.

(1) In the case of an offering not in excess of \$250,000 of securities in reliance upon the exemption:

(a) through (g) No change.

(h) The following financial statements of the issuer prepared in conformance with United States generally accepted accounting principles ~~generally accepted accounting principals~~:

1. A balance sheet and statement of profit and loss as of a date not earlier than the end of the last fiscal year of the issuer; provided, however, that if the last fiscal year shall have ended within 90 days of the date of the circular in which such data is to be included, such data may be supplied as of a date not earlier than the end of the fiscal year preceding the last fiscal year of the issuer;

2. If the balance sheet and statement of profit and loss included in an offering circular pursuant to subparagraph 1. above are as of a date 120 days prior to the date of the offering circular in which such data are included, sales and net income information as of a date not earlier than 90 days prior to the date of the offering circular shall be included.

(2) In the case of an offering in excess of \$250,000 of securities in reliance upon the exemption:

(a) through (y) No change.

(z) The following financial statements of the issuer prepared in conformance with United States generally accepted accounting principles:

1. A balance sheet and statement of profit and loss as of a date not earlier than the end of the last fiscal year of the issuer; provided, however, that if the last fiscal year shall have ended within 90 days of the date of the circular in which such data is to be included, such data may be supplied as of a date not earlier than the end of the fiscal year preceding the last fiscal year of the issuer.

2. If the balance sheet and statement of profit and loss included in an offering circular pursuant to subparagraph 1. above are as of a date 120 days prior to the date of the offering circular in which such data are included, sales and net income information as of a date not earlier than 90 days prior to the date of the offering circular shall be included.

(3) through (4) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.051(9), 517.12(2) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-400.01, Amended 10-14-90, Formerly 3E-400.001, Amended _____.

69W-400.003 Rules for Government Securities Under Section 517.051(1), F.S.

For purposes of the exemption of Section 517.051(1), F.S., any issuer or guarantor of securities which are or have been in default shall be deemed to have satisfied the requirement of full and fair disclosure, thereby entitling the securities issued or guaranteed by such person to the exemption granted therein, if the following information is contained in an offering circular provided to each offeree prior to any sale of such securities:

(1) A description of each and every default by the issuer and guarantor including:

(a) through (g) No change.

(h) Financial statements for the last two (2) fiscal years prepared and presented in accordance with United States Generally Accepted Accounting Principles ~~Principals as adopted by the American Institute of Certified Public Accountants and in existence on June 1, 1992.~~ Such statements shall additionally have been audited by an independent governmental audit organization or by an independent certified public accountant; and

(i) No change.

(2) No change.

Specific Authority 517.03(1), 517.051(1) FS. Law Implemented 517.051(1) FS. History–New 12-8-87, Amended 2-17-93, Formerly 3E-400.003, Amended.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: RULE TITLE:
69W-500.04 Computation of Number of
 Purchasers for Purposes of Section
 517.061(11), Florida Statutes

PURPOSE AND EFFECT: The rule is clarified to conform to statutory requirements regarding the exclusion of certain individuals as purchasers for securities offerings under Section 517.061(11), F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.061 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 IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-500.004 Computation of Number of Purchasers for Purposes of Section 517.061(11), F.S.

(1) The following purchasers shall be excluded in computing the number of purchasers for purposes of Section 517.061(11), F.S.:

(a) No change.

(b) Any trust or estate in which a purchaser or any of the persons related to him as specified in paragraph (1)(a) or (c) of this rule collectively owns more than 50% ~~own 100%~~ of the beneficial interest in such trust or estate (excluding contingent interests); and

(c) Any corporation or other organization of which a purchaser or any of the persons related to him as specified in paragraphs (1)(a) and (b) of this rule, collectively, are the beneficial owners of more than 50% of ~~all~~ the equity securities (excluding directors' qualifying shares) or equity interest;

(d) through (f) No change.

(2) No change.

Specific Authority 517.03 FS. Law Implemented 517.061(11) FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-500.04, Amended 7-31-91, Formerly 3E-500.004, Amended.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

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|--------------|--|
| RULE NOS.: | RULE TITLES: |
| 69W-600.001 | Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser |
| 69W-600.0015 | Application for Registration as a Canadian Dealer |
| 69W-600.002 | Application for Registration as Associated Person |
| 69W-600.004 | Registration of Issuer/Dealers, Principals and Branch Offices |
| 69W-600.006 | Associated Persons' Fingerprints |
| 69W-600.009 | Registration Renewals |
| 69W-600.0091 | Central Registration Depository System |
| 69W-600.0092 | Investment Adviser Registration Depository for Federal Covered Advisers |
| 69W-600.0093 | Investment Adviser Registration Depository for Investment Advisers |
| 69W-600.014 | Books and Records Requirements |
| 69W-600.016 | Net Capital Requirements for Dealers and Investment Advisers |

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. The proposed rules also revise provisions regarding net capital requirements for dealers and investment advisers.

SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.

SPECIFIC AUTHORITY: 517.03, 517.12, 517.121, 517.1215, 517.1201 FS.

LAW IMPLEMENTED: 517.12, 517.121, 517.1201, 517.1205, 517.1215 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 IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-600.001 Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed on the forms prescribed by the Financial Services Commission in subsection 69W-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Financial Services Commission or Office of Financial Regulation may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. Except as otherwise provided in Rule 69W-600.0091 or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services ~~Office of Financial Regulation~~. For dealers that are members of the National Association of Securities Dealers (NASD), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository (CRD) of the NASD in accordance with Rule 69W-600.0091, F.A.C. For investment advisers, such application ~~shall~~ ~~may~~ be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD in accordance with Rule 69W-600.0091, F.A.C. For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV, which is incorporated by reference in

subsection 69W-301.002(7), F.A.C. shall be filed with the Office of Financial Regulation. Such application ~~shall~~ ~~may~~ be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.;

2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., to register at least one principal as set forth in Rule 69W-600.002, F.A.C. For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any principal shall be filed through the CRD as set forth in Rule 69W-600.002, F.A.C. In conjunction with filing its Form BD or Form ADV with the Office of Financial Regulation, the dealer, issuer/dealer, or investment adviser shall provide the Office of Financial Regulation written notification of the principal's name, CRD number, and social security number; Evidence of current membership as a dealer with the NASD shall satisfy this requirement;

4. through 9. No change.

(2) through (3) No change.

~~(4) It will not be the policy of the Office of Financial Regulation to issue verbal effectiveness or verbal up dates on applications filed with the Office of Financial Regulation unless the Office of Financial Regulation deems it to be necessary to issue such verbal information.~~

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), 517.1205 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, Formerly 3E-600.001, Amended 3-16-06,_____.

69W-600.0015 Application for Registration as a Canadian Dealer.

All Canadian dealers making initial and renewal notice filing, or terminating a notice filing in this state shall file OFR Form CAN and the fee required by Section 517.12(17)(b), F.S., with the Office of Financial Regulation. Any notice filing made by a Canadian dealer with the Office of Financial Regulation shall be deemed received by the Office of Financial Regulation at such time as OFR Form CAN and the fee have been date stamped by the cashier's office of the Department of Financial Services. When requested by the Office of Financial Regulation, OFR Form CAN and all responses to any other requests for additional information shall be filed directly with the Office of Financial Regulation. OFR Form CAN, Canadian Dealer Notification, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

Specific Authority 517.03 FS. Law Implemented 517.12 FS. History--New_____.

69W-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person shall be filed on Form U-4, Uniform Application for Securities Industry Registration or Transfer, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the Office of Financial Regulation may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rule 69W-600.0091, 69W-600.0092, or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the ~~Department of Financial Services Office of Financial Regulation~~ Department of Financial Services Office of Financial Regulation. For dealers that are members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application ~~shall~~ may be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4, ~~which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~ As used on the Form U-4, ~~which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~, the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD. The Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

2. Statutory fee in the amount of ~~\$30~~ \$40, for each registration sought, as required by Section 517.12(10), F.S.

3. through 4. No change.

5. A complete Florida Fingerprint Card (FL92150Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement agency and

accompanied by a non-refundable \$47 processing fee. Form FL92150Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

~~If the fingerprint card cannot be processed by the Federal Bureau of Investigation because of illegible fingerprints, a second card must be submitted. If that card also cannot be processed, it will be necessary to submit a third card along with a fee of \$24 to cover the cost of processing the card charged by the FBI.~~

(c) If the information contained in any Form U-4, ~~which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~, becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Form U-4, ~~which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~, the associated person through the dealer or investment adviser shall also provide the Office of Financial Regulation with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 69W-600.010, F.A.C. For associated persons who have filed by using the CRD of the NASD, such amendments shall be made through the CRD of the NASD. Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, _____.

69W-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) through (2) No change.

(3)(a) Every branch office of a registered Florida dealer or investment adviser shall be registered with the Office of Financial Regulation prior to engaging in business therefrom. Such registration shall consist of an application filed with the Office of Financial Regulation on the forms prescribed by the Office of Financial Regulation and payment of the statutory fees required by Section 517.12(10), F.S. The Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services Office of Financial Regulation. Such office may or may not be designated as an Office of Supervisory Jurisdiction (OSJ) at the discretion of the registrant. A manager for each branch office shall be designated and registered with the Office of Financial Regulation as a principal. For such offices not

designated as an OSJ, the branch office manager need not be located at the office(s) for which he is delegated supervisory responsibility; however, in such cases, the registrant must specify in writing to the Office of Financial Regulation, the names of the associated persons designated as resident agent in charge as well as the branch office manager. For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any branch office shall be filed with the CRD.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. through 3. No change.

4. Evidence of current registration or exemption from the registration requirements of with the Florida Secretary of State as a foreign corporation.

(c) If the information contained in any branch office registration form becomes inaccurate or incomplete for any reason before or after the branch office becomes registered, including changing the location of the branch office or the supervisory personnel thereof, the dealer or investment adviser shall amend the information by filing a complete and originally executed Form BR, Uniform Branch Office Registration Form, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., with the Office of Financial Regulation within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. For any dealer that is a member of the NASD, or any investment adviser, the Form BR shall be filed with the CRD, as set forth in this rule. A non-NASD member registrant may amend the branch office registration information by submitting a Form BR directly with the Office of Financial Regulation. Form BR, Uniform Branch Office Registration Form, is incorporated by reference in subsection 69W-301.002(7), F.A.C. In lieu of filing Form BR, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., a registrant may amend the branch office registration information electronically at the time of renewal by following the applicable instructions on the Office of Financial Regulation's website (www.fldfs.com/ofr) on the Internet. Also, a registrant may change the address or terminate a branch office location by submission of the request in writing to the Office of Financial Regulation in lieu of filing Form BR, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. Failure to file any amendment or written notification, as provided herein, shall be considered a violation of Section 517.12(13), F.S.

(d) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(5), (6), (10) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, 5-27-01, 7-31-02, Formerly 3E-600.004, Amended 3-16-06, _____.

69W-600.006 Associated Persons' Fingerprints.

Fingerprints filed in accordance with Section 517.12(7), Florida Statutes, shall be on fingerprint cards supplied by the Office of Financial Regulation ~~(Form FL921250Z, (Revised 1/91) which is hereby incorporated by reference taken by an authorized law enforcement agency, and accompanied by a non-refundable \$47 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C. The Such fingerprint card requirement is waived cards are not required to be filed for those associated persons requesting registration with a dealer which is affiliated with a dealer or investment adviser registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been processed for such persons pursuant to the provisions of SEC. rule 17f-2 (17 C.F.R. 240.17f-2 2006), which is hereby incorporated by reference,~~ by said person's current employer.

Specific Authority 517.03 FS. Law Implemented 517.12(7) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended _____.

69W-600.009 Registration Renewals.

(1) No change.

(2) In addition to verifying registration with the Office of Financial Regulation as provided in subsection (1), to renew its registration and that of its branch offices and associated persons, each dealer or investment adviser shall pay all renewal fees as required by Section 517.12(11), F.S.

(a) Renewal fees for NASD member firms, associated persons of NASD member firms, and branch offices of NASD member firms, shall be submitted through the CRD by December 31 of the year the registration expires.

(b) Renewal fees for investment advisers shall be submitted through the IARD by December 31 of the year the registration expires. Renewal fees for associated persons of investment advisers, and branch offices of investment advisers, shall be submitted through the CRD by December 31 of the year the registration expires.

(c) Renewal fees for non-NASD member firms, associated persons of non-NASD member firms and all branch offices of non-NASD member firms shall be sent directly to the Office of Financial Regulation. The Office of Financial Regulation shall deem a fee received as payment at such time as it has been date stamped by the cashier's office of the Department of Financial Services. All renewal fees must be received by the Office of Financial Regulation by December 31 of the year the registration expires. Renewal fees for non-NASD member firms, associated persons of non-NASD member firms and all branch offices shall be sent directly to the Office of Financial Regulation or may be paid electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet. The Office of

~~Financial Regulation shall deem a fee received as payment at such time as it has been date stamped by the cashier's office of the Office of Financial Regulation or the date the renewal process has been completed on the Office of Financial Regulation's website. All renewal fees for NASD member firms and for associated persons of NASD member firms shall be submitted through the CRD. All renewal fees must be received by the Office of Financial Regulation or the CRD by the last business day prior to January 1 of the year following the year the registration expires.~~

(3) Failure to submit the requisite amount of fees ~~to the Office of Financial Regulation or to the NASD as appropriate~~ and as provided for in subsection (2) of this rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with the provisions of Section 517.12(11), F.S., provided that all requisite information and fees are ~~date stamped by the cashier's office of the Department of Financial Services filed with the Office of Financial Regulation~~ on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

Specific Authority 517.03(1), 517.12(6), (15) FS. Law Implemented 517.12(6), (10), (11), (15) FS. History—New 12-5-79, Amended 9-20-82, 8-29-83, Formerly 3E-600.09, Amended 1-7-88, 6-16-92, 11-14-93, 2-5-01, 5-27-01, Formerly 3E-600.009, Amended _____.

69W-600.0091 Central Registration Depository System.

~~Wherever the rules of this Office of Financial Regulation require the filing of applications, fees, and other documents with the Office of Financial Regulation, in lieu thereof, all dealers who are members of the National Association of Securities Dealers, Inc. (NASD) shall file such items as hereinafter specifically provided:~~

(1) All NASD member dealers requesting initial registration, amendment ~~renewal~~ or termination of registration in this state shall file the appropriate Form BD or BDW, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., and the assessment fee required by Section 517.12(10) or (11), F.S., with the Central Registration Depository System ("CRD") of the NASD. However, responses to requests by the

Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BD and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report.

(2) All NASD member dealers registered in this state requesting initial registration, amendment, or termination of a branch office of such member dealer shall file the appropriate Form BR and the application fee required by Section 517.12(10) or (11), F.S., with the CRD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a branch office filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report.

(3)~~(2)~~ All NASD member dealers registered in this state requesting initial registration, amendment, renewal, reaffiliation or termination of an associated person of such member dealer shall file ~~the appropriate~~ Form U-4 or U-5 (which are incorporated by reference in subsection 69W-301.002(7), F.A.C.) and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as an associated person of an NASD member dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation on the date designated in the "Status Date" field on the line notated "FL" with a "Registration Status" of "pending" as indicated on the CRD "Registrations with Current Employers" screen.

~~(3) Any application for registration as an associated person of an NASD member dealer filed with the Office of Financial Regulation via the CRD shall be deemed received by the Office of Financial Regulation on the date designated in the "Status Date" field on the line notated "FL" with a "Registration Status" of "pending" as indicated on the CRD "Registrations with Current Employers" screen.~~

~~(4) Any application for registration as a dealer filed with the Office of Financial Regulation via the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BD and the application fee. The application~~

~~fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report.~~

Specific Authority 517.03, 517.12(15) FS. Law Implemented 517.12(10), (11), (15) FS. History—New 8-29-83, Formerly 3E-600.091, Amended 8-1-91, 6-16-92, 4-30-96, 9-19-00, Formerly 3E-600.0091, Amended _____.

(Substantial rewording of 69W-600.0092 follows. See Florida Administrative Code for present text)

69W-600.0092 Investment Adviser Registration Depository for Federal Covered Advisers.

(1) All federal covered advisers making, amending, or terminating a notice filing in this state shall file Form ADV or Form ADV-W and the assessment fee required by Section 517.1201(1) or (2), F.S., with the Investment Adviser Registration Depository (IARD) of the NASD. When requested by the Office of Financial Regulation, Form ADV, Part 2, and all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any notice filing made by a federal covered adviser with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall be deemed receive by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Forms ADV and ADV-W are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All federal covered advisers who notice file in this state and who request initial registration, amendment, reaffiliation or termination of an associated person of such federal covered adviser shall file the Form U4 and the assessment fee required by Section 517.12(10) or (11), F.S. with the CRD of the NASD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. The Form U4 is incorporated by reference in subsection 69W-301.002(7), F.A.C.

Specific Authority 517.03, 517.12(6), (15), 517.1201 FS. Law Implemented 517.1201(1), (2), (15) FS. History—New 7-31-02, Formerly 3E-600.0092, Amended 3-16-06, _____.

(Substantial rewording of 69W-600.0093 follows. See Florida Administrative Code for present text)

69W-600.0093 Investment Adviser Registration Depository for Investment Advisers.

(1) All investment advisers requesting initial registration, amendment, or termination of registration in this state shall file the Form ADV or ADV-W and the assessment fee required by Section 517.12(10) or (11), F.S., with the Investment Adviser Registration Depository (IARD) of the NASD. Form ADV, Part 2, and all responses to requests by the Office of Financial

Regulation for additional information shall be filed directly with the Office of Financial Regulation. Investment advisers shall file Form ADV Part 2 with the IARD at such time as the IARD develops the capability to process the form. Applications for registration as an investment adviser filed with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Form ADV is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All investment advisers registered in this state through the IARD requesting initial registration, amendment, or termination of a branch of such investment adviser shall file Form BR and the assessment fee required by Section 517.10(10) or (11), F.S., with the CRD. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Applications for registration as a branch office filed with the the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Form BR is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(3) All investment advisers registered in this state through the IARD requesting initial registration, amendment, reaffiliation or termination of an associated person of such investment adviser may file Form U4 and the application fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Form U4 is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(4) All investment advisers currently registered with the Office of Financial Regulation shall transition their Florida registrations onto IARD, and the Florida registrations of their associated person onto the CRD, by March 31, 2007. All investment advisers who transition onto IARD shall file a complete Form ADV through the IARD within 30 days after the transition date. Form ADV is incorporated by reference in subsection 69W-301.002(7), F.A.C.

Specific Authority 517.03, 517.12(6), (15) FS. Law Implemented 517.12(10), (11), (15) FS. History—New 7-31-02, Formerly 3E-600.0093, Amended 3-16-06, _____.

69W-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current

basis, and preserve for the periods of time specified, such records, prescribed herein, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a registered branch office in this state shall be exempt from the provisions of this rule.

(1) No change.

(2) All issuer/dealers are required to maintain at least the following records:

(a) Ledgers, journals (or other records) reflecting all assets, liabilities, income and expenses, and capital accounts properly maintained in accordance with United States generally accepted accounting ~~principles~~ principals;

(b) through (e) No change.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current records relating to their business as described in SEC Rule 204-2, 17 C.F.R. § 275.204-2(2006), which is incorporated by reference; and have available for the Office of financial Regulation at least the following records;

(a) All trial balances, financial statements prepared in accordance with United States generally accepted accounting principles, and internal audit working papers relating to the investment adviser's business as an investment adviser. For purposes of this paragraph, "financial statements" means balance sheets, income statements, cash flow statements and net worth computations as required by Rule 69W-300.002, F.A.C.

(b) through (k) No change.

(4) through (8) No change.

Specific Authority 517.03(1), 517.121(1), 517.1215 FS. Law Implemented 517.121(1), 517.1215 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, 10-30-03, Formerly 3E-600.014, Amended 10-23-06, _____.

69W-600.016 Net Capital Requirements for Dealers and Investment Advisers.

(1) No change.

(2) All dealer applicants and registrants shall meet and at all times maintain the net capital and ratio requirements as prescribed by SEC Rule 15c3-1 including appendices A through D ~~any appendices thereto~~ (17 C.F.R. 240.15c3-1, 240.15c3-1a, 240.15c3-1b, 240.15c3-1c and 240.15c3-1d (Thomson/West 2006 (current through 71 FR 69409)), computed in accordance with said rule, ~~as such rule existed on January 1, 1993~~. The foregoing federal regulations are hereby incorporated by reference.

(a) All reporting requirements as specified in 17 C.F.R. 240.17a-11 (Thomson/West 2006 (current through 71 FR 69409)), ~~as such rule existed on January 1, 1993~~; when such regulation is referred in SEC Rule 15c3-1 shall be applicable with the exception that such reports and notifications required by said rule shall be forwarded to the Office of Financial Regulation as well as the other regulatory agencies specified, if applicable. The foregoing federal regulations are hereby incorporated by reference.

(b) All references to 17 C.F.R. 240.17a-3 and 17 C.F.R. 240.17a-4, which are incorporated by reference in Rule 69W-600.14, F.A.C., ~~as such provisions existed on January 1, 1993~~, in the foregoing and subsequent provisions of Office of Financial Regulation or SEC Rules as adopted by the Office of Financial Regulation, shall be read as to mean Office of Financial Regulation, Rule 69W-600.014, F.A.C.

(3) Issuer/dealer or investment adviser applicants or registrants shall meet the net capital requirements of this section:

(a) Investment advisers who have custody of client funds or securities or who receive payment of advisory fees six months or more in advance and in excess of \$500 per client shall maintain net capital in the amount of \$25,000 calculated as prescribed by SEC Rule 15c3-1 (17 CFR 240.15c3-1), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993~~. The foregoing federal regulations are incorporated by reference in subsection 2.

(b) Investment advisers who do not have custody of client funds or securities or who do not receive payment for advisory services six months or more in advance and in excess of \$500 per client shall maintain net capital: (1) in the amount of \$5,000 calculated as prescribed by SEC Rule 15c3-1 (17 CFR 240.15c3-1), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993~~; or (2) of at least \$2,500. The foregoing federal regulations are incorporated by reference in subsection 2. ~~For purposes of option (2) of this subsection, net capital shall be defined as assets minus liabilities in accordance with Generally Accepted Accounting Principles as adopted by the American Institute of Certified Public Accountants, as such provisions existed on June 1, 1992.~~

(c) Investment advisers who compute net capital in accordance with SEC Rule 15c3-1, ~~as such rule existed on January 1, 1993~~, may exclude liabilities which are subordinated to the claims of creditors pursuant to a subordination agreement, provided such agreement complies with all terms and conditions specified in Appendix D to SEC Rule 15c3-1 (17 CFR 240.15c3-1d), ~~as such provision existed on January 1, 1993~~, except for the requirement that such agreement be filed with and approved by the Securities and Exchange Commission. Those investment advisers who have subordination agreements in effect prior to the effective date of

this subsection shall not be required to comply with the conditions specified in Appendix D to SEC Rule 15c3-1. Should the investment adviser renegotiate or enter into a new subordination agreement, the agreement must comply with the provisions of Appendix D of SEC Rule 15c3-1. The foregoing federal regulations are incorporated by reference in subsection 2.

(d) ~~An issuer/dealer shall maintain net capital, defined as assets minus liabilities and computed in accordance with Generally Accepted Accounting Principles as adopted by the American Institute of Certified Public Accountants, as such provisions existed on June 1, 1992, of at least \$5,000, unless required elsewhere by these rules to maintain a greater minimum net capital.~~

(e) For the purposes of subparagraph (3)(b)2. and paragraph (3)(d) above, "net capital" means an excess of assets over liabilities, as determined by United States generally accepted accounting principles. Under these principles, assets do not include:

1. Prepaid expenses, other than items properly classified as current assets under generally accepted accounting principles;
2. Deferred charges;
3. Goodwill;
4. Franchise rights;
5. Organizational expenses;
6. Patents;
7. Copyrights;
8. Marketing rights
9. Un-amortized debt discount and expense;
10. Assets of an intangible nature;
11. A home, home furnishings, automobiles, and any other personal items not readily marketable, if the investment adviser is an individual;
12. A corporation's advances or loans to shareholders or officers; and
13. A partnership's advance or loans to partners.

(f) When liabilities can be shown to be collateralized by assets (including capital assets such as equipment, property, etc.) that are owned by the adviser, those liabilities are excluded from the computation. Likewise, liabilities owed to the owners or shareholders of the adviser are excluded. All other types of liabilities, including non-collateralized short and long term debt, must be included in the computation.

(g) To ensure compliance with Rule 69W-600.015, F.A.C., and this section, the Office of Financial Regulation may require, at the Office's discretion, that a current appraisal be submitted in order to establish the value of any asset, including unsecured notes, accounts receivable, or advanced commissions due from a salesperson, officer, director, partner, or affiliate. Such appraisal shall be substantiated by an opinion of a bank, finance company, or other lending institution satisfactory to the Office of Financial Regulation.

(h) Investment advisers who are also registered with the Office of Financial Regulation as a dealer are exempt from the requirements of this rule if the net capital required of the dealer by this rule exceeds the net capital required of the adviser, as required by this rule. The adviser must provide, in accordance with Rule 69W-600.015, F.A.C., a notarized statement claiming this exemption.

(4) through (5) No change.

(6) All materials incorporated by reference in this rule may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374.

Specific Authority 517.03(1) FS. Law Implemented 517.12(9), (16) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.16, Amended 10-15-86, 8-1-91, 6-29-93, 11-22-93, Formerly 3E-600.016, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: 69W-700.005
 RULE TITLE: Promoters Equity Investment Ratio
 PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. The proposed rules provide that financial statements must be prepared in accordance with United States Generally Accepted Accounting Principles.
 SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.
 SPECIFIC AUTHORITY: 517.03 FS.
 LAW IMPLEMENTED: 517.081 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 IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 69W-700.005 Promoters Equity Investment Ratio.
 (1) through (2) No change.

(3) In all limited partnership offerings, the following will be acceptable in lieu of a 15% ratio of equity investment:

(a) In order that a general partner(s) be sufficiently capitalized to indicate the ability to perform the commitments which are made in regard to such programs, the net worth of the individual general partner(s), excluding home, home furnishings and automobile or the net worth of the corporate general partner(s), must be equal to 15% of the aggregate amount of limited partnership interests to be sold with a maximum net worth requirement of \$250,000. The net worth of a general partner(s) shall be revealed by a balance sheet prepared by an independent certified public accountant in accordance with United States generally accepted accounting principles as prescribed in Rule 69W-300.002, F.A.C. The general partner(s) shall make a direct investment, net of commissions, in the limited partnership(s) equal to 5% of the aggregate amount of limited partnership interests to be sold with a maximum participation requirement of \$100,000. The required participation may be reduced by 10% of the general partner(s) net worth in excess of the amount required.

(b) through (d) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History—(Formerly 3E-20.03), New 9-20-82, Formerly 3E-700.05, Amended 10-26-97, Formerly 3E-700.005, Amended.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:
5J-14.002 Electronic Documents

PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.002, F.A.C., is to allow for electronic filing of surety bonds.

SUMMARY: Rule 5J-14.002, F.A.C., sets material terms for electronic filing of surety bonds pertaining to game promotions.

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

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

SPECIFIC AUTHORITY: 849.094(8) FS.

LAW IMPLEMENTED: 849.094(3) FS.

IF REQUESTED WITHIN 21 DAYS 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: January 16, 2007, 10:00 a.m.

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500. Phone (850)410-3679

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-14.002 Electronic Documents.

For purposes of Section 849.094(4), F.S., an operator of a game promotion may submit a surety bond electronically, pursuant to Chapter 668, F.S.

(1) A surety bond with an electronic signature shall not be accepted by the Department unless the surety bond expressly states that the surety is subject to valid claims submitted by or through the Department in accordance with Section 849.094, F.S.

(2) When necessary for the filing or enforcing of claims by the Department against surety bonds submitted electronically in accordance with Chapter 668 and Section 849.094, F.S., the Department shall use a printed copy of the electronically filed bond.

(3) By filing electronically, the operator of a game promotion agrees to conduct all transactions with the Department pursuant to Chapter 668, F.S.

(4) For purposes of Section 849.094(4), F.S., an operator of a game promotion may submit a Durable Power of Attorney with an electronic signature:

(5) A Durable Power of Attorney with an electronic signature may be applied to subsequent game promotions as long as the Durable Power of Attorney expressly states that it encompasses the subsequently filed promotions. The Durable Power of Attorney shall remain in effect until the Department receives cancellation in writing or through electronic means.

Specific Authority 849.094(8) FS. Law Implemented 849.094(4) FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

| | |
|-------------------|---|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 9K-7 | Florida Forever Program |
| RULE NOS.: | RULE TITLES: |
| 9K-7.002 | Definitions |
| 9K-7.003 | General Requirements and Eligibility Standards |
| 9K-7.004 | Submission of Application and Application Materials |
| 9K-7.007 | Project Evaluation Criteria |
| 9K-7.008 | Ranking and Selection of Applications |
| 9K-7.010 | Modification to Expand the Project Boundary |
| 9K-7.011 | Preparation and Acceptance of the Management Plan |
| 9K-7.013 | Annual Stewardship Report Requirement |

PURPOSE, EFFECT AND SUMMARY: Rule Chapter 9K-7, F.A.C., establishes the Florida Communities Trust (FCT) project application and selection process and management requirements for land acquisition grants using Florida Forever funds. The proposed changes to Rule Chapter 9K-7, F.A.C., serve to clarify and add definitions, add, delete and modify certain general requirements and eligibility standards, add, delete and modify project evaluation criteria, and modify management plan requirements. The purpose of the program described in this rule chapter is to provide grants to local governments and nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, natural resources conservation areas, parks, greenways and outdoor recreation areas to further implementation of their local comprehensive plans.

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

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

SPECIFIC AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.501-.515 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: January 16, 2007, 2:00 p.m.

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Boulevard, (850)922-2207, SUNCOM 291-1747, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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, S/C 291-1747

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-7.002 Definitions.

(1) through (9) No change.

(10) "Ecological Corridor" means a natural or open space corridor that connects Natural Communities to provide, enhance and protect wildlife habitat and biodiversity.

~~(11)(40)~~ No change.

(12) "Florida National Scenic Trail" (Florida Trail) means a National Scenic Trail designated by U.S. Congress in 1983. Primarily a hiking trail, it is a recreational trail, greenway and ecological corridor extending approximately 1,400 miles through the state. The trail is recognized as Florida's official statewide, non-motorized trail in Section 260.012(6), F.S. The Federal Administrator of the Trail, the USDA Forest Service, assisted by the Florida Trail Association, has identified a proposed route for the trail in the publication "Preferred Routing of the Florida National Scenic Trail".

(11) through (15) renumbered (13) through (17) No change.

~~(16) "Inholding" means a parcel(s) that is within or adjacent to publicly owned conservation or recreation lands that when acquired will assist in completing the overall project boundary and improve management of the adjacent publicly owned lands. The parcel(s) is relatively small in comparison with the overall publicly owned lands.~~

(17) through (35) renumbered (18) through (36) No change.

(37) "Recreational Trail" means a linear land-based corridor for recreation purposes which may include, but not limited to, bicycling, walking, running, skating, and horseback riding. A Recreational Trail consists of a trail separated from the road and does not include sidewalks or bike lanes on the road.

~~(38)~~(36) “Recreational Trail System” means a network of Recreation Trail(s) land-based trails and adjacent support parcels connecting parks, schools, residential and commercial or retail areas for recreation and authorized alternative modes of transportation ~~such as bicycling, walking, running, skating, and horseback riding~~. A Recreational Trail System shall consist of trail separated from the road with occasional limited use of sidewalks that make critical connections within the system ~~and shall not include sidewalks or bike lanes on the road~~.

(37) through (39) renumbered (39) through (41) No change.

(42) “State Designated Paddling Trail” means a mapped paddling trail that has been officially designated by the State Legislature or the Office of Greenways and Trails.

(40) through (43) renumbered (43) through (46) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History–New 5-27-01, Amended 5-20-02, 2-7-05,_____.

9K-7.003 General Requirements and Eligibility Standards. The following constitutes the general procedures for the Florida Forever Program of the Florida Communities Trust.

(1) Application Form. Application Form FCT-4 (effective _____), incorporated herein by reference, FCT-3 (eff. 2-21-05) is prescribed for use with these rules and is incorporated by reference. Applications for funding must be submitted on Application Form FCT-4 FCT-3. Applicants may only submit one Application Form per Project Site. A copy, or instructions for receiving the Application Form in an electronic format, may be obtained by writing to the Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, or by calling (850)922-2207 (SunCom 292-2207).

(2) through (4)(b) No change.

(5) Current Applications: If any Applicant has three or more active Grant Contracts at the time of the project selection meeting, the Applicant shall not be funded for additional grant Applications until the Applicant has closed out one or more of the active Grant Contracts so that there are no more than two active Grant Contracts ~~one or more of the active Grant Contracts are closed~~.

(6) Limitation of Awards.

~~(a)~~ The total amount of any Award or combination of Awards applied for by any Local Government(s) or Nonprofit Environmental Organization(s) under any Application(s) or Partnership Application(s) for any project(s) shall not exceed ten percent of the total Florida Forever Funds as advertised available for Awards in the Notice of Application Period announcing the cycle. In no case shall any Applicant be awarded more than \$10 million during any one cycle. All award(s) for Partnership Applications shall, for purposes of

calculation of award limitations, be divided equally among the Local Government(s) or Nonprofit Environmental Organization(s), ~~or~~;

~~(b) Any Applicant that submits only one application for a preacquired project may apply for up to fifteen percent of the total Florida Forever Funds as advertised available for Awards in the Notice of Application Period announcing the cycle.~~

(7) Match Requirement. All Local Governments shall provide a minimum of 25 percent match toward the Project Costs, including:

(a) Partnership Applications between Local Governments (other than a small Local Government as defined in subparagraph 9K-7.003(7)(4)(c)1., F.A.C., below) and Nonprofit Environmental Organizations shall be required to provide a Match.

(b) Partnership Applications between two or more Local Governments shall be required to provide a Match unless all of the Local Governments are small Local Governments as defined in subparagraph 9K-7.003(7)(4)(c)1., F.A.C., below.

(c) through (8) No change.

(9) Site Acquisition. The Acquisition of a Project Site shall take place under one of the following procedures:

(a) For a Project Site that consists of ten five (5) or fewer ownerships to be jointly acquired with the Trust, the Recipient may request that the Trust or the Recipient act as the party responsible for the Acquisition activities.

(b) For a Project Site that consists of eleven six (6) or more ownerships to be jointly acquired with the Trust, the Recipient shall be required to act as the party responsible for the Acquisition activities.

(c) If the Trust determines that the Recipient does not have the necessary expertise or qualifications to be able to timely negotiate the acquisition of the project site, the Trust shall act as the party responsible for the Acquisition activities.

(10) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.505-.515 FS. History–New 5-27-01, Amended 5-20-02, 2-7-05,_____.

9K-7.004 Submission of Application and Application Materials.

(1) through (5) No change.

(6) All applications must be submitted on Application Form FCT-4 (effective), incorporated herein by reference FCT-3.

(7) The following exhibits shall be provided:

(a) through (m) No change.

(n) If the Applicant is a Nonprofit Environmental Organization which anticipates being designated as the management entity pursuant to subsection 9K-7.003(7), F.A.C., evidence that the Nonprofit Environmental Organization has the financial resources, including documentation that they have commitments in an amount equal

to ten percent of the project cost to be set aside as a management endowment fund, background qualifications and competence existing to manage the Project Site in perpetuity or in cooperation with a Local Government as outlined in subsection 9K-7.003(7), F.A.C.

(o) If applicable, a signed statement from the owner(s) of each parcel the top priority parcels referenced in subsection 9K-7.004(7), F.A.C., indicating their willingness to consider an offer to purchase their parcel(s).

(p) If a Project Site is Pre-acquired, the applicant shall provide copies of a signed closing statement for each Pre-acquired parcel. If a closing statement is not available at the time of the application submittal then a copy of the contract for each of the Pre-acquired parcels shall be provided and a copy of the closing statements shall be provided within 14 days after the application deadline. Provide a statement that neither condemnation nor the threat of condemnation was used in the purchase of the property.

(8) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.508, 380.510 FS. History—New 5-27-01, Amended 5-20-02, 2-7-05,_____.

9K-7.007 Project Evaluation Criteria.

The evaluation of Applications shall be based on the criteria set forth in this rule chapter and in Application Form FCT-4 (effective), incorporated herein by reference FCT-3. Trust staff will be responsible for evaluating Applications and recommending point scores to the Governing Board. Trust staff shall utilize the information contained in the Application (including exhibits) and all information obtained during its review of the Application for scoring recommendations to the Governing Board. Personnel from other state agencies, regional planning councils, water management districts, and other public and private groups may assist the Trust staff in project evaluation as requested by Trust staff on an application-by-application basis. Unless otherwise noted, an Application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does not apply to the proposed Project Site, the Applicant should state “No” in the response to the criterion.

(1) Furtherance of specified general standards (points may be awarded based on the following criteria):

(a) ~~Designation of Parcels:~~

~~1. Partially Pre-acquired. A portion of the Project Site has been acquired by the Applicant through a voluntarily negotiated transaction within 24 months prior to the Application deadline (5 points).~~

~~(a)2. Pre-acquired. The entire Project Site has been acquired by the Applicant through a voluntarily-negotiated transaction within 24 months prior to the Application deadline (10 points).~~

(b) Phased Project. The proposed project is a continuation of a previous project that was acquired with selected for Trust funding such that it constitutes a Phased Project (5 points).

(c) Providing a greater share of the Match. The Applicant is committed to:

1. Provide a Match between 40 percent to 49 percent of the Project Costs, or, for small Local Governments as defined in subparagraph 9K-7.003(7)(c)1., F.A.C., and eligible non-profit applicants, a Match between 10 percent and 19 percent of the Project Costs (10 points); or

2. Provide a Match between 50 percent to ~~59~~ ⁵⁴ percent of the Project Costs, or, for small Local Governments as defined in subparagraph 9K-7.003(7)(c)1., F.A.C., and eligible non-profit applicants a Match between 20 percent and 29 percent of the Project Costs (20 points); or

3. Provide a Match for ~~60~~ ⁵⁵ percent or more of the Project Costs, or, for small Local Governments as defined in subparagraph 9K-7.003(7)(c)1., F.A.C., and eligible non-profit applicants, a Match for 30 percent or more of the Project Costs (25 points).

(d) No prior funding. This is the Applicant’s first Application to the Trust, or the Applicant has previously submitted an Application that was either not funded or but was not funded but not acquired (5 points).

(e) No change.

~~(f) Inholdings. The proposed project acquires inholdings within or adjacent to existing publicly owned conservation or recreation lands (5 points).~~

~~(g) Neighborhood access. The project site is accessible by an existing sidewalk or will be connected to an adjacent sidewalk within the next 2 years (5 points).~~

(2) Furtherance of Outdoor Recreation, natural and cultural resources (points may be awarded based on the following criteria):

(a) through 1. No change.

2. Provides land-based nature, bike, equestrian or multi-use trails that are at least one-quarter mile in length Provides two (2) or more resource-based Outdoor Recreation facilities, such as a nature trail, picnic pavilion, fishing pier, wildlife observation platform, canoe dock, or camping area (5 points);

3. Provides Outdoor Recreation Facilities such as picnic pavilions, fishing piers, wildlife observation platforms, playgrounds, basketball courts, or volleyball courts;

a. Provides two or three recreation facilities (5 points); or

b. Provides four or more recreation facilities (10 points);

~~Provides two or more user-oriented Outdoor Recreation facilities on the Project Site or on adjacent publicly owned lands within 1,000 feet of the Project Site, such as playgrounds, basketball courts, tennis courts, bocce ball courts, shuffleboard courts, or volleyball courts (5 points);~~

4. Provides access facilities to an existing open water shoreline or beach, such as a fishing pier, observation platform, dock or dune walkover, and managed for recreational uses (5 points);

5. No change.

a. No change.

b. Within an Urban Service Area and is also within one-half mile of a built-up commercial, or industrial high density mixed-use Urban Area (5 points);

~~e. Within an Urban Service Area and is also within a built-up commercial, or high density mixed-use Urban Area (5 points);~~

(b) Connectivity Providing Greenway Systems. The Project Site provides for new or enhanced connections to neighborhoods, recreational opportunities or natural areas ecological corridor or land-based Recreational Trail Systems (points may be awarded based on the following criteria):

1. Will be connected to neighborhoods by an existing or proposed sidewalk(s) Provides new or enhanced land-based nature, bike or equestrian trails that are at least one-quarter mile in length (5 points);

2. The project site is adjacent to or includes a Recreational Trail that Enhances or connects to an existing local, regional or statewide land-based Recreational Trail Systems or the Preferred Routing corridor of the Florida National Scenic Trail (5 points);

3. Enhances or connects existing local, regional or statewide Ecological Corridors network of existing ecological corridors (5 points);

4. Furthers a locally-adopted Ecological Corridor ecological corridors or land-based Recreational Trail System plan (5 points);

5. Enhances a State Designated Paddling Trail by providing facilities, including a paddling trail sign, canoe/kayak launch, and restrooms (5 points).

(c) Providing educational opportunities. The Project Site provides for environmental or historical educational opportunities (points may be awarded based on the following criteria):

1. Provides interpretive kiosk or interpretive signs that educates visitors about the natural environment or unique history of the area Project Site (5 points);

2. through (d)1. No change.

2. Contains a Locally Significant Natural Area as identified by the Florida Natural Areas Inventory habitat identified by the Florida Natural Inventory as a Priority 1 or 2 habitat area as shown on the FNAI Potential Habitat for Rare Species map (5 points);

3. through 4. No change.

(e) Vegetative enhancement Landscaping or restoration. The Project Site provides for new or enhanced landscaping or restoration (points may be awarded based on the following criteria):

1. Invasive exotic vegetation will be removed from the project site Degraded or altered areas on the Project Site will be landscaped with native vegetation (5 points);

2. A significant portion of the uplands area on the Project Site will be planted with native vegetation Degraded or altered upland communities on the Project Site will be restored as a Natural Community (5 points);

3. A significant portion of the wetland area on the Project Site will be planted with native vegetation Degraded or altered wetland communities on the Project Site will be restored as a Natural Community (5 points).

(f) Water quality. The Project Site provides for the protection or enhancement of water quality (points may be awarded based on the following criteria):

1. The ~~proposed~~ project will improve the quality of surface waters or address current flooding problems occurring on, adjacent or in close proximity to the Project Site by installing stormwater facilities that provide wildlife habitat and/or open space in a park like setting (5 points);

2. No change.

3. The ~~proposed~~ Project Site will protect Class I Waters as identified by the Department of Environmental Protection, or the Project Site is located within a locally-designated wellfield protection zone (5 points).

(g) Historical resources. The Project Site protects or enhances enhanced historic resources (points may be awarded based on the following criteria):

1. through 3. No change.

(3) Furtherance of Community Planning (points may be awarded based on the following criteria):

(a) Local Comprehensive Plan. Acquisition of the Project Site will assist the Local Government in furthering the Local Comprehensive Plan directives. When used in this part, the term "furthered" means that proposed project(s) will assist the Local Government in realizing the objectives or policies of the Local Comprehensive Plan. For each criterion that is furthered by an objective or policy of the Local Comprehensive Government Plan, the objective or policy number is to be cited in the response to the criterion and a copy of the objective or policy, and any associated exhibits or documents, shall be included as an exhibit as provided in this rule chapter. If the Project Site is located entirely in one jurisdiction, the Local Comprehensive Plan of the jurisdiction shall be evaluated for scoring purposes. If the Project Site is located in two or more jurisdictions, the Local Comprehensive Plan of either each jurisdiction shall be compared for compatibility and evaluated for scoring purposes and if either jurisdiction's Local Comprehensive Plan is furthered then points shall be awarded. Points may be awarded based on the following criteria:

1. Provides acreage or outdoor recreational facilities necessary to maintain or improve adopted levels of service standards for recreation or open space (5 points);

2. No change.

3. Provides new or enhanced public access to existing water bodies or saltwater beaches (5 points);

4. Provides for new or enhanced Greenways, Ecological Corridors or Recreational Trail Systems (5 points);

5. No change.

6. Provides for coordination between the Local Government(s) and other federal, state and local agencies or non-profit organizations in managing natural areas or open space or furthering the completion of the Florida National Scenic Trail (5 points);

7. No change.

8. Ensures the protection or enhancement of surface water or groundwater quality by addressing non-point pollution through enhanced stormwater treatment (5 points);

9. through (b)1. No change.

(b) through 1. No change.

~~2. Is located within an area identified in the County's adopted Local Mitigation Strategy as a mitigation priority (5 points).~~

~~2.3. Provides recreational opportunities or open space areas within a state-designated brownfield "brownfield" area (5 points).~~

(c) Priority investment areas and special state-designated areas. The Project Site will provide new or enhanced Outdoor Recreation or open space within an identified priority investment area or other special state-designated area targeted for investment or redevelopment (points may be awarded based on the following criteria):

1. Within an area designated as a "Front Porch Community" (~~10~~ 5 points);

2. Within an area designated as an active "Florida Main Street Community" (10 5 points);

~~3. Within an area designated as an "Eastward Ho! Corridor" under Executive Order 94-54 (5 points).~~

~~3.4.~~ Within an area designated as a current or previously designated "Waterfront Florida Community" (10 5 points);

~~4.5.~~ Within an area defined as a "Low-Income Community" under Rule 9K-7.002, F.A.C. (10 5 points);

~~5.6.~~ Within an area designated as a "Rural Area of Critical Economic Concern" (10 5 points);

~~6.7.~~ Within the boundary of a locally designated Community Redevelopment Area ~~urban infill, urban redevelopment or downtown revitalization area~~ as defined in Section ~~163.340~~ ~~163.3164~~, F.S. (10 5 points);

~~7.8.~~ Within a designated or previously designated "Area of Critical State Concern" under Section 380.05, F.S. (10 5 points).

~~9. Within an area subject to an adopted rate of growth ordinance, that has been approved by the Department of Community Affairs (5 points).~~

~~10. Within or adjacent to a state or federally designated area, not identified elsewhere in the Application criteria, that is intended to protect or restore natural resources, such as a spring protection zone, the Aquatic Preserve, the National Estuarine Research Reserve National Estuary Program, the Marine Sanctuary, and the American Heritage River boundaries (5 points).~~

(4) The proposed project furthers and exemplifies "project excellence." Up to 10 points, based on issues that support the goals of the Trust, but such issues are not adequately addressed by the evaluation criteria established in this rule such as whether the proposed project exhibits strong community-based support, possesses exemplary characteristics, exemplifies regional cooperation between local governments, assists an otherwise disadvantaged community, or voluntarily helps resolve land use conflicts.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 5-27-01, Amended 5-20-02, 2-7-05,_____.

9K-7.008 Ranking and Selection of Applications.

(1) Evaluation Report. After a period for review, not to exceed ~~120~~ 90 calendar days from the Application deadline, the Trust staff shall prepare a written evaluation report, based on information provided in the Application, to the Governing Board. Staff shall also provide a copy of the evaluation report to the Applicant prior to the Governing Board meeting provided for in subsection 9K-7.008(2), F.A.C.

(2) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02,_____.

9K-7.010 Modification to Expand the Project Boundary.

Modifications to expand the boundary of a Project Site selected for approval will be considered by the Trust on a case-by-case basis. Requests to modify the project boundary shall be submitted to the Trust within 12 months of the approval of the Grant Contract. Requests for boundary amendments received after said deadline shall not be considered unless an exception is granted by the Trust based upon the demonstration of good cause. Good cause shall be based on whether the boundary modification is necessary to the successful development and management of the Project Site. The following procedures are established to guide the submission and review of boundary modification requests.

(1) through (4) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02, 2-7-05,_____.

9K-7.011 Preparation and Acceptance of the Management Plan.

(1) No change.

~~(2) If the Recipient is not the proposed managing entity, the Management Plan must include a signed agreement between the Recipient and the managing entity stating the managing entity's willingness to manage the site, the manner in which the site will be managed to further the purpose(s) of the project, and identification of the source of funding for management.~~

(3) through (4) renumbered (2) through (3) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History–New 6-25-01, Amended 5-20-02, 2-7-05,_____.

9K-7.013 Annual Stewardship Report Requirement.

(1) through (2)(a)4. No change.

(b) Upon the Trust's acceptance of the Recipient's statement of completion, and timely submission of three consecutive stewardship reports that have met the requirements of this rule chapter, the Trust may suspend the stewardship report requirement if the Recipient has demonstrated that the terms and conditions of the Declaration of Restrictive Covenants and the approved Management Plan made are being followed. After suspension of the stewardship report requirement, if the Trust finds that the terms and conditions of the Declaration of Restrictive Covenants are not being followed, the stewardship report requirement shall be reimposed ~~for an additional two years.~~

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History–New 6-25-01, Amended 5-20-02, 2-7-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Reecy, Community Program Manager, Florida Communities Trust

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thaddeus L. Cohen, Secretary, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER NO.: 9K-8
RULE CHAPTER TITLE: Land Acquisition Procedures

RULE NOS.: 9K-8.002
RULE TITLES: Definitions

9K-8.004
Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title

9K-8.007

Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price

PURPOSE, EFFECT AND SUMMARY: Rule Chapter 9K-8, F.A.C., establishes the Florida Communities Trust (FCT) land acquisition procedures using Florida Forever funds. The proposed changes to Rule Chapter 9K-8, F.A.C., further serve to clarify terminology relating to these land acquisition procedures. The purpose of the program described in this rule chapter is to provide grants to Local Governments and Nonprofit Environmental Organizations for the acquisition of community-based projects, urban open spaces, natural resources conservation areas, parks, greenways, and outdoor recreation areas to further implementation of their local Comprehensive Plans.

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

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

SPECIFIC AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.501-.515 FS.

IF REQUESTED WITHIN 21 DAYS 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: January 16, 2007, 2:00 p.m.

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida, (850)922-2207, SUNCOM 291-1747, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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, S/C 291-1747

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-8.002 Definitions.

The definitions set forth in Rule 9K-7.002, F.A.C., shall apply as used in this rule chapter and are incorporated herein by reference. Additionally, the following definitions shall apply as used in this rule chapter:

(1) through (4) No change.

(5) "Approved Appraisal" means an Appraisal that has been reviewed and approved by the Trust for use in determining the Maximum Approved Purchase Price ~~that the Trust and the Recipient will pay for property.~~

(6) "Approved Appraiser" means an Appraiser who has the necessary background, qualifications and experience to appraise the interest in real estate being acquired under this Chapter and whose name is on the current list of approved appraisers on file with the Division of State Lands, Department of Environmental Protection. ~~A copy of the list of Approved Appraisers shall be maintained for public examination in the offices of the Trust.~~

(7) through (19) No change.

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

9K-8.004 Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title.

(1) through (3)(b) No change.

(c) The Acquisition of a Project Site shall take place under one of the following procedures:

1. For a Project Site that consists of ~~ten five~~ or fewer ownerships to be jointly acquired with the Trust, the Recipient may request that the Trust or the Recipient act as the party responsible for the Acquisition activities.

2. For a Project Site that consists of ~~eleven six~~ or more ownerships to be jointly acquired with the Trust, the Recipient shall be required to act as the party responsible for the Acquisition activities.

3. If the Trust determines that the Recipient does not have the necessary expertise or qualifications to be able to timely negotiate the acquisition of the project site, the Trust shall act as the party responsible for the Acquisition activities.

(d) No change.

(4) through (5) No change.

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

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

(1) through (4) No change.

(5) Determination of Maximum Approved Purchase Price.

(a) For purposes of calculating the Trust and the Recipient shares of the purchase price paid for real property, a Maximum Approved Purchase Price shall be determined. The Grant

Contract will describe financial participation by the Trust and the Recipient on a percentage basis. The Trust considers that the maximum purchase price in which it will participate shall be the Maximum Approved Purchase Price or purchase price, whichever is less. If the Recipient or its Agent negotiates a purchase price higher than the Maximum Approved Purchase Price, the Recipient shall pay all the purchase price amount over the Maximum Approved Purchase Price, in addition to the Match percentage share of the Maximum Approved Purchase Price.

(b) through (6) No change.

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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Reecy, Community Program Manager, Florida Communities Trust

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thaddeus L. Cohen, Secretary, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

**EXECUTIVE OFFICE OF THE GOVERNOR
Office of Tourism, Trade and Economic Development**

RULE NO.: 27M-2.001
RULE TITLE: Certification for Retained Spring Training Facilities

PURPOSE AND EFFECT: The purpose and effect of the rule development is to implement the provisions of Section 288.1162, Florida Statutes, and Laws of Florida 2006-262.

SUMMARY: The text of Rule 27M-2.001, F.A.C. implements the provisions of Sections 288.1162, Florida Statutes, and Laws of Florida 2006-262.

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

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

SPECIFIC AUTHORITY: 288.1162 FS.

LAW IMPLEMENTED: 288.1162 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: Ted Bonanno, Senior Attorney, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

27M-2.001 Certification for Retained Spring Training Facilities.

(1) An applicant must submit the application for certification to the Florida Sports Foundation by 5:00 pm, EST, October 2, 2006 in order to be considered for certification. Applications may not be changed once submitted. The original and seven (7) copies of the application should be submitted to the following address:

Florida Sports Foundation
Attention: Larry Pendleton
2930 Kerry Forest Parkway, Suite-100
Tallahassee, Florida 32309
Phone: (850)488-8347
Fax: (850)922-0482

(2) Each application will be reviewed based on the requirements set forth in Section 288.1162(5)(c)2., Florida Statutes (2006).

(3) The Florida Sports Foundation will receive the application and conduct a scoring of each application based on the criteria established in Section 288.1162(5)(c)2., Florida Statutes (2006), using the Application Evaluation Criteria Worksheet incorporated herein by reference. Any discrepancies in the application will be resolved in accordance with Section 288.1162(5)(c)2., Florida Statutes (2006).

(4) The Florida Sports Foundation will complete its review and forward its recommendations for certification to the Office of Tourism, Trade, and Economic Development by 5:00 p.m., EST, November 30, 2006.

(5) The Office of Tourism, Trade, and Economic Development will review the recommendations by December 15, 2006. The Office of Tourism, Trade, and Economic Development and the Florida Sports Foundation will meet during the month of December 2006 to review and finalize the certifications. Certifications will be announced by 5:00 p.m. EST, January 2, 2007.

Specific Authority 288.1162 FS. Law Implemented 288.1162 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Pamela Dana, Director, Office of Tourism, Trade, and Economic Development

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Pamela Dana, Director, Office of Tourism, Trade, and Economic Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-108.101
 RULE TITLE: Inmate Substance Abuse Testing
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to incorporate revisions to form DC1-827, Reasonable Suspicion Testing Tracking, to expand the range of drugs that are tested in the Inmate Drug Test Program.

SUMMARY: Amends the rule to incorporate revisions to form DC1-827, Reasonable Suspicion Testing Tracking, to expand the range of drugs that are tested in the Inmate Drug Test Program.

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

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

SPECIFIC AUTHORITY: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-108.101 Inmate Substance Abuse Testing.
 The Office of the Inspector General shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) through (2) No change.

(3) Procedures.

(a) through (f) No change.

(g) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

1. through 4. No change.

5. Form DC1-827, Reasonable Suspicion Testing Tracking Form, effective date February 5, 2004.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul C. Decker, Inspector General

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenhia “Tina” Hayes, Acting Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

| | |
|------------|---------------------------------|
| RULE NOS.: | RULE TITLES: |
| 59G-4.190 | Independent Laboratory Services |
| 59G-4.230 | Physician Services |

PURPOSE AND EFFECT: The purpose of these rule amendments is to incorporate by reference updates January 2007 to the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook. The handbooks were revised to include Medicaid’s genetic testing policies. The effect will be to incorporate by reference in rule updates January 2007 to the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook.

In the Notice of Rule Development that was published in Vol. 32, No. 31, Florida Administrative Weekly, on August 4, 2006, we stated that the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook updates were effective July 2006. We changed the effective date to January 2007.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule updates January 2007 to the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in rule updates January 2007 to the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

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

DATE AND TIME: Tuesday, January 23, 2007, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Rinaldi, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, October 2003, updated January 2005-1 and January 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent’s website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at 1 (800) 377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97, 3-22-00, 5-16-01, 2-14-02, 8-25-03, 9-3-03, 10-27-03, 8-18-05, _____.

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004, updated January 2005-1, January 2005-2, ~~and~~ September 2006, and January 2007, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent’s website at

<http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at 1(800)377-8216.

(3) through (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 8-3-04, 8-18-05, 8-31-05, 10-26-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan Rinaldi

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2006

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 JUVENILE JUSTICE

Residential Services

| | |
|------------|--------------------------|
| RULE NOS.: | RULE TITLES: |
| 63E-2.003 | Definitions |
| 63E-2.005 | Admission Criteria |
| 63E-2.006 | Admission Procedures |
| 63E-2.013 | Behavior Management |
| 63E-2.014 | Disciplinary Confinement |

PURPOSE AND EFFECT: The proposed repeal is consistent with the repeal of Section 985.309, Florida Statutes, which statute authorized boot camp programs.

SUMMARY: The proposed rule repeals the remaining sections of the department's rule chapter implementing boot camp programs. The repealed sections provide definitions, admission criteria and admission procedures for boot camps, establish the behavior management system in such programs, and the use of disciplinary confinement.

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

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

SPECIFIC AUTHORITY: 39.012 FS.

LAW IMPLEMENTED: 39.001, 39.002 FS.

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

DATE AND TIME: Tuesday, January 16, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, Ste. 312, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-2.003 Definitions.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.002 FS. History—New 1-31-94, Formerly 10Q-5.003, Repealed _____.

63E-2.005 Admission Criteria.

Specific Authority 39.012, 39.057(3) FS. Law Implemented 39.001, 39.002, 39.054, 39.057 FS. History—New 1-31-94, Formerly 10Q-5.005, Amended 12-4-97, Repealed _____.

63E-2.006 Admission Procedures.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.002, 39.054, 39.057 FS. History—New 1-31-94, Formerly 10Q-5.006, Amended 12-4-97, Repealed _____.

63E-2.013 Behavior Management.

Specific Authority 39.012 FS. Law Implemented 415, 39.044(2), 39.057 FS. History—New 1-31-94, Formerly 10Q-5.013, Amended 12-4-97, Repealed _____.

63E-2.014 Disciplinary Confinement.

Specific Authority 39.012, 39.021 FS. Law Implemented 39.001, 39.002, 39.021, 39.057 FS. History—New 1-31-94, Formerly 10Q-5.014, Amended 12-4-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Judy Haynes, Residential Services Policy Development and Planning Unit, Department of Juvenile Justice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Chervanik, Assistant Secretary for Residential Services, Department of Juvenile Justice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2006

DEPARTMENT OF HEALTH

Board of Medicine

| | |
|-------------|---|
| RULE NOS.: | RULE TITLES: |
| 64B8-30.003 | Physician Assistant Licensure |
| 64B8-30.005 | Physician Assistant Licensure Renewal and Reactivation |

PURPOSE AND EFFECT: The proposed rule amendments are intended to amend continuing medical education (CME) for initial and renewal of licensure pursuant to changes in Chapter 456, Florida Statutes.

SUMMARY: The proposed rule amendments clarify the requirements for continuing medical education for both initial and renewal of licensure.

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

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

SPECIFIC AUTHORITY: 456.013, 456.031, 456.033(1)(6), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 458.347 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: 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 RULES IS:

64B8-30.003 Physician Assistant Licensure.

(1) through (2) No change.

(3) The applicant must submit a statement documenting completion statements containing the following information:

~~(a) Completion of three hours of all Category I, American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~(b) Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information~~

~~on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.~~

~~(4) through (5) No change.~~

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03, 10-19-03, 11-17-03, 9-5-05, 12-12-05, 10-30-06,_____.

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

(1) No change.

(2) Requirements for Renewal.

(a) through (c) No change.

~~(d) As part of every third biennial renewal licensure period, For all licensees shall complete two (2) hours no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally~~

affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

(e) Upon a licensee's first renewal of licensure, the licensee must document the completion of one (1) hour ~~For all licensees one hour~~ of Category I American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

~~(f) Notwithstanding the provisions of paragraphs (d) and (e), above, a physician assistant may complete continuing education on end of life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that physician assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end of life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.~~

~~(f)(g)~~ No change.

(3) No change.

(4) Reactivation of Inactive License. To reactivate a license that has been inactive for two (2) consecutive biennial cycles, the licensee must:

(a) through (d) No change.

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-30.005(2)(c), (d), (e), ~~(f)~~ and (f)(g), F.A.C., for each biennium in which the license was inactive; and

(f) No change.

(5) through (8) No change.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 456.036, 458.347 FS. History—New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03, 7-27-04, 10-19-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

| | |
|--------------|---|
| RULE NOS.: | RULE TITLES: |
| 64B15-6.003 | Physician Assistant Licensure |
| 64B15-6.0035 | Physician Assistant Licensure Renewal and Reactivation |

PURPOSE AND EFFECT: The proposed rule amendments are intended to amend continuing medical education (CME) for initial and renewal of licensure pursuant to changes in Chapter 456, Florida Statutes.

SUMMARY: The proposed rule amendments clarify the requirements for continuing medical education for both initial and renewal of licensure.

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

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

SPECIFIC AUTHORITY: 456.013, 456.033(1)(6), 459.005, 459.022 FS.

LAW IMPLEMENTED: 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-6.003 Physician Assistant Licensure.

(1) through (3) No change.

(4) The applicant must submit a statement documenting completion ~~statements containing the following information:~~

~~(a) Completion of three hours of all Category I, American Osteopathic Association or American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections~~

~~including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~(b) Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patient to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Association or American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Association or American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.~~

(5) No change.

Specific Authority 458.347(7), 459.005, 459.022 FS. Law Implemented 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02, 2-23-04, 10-30-06, _____.

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

- (1) No change.
- (2) Requirements for Renewal.
- (a) through (c) No change.

(d) As part of every third biennial renewal licensure period, For all licensees shall complete two (2) hours no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

(e) Upon a licensee's first renewal of licensure, the licensee must document the completion of one hour For all licensees one hour of Category I American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management, prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirements. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law in HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

~~(f) Notwithstanding the provisions of paragraphs (d) and (e), above, a physician assistant may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that physician assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end of life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.~~

~~(f)(g) No change.~~

(3) No change.

(4) Reactivation of Inactive License. To reactivate a license that has been inactive for two (2) consecutive biennial cycles, the licensee must:

(a) through (d) No change.

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-6.0035(2)(c), (d), (e), ~~(f)~~ and ~~(f)(g)~~, F.A.C., for each biennium in which the license was inactive;

(f) No change.

(5) through (8) No change.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b), (c) FS. History--New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, 7-13-04, 7-27-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-17.001 RULE TITLE: Materials Incorporated by Reference

PURPOSE AND EFFECT: To adopt and incorporate materials by reference relating to the Child Care Food Program that provide instruction to program contractors and to incorporate the most recently published regulations.

SUMMARY: This amendment incorporates materials by reference relating to the Child Care Food Program that provide instruction to program contractors and incorporates the most recently published regulations.

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

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

SPECIFIC AUTHORITY: 383.011(2)(c) FS.

LAW IMPLEMENTED: 383.011(1)(i) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Bureau of Child Nutrition Programs Office. If

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia P. Forrester, Assistant General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, BIN A-02, Tallahassee, Florida 32399-1703, (850)245-4005

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantially rewording of Rule 64F-17.001 follows. See Florida Administrative Code for present text)

64F-17.001 Materials Incorporated by Reference ~~Federal Regulations.~~

(1) Title 7 Code of Federal Regulations, Part 226, as published January 1, 2006, and Title 7 Code of Federal Regulations, Parts 3015 and 3016, as published January 1, 2006, are incorporated by reference.

(2) The Department of Health's publications entitled "Procedure Manual for Sponsors of Unaffiliated Centers," dated August 1, 2006, is incorporated by reference.

(3) Copies of materials incorporated by reference may be obtained from www.doh.state.fl.us/ccfp or by writing to the Department of Health, 4052 Bald Cypress Way, Bin #A-17, Tallahassee, Florida 32399-1727.

Specific Authority 383.011(2)(c) FS. Law Implemented 383.011(1)(i) FS. History--New 7-22-99, Amended 2-20-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Annette Phelps

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phillip Reeves

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-3.012 RULE TITLE: Standards of the National Fire Protection Association and Other Standards Adopted

PURPOSE AND EFFECT: To adopt firesafety standards for tunnels to accommodate the state-owned tunnel to be built in Miami-Dade County.

SUMMARY: A tunnel is to be built in Miami, Florida, under a portion of Biscayne Bay, linking the City of Miami and Miami-Dade County with the Port of Miami. The tunnel will be state owned property; therefore, the State Fire Marshal is the

authority having jurisdiction. The rule adopts NFPA 502, 2001 (the latest edition) entitled "Road Tunnels, Bridges, and Other Limited Access Highways."

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

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

SPECIFIC AUTHORITY: 633.01(1), 633.022 FS.

LAW IMPLEMENTED: 633.01(1), 633.022 FS.

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

DATE AND TIME: January 16, 2007, 8:30 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: Millicent King, (850)413-3619. If you are 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 Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342. Phone: (850)413-3171; Fax: (850)414-6119

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted.

(1) Except as specifically modified by statute or by the State Fire Marshal's rules, the Florida specific edition of NFPA 101, the Life Safety Code®, 2003 edition and the Florida specific edition of NFPA 1, the Uniform Fire Code, 2003 edition, as adopted within Rule Chapter 69A-60, F.A.C., the 2004 edition of the Florida Fire Prevention Code are hereby adopted and incorporated by reference as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S. In addition, the following standards, except as specifically modified in the rule chapters in Rule Title 69A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and

are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S.:

All references listed above NFPA 502: No change.

NFPA 502 –2001, Road Tunnels, Bridges, and Other Limited Access Highways

All references listed below NFPA 502: No change.

(2) through (5) No change.

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01, 633.022 FS. History--New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended 8-7-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall Napoli, Director, Division of State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

| | |
|------------------|--|
| RULE NO.: | RULE TITLE: |
| 690-149.005 | Reasonableness of Benefits in Relation to Premiums |

PURPOSE AND EFFECT: To implement guidelines for multiple year rate guarantees for health insurance.

SUMMARY: The rule establishes the requirements an insurer must follow if it wishes to offer multiple year rate guarantees that are not excessive, inadequate or unfairly discriminatory.

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

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

SPECIFIC AUTHORITY: 624.308(1), 627.410(6)(b), (d), (e) FS.

LAW IMPLEMENTED: 626.9541(1), 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175 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: January 18, 2007, 9:30 a.m.

PLACE: Room 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 calendar days before the workshop/meeting by contacting: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-149.005 Reasonableness of Benefits in Relation to Premiums.

(1) through (13) No change.

(14) An insurer may issue multiple year rate guarantee or rating cap provisions subject to the following:

(a) The coverage is for annually rated group health insurance policies as defined in Section 627.410(6), F.S., and paragraph 690-149.002(6)(a), F.A.C.:

(b) The provision may not apply for greater than 24 months;

(c) The rate for the entire rating period is actuarially sound, includes claim costs projected at the trend level applicable to all other groups covered under the form and is reasonably anticipated to meet the target loss ratio for the group, based on the rating manual, over the rating period;

(d) The provision is available to all groups with coverage under the form; and

(e) The provision may be available only when the insurer has group experience and the provision is used within the insurer's experience rating formula.

Specific Authority 624.308(1), 627.410(6)(b), (d), (e) FS. Law Implemented 626.9541(1), 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175 FS. History--New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, 11-20-02, Formerly 4-149.005, Amended 5-18-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Monica Rutkowski, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: RULE TITLE:

690-149.037 Calculation of Premium Rates

PURPOSE AND EFFECT: Pursuant to Sections 627.410(6)(a) and 627.6699(6), Florida Statutes, and the existing language of paragraph 690-149.037(4)(b), Florida Administrative Code, small employer group standard and basic product rates must be filed electronically with the Office of Insurance Regulation (Office), on a 2-50 life basis, using the Rate Collection Systems (CARES).

SUMMARY: The proposed rule will require all small group rates to be filed electronically with the Office, on a 2-50 life basis, using new software referred to as the Small Employer Rate Collection System (SERCS).

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

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

SPECIFIC AUTHORITY: 624.308(1), 624.424(1)(c), 627.6699(17) FS.

LAW IMPLEMENTED: 627.410, 627.6692, 627.6699(3), (6), (12)(e), (13), (13)(i) 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: January 16, 2007, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane Bradford, Life and Health Product Review, Office of Insurance Regulation, E-mail: Diane.Bradford@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-149.037 Calculation of Premium Rates.

(1) through (3) No change.

(4) Rate filing requirements –

(a) No change.

(b) ~~SERCS CARES~~. Small group ~~standard and basic product~~ rates must be filed on a 2-50 life basis using the Small Employer Rate Collection System (SERCS) Rate Collection Systems (CARES), Form OIR-B2-~~SERCS CARES~~ (Rev. ~~6/19/06~~ 9/19/05), which is hereby adopted and incorporated by reference. These forms are available at: https://iportal.fldfs.com/ifile/fass/work/questions/sercs_upload.asp ~~https://iportal.fldfs.com/cares/Product/Product.asp~~.

(5) through (8) No change.

Specific Authority 624.308(1), 624.424(1)(c), 627.6699(17) FS. Law Implemented 627.410, 627.6692, 627.6699(3), (6), (12)(e), (13), (13)(i) FS. History--New 3-1-93, Amended 11-7-93, 5-11-94, 4-23-95, 8-4-02, 6-19-03, Formerly 4-149.037, Amended 7-6-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane Bradford, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 690-191.054 RULE TITLE: Rates

PURPOSE AND EFFECT: To implement guidelines for multiple year rate guarantees for HMO's.

SUMMARY: The rule sets forth the requirements an HMO must follow if it wishes to offer multiple year rate guarantees that are not excessive, inadequate or unfairly discriminatory.

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

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

SPECIFIC AUTHORITY: 641.31, 641.36 FS.

LAW IMPLEMENTED: 641.21(1)(e), 641.22(2), (4), (6), 641.31(2), (3), 641.31074, 641.3922(3) 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: January 18, 2007, 9:30 a.m.

PLACE: Room 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 calendar days before the workshop/meeting by contacting: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail:

Tracie.Lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-191.054 Rates.

(1) through (10) No change.

(11) An HMO may issue multiple year rate guarantee or rating cap provisions subject to the following:

(a) The coverage is for annually rated group health insurance contracts only;

(b) The provision may not apply for greater than 24 months;

(c) The rate for the entire rating period is actuarially sound, includes claim costs projected at the trend level applicable to all other groups covered under the form and is reasonably anticipated to meet the target loss ratio for the group, based on the rating manual, over the rating period;

(d) The provision is available to all groups with coverage under the form; and

(e) The provision may be available only when the HMO has group experience as it is used within the insurer's experience rating formula.

Specific Authority 641.31, 641.36 FS. Law Implemented 641.21(1)(e), 641.22(2), (4), (6), 641.31(2), (3), 641.31074, 641.3922(3) FS. History--New 2-22-88, Amended 10-25-89, Formerly 4-31.054, Amended 10-8-96, 8-15-02, 1-19-03, Formerly 4-191.054, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Monica Rutkowski, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

(4)(3) For conversions of existing overhead facilities to underground facilities, the utility shall, if the applicant for service is a local government that provides all necessary permits and meets the utility's legal, financial, and operational requirements, place facilities in road rights-of-way in lieu of requiring easements.

(5)(4) Where the expansion, rebuild, or relocation of electric distribution facilities affects existing third-party attachments or the facilities of existing joint users, and will result in the relocation of such facilities to a new location adjacent to a public road, the utility shall notify and attempt in good faith to accommodate concerns raised by third-party attachers and joint users, including input and concerns related to the cost impacts of the proposed relocation on attaching entities. The electric utility shall also, to the extent practical, coordinate the construction of its facilities with the affected third-party attachers and joint users.

(6) Any dispute or challenge related to the implementation of this rule by a customer, applicant for service, or attaching entity shall be resolved by the Commission.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c),(5),(6), 366.05(1) FS. History--New _____.

25-6.0342 Electric Infrastructure Storm Hardening.

(1) Application and Scope. This rule is intended to ensure the provision of safe, adequate, and reliable electric transmission and distribution service for operational as well as emergency purposes; require the cost-effective strengthening of critical electric infrastructure to increase the ability of transmission and distribution facilities to withstand extreme weather conditions; and reduce restoration costs and outage times to end-use customers associated with extreme weather conditions. This rule applies to all investor-owned electric utilities.

(2) Storm Hardening Plans. Each utility shall, no later than 90 days after the effective date of this rule, file with the Commission for its approval a detailed storm hardening plan. Each utility's plan shall be updated every 3 years, unless the Commission, on its own motion or on petition by a substantially affected person or utility, initiates a proceeding to review and, if appropriate, modify the plans. In a proceeding to approve a utility's plan, the Commission shall consider whether the utility's plan meets the desired objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner to the affected parties.

(3) Contents of Plan: Each utility storm hardening plan shall contain a detailed description of the construction standards, policies, practices, and procedures employed to enhance the reliability of overhead and underground electrical transmission and distribution facilities in conformance with the provisions of this rule. Each filing shall, at a minimum, address the extent to which the utility's storm hardening plan:

(a) Complies, at a minimum, with the National Electric Safety Code (ANSI C-2) [NESC] that is applicable pursuant to subsection 25-6.034(2), F.A.C.

(b) Adopts the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC for the following distribution facilities:

1. New construction;

2. Major planned work, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule; and

3. Critical infrastructure facilities and along major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations.

(c) Is designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges.

(d) Provides for the placement of new and replacement distribution facilities so as to facilitate safe and efficient access for installation and maintenance pursuant to Rule 25-6.0341, F.A.C.

(4) Deployment Strategy: Each utility storm hardening plan shall explain the systematic approach the utility will follow to achieve the desired objectives of enhancing reliability and reducing restoration costs and outage times associated with extreme weather events. The utility's storm hardening plan shall provide a detailed description of its deployment strategy including, but not limited to the following:

(a) A description of the facilities affected; including technical design specifications, construction standards, and construction methodologies employed.

(b) The communities and areas within the utility's service area where the electric infrastructure improvements, including facilities identified by the utility as critical infrastructure and along major thoroughfares pursuant to subparagraph (3)(b)3, are to be made.

(c) The extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exist.

(d) An estimate of the costs and benefits to the utility of making the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages.

(e) An estimate of the costs and benefits, obtained pursuant to subsection (6) below, to third-party attachers affected by the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages realized by the third-party attachers.

(5) Attachment Standards and Procedures: As part of its storm hardening plan, each utility shall maintain written safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles (Attachment

Standards and Procedures). The Attachment Standards and Procedures shall meet or exceed the edition of the National Electrical Safety Code (ANSI C-2) that is applicable pursuant to subsection 25-6.034(2), F.A.C., so as to assure, as far as is reasonably practicable, that third-party facilities attached to electric transmission and distribution poles do not impair electric safety, adequacy, or pole reliability; do not exceed pole loading capacity; and are constructed, installed, maintained, and operated in accordance with generally accepted engineering practices for the utility's service territory.

(6) Input from Third-Party Attachers: In establishing its storm hardening plan and Attachment Standards and Procedures, or when updating or modifying such plan or Attachment Standards and Procedures, each utility shall seek input from and attempt in good faith to accommodate concerns raised by other entities with existing agreements to share the use of its electric facilities. Any third-party attacher that wishes to provide input under this subsection shall provide the utility contact information for the person designated to receive communications from the utility.

(7) Dispute Resolution: Any dispute or challenge to a utility's storm hardening plan, construction standards, deployment strategy, Attachment Standards and Procedures, or any projects implementing any of the above by a customer, applicant for service, or attaching entity shall be resolved by the Commission.

(8) Nothing in this rule is intended to conflict with Title 47, United States Code, Section 224, relating to Federal Communications Commission jurisdiction over pole attachments.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c),(5),(6), 366.05(1) FS. History--New

25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

(1) ~~The In compliance with Section 366.04(6)(b), F.S., 1991, the Commission adopts and incorporates by reference the 2002 edition of the National Electrical Safety Code (ANSI C-2 [NESC], published August 1, 2001, as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. For electrical facilities constructed on or after February 1, 2007, the 2007 NESC shall apply. Electrical facilities constructed prior to February 1, 2007, shall be governed by the edition of the NESC specified by subsections 013.B.1, 013.B.2, and 013.B.3 of the 2007 NESC. Each investor-owned electric utility, rural electric cooperative, and municipal electric system shall, at a minimum, comply with the standards in these provisions. A copy of the 2007 NESC, ISBN number 0781-4893-8, may be obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE). Standards contained in the 2002~~

~~edition shall be applicable to new construction for which a work order number is assigned on or after the effective date of this rule.~~

(2) Each investor-owned electric utility, rural electric cooperative and municipal electric utility shall report all completed electric work orders, whether completed by the utility or one of its contractors, at the end of each quarter of the year. The report shall be filed with the Director of the Commission's Division of Regulatory Compliance and Consumer Assistance no later than the 30th working day after the last day of the reporting quarter, and shall contain, at a minimum, the following information for each work order:

- (a) Work order number/project/job;
- (b) Brief title outlining the general nature of the work;
- (c) Estimated cost in dollars, rounded to nearest thousand and;
- (d) Location of project.

(3) The quarterly report shall be filed in standard DBase or compatible format, DOS ASCII text, or hard copy, as follows:

(a) DBase Format

| Field Name | Field Type | Digits |
|----------------|------------|--------|
| 1. Work orders | Character | 20 |
| 2. Brief title | Character | 30 |
| 3. Cost | Numeric | 8 |
| 4. Location | Character | 50 |

(b) DOS ASCII Text.

1. Columns shall be the same type and in the same order as listed under Field Names above.

2. A comma (,) shall be placed between data fields.

3. Character data fields shall be placed between quotation marks ("...").

4. Numeric data fields shall be right justified.

5. Blank spaces shall be used to fill the data fields to the indicated number of digits.

(c) Hard Copy.

The following format is preferred, but not required:

Completed Electrical Work Orders For PSC Inspection

| Work Order | Brief Title | Estimated Cost | Location |
|------------|-------------|----------------|----------|
| | | | |

(4) In its quarterly report, each utility shall identify all transmission and distribution facilities subject to the Commission's safety jurisdiction, and shall certify to the Commission that they meet or exceed the applicable standards. Compliance inspections by the Commission shall be made on a random basis or as appropriate.

(5) As soon as practicable, but by the end of the next business day after it learns of the occurrence, each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall (without admitting liability)

report to the Commission any accident occurring in connection with any part of its transmission or distribution facilities which:

(a) Involves death or injury requiring hospitalization of nonutility persons; or

(b) Is significant from a safety standpoint in the judgment of the utility even though it is not required by paragraph (a).

(6) Each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report each accident or malfunction, occurring in connection with any part of its transmission or distribution facilities, to the Commission within 30 days after it learns of the occurrence, provided the accident or malfunction:

(a) Involves damage to the property of others in an amount in excess of \$5000; or

(b) Causes significant damage in the judgment of the utility to the utility's facilities.

(7) Unless requested by the Commission, reports are not required with respect to personal injury, death, or property damage resulting from vehicles striking poles or other utility property.

Specific Authority 350.127(2) FS. Law Implemented 366.04(2)(f),(6) FS. History—Amended 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02,_____.

**PART IV
GENERAL SERVICE PROVISIONS**

25-6.064 Contribution-in-Aid-of-Construction for Installation of New or Upgraded Facilities.

(1) Application and scope. The purpose of this rule is to establish a uniform procedure by which investor-owned electric utilities calculate amounts due as contributions-in-aid-of-construction (CIAC) from customers who request new facilities or upgraded facilities in order to receive electric service, except as provided in Rule 25-6.078, F.A.C.

(2) Contributions-in-aid-of-construction for new or upgraded overhead facilities (CIAC_{OH}) shall be calculated as follows:

| | | | | | | |
|--------------------|---|--|---|---|---|--|
| CIAC _{OH} | = | Total estimated work order job cost of installing the facilities | = | Four years expected incremental base energy revenue | = | Four years expected incremental base demand revenue, if applicable |
|--------------------|---|--|---|---|---|--|

(a) The cost of the service drop and meter shall be excluded from the total estimated work order job cost for new overhead facilities.

(b) The net book value and cost of removal, net of the salvage value, for existing facilities shall be included in the total estimated work order job cost for upgrades to those existing facilities.

(c) The expected annual base energy and demand charge revenues shall be estimated for a period ending not more than 5 years after the new or upgraded facilities are placed in service.

(d) In no instance shall the CIAC_{OH} be less than zero.

(3) Contributions-in-aid-of-construction for new or upgraded underground facilities (CIAC_{UG}) shall be calculated as follows:—

| | | | | |
|--------------------|---|--------------------|---|---|
| CIAC _{UG} | = | CIAC _{OH} | + | Estimated difference between cost of providing the service underground and overhead |
|--------------------|---|--------------------|---|---|

(4) Each utility shall apply the formula in subsections (2) and (3) of this rule uniformly to residential, commercial and industrial customers requesting new or upgraded facilities at any voltage level.

(5) The costs applied to the formula in subsections (2) and (3) shall be based on the requirements of Rule 25-6.0342, F.A.C., Electric Infrastructure Storm Hardening Standards of Construction.

(6) All CIAC calculations under this rule shall be based on estimated work order job costs. In addition, each utility shall use its best judgment in estimating the total amount of annual revenues which the new or upgraded facilities are expected to produce.

(a) A customer may request a review of any CIAC charge within 12 months following the in-service date of the new or upgraded facilities. Upon request, the utility shall true-up the CIAC to reflect the actual costs of construction and actual base revenues received at the time the request is made.

(b) In cases where more customers than the initial applicant are expected to be served by the new or upgraded facilities, the utility shall prorate the total CIAC over the number of end-use customers expected to be served by the new or upgraded facilities within a period not to exceed 3 years, commencing with the in-service date of the new or upgraded facilities. The utility may require a payment equal to the full amount of the CIAC from the initial customer. For the 3-year period following the in-service date, the utility shall collect from those customers a prorated share of the original CIAC amount, and credit that to the initial customer who paid the CIAC. The utility shall file a tariff outlining its policy for the proration of CIAC.

(7) The utility may elect to waive all or any portion of the CIAC for customers, even when a CIAC is found to be applicable. If however, the utility waives a CIAC, the utility shall reduce net plant in service as though the CIAC had been collected, unless the Commission determines that there is a quantifiable benefit to the general body of ratepayers

commensurate with the waived CIAC. Each utility shall maintain records of amounts waived and any subsequent changes that served to offset the CIAC.

(8) A detailed statement of its standard facilities extension and upgrade policies shall be filed by each utility as part of its tariffs. The tariffs shall have uniform application and shall be nondiscriminatory.

(9) If a utility and applicant are unable to agree on the CIAC amount, either party may appeal to the Commission for a review.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.03, 366.05(1), 366.06(1) FS. History—New 7-29-69, Amended 7-2-85, Formerly 25-6.64, Amended.

PART V

RULES FOR RESIDENTIAL ELECTRIC UNDERGROUND EXTENSIONS

25-6.078 Schedule of Charges.

(1) Each utility shall file with the Commission a written policy that shall become a part of the utility's tariff rules and regulations on the installation of underground facilities in new subdivisions. Such policy shall be subject to review and approval of the Commission and shall include an Estimated Average Cost Differential, if any, and shall state the basis upon which the utility will provide underground service and its method for recovering the difference in cost of an underground system and an equivalent overhead system from the applicant at the time service is extended. The charges to the applicant shall not be more than the estimated difference in cost of an underground system and an equivalent overhead system.

(2) For the purpose of calculating the Estimated Average Cost Differential, cost estimates shall reflect the requirements of Rule 25-6.0342, Electric Infrastructure Storm Hardening Standards of Construction.

(3) On or before October 15 of each year each utility shall file with the Commission's Division of Economic Regulation Form PSC/ECR 13-E, Schedule 1, using current material and labor costs. If the cost differential as calculated in Schedule 1 varies from the Commission-approved differential by plus or minus 10 percent or more, the utility shall file a written policy and supporting data and analyses as prescribed in subsections (1), (4) and (5) of this rule on or before April 1 of the following year; however, each utility shall file a written policy and supporting data and analyses at least once every 3 years.

(4) Differences in Net Present Value of operational costs, including average historical storm restoration costs over the life of the facilities, between underground and overhead systems, if any, shall be taken into consideration in determining the overall Estimated Average Cost Differential. Each utility shall establish sufficient record keeping and accounting measures to separately identify operational costs for underground and overhead facilities, including storm related costs.

(5) Detailed supporting data and analyses used to determine the Estimated Average Cost Differential for underground and overhead distribution systems shall be concurrently filed by the utility with the Commission and shall be updated using cost data developed from the most recent 12-month period. The utility shall record these data and analyses on Form PSC/ECR 13-E (10/97). Form PSC/ECR 13-E, entitled "Overhead/Underground Residential Differential Cost Data" is incorporated by reference into this rule and may be obtained from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6900.

(6) Service for a new multiple-occupancy building shall be constructed underground within the property to be served to the point of delivery at or near the building by the utility at no charge to the applicant, provided the utility is free to construct its service extension or extensions in the most economical manner.

(7) The recovery of the cost differential as filed by the utility and approved by the Commission may not be waived or refunded unless it is mutually agreed by the applicant and the utility that the applicant will perform certain work as defined in the utility's tariff, in which case the applicant shall receive a credit. Provision for the credit shall be set forth in the utility's tariff rules and regulations, and shall be no more in amount than the total charges applicable.

(8) The difference in cost as determined by the utility in accordance with its tariff shall be based on full use of the subdivision for building lots or multiple-occupancy buildings. If any given subdivision is designed to include large open areas, the utility or the applicant may refer the matter to the Commission for a special ruling as provided under Rule 25-6.083, F.A.C.

(9) The utility shall not be obligated to install any facilities within a subdivision until satisfactory arrangements for the construction of facilities and payment of applicable charges, if any, have been completed between the applicant and the utility by written agreement. A standard agreement form shall be filed with the company's tariff.

(10) Nothing in this rule shall be construed to prevent any utility from waiving all or any portion of a cost differential for providing underground facilities. If, however, the utility waives the differential, the utility shall reduce net plant in service as though the differential had been collected unless the Commission determines that there is a quantifiable benefit to the general body of ratepayers commensurate with the waived differential.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.03, 366.04(1), (4), 366.04(2)(f), 366.06(1) FS. History—New 4-10-71, Amended 4-13-80, 2-12-84, Formerly 25-6.78, Amended 10-29-97, _____.

PART VII

UNDERGROUND ELECTRIC DISTRIBUTION FACILITY CHARGES

25-6.115 Facility Charges for Conversion of Existing Overhead Investor-owned Distribution Facilities.

(1) Each investor-owned shall file a tariff showing the non-refundable deposit amounts for standard applications addressing the conversion of existing overhead electric distribution facilities to underground facilities. The tariff shall include the general provisions and terms under which the public utility and applicant may enter into a contract for the purpose of converting existing overhead facilities to underground facilities. The non-refundable deposit amounts shall be calculated in the same manner as the engineering costs for underground facilities serving each of the following scenarios: urban commercial, urban residential, rural residential, existing low-density single family home subdivision and existing high-density single family home subdivision service areas.

(2) For purposes of this rule, the applicant is the person or entity requesting the conversion of existing overhead electric distribution facilities to underground facilities. In the instance where a local ordinance requires developers to install underground facilities, the developer who actually requests the construction for a specific location is deemed the applicant for purposes of this rule.

(3) Nothing in the tariff shall present the applicant from constructing and installing all or a portion of the underground distribution facilities provided:

(a) Such work meets the investor-owned utility's construction standards;

(b) The investor-owned utility will own and maintain the completed distribution facilities; and

(c) Such agreement is not expected to cause the general body of ratepayers to incur additional costs.

(4) Nothing in the tariff shall prevent the applicant from requesting a non-binding cost estimate which shall be provided to the applicant free of any charge or fee.

(5) Upon an applicant's request and payment of the deposit amount, an investor-owned utility shall provide a binding cost estimate for providing underground electric service.

(6) An applicant shall have at least 180 days from the date the estimate is received to enter into a contract with the public utility based on the binding cost estimate. The deposit amount shall be used to reduce the charge as indicated in subsection (7) only when the applicant enters into a contract with the public utility within 180 days from the date the estimate is received by the applicant, unless this period is extended by mutual agreement of the applicant and the utility.

(7) The charge paid by the applicant shall be the charge for the proposed underground facilities as indicated in subsection (8) minus the charge for overhead facilities as indicated in

subsection (9) minus the non-refundable deposit amount. The applicant shall not be required to pay an additional amount which exceeds 10 percent of the binding cost estimate.

(8) For the purpose of this rule, the charge for the proposed underground facilities shall include:

(a) The estimated cost of construction of the underground distribution facilities based on the requirements of Rule 25-6.0342, F.A.C., Electric Infrastructure Storm Hardening Standards of Construction, including the construction cost of the underground service lateral(s) to the meter(s) of the customer(s); and

(b) The estimated remaining net book value of the existing facilities to be removed less the estimated net salvage value of the facilities to be removed.

(9) For the purpose of this rule, the charge for overhead facilities shall be the estimated construction cost to build new overhead facilities, including the service drop(s) to the meter(s) of the customer(s). Estimated construction costs shall be based on the requirements of Rule 25-6.0342, F.A.C., Electric Infrastructure Storm Hardening Standards of Construction.

(10) An applicant requesting construction of underground distribution facilities under this rule may challenge the utility's cost estimates pursuant to Rule 25-22.032, F.A.C.

(11) For purposes of computing the charges required in subsections (8) and (9):

(a) The utility shall include the Net Present Value of operational costs including the average historical storm restoration costs for comparable facilities over the expected life of the facilities.

(b) If the applicant chooses to construct or install all or a part of the requested facilities, all utility costs, including overhead assignments, avoided by the utility due to the applicant assuming responsibility for construction shall be excluded from the costs charged to the customer, or if the full cost has already been paid, credited to the customer. At no time will the costs to the customer be less than zero.

(12) Nothing in this rule shall be construed to prevent any utility from waiving all or any portion of the cost for providing underground facilities. If, however, the utility waives any charge, the utility shall reduce net plant in service as though those charges had been collected unless the Commission determines that there is quantifiable benefits to the general body of ratepayers commensurate with the waived charge.

(13) Nothing in this rule shall be construed to grant any investor-owned electric utility any right, title or interest in real property owned by a local government.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.03, 366.04, 366.05 FS. History--New 9-21-92, Amended.

ADMINISTRATION COMMISSION

| | |
|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 28-105 | Declaratory Statements |
| RULE NOS.: | RULE TITLES: |
| 28-105.001 | Purpose and Use of Declaratory Statement |
| 28-105.002 | The Petition |
| 28-105.0024 | Notice of Filing |
| 28-105.0027 | Intervention |
| 28-105.003 | Agency Disposition |
| 28-105.004 | Notice of Disposition |

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 47, November 22, 2006 issue of the Florida Administrative Weekly.

The above-referenced rules were published in the November 22, 2006, issue of the Florida Administrative Weekly, Vol. 32, No. 47. The body of the notice did not contain the Specific Authority and Law Implemented references for these rules. The Specific Authority and Law Implemented references are as follows:

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.565 FS.

The foregoing correction does not affect the substance of the proposed rules.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Barbara Leighty, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, (850)487-1884

ADMINISTRATION COMMISSION

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|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 28-106 | Decisions Determining Substantial Interests |
| RULE NOS.: | RULE TITLES: |
| 28-106.103 | Computation of Time |
| 28-106.104 | Filing |
| 28-106.106 | Who May Appear; Criteria for Qualified Representatives |
| 28-106.111 | Point of Entry into Proceedings and Mediation |
| 28-106.201 | Initiation of Proceedings |
| 28-106.2015 | Agency Enforcement and Disciplinary Actions |
| 28-106.202 | Amendment of Petitions |
| 28-106.204 | Motions |
| 28-106.205 | Intervention |
| 28-106.213 | Evidence |
| 28-106.217 | Exceptions and Responses |
| 28-106.301 | Initiation of Proceedings |
| 28-106.305 | Conduct of Proceedings |

| | |
|------------|-----------------------------------|
| 28-106.401 | Scope |
| 28-106.402 | Contents of Request for Mediation |
| 28-106.501 | Emergency Action |

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 47, November 22, 2006 issue of the Florida Administrative Weekly.

The above-proposed rules were published in the November 22, 2006, issue of the Florida Administrative Weekly, Vol. 32, No. 47. The body of the notice did not contain the Specific Authority and Law Implemented references for these rules. The Specific Authority and Law Implemented references are as follows:

SPECIFIC AUTHORITY: 120.54(3), (5) FS.

LAW IMPLEMENTED: 120.54(5), 120.569, 120.57, 120.573, 120.60, 120.60(6) FS.

The foregoing correction does not affect the substance of the proposed rules.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Barbara Leighty, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, (850)487-1884

ADMINISTRATION COMMISSION

| | |
|-------------------|---|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 28-106 | Decisions Determining Substantial Interests |
| RULE NO.: | RULE TITLE: |
| 28-106.501 | Emergency Action |

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 47, November 22, 2006 issue of the Florida Administrative Weekly.

The above-proposed rule was published in the November 22, 2006, issue of the Florida Administrative Weekly, Vol. 32, No. 47. The body of the notice did not contain the title for the new Rule 28-106.501. The title is as follows:

PART V EMERGENCY ACTION

The foregoing correction does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Barbara Leighty, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, (850)487-1884

DEPARTMENT OF CORRECTIONS

| | |
|------------|------------------------|
| RULE NO.: | RULE TITLE: |
| 33-601.210 | Custody Classification |

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 39, (September 29, 2006), issue of the Florida Administrative Weekly:

33-601.210 Custody Classification.

(1) through (3) No change.

(4) Progress Assessments.

(a) through (b) No change.

(c) ~~Unless precluded for security or other substantial reasons, All all inmates are required shall be scheduled to appear and be present for assessments and reviews unless a permanent medical condition makes them incapable of participating and the reason is documented in the review. Under any other circumstances, the assessment and review shall be rescheduled if the inmate fails to appear or is temporarily unavailable to attend as scheduled.~~ An inmate shall be notified a minimum of forty-eight hours in advance of an assessment and review unless the inmate waives such notice in writing. All inmates shall be scheduled for assessments Assessments and reviews ~~shall be completed~~ as follows:

1. through 4. No change.

(d) through (m) No change.

(5) No change.

Specific Authority 944.09, 958.11 FS. Law Implemented 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 FS. History–New 12-7-81, Formerly 33-6.09, Transferred from 33-6.009, Amended 6-8-82, 10-26-83, 6-8-86, 7-8-86, 10-27-88, 1-1-89, 7-4-89, 10-12-89, 1-2-91, 7-21-91, 8-30-92, 5-13-96, 6-12-96, 11-19-96, 10-15-97, Formerly 33-6.0045, Amended 9-19-00,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.602 Community Release Programs
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 39, (September 29, 2006), issue of the Florida Administrative Weekly:

33-601.602 Community Release Programs.

(1) through (9) No change.

(10) Disbursement of Earnings.

(a) through (c) No change.

(d) The inmate shall be required to disburse such funds to pay the facility for subsistence at the following rates:

1. No change.

2. For all other inmates the amount of subsistence to be paid will be computed by factoring .45 (45%) ~~.65 (65%)~~ times the inmate’s net earnings.

(e) through (h) No change.

(i) ~~While in paid employment status, the~~ The inmate shall be responsible for reimbursing the Department for costs associated with ~~while in paid employment status for~~ the following:

1. Health, comfort items, and incidental expenses.

2. Medical and dental expenses, ~~unless waived by the regional health authority.~~

3. No change.

4. No change.

(j) through (l) No change.

(11) through (16) No change.

Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History–New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60BB-8 Voluntary Prekindergarten Program

NOTICE OF PUBLIC HEARING

The The Department of Management Services, Agency for Workforce Innovation, Office of Early Learning announces an additional hearing regarding the above rule, as noticed in Vol. 32, No. 38, September 22, 2006 Florida Administrative Weekly.

DATE AND TIME: Friday, January 12, 2007, 12:00 noon until 1:30 p.m.

PLACE: The Agency for Workforce Innovation, Room B-049, Caldwell Building, 107 East Madison Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Amendments to the following Voluntary Prekindergarten Education Program (“VPK”) Rules: 60BB-8.100 Definitions, 60BB-8.200 Documenting Child Eligibility for the VPK Program, 60BB-8.201 Child Registration Procedures; Application; Parent-Orientation Session, 60BB-8.202 Child Eligibility Determination and Enrollment Procedures, 60BB-8.204 Uniform Attendance Policy for Funding the VPK Program, 60BB-8.300 Provider and Class Registration, Procedures; Application; Eligibility Determination, 60BB-8.301 Statewide Provider Agreement for the VPK Program, and 60BB-8.400 VPK Class Sizes; Blended Classes; Multi-Class Groups.

Also the following Proposed VPK Rules: 60BB-8.2015 VPK Child Registration Pilot Project, 60BB-8.305 Documenting and Certifying Child Attendance in the VPK Program, 60BB-8.451 VPK Class Schedules, 60BB-8.900 VPK Forms, and 60BB-8.901 Qualified Contractors.

A copy of the Proposed Rules was published in the September 22, 2006, issue of the Florida Administrative Weekly (Vol. 32, No. 38) and is available online at: <http://faw.dos.state.fl.us/fawframes.html>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Veronica Moss at (850)245-7150. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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|---------------------------------|--|
| <p>RULE NO.: 62-312.824</p> | <p>RULE TITLE: General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway</p> |
|---------------------------------|--|

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 2, January 13, 2006 issue of the Florida Administrative Weekly.

The changes are made in response to comments received from the Joint Administrative Procedures Committee. The proposed rule has changed so that when it is adopted it will read:

62-312.824 General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway.

A general permit is hereby granted to counties and municipalities to pave existing county or municipally owned and maintained roads that lack a permanent pavement surface, such as concrete or asphalt. This includes the repair and stabilization of such roads in preparation of paving; the repair or replacement of bridges and culverts that are part of the roadway; construction or alteration of associated stormwater management systems; other work reasonably necessary to pave the road; and the construction, alteration, operation, and maintenance of systems and works authorized under this general permit, provided all of the terms and conditions below are met.

(1) through (2) No change.

(3) Activities conducted under this general permit must comply with the general conditions for general permits contained in Rule 62-4.540, F.A.C., and all the specific conditions in paragraphs (a) through (j), below.

(a) No change.

(b) No debris from the removal of existing roadway, bridge, culvert, and other surface water management features shall be placed ~~allowed to remain~~ within surface waters of the state.

(c) through (h) No change.

(i) Applicants are advised that the drawings, materials, and statements above, including any submitted construction plans and supporting calculations, must be signed, sealed, and dated by an appropriate registered professional in accordance with Sections 373.117 and 403.0877, F.S., and Chapters 471, 472, 481, or 492, F.S., when the design of the system requires the services of such registered professional. For purposes of this rule, an "appropriate registered professional" means a professional registered in Florida with the necessary expertise in the fields of hydrology, drainage, flood control, erosion and sediment control, and stormwater pollution control to design and certify stormwater management systems. Examples of appropriate registered professionals are professional engineers licensed under Chapter 471, F.S., professional landscape architects licensed under Chapter 481, F.S., professional surveyors and mappers licensed under Chapter 472, F.S., and professional geologists licensed under Chapter 492, F.S.

(j) No change.

(4) No change.

(5) Notices to use this general permit must be submitted to the Department on form 62-312.900(6). In addition to the information required on that form, this notice must also include the materials required in paragraphs (5)(a) or (b), below.

(a) No change.

1. through 3. No change.

4. A copy of a Federal Emergency Management Agency flood insurance rate map or a map signed and sealed by an appropriate registered professional ~~engineer registered in Florida~~ that demonstrates that the road segments to be paved are not subject to overtopping by a one percent-chance storm event.

(b) For all other roads to be paved under this general permit:

1. through 5. No change.

6. If design of the project requires the services of an appropriate registered professional in accordance with Sections 373.117 and ~~or~~ 403.0877, F.S., and Chapter 471, 472, 481, or 492, F.S., all supporting drawings, materials, statements, construction plans, and calculations that are required to be signed, sealed, and dated by the registered professional.

(c) No change.

(6) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-341.448
 RULE TITLE: General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 2, January 13, 2006 issue of the Florida Administrative Weekly.

The changes are made in response to comments received from the Joint Administrative Procedures Committee. The proposed rule has changed so that when it is adopted it will read:

62-341.448 General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway.

A general permit is hereby granted to counties and municipalities to pave existing county or municipally owned and maintained roads that lack a permanent pavement surface, such as concrete or asphalt. This includes: the repair and stabilization of such roads in preparation of paving, the repair or replacement of bridges and culverts that are part of the roadway, construction or alteration of associated stormwater management systems, and other work reasonably necessary to pave the road, provided:

- (1) through (2) No change.
- (3) Activities conducted under this general permit must comply with the general conditions for general permits contained in Rule ~~62-341.215~~ 62-341.205, F.A.C., and all the specific conditions in paragraphs (a) through (k) below.
 - (a) No change.
 - (b) No debris from the removal of existing roadway, bridge, culvert, and other surface water management features shall be placed ~~allowed to remain~~ within wetlands or other surface waters.
 - (c) through (i) No change.
 - (j) Applicants are advised that drawings, any submitted construction plans, and supporting calculations must be signed, sealed, and dated by an appropriate registered professional in accordance with Sections 373.117 and 403.0877, F.S., and Chapters 471, 472, 481, or 492, F.S., when the design of the system requires the services of such registered professional. For purposes of this rule, an "appropriate registered professional" means a professional registered in Florida with the necessary expertise in the fields of hydrology, drainage, flood control, erosion and sediment control, and stormwater pollution control to design and certify stormwater management systems. Examples of appropriate registered professionals are professional

engineers licensed under Chapter 471, F.S., professional landscape architects licensed under Chapter 481, F.S., professional surveyors and mappers licensed under Chapter 472, F.S., and professional geologists licensed under Chapter 492, F.S.

- (k) No change.
- (4) No change.
- (5) Notices to use this general permit shall be submitted to the water management district established under Section 373.069, F.S., having regulatory jurisdiction over the geographic area in which the proposed project will be located using the form for noticing general permits for the applicable water management district as adopted in subsections 40B-1.901(13), 40C-4.900(1), Rule 40D-1.659, or 40E-1.659, F.A.C. In addition to the information required on those forms, this notice must also include the materials required in paragraphs (5)(a) or (b), below.

- (a) No change.
 - 1. through 3. No change.
 - 4. A copy of a Federal Emergency Management Agency flood insurance rate map or a map signed and sealed by an appropriate registered professional ~~engineer registered in Florida~~ that demonstrates that the road segments to be paved are not subject to overtopping by a one percent-chance storm event.
 - (b) For all other roads to be paved under this general permit:
 - 1. through 5. No change.
 - 6. If design of the project requires the services of an appropriate registered professional in accordance with Sections 373.117 and ~~or~~ 403.0877, F.S., and Chapter 471, 472, 481, or 492, F.S., all supporting drawings, materials, statements, construction plans, and calculations that are required to be signed, sealed, and dated by the registered professional.
 - (c) No change.
 - (7) renumbered (6) No change.

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-13.0045
 RULE TITLE: Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 33, August 18, 2006 issue of the Florida Administrative Weekly.

When changed subsection (1) of the rule shall read as follows: "No license shall ~~be granted and no license shall~~ be initially renewed ~~or reactivated~~ unless the applicant or licensee submits confirmation to the Board, ~~on a form approved by the Board,~~

that he or she has successfully completed a Board-approved course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS).”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-9.015 Qualifications of Physicians Who
 Evaluate and Treat Sex Offenders

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 24, June 16, 2006 issue of the Florida Administrative Weekly.

This is an additional change to the previous Notice of Change which published in Vol. 32, No. 50, of the December 15, 2006, Florida Administrative Weekly. The previous Notice of Change contained an incorrect reference in subsection (4) of the rule. The reference in subsection (4) to “subsection (1)(c)” shall be changed to “subsection (3).”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.: RULE TITLES:
64B9-17.001 Statement of Intent of Purpose
64B9-17.003 Competency and Knowledge
 Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S. to the proposed rule, published in Vol. 31, No. 11 of the March 18, 2005 issue of the Florida Administrative Weekly. The changes reflect additional amendments to the proposed rule that have been made since a Notice of Change was published in Vol. 32, No. 22 of the June 2, 2006 issue of the Florida Administrative Weekly. These additional changes were made to address concerns expressed by the Joint Administrative Procedure Committee, and to delete unnecessary duplicate language. The additional changes were approved by the Board at its November 30, 2006 meeting. After the changes are made to the affected parts of the rule, those parts of the rule will read as follows:

Subsection (2) of Rule 64B9-17.001 will now read as follows:

(2) The purpose of this rule is to protect the public by ensuring that competent registered nurses administer conscious sedation and deep sedation. The rule sets out the education and/or competency verification necessary to administer medications for conscious sedation and deep sedation under specific conditions. Pursuant to Section 464.018(1)(h), F.S., the act of administering medications for conscious sedation by a registered nurse without the education and verification of competency outlined in these ~~this~~ rules would constitute unprofessional conduct and would also be a violation of Section 464.018(1)(j) and (n), F.S. Further, this role is beyond the scope of practice for the licensed practical nurse or the tasks allowed for unlicensed assistive personnel. The administration of medications via any route for the purpose of general anesthesia or medications that the manufacturer package insert indicates should be administered only by persons trained in the administration of anesthesia is not within the scope of registered nursing or licensed practical nursing practice.

Subsection (1) of Rule 64B9-17.003 will now read as follows:

(1) A registered nurse may administer medications to achieve conscious sedation during therapeutic, diagnostic, or surgical procedures; provided the registered nurse has completed the knowledge, education and competency requirements in this rule, and may manage patients who are receiving and recovering from conscious sedation.

Paragraph (1)(c) of Rule 64B9-17.003 will now read as follows:

(c) The registered nurse must have successfully completed a minimum of eight hours of education or training program in conscious sedation ~~developed by the institution or by an approved continuing education provider~~. The content of that education or training program must, at a minimum, ~~be eight hours in length, include instruction contain information~~ on the definitions, knowledge, education and competency requirements and scope of practice set forth in this rule, including the continuum of levels of sedation; ~~and~~ on drugs used during conscious sedation, including reversal agents, their actions, side-effects and untoward effects, and any manufacturer package insert; ~~and~~ assessment and monitoring of the patient receiving the medication. The education or training program must also include instruction on ~~address~~ recognition of emergency situations; ~~instituted~~ institution of appropriate nursing interventions; ~~and~~ evaluation of physiologic measurements, such as respiratory rate, oxygen saturation, blood pressure, cardiac rate and rhythm, and the patient’s level of consciousness. An educational or training program developed by the employing institution or an approved continuing education provider that meets the requirements of this rule may be used to demonstrate appropriate competency.

Subsection (2) of Rule 64B9-17.003 will now read as follows:

(2) In a hospice program, a registered nurse may administer medications to achieve conscious sedation for palliative care and may manage patients who are receiving conscious sedation, provided the registered nurse has completed the knowledge, education and competency requirements and adheres to the scope of practice provisions in this rule, and the hospice program meets the requirements of subsections (1)(i) and (j) of this rule, and may manage patients who are receiving conscious sedation.

~~(a) The registered nurse administers medications only in dosages titrated to achieve conscious sedation for palliative care.~~

~~(b) The registered nurse must have successfully completed a program in conscious sedation developed by the institution or by an approved continuing education provider. The content of that program must, at a minimum, be four hours in length, contain information on the definitions, knowledge, education and competency requirements in this rule, including the continuum of levels of sedation, and on drugs used during conscious sedation, including reversal agents, their actions, side effects and untoward effects, manufacturer package insert, and assessment and monitoring of the patient receiving the medication. The program shall be appropriate to palliative care and must also address recognition of emergency situations, institution of appropriate nursing interventions, and evaluation of physiologic measurements, such as respiratory rate, oxygen saturation, blood pressure, cardiac rate and rhythm, and the patient's level of consciousness.~~

~~(c) The registered nurse administers medications to achieve conscious sedation by executing the order of a qualified anesthesia provider or physician licensed under Chapter 458 or 459, F.S. Although the determination of medical dosage and the patient's medical status is a medical decision, the registered nurse has the right and the obligation to question orders and decisions which are contrary to acceptable standards of nursing practice, to refuse to participate in procedures which may result in harm to the patient, and to refuse to administer or continue to administer medications in amounts that may induce general anesthesia or that may lead to respiratory or cardiovascular compromise.~~

~~(d) The institution must have written protocols in place to include, but not be limited to: drug administration, location and availability of manufacturer package inserts for medication to be used in conscious sedation, and availability of a physician. These protocols must be reviewed at frequent intervals to assure that they are within current and accepted standards of practice. The frequency of review should be consistent with review of other policies in the institution or practice setting.~~

~~(e) The institution must have a mechanism for determining and documenting education/training, clinical competency, and a process for documenting the individual's demonstration of knowledge, skills, and ability related to management of patients during conscious sedation. Both evaluation and~~

~~documentation of competence shall be done on an annual basis and within current and expected standards of nursing practice and within parameters established in manufacturer package inserts for medications used for conscious sedation.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-3.001
 RULE TITLE: Definitions

NOTICE OF PUBLIC HEARING

The Board of Orthotists and Prosthetists announces regarding the above rule, as noticed in Vol. 32, No. 45, November 9, 2006 Florida Administrative Weekly.

DATE AND TIME: January 9, 2007, 1:00 p.m.

PLACE: Board Office, Room 115A, 1st Floor, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3259

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Orthotists and Prosthetists hereby gives notice of a public hearing on the above-referenced rules to be held on January 9, 2007 at 1:00 p.m. at the Board Office, Room 115A, 1st Floor, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3259. The rules were originally published in Vol. 32, No. 45 of the November 9, 2006 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 five days before the workshop/meeting by contacting: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259. If you are 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

Board of Orthotists and Prosthetists

RULE NOS.: 64B14-4.100
 RULE TITLES: Requirements for Prosthetic or Orthotic Residency or Internship
 64B14-4.110 Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic

NOTICE OF PUBLIC HEARING

The Board of Orthotists and Prosthetists announces a hearing regarding the above rule, as noticed in Vol. 32, No. 45, November 9, 2006, Florida Administrative Weekly.

DATE AND TIME: January 9, 2007, 1:00 p.m.

PLACE: Board Office, Room 115A, 1st Floor, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3259

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Orthotists and Prosthetists hereby gives notice of a public hearing on the above-referenced rules to be held on January 9, 2007 at 1:00 p.m. at the Board Office, Room 115A, 1st Floor, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3259. The rules were originally published in Vol. 32, No. 45 of the November 9, 2006 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 five days before the workshop/meeting by contacting John Garrison.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259. If you are 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 FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

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|-----------|--|
| RULE NO.: | RULE TITLE: |
| 69K-6.009 | Identification Tags-Acceptable Materials, Locations, and Methods of Affixing |
| | NOTICE OF CHANGE |

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 42, October 20, 2006 issue of the Florida Administrative Weekly.

Subparagraph (1)(b)3. has been added to provide as follows:

3. A threaded casket insert at the end of the casket.

Subparagraph (1)(c)6. has been added to provide as follows:

6. Inside a threaded casket insert with gasket sealed with a threaded brass cap with gasket.

Subsection (6) has been deleted.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

| | |
|-----------|--|
| RULE NO.: | RULE TITLE: |
| 69L-6.021 | Construction Industry Classification Codes, Descriptions, and Operations |
| | NOTICE OF CORRECTION |

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 43, October 27, 2006 issue of the Florida Administrative Weekly.

The notice of rulemaking incorrectly advertised the date the notice of proposed rule development was published as July 11, 2006. The correct publication date for the notice of proposed rule development was June 16, 2006.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

| | |
|------------|--|
| RULE NOS.: | RULE TITLES: |
| 12BER06-6 | Scope; Definitions; Index Price |
| 12BER06-7 | Imposition of the Gross Receipts Tax |
| 12BER06-8 | Registration for Gross Receipts Tax Purposes |
| 12BER06-9 | Payment of Gross Receipts Tax; Reports |

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2005-148, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules, and to renew such rules, to implement the provisions of that law. The promulgation of these emergency rules ensures that the appropriate procedures and forms are available for reporting and remitting gross receipts tax on utility service.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules, and the renewal of such rules, to ensure the prompt availability of procedures taxpayers can follow to comply with Chapter 203, F.S. (as amended by Chapter 2005-148, Laws of Florida). The Department of Revenue previously sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements. The preliminary text of proposed rules regarding the imposition of the gross receipts tax on utility services was posted on the Department of Revenue web site. A rule development workshop was held on November 16, 2005, to receive public comments regarding the preliminary text. The public comments received were considered by the Department in preparation of these emergency rules.

SUMMARY: Emergency Rule 12BER06-6 (Scope; Definitions; Index Price): (1) provides that Emergency Rules 12BER06-6 through 12BER06-9 apply to the tax imposed under Chapter 203, F.S., on utility services delivered to a retail consumer in Florida; (2) defines the terms “cost price,” “distribution company,” “Department,” “electricity index price,” “gas index price,” “gross receipts,” “utility services,” and “person” for purposes of Emergency Rules 12BER06-6 through 12BER06-9; (3) provides that the gross receipts tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price; (4) provides

how the Department will announce the annual index prices for electricity and for natural and manufactured gas; and (5) provides that the index price applies to electricity only if the transportation of the electricity is sold independent of the sale of the electricity itself.

Emergency Rule 12BER06-7. (Imposition of the Gross Receipts Tax), provides: (1) that the 2.5 percent gross receipts tax is imposed on distribution companies' gross receipts from the privilege of selling and transporting natural or manufactured gas to retail consumers in Florida; (2) how the tax is computed based on the index price; (3) that the sale or transportation of natural or manufactured gas to public or private utilities for use as a fuel in the generation of electricity or for resale is not subject to tax; (4) that the sale or transportation of natural or manufactured gas to persons eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material is not subject to tax and guidelines on how to document such sales; (5) that the 2.5 percent gross receipts tax is imposed on distribution companies' gross receipts from the privilege of selling and transporting electricity to retail consumers in Florida and how the tax is to be calculated; (6) that the tax does not apply to receipts from customers for purposes of resale; (7) that receipts from separately itemized charges for the connection, disconnection, suspension, or restoration of utility services are not subject to tax; (8) that receipts from separately itemized fees for returned checks, late payments, and interest due on late payments are not subject to the gross receipts tax; (9) that receipts from separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment are not subject to gross receipts tax; (10) guidelines on how gross receipts tax is applied to charges for utility services separately itemized to customers as an amount for services based on a standard rate amount with a separate rate adjustment; (11) that each and every fee imposed by a political subdivision of the State of Florida that is passed on to the customer as a separately itemized charge is included in the gross receipts subject to tax; (12) that any municipal public service tax and any sales tax separately itemized to the customer is not included in the gross receipts subject to tax; (13) that the sale or delivery of electricity as part of an electric interchange agreement or contract between utilities is not subject to tax and guidelines on how to document such sale or delivery; (14) that wholesale sales of electric transmission services and the loss of electricity from the generation, transmission, or distribution of electricity is not subject to tax; (15) guidelines regarding any separately itemized charge for gross receipts tax on a customer's bill, invoice, statement, or other evidence of sale; (16) guidelines on the imposition of tax on natural or manufactured gas imported into Florida for which the Florida gross receipts tax has not been paid; (17) guidelines on how to document sales of utility services for purposes of resale; and (18) recordkeeping requirements for taxpayers who sell or deliver utility services.

Emergency Rule 12BER06-8. (Registration for Gross Receipts Tax Purposes), provides: (1) that prior to engaging in the business of selling, transporting, delivering, or importing utility services in Florida, every person is required to register with the Department; and (2) guidelines on how to register with the Department.

Emergency Rule 12BER06-9. (Payment of Gross Receipts Tax; Reports): (1) provides guidelines on the how to report and remit to the Department the gross receipts tax imposed on utility services; (2) provides guidelines for when taxpayers may elect to pay the gross receipts tax on total billings for electricity each month or on the actual gross receipts for electricity received in that month; and (3) provides that persons engaged in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year or post such a list on a publicly-accessible Internet web site.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Robert Babin, Deputy Director, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4842

THE FULL TEXT OF THE EMERGENCY RULE IS:

12BER06-6 Scope; Definitions; Index Price.

(1) SCOPE. Emergency Rules 12BER06-6 through 12BER06-9, apply to the tax imposed by Chapter 203, F.S., on utility services delivered to a retail consumer in Florida. Where any conflicting language exists between Emergency Rules 12BER06-6 through 12BER06-9 and Rules 12B-6.001, 12B-6.0021, and 12B-6.005, F.A.C., the provisions of these emergency rules are controlling.

(2) DEFINITIONS. For purposes of Rules 12BER06-6 through 12BER06-9:

(a) "Cost price" means the actual cost of articles of tangible personal property without any deductions therefrom on account of the cost of materials used, labor or service costs, transportation charges, or any expenses whatsoever.

(b) "Distribution company" means any person owning or operating local electric, or natural or manufactured gas, utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas. The term does not include natural gas transmission companies that are subject to the jurisdiction of the Federal Energy Regulatory Commission.

(c) "Department" means the Florida Department of Revenue.

(d) "Electricity index price" means the applicable residential, industrial, or commercial price per kilowatt hour for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Electric Power Monthly.

(e) “Gas index price” means the applicable residential, industrial, or commercial price per 1,000 cubic feet for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Natural Gas Monthly.

(f) “Gross receipts” means the total payments received in money, goods, services, or other consideration.

(g) “Person” includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit and also includes any political subdivision, municipality, state agency, bureau, or department and includes the plural as well as the singular number.

(h) “Utility services” means electricity for light, heat, or power; and natural or manufactured gas for light, heat, or power, including transportation, delivery, transmission, and distribution of the electricity or natural or manufactured gas. This paragraph does not broaden the definition of utility service to include separately stated charges for tangible personal property or services which are not charges for the electricity or natural or manufactured gas or the transportation, delivery, transmission, or distribution of electricity or natural or manufactured gas. Liquefied petroleum gas is sold in liquid form and transformed into gas when released from the container to be used for fuel. The term “utility services” does not include liquefied petroleum gas.

(3) INDEX PRICE. The calculation of the tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price.

(a) The Department will announce the residential, commercial, and industrial index prices for electricity and for natural and manufactured gas on June 1 of each year through issuance of a Taxpayer Information Publication and by posting the rates on the Department’s Internet web site located on the Internet at www.myflorida.com/dor/taxes. The index prices announced by the Department on June 1 will be effective from the following July 1 through June 30, and will apply to any bill dated on or after July 1 in the year in which the change becomes effective. The index prices effective July 1, 2006, through June 30, 2007, have been announced by the Department in Tax Information Publication 06B06-01 and apply to any bill dated on or after July 1, 2006, until the new index prices become effective on July 1, 2007.

(b) The index prices for electricity only apply if the transportation of electricity is sold independent of the sale of the electricity itself. If electricity is sold to a retail consumer in Florida for a price that includes both a charge for the electricity and a charge for the transportation of the electricity, the tax imposed by Chapter 203, F.S., is calculated by using the distribution company’s gross receipts, rather than through use of an index price.

(c) When the calculation of the tax imposed on utility services delivered to a retail consumer in Florida requires the use of an index price, the distribution company must use a reasonable methodology to apply the residential, commercial, and industrial classifications to its existing rate structure.

This rule shall take effect on January 1, 2007.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 203.012 FS. History—New 1-1-07.

12BER06-7 Imposition of the Gross Receipts Tax.

(1) NATURAL OR MANUFACTURED GAS.

(a) A tax is imposed at the rate of 2.5 percent on distribution companies’ gross receipts from the privilege of selling or transporting natural or manufactured gas to a retail consumer in this state. The gross receipts tax on the sale or transportation of natural or manufactured gas is calculated as follows: (number of cubic feet of gas sold or transported) ÷ 1,000 × (the applicable gas index price) × (2.5 percent).

(b) The tax implemented in paragraph (1)(a) does not apply to:

1. The sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation, or agency thereof, or rural electric cooperative association for use as a fuel in the generation of electricity;

2. Subject to the documentation requirements outlined in subsection (5), the sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association for resale;

3. The sale or transportation to, or use of, natural or manufactured gas by any person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material. Possession by a seller of natural or manufactured gas or by any person providing transportation or delivery of natural or manufactured gas of a written certification by the purchaser relieves the seller or person providing transportation or delivery from the responsibility of remitting tax on the nontaxable amounts, and the Department shall look solely to the purchaser for recovery of such tax if the Department determines that the purchaser was not entitled to the exclusion. The certification must include an acknowledgment by the purchaser that it will be liable for tax pursuant to Section 203.01(1)(f), F.S., if the requirements for exclusion are not met. The following is a suggested format of an exemption certificate to be issued by a manufacturer to a natural or manufactured gas distribution company:

CERTIFICATION

NATURAL OR MANUFACTURED GAS PURCHASED BY
A PERSON ELIGIBLE FOR EXEMPTION UNDER
INDUSTRIAL CLASSIFICATIONS IN SECTION
212.08(7)(ff)2., F.S.

This is to certify that I have purchased natural or manufactured gas for use as an energy source or raw material that is excluded from tax pursuant to Section 203.01(3)(d), Florida Statutes.

I certify that the applicable purchases were made by a company whose four-digit SIC Industry Number, as listed below, is classified under SIC Industry Major Group Number 10, 12 through 14, 20, or 22 through 39 or Group Number 212 in the Standard Industrial Classification (SIC) Manual, 1987, published by the Office of Management and Budget.

I acknowledge that I will be liable for tax pursuant to Section 203.01(1)(f), Florida Statutes, if the requirements for exclusion pursuant to Section 203.01(3)(d), F.S., are not satisfied.

I understand that if such purchases of natural or manufactured gas do not qualify for the exclusion as indicated on this certification, I must pay the applicable tax directly to the Department of Revenue.

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

Purchaser's Name (Print or Type) Date

Signature of Authorized Person Title

Federal Employer Identification Number (FEI No.)

(2) ELECTRICITY.

(a) A tax is imposed at the rate of 2.5 percent on a distribution company's gross receipts from the privilege of selling electricity that is delivered to a retail consumer in this state when the charge to the consumer includes charges for both the electricity and the transportation of the electricity. Tax imposed pursuant to this subparagraph is calculated by multiplying the distribution company's gross receipts by 2.5 percent.

1. The tax implemented in paragraph (2)(a) does not apply to:

a. Receipts from customers for separately itemized charges for the connection, disconnection, suspension, or restoration of electricity;

b. Receipts from customers for separately itemized charges for returned checks or other forms of payment, late payments, or interest due on late payments;

c. Receipts from customers for separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment;

2.a. When charges for utility services are separately itemized as an amount for services based on a standard rate amount with a separate rate adjustment on the same billing,

invoice, statement, or other evidence of sale for services, gross receipts tax is due on the receipts for utility services after the application of the rate adjustment.

b. Example: A customer purchases electricity from an electric utility under an energy management program. The customer is billed the standard residential rate. In addition, the customer receives load management monthly credits for allowing specified electrical equipment to be interrupted at the option of the electric utility. The charge for electric service after the load management credits are applied against the charge at the standard residential rate is the amount subject to the gross receipts tax.

c. Example: A customer purchases electricity from an electric utility at the standard residential service rate. The electric utility charges each residential customer in this rate class an additional energy cost recovery factor, called "energy charges," on a per kilowatt hour basis. The customer is billed for electricity at the standard residential rate, plus the applicable energy charges. The amount charged to the customer at the standard residential rate, plus the amount of the energy charges, is the amount subject to the gross receipts tax.

3. Each and every fee imposed by a political subdivision of the State of Florida on the distribution company, such as a franchise fee, is included in the charge upon which the gross receipts tax is computed, when the fees are passed on to the customer and separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

4. Any municipal public service tax imposed under Section 166.231 or 166.232, F.S., or any sales tax imposed under Chapter 212, F.S., on the sale or purchase of electric power or energy is not included in the charge upon which the gross receipts tax is computed when the municipal tax or sales tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(b) Each distribution company that receives payment for the delivery of electricity to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph, unless the payment is subject to tax under paragraph (a). Under this paragraph, the gross receipts tax on the delivery of electricity is calculated as follows: (number of kilowatt hours delivered) × (the applicable electricity index price) × (2.5 percent).

(c) The tax implemented in paragraphs (2)(a) and (b) does not apply to:

1. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, for resale subject to the documentation requirements outlined in subsection (5);

2. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, as part of an electric

interchange agreement or contract between such utilities for the purpose of transferring more economically generated power.

a. The electric utility is required to maintain a copy of the agreement or contract in its books and records and is not required to meet the provisions of this rule regarding sales for resale.

b. The internal use, including interdepartmental transfers, of the purchased power is not subject to tax.

3. Wholesale sales of electric transmission service.

4. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(3) SEPARATELY ITEMIZED CHARGES. A distribution company may wholly or partially separately itemize the gross receipts tax on the customer's bill, invoice, statement, or other evidence of sale. However, the gross receipts tax is imposed on the privilege of doing business, and it is an item of cost to the distribution company. The distribution company remains fully and completely liable for the payment of the tax, even when the tax is wholly or partially separately itemized on the customer's bill, invoice, statement, or other evidence of sale. When the tax is wholly or partially separately itemized, every person, including governmental units and charitable and religious organizations, is liable for the payment of the tax to the distribution company.

(4) USE TAX.

(a) Gross receipts tax is levied upon a person's cost price of electricity, or natural or manufactured gas, imported into this state or severed within this state for the person's own use or consumption as a substitute for purchasing utility, transportation, or delivery services taxable under Chapter 203, F.S., and who cannot demonstrate payment of the tax imposed by Chapter 203, F.S. The tax implemented pursuant to this paragraph is calculated by multiplying the cost price of the utility service by 2.5 percent.

(b) The tax implemented pursuant to paragraph (4)(a) does not apply to:

1. The use of natural gas in the production of oil or gas, or the use of natural or manufactured gas by a person transporting natural or manufactured gas, when used and consumed in providing such services;

2. The use of natural gas or manufactured gas by a person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material; or

3. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(5) SALES FOR RESALE. The sale, transportation, or delivery of utility services for resale is only exempt from the tax imposed under Chapter 203, F.S., if the sale, transportation,

or delivery is documented in strict compliance with this rule. Distribution companies must document sales for resale by obtaining resale certificates from customers who purchase transportation, delivery, or utility services for the purposes of resale. The distribution company is only required to obtain one certificate for sales made for the purposes of resale from each customer making purchases for the purposes of resale. The certificate must contain the purchaser's name and address, the purchaser's gross receipts tax registration number and its effective date, a statement that the purchases are for the purpose of resale, the signature of the purchaser or an authorized representative of the purchaser, and the date of issuance. The following is a suggested format of a resale certificate:

RESALE CERTIFICATE FOR GROSS RECEIPTS TAX ON UTILITY SERVICES

This is to certify that the electricity for light, heat, or power or the natural or manufactured gas for light, heat, or power purchased after (date) from (seller's name) is purchased for the purpose of resale pursuant to Chapter 203, F.S.

I understand that if I fraudulently issue this certificate to evade the payment of gross receipts tax I will be liable for payment of the tax directly to the Department of Revenue and subject to the penalties imposed under Section 203.03(2), F.S.

I understand that I must disclose to the seller, or remit tax on, any purchase not for resale when tax was not paid to the seller and/or distribution company.

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

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Purchaser's Authorized Signature _____

Certificate of Registration Number _____

Effective Date of Registration _____

By _____

(authorized signature)

Date _____

(6) RECORDKEEPING REQUIREMENTS. Distribution companies that sell, transport, or deliver utility services to retail consumers in Florida and taxpayers that import utility services into Florida for their own use must maintain electrical interchange agreements or contracts, resale certificates, exemption certificates, and other documentation required under the provisions of this rule chapter in their books and records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under Section 95.091, F.S. Electronic storage of required documentation through the use of imaging, microfiche, or other electric storage media will satisfy compliance with recordkeeping requirements.

This rule shall take effect on January 1, 2007.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 213.37 FS. History—New 1-1-07.

12BER06-8 Registration for Gross Receipts Tax Purposes.

(1) Prior to engaging in the business of selling, transporting, delivering, or importing utility services, every person, distribution company, or other entity upon which the gross receipts tax is imposed is required to register with the Department.

(2) Registration with the Department for gross receipts tax purposes is available by using one of the following methods:

(a) Registering through the Department's "e-Services" system located on the Department's Internet site at www.myflorida.com/dor;

(b) Filing an Application to Collect and/or Report Tax in Florida (R. 01/06) (Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.), with the Department as indicated on the form. Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on January 1, 2007.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01 FS. History—New 1-1-07.

12BER06-9 Payment of Gross Receipts Tax; Reports.

(1)(a) Except as provided in Rule Chapter 12-24, F.A.C., and paragraph (c) below, all taxes imposed on utility services are due to the Department on or before the last day of the month following the date of the sale or transaction. The payment and return must either reach the Department or be postmarked on or before the last day of the month for receipts for utility services received in the preceding calendar month for a taxpayer to avoid penalty and interest for late filing. When the last day of the month falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day that is not a Saturday, a Sunday, or a legal holiday. A tax return is required to be filed on or before the last day of each month even when no tax is due. The report is required to be signed by an officer or a representative duly authorized to act by the taxpayer. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the 1986 Internal Revenue Code, as amended. A "legal holiday"

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

(b) Form DR-133, Gross Receipts Tax Return (R. 01/06, hereby incorporated by reference), is the return to be used to report the gross receipts tax imposed on utility services. Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to Section 203.01(1)(j), F.S., the tax is due on or before the last day of the month following the authorized reporting period and becomes delinquent on the first day of the next succeeding month.

(d) Payments and returns for reporting tax must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the tax is required to be made by electronic means;

2. Any return for reporting tax is required to be submitted by electronic means; or

3. No tax is due with a return for reporting tax.

(e)1. For taxes implemented pursuant to paragraph (2)(a) of Rule 12BER06-7, the taxpayer may elect to pay the gross receipts tax on total billings for electricity for each month or on the actual gross receipts for electricity received in that month.

2. When the taxpayer elects to pay gross receipts tax on total billings for electricity, the taxpayer may take a credit for net uncollectibles for which gross receipts tax has been previously paid to the Department. The credit must be reported on the provider's return in accordance with the timing provisions of Section 215.26(2), F.S.

3. In lieu of a credit for net uncollectibles, the taxpayer may seek a refund of tax previously paid by filing an Application for Refund (R. 07/06) (Form DR-26, hereby incorporated by reference) with the Department. The application for refund must be filed in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

4. Form DR-26, Application for Refund, must be filed with the Department within 3 years after the date the tax was paid. Credits for tax paid must be reported on the provider's return within 3 years after the date the tax was paid.

(2) Persons who engage in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year. A person may satisfy the customer-reporting requirement by: 1) providing a written list of customers to the Department; or 2) maintaining a publicly-accessible customer list on the person's Internet web site. The person must provide the written list of customers or the Internet address of the publicly-accessible Internet web site by January 31 of each year to GTA Miscellaneous Tax Coordinator, c/o GTA Program Director, Florida Department of Revenue, 5050 W. Tennessee Street, Bldg D-1, Tallahassee, Florida 32399-0100. Persons who choose to satisfy the customer-reporting requirement by posting a list of customers on a publicly-accessible Internet web site must update the list by January 31 of each year. This reporting requirement does not apply to distribution companies. Any person required to furnish such a list may elect to identify only those customers who take direct delivery without purchasing interconnection services from a distribution company.

This rule shall take effect on January 1, 2007.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 203.06, 213.235, 213.37, 213.755, 215.26 FS. History--New 1-1-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: January 1, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on December 1, 2006, South Florida Water Management District (District) received a request for Withdrawal of Petition for Variance from Pebb Enterprises University Bank Building Ltd., Application No. 060329-36, Environmental Resource Permit No. 50-07631-P, for construction of ISLA VERDE AT WELLINGTON. Notice of receipt of petition requesting waiver was published in the F.A.W., Vol 32, No. 49, on December 8, 2006.

A copy of the withdrawal request may be obtained from: Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail at jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on December 4, 2006 South Florida Water Management District (District) received a petition for waiver from Gulfstream Natural Gas System, LLC Application No. 06-1204-3, for utilization of Works or Lands of the District known as the L-65 Canal, Martin County for proposed 30" buried natural gas transmission pipeline within the west right of way of L-65, Sections 22, 26 35 and 14, Township 39 and 40 South, Range 37 East. The petition seeks relief from paragraph 40E-6.221(2)(j), and subsection 40E-6.221(8), Florida Administrative Code, which prohibit the placement of transmission lines within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff, (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN that on December 4, 2006 South Florida Water Management District (District) received a petition for waiver from Gulfstream Natural Gas System, LLC Application No. 06-1204-4, for utilization of Works or Lands of the District known as the L-8 Canal, Palm Beach County for proposed 30" buried natural gas transmission pipeline within the west right of way of L-8, Sections (multiple), Township 41, 42 and 43 South, Range 37, 38, 39 and 40 East. The petition seeks relief from paragraph 40E-6.221(2)(j), and subsection 40E-6.221(8), Florida Administrative Code, which prohibit the placement of transmission lines within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff, (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that on 12/4/06, it Issued an Order Granting Variance Request in response to a petition filed 9/26/2006 and advertised in the F.A.W., Vol. 32, No. 42, by Steve Powell of KONE, Inc. regarding Elks Lodge in Pensacola Beach, FL (VW 2006-242). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety. A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on 12/4/06, it Issued an Order Granting Variance Request in response to a petition filed 9/26/2006 and advertised in the F.A.W., Vol. 32, No. 42, by Steve Powell of KONE, Inc. regarding Park Place on Seagrove Beach in Seagrove Beach, FL (VW 2006-243). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of

safety. A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202

The Bureau of Elevator Safety hereby gives notice that on 12/4/06, it Issued an Order Granting Variance Request in response to a petition filed 10/24/2006 and advertised in the F.A.W., Vol. 32, No. 45, by Steve Powell of KONE, Inc. regarding BCBE Corporate Office Building in Naples, FL (VW 2006-277). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety. A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on November 28, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Chely's Catering of Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on October 20, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Days Inn & Suites University located in Orlando. The above referenced F.A.C. states each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated. The Petitioner is requesting to use the one existing bathroom facility and a neighboring establishment, but have seating of twenty-four (24).

Subsection 28-104.005(1), Florida Administrative Code, provides as follows: The agency shall grant or deny a petition for emergency variance or waiver within 30 days of its receipt by the agency. If such petition is not granted or denied within this time limit, the petition shall be deemed approved unless

the time limit is waived by the petitioner. The above-quoted rule places the burden upon the Division to act upon the Petitioner's request within 30 days of receipt. The Division, having not met the 30-day requirement of this Rule, has therefore no option other than approve this request. WHEREFORE, and for the foregoing reasons and with the aforesaid restrictions, the Petitioner's Petition for Variance is deemed GRANTED.

NOTICE IS HEREBY GIVEN that on December 6, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-1.004(1), paragraph 61C-1.004(2)(a), subsections 61C-4.010(6) and 61C-4.010(7), Florida Administrative Code, from the Spanish Bakery located in St. Augustine. The above referenced Florida Administrative Code address water, plumbing, waste, physical facilities, and public bathrooms. The specific code sites mentioned above reference the 2001 FDA Food Code chapters five and six. Specifically Petitioner is requesting to use alternative methods for sewage disposal, use a portable handsink, and public bathroom facilities.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on December 4, 2006, the Board of Accountancy has issued an order.

The order is regarding the Petition for Waiver or Variance, filed on June 30, 2006, by Vickie L. Bebout. The Notice of Petition for Waiver or Variance was published in the F.A.W., Vol. 32, No. 29, of the July 21, 2006 issue. The Petitioner sought a waiver or variance of subsection 61H1-28.0052(4), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" with regard to allowing an extension of time for passing all four sections of the CPA examination. The Board considered the instant Petition at a duly-noticed public meeting, held September 15, 2006, in Tampa, Florida. The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance or waiver from subsection 61H1-28.0052(4), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN that on December 5, 2006, the Board of Accountancy, received a petition for Bradley R. Smith, seeking a variance or waiver of subsection 61H1-31.001(10), Florida Administrative Code, and the requirement that a licensee must pay a \$50.00 delinquency fee for submitting a CPE reporting form after July 15th of the licensee's reestablishment period. The Petitioner is also seeking a variance or waiver of paragraph 61H1-33.003(1)(b), F.A.C., and the requirement that a licensee complete an additional 8 hours of Accounting and Auditing subjects for not meeting the deadline for obtaining the required continuing education hours by June 30th of the licensee's reestablishment period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN that on November 27, 2006, the Department of Environmental Protection, received a petition for variance pursuant to Section 120.542, Florida Statutes, and Rule Chapter 28-104, F.A.C., from Lewis Barton. The petition requests a variance of subsection 62B-33.013(3), F.A.C., which provides for one three-year time extension to complete activities permitted by the Department. The petitioner is seeking a permanent variance from the above cited Rule. The property is located at 2025 Surfside Terrace, Vero Beach, Indian River County.

A copy of the Petition for Variance or Waiver may be obtained by contacting Rosaline Beckham at (850)488-7815, or by e-mail at: rosaline.beckham@dep.state.fl.us. The petition is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 5050 West Tennessee Street, Bldg. B, Suite 160, Tallahassee, Florida 32304. Any comments should be filed in writing with the Department at 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399-3000, and should be submitted within 30 days of the date of this publication.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on December 6, 2006, the Board of Medicine, received a petition for waiver or variance from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for official transcripts from Petitioner’s medical school filed by Linda Rouel, M.D.

Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of Mission San Luis**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 8, 2007, 12:00 Noon

PLACE: Mission San Luis, Moore House, 2021 W. Mission Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will include fundraising and endowment activities and other board business.

If you have questions or would like a copy of the agenda, please feel free to contact Ms. Elyse Cornelison, (850)487-1666.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the following monthly public meeting of the Pesticide Registration Evaluation Committee to which all interested persons are invited.

DATE AND TIME: February 1, 2007, 9:00 a.m.

PLACE: Building 6, Room 606, Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the meeting agenda may be obtained by contacting the Pesticide Registration Section, (850)487-2130 or from the PREC web site at: http://www.flaes.org/pesticide/pesticide_registration.html.

CONTACT: Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

DEPARTMENT OF EDUCATION

The Direct Support Organization of the Florida **Division of Blind Services** announces the following Board of Directors Meeting to which all interested persons are invited.

DATE AND TIME: January 10, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: Blind Services Foundation, 4700 Millenia Boulevard, Suite 175, Orlando, Florida 32839, (407)210-6607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Gil Robinson, 4700 Millenia Blvd., Suite 175, Orlando, Florida 32839, (407)210-6607.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meeting, the person will need a record of the proceedings.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the individual listed above no later than three working days prior to the meeting.

The **University of South Florida**, Louis de la Parte Florida Mental Health Institute announces a Briefing for Policy Makers on the Use of Mental Health Drugs with Children. The Trends, the Rationale and the Issues conference, to which all persons are invited.

DATE AND TIME: Friday, January 12, 2007, 9:00 a.m. – 2:00 p.m.

PLACE: Double Tree Hotel, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Experts in child and adult mental health will review the science behind the appropriate use of antipsychotics and the controversy surrounding those medications and present findings from the Florida Medicaid Drug Therapy Management Program for Behavioral Health.

Accommodations for Disabilities: Person with a documented disability requesting reasonable accommodations should contact: Marie McPherson, Department of Mental Health Law and Policy, 13301 Bruce B. Downs Blvd., Tampa, FL 33612, (813)974-5378 or email mmcpherson@fmhi.usf.edu at least 5 days in advance of the meeting. Persons with hearing or speech impairments should also contact Marie McPherson by using the Florida Relay System, 1(800)955-8770 (Voice) or 1(800)955-8772 (TDD).

The **Commission for Independent Education** announces a conference call committee meeting to which all persons are invited.

Fee Committee Meeting

DATE AND TIME: January 3, 2007, 10:00 a.m.

PLACE: Via Telephone Conference Call. To connect, dial 1(888)808-6959, Conference Code: 2453206

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Fee Committee.

A copy of the agenda may be obtained by writing: Commission Office at Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Commission office, (850)245-3200, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired, please contact the Commission using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Commission for Independent Education** announces a Commission meeting to which all persons are invited.

DATES AND TIMES: January 25, 2007, 2:00 p.m.; January 26, 2007, 9:00 a.m.

PLACE: Safety Harbor Resort and Spa, 105 North Bayshore Drive, Safety Harbor, Florida 34695

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission for Independent Education will consider disciplinary matters, Informal Hearings, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, and 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, as well as other Commission business on January 25, 2007. All other licensure applications and other general Commission business will be considered on January 26, 2007 to include 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, as well as Applications for Exemptions for Religious Colleges.

A copy of the Agenda may be obtained by writing: Commission Office at Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are

hearing impaired please contact the Area of Critical State concern using the Florida Dual Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF COMMUNITY AFFAIRS

The Florida **Department of Community Affairs** will be conducting the following public meeting to which all interested parties are invited.

DATE AND TIME: January 4, 2007, 1:00 p.m. – 3:00 p.m.

PLACE: Flagler County Emergency Operations Center, Executive Conference Room 118, 1769 East Moody Boulevard, #3, Bunnell, Florida 32110

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking a non-profit entity to administer the Community Services Block Grant (CSBG) in Flagler County, Florida.

Pursuant to a notice in the October 6, 2006, F.A.W., regarding agencies interested in becoming the CSBG provider for Flagler County, two letters of interest were received. The purpose of this hearing is to afford these two agencies an opportunity to present to all interested parties in the community their qualifications and proposal for providing services if selected. The two agencies are: Northeast Florida Community Action Agency, Inc. and Central Florida Community Action Agency, Inc.

In order to be designated to serve as the eligible entity, an entity must agree to add additional members to its board to ensure adequate representation in compliance with 42 U.S.C. 9909 and 9910 and Rule 9B-22.011, Florida Administrative Code.

Special consideration shall be given to an organization with demonstrated effectiveness in providing a broad range of services designed to eliminate poverty and foster self-sufficiency. Priority shall be given to existing CSBG eligible entities in good standing with DCA that are providing related services in the specified county or in areas contiguous to or within reasonable proximity to the specified county.

Selection will be based on the entity's experience and performance in related federal or state programs in assisting low-income persons in the area to be served, and the entity's capacity to undertake a timely and effective program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; and (4) the ability to maintain compliance with administrative and financial management requirements.

ACTIONS TO BE TAKEN: After this hearing, DCA will review the applications received and make a decision regarding each entity's eligibility to provide program services in Flagler County. A recommendation for the selected entity will then be

prepared by DCA staff for subsequent consideration and approval or disapproval by DCA's Secretary and the Governor. **ADDITIONAL INFORMATION:** Requests for additional information or questions may be addressed to: Ms. Hilda Frazier, Planning Manager, Florida Department of Community Affairs, Community Assistance Section, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488 or e-mail at hilda.frazier@dca.state.fl.us.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** announces the following meeting which will utilize communications media technology, specifically a conference telephone call, to which all persons are invited to participate.

DATE AND TIME: January 8, 2007, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959

GENERAL SUBJECT MATTER TO BE CONSIDERED: To report on and discuss legislation relating to the Florida Building Commission and building codes and make recommendations concerning the same.

Anyone who wishes to participate in the conference call needs to contact the operator at the above number and request to participate in the conference call. If a person wishes to attend the conference call in person, they may go to Room 210L in the Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida.

Any interested person requiring additional information or wishing to submit written or other physical evidence should contact: Ms. Barbara Bryant, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)487-1824. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** announces the following meeting to which the public is invited. The meeting will be held at:

DATE AND TIME: January 24, 2007, 9:00 a.m.

PLACE: RACCA Inc., 1920 East Sligh Avenue, Tampa, Florida 33610, (813)870-2607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Product Approval Program Oversight Committee to review the Product Validation Work Group recommendations and to integrate them into Rule Chapter 9B-72, F.A.C.

A copy of the Committee meeting agenda and other documents may be obtained by sending a request in writing to: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, or going to the web site at www.florida.building.org

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant at the Department of Community Affairs (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Region XIV Advisory Council** announces a meeting to which all interested persons are invited.

DATE AND TIME: Thursday, January 18, 2007, 10:00 a.m.

PLACE: Room 9118, School of Justice, Miami Dade College, North Campus, 11380 N. W. 27th Avenue, Miami, FL 33167

GENERAL SUBJECT MATTER TO BE CONSIDERED: To approve the budget for the new Fiscal Year 2007-2008 for the Region.

Please contact Vanessa Ferdinand at (305)237-1329, Region XIV Budget Manager.

The **Criminal Justice Standards and Training Commission**, Region VI, Training Council announces a public meeting in Inverness, Florida to which all persons are invited.

DATE AND TIME: Thursday, January 18, 2007, 10:00 a.m.

PLACE: Withlacoochee Technical Institute, 1201 West Main Street, Room 273, Inverness, Florida 34450

GENERAL SUBJECT MATTER TO BE CONSIDERED: To establish the 2007-2008 operating budget and to review the 2006-2007 expenditures to date.

A copy of the agenda may be obtained by writing: Central Florida Community College, Attn.: Steven B. Ash, 3001 Southwest College Road, Ocala, Florida 34474.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 5 announces public hearings on the Central Florida Commuter Rail Transit North/South Corridor Project to which all persons are invited.

VOLUSIA COUNTY

DATE AND TIME: January 16, 2007, 6:00 p.m.

PLACE: City of DeBary, Florence K. Little Town Hall, 12 Colomba Road, DeBary, Florida 32713-3322

SEMINOLE COUNTY

DATE AND TIME: January 16, 2007, 6:00 p.m.

PLACE: Eastmonte Civic Center, 830 Magnolia Drive, Altamonte Springs, Florida 32701

ORANGE COUNTY

DATE AND TIME: January 18, 2007, 6:00 p.m.

PLACE: Sheraton Orlando B Downtown Hotel, 60 South Ivanhoe Boulevard, Orlando, Florida 32804

OSCEOLA COUNTY

DATE AND TIME: January 18, 2007, 6:00 p.m.

PLACE: Kissimmee Civic Center, 201 East Dakin Avenue, Kissimmee, Florida 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public hearings are being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Identification Number 412994-2-22-01, otherwise known as, the Central Florida Commuter Rail Transit North/South Corridor Project. The limits of the study extend along the existing CSX Transportation A-Line, from DeLand in Volusia County to Poinciana in Osceola County. The proposed project would traverse through Volusia, Seminole, Orange, and Osceola Counties for a total length of approximately 61 miles.

Anyone needing project or public hearing information (including the agenda) or special accommodations under the Americans with Disabilities Act of 1990, should contact Ms. Marianne Gurnee by telephone (407)492-0836, or by e-mail mgurnee@cfl.rr.com

Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearings.

The **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIMES: January 17, 2007, Open House – 5:00 p.m. – 6:00 p.m.; Formal Presentation – 6:00 p.m.

PLACE: Sumter County Historic Courthouse, 209 North Florida Street, Bushnell, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects

of State Project Number 242626-1-22-01, Federal-Aid Number 0751 121 I, otherwise known as I-75 (SR 93). The limits of the project corridor are from 1.5 miles north of the Sumter/Hernando County line to 0.2 miles north of Florida's Turnpike in Sumter County, Florida.

A copy of the agenda may be obtained by writing to: Mr. Lance Decuir, E.I., Project Manager, Florida Department of Transportation, 719 S. Woodland Boulevard, MS 501, DeLand, Florida 32720.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call telephone number (386)943-5383. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

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."

The **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 18, 2007, 1:00 p.m.

PLACE: St. Joseph Bay Buffer Preserve Center, 3915 Highway C-30, Port St. Joe, FL 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED: St. Joseph Bay Aquatic Preserve Advisory Committee meeting. The purpose is for members of the Advisory Committee to review and discuss the draft St. Joseph Bay Aquatic Preserve management plan.

A copy of the agenda may be obtained by contacting Aquatic Preserve Manager, Kim Wren, (850)653-8063.

Pursuant to the provisions of 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 Aquatic Preserve Manager, Kim Wren, (850)653-8063. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 24, 2007, 6:00 p.m.

PLACE: Guana Tolomato Matanzas NERR, 9741 Ocean Shore Blvd., St. Augustine, FL 32080-8616

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group (MAG) for the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) will hold its next meeting to provide advisory input to the Office of Coastal and Aquatic Managed Areas for the management of the GTMNERR.

A copy of the agenda may be obtained by contacting Acting GTMNERR manager, Janet Zimmerman, (904)823-4500.

Pursuant to the provisions of 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 Acting GTMNERR manager, Janet Zimmerman, (904)823-4500. 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).

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN that the **State Board of Administration** announces a meeting to which all persons are invited.

DATE AND TIME: January 17, 2007, 9:00 a.m. – conclusion of the meeting

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To seek permission from the Trustees to file Rule 19-15.001, F.A.C., Insurance Capital Build-Up Incentive Program, and the incorporated forms, for adoption. In addition, other general business of the Board will be addressed.

Anyone seeking a copy of the agenda should contact: Tracy Allen, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1341.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: January 8, 2007, 9:30 a.m.

PLACE: The 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: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

* In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: January 9, 2007, 1:00 p.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Joseph P. Cresse Hearing Room (Room 148), 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 this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

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 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services at (850)413-6770 or writing to: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.florida.psc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he 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.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

The **South Florida Regional Planning Council** announces a public meeting of the State Road 7/U.S. 441 Collaborative Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, January 18, 2007, 2:00 p.m. – 3:30 p.m.

PLACE: Miami Gardens Commission Chambers, Miami Gardens City Hall, 1515 N. W. 167 Street, Building 5, Suite 200, Miami Gardens, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue deliberations regarding economic development, aesthetic improvement, and increased intergovernmental cooperation along the corridor.

A copy of the agenda may be obtained by writing to: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the State Road 7/U.S. 441 Collaborative Steering Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council at (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces the following public workshop to which all persons are invited.

DATE AND TIME: Thursday, January 4, 2007, 5:30 p.m. – 7:00 p.m. (EST)

PLACE: Gulf County Commission Meeting Room, Robert M. Moore Administrative Building, Gulf County Courthouse Complex, Port St. Joe, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public workshop on the District's Draft Regional Water Supply Plan for Franklin and Gulf Counties.

For more information on the workshop agenda and the Draft Regional Water Supply Plan, contact: Mr. Paul Thorpe, Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333-9700, (850)539-5999.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the District at least 72 hours prior to the meeting by contacting Maria Culbertson, (850)539-5999.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 4, 2007, 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Projects and Land Committee public meeting forum.

DATE AND TIME: Friday, January 5, 2007, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Projects and Land Committee business meeting followed by a tour of Bayard Point Conservation Area.

PLACE: Green Cove Springs City Hall, Council Chambers, 321 Walnut Street (fronts U.S. Hwy. 17), Green Cove Springs, FL

NOTE: In the event that 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:

DATE AND TIME: Tuesday, January 9, 2007, 8:45 a.m.

PLACE: St. Johns River Water Management District, Highway 100 West, 4049 Reid Street, Palatka, FL

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, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Hazel Hinton, Department of Water Resources, (386)329-4347.

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.

Pursuant to the provisions of 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: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Hazel Hinton, Department of Water Resources, (386)329-4347. If you are 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 TIME: Tuesday, January 9, 2007, 8:15 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Governing Board and Committee Chairmen.

DATE AND TIME: Tuesday, January 9, 2007, 8:15 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, January 9, 2007, 8:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff may recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, January 9, 2007, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion and consideration of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING INCLUDING PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, January 9, 2007, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District website www.sjrwmd.com or by calling (386)329-4500. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

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.

Pursuant to the provisions of 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: St. Johns River Water Management District website www.sjrwmd.com or by calling (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 **Southwest Florida Water Management District** announces a public hearing to which all persons are invited.

Governing Board Meeting

DATE AND TIME: February 27, 2007, 9:00 a.m.

PLACE: The Southwest Florida Water Management District Office, 2379 Broad Street, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Tampa Bay Water has requested a hearing pursuant to Section 120.54(3)(c), F.S., regarding the District's notice of proposed rules to establish minimum flows for the freshwater segment of the Alafia River. A hearing was held November 30, 2006 (noticed in the F.A.W., September 22, 2006, Vol. 32, No. 38, Page 4496) and continued until the Governing Board Meeting on February 27, 2007.

A copy of the agenda may be obtained by contacting: Karen A. Lloyd, Assistant General Counsel, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211, ext. 4651.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Dianne Lee at (352)796-7211 or 1(800)423-1476, ext. 4658, TDD only number 1(800)231-6103.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: January 4, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-1 3A Bridge Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #1, ID# 9783.

DATE AND TIME: January 17, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-2 2N Pine Island Sound Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #2, ID# 8947.

DATE AND TIME: January 25, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-2 2N Pine Island Sound Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #3, ID# 2989.

DATE AND TIME: February 8, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-2 2N Pine Island Sound Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #4, ID# 4562.

DATE AND TIME: February 22, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-2 2N Pine Island Sound Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #5, ID# 5357.

DATE AND TIME: March 8, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-2 2N Pine Island Sound Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #6, ID# 0089.

DATE AND TIME: March 15, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-2 2S Estero Bay Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #7, ID# 7067.

DATE AND TIME: March 22, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-2 2N Pine Island Sound Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #8, ID# 5468.

DATE AND TIME: April 6, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-2 2N Pine Island Sound Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #9, ID# 5861.

DATE AND TIME: May 10, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-2 2N Pine Island Sound Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #10, ID# 1507.

DATE AND TIME: May 17, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-2 2W Estero Bay Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #11, ID# 1303.

DATE AND TIME: May 24, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: SFWMD-HQ, B-2 2N Pine Island Sound Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
NSRSM Peer Review Panel Teleconference #12, ID# 6371.

This series of NSRSM Scientific Peer Review teleconferences allows the panel members to work collaboratively in an open forum. The teleconference can be accessed by dialing:

Extension 6700 – within the offices of the SFWMD

1(866)433-6299 – Toll Free (outside of the local calling area)

(561)682-6700 – within West Palm Beach or as a toll call

After dialing the appropriate number, enter the meeting ID number when prompted. Please note that each teleconference has a different meeting ID number. Also, any teleconference may be canceled up to 24 hours in advance (notice of cancellation will appear on the web site and board). A web site is available for more information, and a web board is available for the public to provide input.

Web site: https://my.sfwmd.gov/portal/page?_pageid=1314,2555966,1314_2608149:1314_2564292&_dad=portal&_schema=PORTAL

Web board: <http://webboard.sfwmd.gov/default.asp?boardid=rsmpeerreview>

PLACE: The South Florida Water Management Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing to: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Kent Loftin, Hydrologic and Environmental Systems Modeling Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7540, West Palm Beach, FL 33406, (772)546-1269.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces an Allocation Technical Working Group Meeting to which all persons are invited.

DATE AND TIME: Friday, January 5, 2007, 9:00 a.m. – until completion

PLACE: LYNX Central Station, 455 North Garland Avenue, Orlando, Florida 32801, (407)841-2279, Conference Call Number 1(888)808-6959, Conference Code 524736

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review proposed data elements for future funding allocations.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency For Health Care Administration**, Medicaid Reform Technical Advisory Panel announces the following meetings to which all interested persons are invited.

DATE AND TIME: January 11, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: Telephone Conference Dial-In Number 1(877)328-7346, Conference ID# 4143399

DATE AND TIME: February 1, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee FL 32308, Dial-In Number 1(877)328-7346, Conference ID# 4143836

NOTE: This face to face meeting may be changed to a telephone conference call. Participants registered with the agency will receive an e-mail if this change occurs. To register on the TAP interested parties list, please email Susan Dilmore at dilmores@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, Agency for Workforce Innovation**, Office of Early Learning announces a workshop to which all persons are invited.

DATE AND TIME: Friday, January 12, 2007, 1:30 p.m. – 3:30 p.m.

PLACE: The Agency for Workforce Innovation, Room B-049, Caldwell Building, 107 East Madison Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: School Readiness Health and Safety Standards Rules.

A draft of the Proposed Rules will be available online by January 5, 2007 at: <http://www.floridajobs.org/earlylearning/OELrule.html>.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Veronica Moss at (850)245-7150. If you are 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 Management Services, Agency for Workforce Innovation**, Office of Early Learning announces a workshop to which all persons are invited.

DATE AND TIME: Friday, January 12, 2007, 4:00 p.m. – 6:00 p.m.

PLACE: The Agency for Workforce Innovation, Room B-049, Caldwell Building, 107 East Madison Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Voluntary Prekindergarten Improvement Process Rules.

A draft of the Proposed Rules will be available online by January 5, 2007 at: <http://www.floridajobs.org/earlylearning/OELrule.html>

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Veronica Moss at (850)245-7150. If you are 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 Management Services, Agency for Workforce Innovation**, Office of Early Learning announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, January 18, 2007, 4:00 p.m. – 6:00 p.m.

PLACE: The Orange County One Stop Career Center, Conference Room, 5166 East Colonial Drive, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Voluntary Prekindergarten Improvement Process Rules.

A draft of the Proposed Rules will be available online by January 5, 2007 at: <http://www.floridajobs.org/earlylearning/OELrule.html>

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Veronica Moss at (850)245-7150. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation**, Pilotage Rate Review Board announces a petition for a change in the rates of pilotage charged by the licensed state pilots and certified deputy pilots at Palm Beach Pilots Association has been filed with the Pilotage Rate Review Board, pursuant to Section 310.151, Florida Statutes, and Chapter 61E13, Florida Administrative Code.

The last rate change (increase) granted the Port of Palm Beach was July of 1998. The board intends to consider the following requested rate change (increase) for the Port of Palm Beach:

Effective after the hearing:

Draft charge increased from \$12.50 per foot to \$14.75 per foot with 10 foot minimum. Barges 1 1/2 times at \$12.50 to 1 1/2 times at \$14.75.

Tonnage charges \$0.03 per GRT, 2000 minimum to \$0.033 per GRT, 2000 minimum.

Docking/Undocking charge increased from \$120.00 over 10,000 GRT to \$150.00 over 10,000 GRT.

Shifting changed from <10,000 GRT – \$125.00 to <10,000 GRT - \$150.00 and >10,000 GRT – \$200.00 to >10,000 GRT - \$250.00.

Cancel Pilot charge increased from \$100.00 to \$125.00.

Man on/off, papers, lines charge increased from \$200.00 to \$300.00.

Anchoring charge increased from \$500.00 to \$600.00.

A public hearing pursuant to Chapter 61E13, Florida Administrative Code will be held as follows:

DATE AND TIME: January 29, 2007, 12:00 Noon

PLACE: Palm Beach Harbor Pilots' Association, 200 East 13th Street, Suite B, Riveria Beach, FL 33404

GENERAL SUBJECT MATTER TO BE CONSIDERED: Site visit to the Port of Palm Beach pursuant to subsection 61E13-2.007(5), Florida Administrative Code. No board business will be transacted.

DATE AND TIME: January 30, 2007, 9:00 a.m.

PLACE: Marriott Palm Beach Gardens, 4000 RCA Boulevard, Palm Beach Gardens, FL 33410

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rate Hearing for Port of Palm Beach.

All interested parties may file an answer, an additional or alternative application, or any other applicable pleading or response, including all documentation in support thereof within thirty (30) days of this publication.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Pilotage Rate Review Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0773.

Any person deciding to appeal any decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceedings is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, Pilotage Rate Review Board, (850)922-6096, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department of Business and Professional Regulation announces a public meeting of the Florida **Barbers' Board** to which all persons are invited to attend.

DATE AND TIME: Sunday, February 4, 2007, 10:00 a.m. or soon there after

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

DATE AND TIME: Monday, February 5, 2007, 9:00 a.m. or soon there after

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809

A copy of the agenda may be obtained by writing to: Florida Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department of Business and Professional Regulation announces a public meeting of the Florida **Board of Cosmetology** to which all persons are invited to attend.

DATE AND TIME: Saturday, January 20, 2007, 10:00 a.m. or soon there after

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

DATE AND TIME: Sunday, January 21, 2007, 10:00 a.m. or soon there after

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

PLACE: Historic Harbor Front Hampton Inn & Suites, 19 South Second Street, Fernandina Beach, Florida 32034

A copy of the agenda may be obtained by writing to: Florida Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Professional Engineers** announces a public meeting of the Rules Committee to which all persons are invited.

DATE AND TIME: Tuesday, January 16, 2007, 1:00 p.m.

PLACE: Ramada Inn, 2900 N. Monroe St., Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited.

DATE AND TIME: Wednesday, January 17, 2007, 8:30 a.m.

PLACE: Ramada Inn, 2900 N. Monroe St., Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a public telephone conference call to which all persons are invited.

DATE AND TIME: Friday, January 26, 2007, 10:00 a.m.

PLACE: Conference Call Number: 1(866)895-8146, Passcode 5210500. Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Monday, January 8, 2007, 9:30 a.m., or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida. The teleconference Meet-Me Number is available by calling the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.) and requesting the number for this meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Tuesday, January 9, 2007, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Janet Garrett at 1(888)862-7010.

Additional information may be obtained by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: January 4, 2007, 9:30 a.m.

PLACE: Gainesville Regional Utilities, 1st Floor, Conference Room, 301 S.E. 4th Avenue, Gainesville, Florida 32601

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Orange Creek Basin (OCB) TMDL Working Group was formed to provide a forum for stakeholders to discuss issues

related to the OCB TMDLs, including development, allocation, and implementation of the TMDLs. Topics for this meeting include discussions about the timing of commission briefings and public meetings on the BMAP, the future tracking of the implementation of the BMAP, and identifying strategies that will address the implementation of the Alachua Sink TMDL.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Mary Paulic at (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, January 11, 2007, 1:00 p.m. (ET)

PLACE: Department of Environmental Protection, South District Office, Meeting Room #165 C & D, 2295 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion regarding preparation of Florida's 2007 Statewide Comprehensive Outdoor Recreation Plan (SCORP).

A copy of the agenda may be obtained by contacting: Ms. Patricia Evans, Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, Mail Station #525, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399, (850)245-3068 or email patricia.evans@dep.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Patricia Evans at (850)245-3068. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection, Division of Water Resource Management**, announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, January 17, 2007, 9:00 a.m. (ET)

PLACE: Department of Environmental Protection, Room 609, Twin Towers Building, 2600 Blair Stone Road, Tallahassee
 DATE AND TIME: Monday, January 22, 2007, 10:00 a.m. (CT)

PLACE: Gulf Coast Community College, Gibson Lecture Hall – Student Union East, 5230 W. Hwy. 98, Panama City

DATE AND TIME: Tuesday, January 23, 2007, 9:00 a.m. (CT)

PLACE: Pensacola Junior College, Hagler Auditorium, Lecture Hall, Bldg. 2, Room 252, 1000 College Blvd., Pensacola

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on revised draft rule amendments to Chapters 62-4, 62-341, F.A.C., and revised draft new Chapter 62-346, including Applicant's Handbook Volumes I and II, F.A.C., regarding Environmental Resource Permitting (ERP) in the geographical extent of the Northwest Florida Water Management District. These proposed rules have been revised based, in part, on comments received as a result of the workshops conducted on October 16, 19, and 20, 2006. (The file tracking numbers are: OGC 06-1119, 06-1124, 06-1126, 06-1381, and 06-1380.)

Drafts including the revisions are expected to be available by January 8, 2007, on the Department's Internet site http://www.dep.state.fl.us/water/wetlands/erp/rules/draft_nw.htm.

A copy of the agenda may be obtained by contacting: Beth Saska, Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, (850)245-8486, e-mail: beth.saska@dep.state.fl.us or facsimile (850)245-8499.

Pursuant to the provisions of 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 Beth Saska, (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Bureau of Beaches and Coastal Systems** announces a public meeting to which all persons are invited.

DATE AND TIME: January 16, 2007, 8:00 a.m. – 5:00 p.m.

PLACE: Bureau of Beaches and Coastal Systems, Bureau Training Room, Room #307, 5050 West Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review statutes, laws and rules associated with innovative technologies; discuss information necessary for ranking projects and hold preliminary discussions on the two innovative funding requests submitted on November 17, 2006.

A copy of the agenda may be obtained by contacting: Klay Stivers, Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399, (850)922-7866 or e-mail: klayton.stivers@dep.state.fl.us

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

DEPARTMENT OF HEALTH

The **Department of Health**, Dietetics and Nutrition Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 12, 2007, 9:30 a.m. or soon thereafter

PLACE: 1(888)808-6959, after dialing the meet me number, enter conference code 1022351047 followed by the # sign in order to join the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255 or by calling the council office at (850)245-4373 ext. 3467.

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.

Pursuant to the provisions of 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 3467. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Thursday, January 18, 2007, 9:30 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida. Meet Me Number: 1(888)808-6959, when prompted enter conference code: 9849329103.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Dentistry**, will hold a Probable Cause Panel meeting where reconsiderations will be heard and all interested parties are invited to attend.

DATE AND TIME: January 12, 2007, 9:00 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Board of Massage Therapy** announces a meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, January 16, 2007, 6:00 p.m. or soon thereafter

PLACE: Belleview Biltmore, 25 Belleview Blvd., Clearwater, FL 33756, (727)442-6171

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 PUBLIC portion of the agenda may be obtained by writing to: Samantha DiConcilio, Department of Health, Prosecution Services, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at: 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The Florida **Board of Massage Therapy** will hold the following meeting to which all persons are invited.

DATES AND TIMES: Wednesday, January 17, 2007, 9:00 a.m., or shortly thereafter; Thursday, January 18, 2007, 9:00 a.m. or shortly thereafter

PLACE: Belleview Biltmore, 25 Belleview Blvd., Clearwater, FL 33756, (727)442-6171

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, January 3, 2007, 12:00 Noon

PLACE: Meet me Number: Contact Florida Board of Medicine at (850)245-4131 for the meet me number.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing to: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Expert Witness Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, January 3, 2007, immediately following the Board of Medicine Conference Call

PLACE: Meet me Number: Contact Florida Board of Medicine at (850)245-4131 for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing to: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (North), announces a telephone conference call to be held via meet me number.

DATE AND TIME: January 5, 2007, 3:00 p.m.

PLACE: Meet me Number: Contact Florida Board of Medicine at (850)245-4131 for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing to: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Board of Orthotists and Prosthetists**, Task Force Committee will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Wednesday, January 10, 2007, 1:00 p.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee at Meet Me Number 1(888)808-6959, when prompted, enter the conference code, 9849329103.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General discussion of education programs for orthotic fitter licensure.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Orthotists & Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/OrthPros/index.html

The **Board of Pharmacy**, Professional Practice Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 16, 2007, 10:00 a.m.

PLACE: Best Western – The Westshore Hotel, 1200 N. Westshore Boulevard, Tampa, FL 33607, (813)282-3636

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from previous meeting, review Rule 64B16-27.700, F.A.C., Standards of Practice for Compounding Sterile Preparations, Rule 64B16-27.700, F.A.C., Office Use Compounding, Rule 64B16-28.141, F.A.C., Automated Pharmacy System in Community Pharmacy, and Rule 64B16-28.450, F.A.C., Centralized Prescription Filling.

The agenda will be available at www.doh.state.fl.us/mqa, two weeks prior to the meeting.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the Board of Pharmacy, (850)245-4292.

The **Department of Health, Board of Physical Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 9, 2007, 11:30 a.m. or soon thereafter

PLACE: Meet Me Number: 1(888)808-6959, after dialing the meet me number, enter conference code 1022351047# in order to join the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Education Committee Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, or by calling the board office at (850)245-4373 ext 3467.

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.

Pursuant to the provisions of 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)245-4373, ext. 3467. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Health, Board of Psychology** announces a meeting of the board to which all interested persons are invited.

DATE AND TIME: January 8, 2007, 10:00 a.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33606, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Special Committee Meeting to discuss HB 775-An Act Relating to Psychology Specialties, Section 49030149, F.S.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, or by calling the board office at (850)245-4373, ext. 3467.

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.

Pursuant to the provisions of 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: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, or by calling the board office at (850)245-4373, ext. 3467. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Health, Board of Respiratory Care** announces a public meeting to which all persons are invited.

DATE AND TIME: January 12, 2007, 8:30 a.m. or soon thereafter

PLACE: The Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, or by calling the board office at (850)245-4373, ext 3467.

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.

Pursuant to the provisions of 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).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of conference call meetings of its Barriers and Support Services, Data Collections, and Executive Committees, to which all persons are invited.

COMMITTEE: Barriers and Support Services

DATE AND TIME: 1st Tuesday, January 2, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code 9229760

COMMITTEE: Data Collection

DATE AND TIME: 1st Thursday, January 4, 2007, 3:00 p.m. – 4:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code 9229760

COMMITTEE: Planning/Executive

DATE AND TIME: 1st Monday, January 2, 2007, 11:00 – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Conference Code 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Strategic Plan to reduce the number of persons who may be facing homelessness in Florida.

A copy of the agenda for the conference calls may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of this meeting.

The Florida **Department of Children and Family Services** announces the following District Eight, Community-Based Care Alliance meetings to which all interested persons are invited.

Charlotte County Community Alliance

DATE AND TIME: January 24, 2007, 12:00 Noon

PLACE: Charlotte County Justice Center, Second Floor, Court Administration Conference Room, 350 East Marion Avenue, Punta Gorda, Florida

Collier County Community Alliance

DATE AND TIME: January 10, 2007, 12:00 Noon

PLACE: Collier County Government Complex, Building L, 3301 Tamiami Trail, East, Naples, Florida

Persons needing additional information should contact Mary Lynn Smith, (239)338-1490.

FLORIDA HEALTH REINSURANCE PROGRAM

The **Florida Health Reinsurance Program** announces a series of telephonic meetings to which all interested persons are invited.

DATES AND TIME: January 5, 12, 19, 24, 2007, 1:30 p.m. – 3:00 p.m.

PLACE: Telephonic

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finalize legislative recommendations addressing health insurance issues to the Florida Office of Insurance Regulation. A copy of the agenda may be obtained by faxing a request to (850)422-3737.

AREA AGENCY ON AGING OF PASCO-PINELLAS, INC.

The **Area Agency on Aging of Pasco-Pinellas, Inc.** (AAAPP) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 8, 2007, 9:30 a.m. (Please call to confirm date, time and location)

PLACE: Area Agency on Aging of Pasco-Pinellas, Inc., 9887 4th Street, North, Suite 100, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Area Agency on Aging of Pasco-Pinellas, Inc. Board Meetings.

Please note that if a person decides to appeal any decision made by AAAPP Board with respect to any matter considered at the above cited meeting or hearing, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

JUSTICE ADMINISTRATIVE COMMISSION

The **Justice Administrative Commission** (JAC) announces a meeting to which all interested persons are invited.

DATE AND TIME: January 8, 2007, 10:00 a.m. (EST)

PLACE: JAC Conference Room, 227 N. Bronough Street, Suite 2100, Tallahassee, Florida, 32301

For inquiries, contact Jessica Kranert at 1(866)355-7902.

An audio recording of this meeting will be made.

In conjunction with the Americans with Disabilities Act, please contact Human Resources at 1(866)355-7902, if special accommodations are needed. If you are hearing or speech impaired please contact the JAC using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

POLK COMMUNITY COLLEGE

The **Criminal Justice Training Standards and Training Commission**, Region VIII, Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 17, 2007, 2:00 p.m.

PLACE: Polk Community College, Kenneth C. Thompson Institute of Public Safety, 999 Avenue H, N. E., Winter Haven, Florida 33881

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Approve Minutes from July 2006 Meeting
2. Old Business
3. New Business
 - a. Region VIII Course Offerings
 - b. Region VIII Budget (2006-2007 Reports)
 - c. CJSTC Rules
4. Training Issues
5. Other issues
6. Adjournment

A copy of the agenda may be obtained by writing: Captain Craig C. Smith, Director, Polk Community College, Kenneth C. Thompson Institute of Public Safety, 999 Ave. H, N. E., Winter Haven, FL 33881.

AGENCY FOR PERSONS WITH DISABILITIES

The **Family Care Council** announces meetings to which all interested persons are invited.

Officer’s Meeting

DATE AND TIME: December 28, 2006, 11:00 a.m.

PLACE: 4720 Old Highway 37, Lakeland, Florida
General Meeting

DATE AND TIME: January 9, 2007, 10:00 a.m.

PLACE: Faith Lutheran Church, 211 Easton Drive, Lakeland, Florida

Other Officer’s Meeting

DATE AND TIME: January 25, 2007, 11:00 a.m.

PLACE: 4720 Old Highway 37, Lakeland, Florida

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**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

INVITATION TO BID

Made by the University of North Florida, Board of Trustees, a public body corporate.

PROJECT: UNF Chiller and Cooling Tower Addition
ITB No. 07-11

FOR: University of North Florida
4567 St. Johns Bluff Road South
Jacksonville, Florida 32224

PROJECT SCOPE: The scope of work includes an owner-furnished, contractor-installed 1000-ton chiller and cooling tower. The contractor shall also furnish and install the associated pumps, piping and controls. The contract includes the installation of a new 4,000 amp outdoor rated switchboard, coordination with JEA to install the primary and secondary conduits and pad for a new JEA transformer and modifications to the existing plant electrical distribution system.

QUALIFICATIONS: All bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2.

SEALED BIDS ARE TO INCLUDE BID NUMBER, DATE AND TIME OF BID OPENING, COMPANY NAME AND ADDRESS. SEALED BIDS WILL BE RECEIVED:

DATE AND TIME: January 22, 2007, until 2:00 p.m. (Local Time)

PLACE: University of North Florida, Purchasing Department, Building 6, Room 1301, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual which may be obtained and examined at:

Florida Blueprint Services
542 South Edgewood Avenue
Jacksonville, Florida 32205
Telephone: 904-388-7686

The documents are also available for view online via the Purchasing Web Site: <http://www.unf.edu/dept/purchasing/activebids.html>

MINORITY PROGRAM: UNF is committed to encouraging and promoting the utilization of minority business enterprises in our local market area. It is the policy of UNF to provide minority business enterprises with identical information and an equitable opportunity to compete for business from UNF.

PRE-SOLICITATION/PRE-BID MEETING: Bidders are required to attend the pre-solicitation/pre-bid meeting. Minority business enterprise firms are invited to attend to

become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: January 5, 2007, 11:00 a.m. (Local Time)
PLACE: University of North Florida, Building 6, Room #1225, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224

BIDDING DOCUMENTS: Full sets may be purchased from Florida Blueprinting Services, Inc., telephone (904)388-7686, for the printing and handling cost. **NO REFUND WILL BE MADE FOR THESE DOCUMENTS.**

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor 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.

NOTICE TO PROFESSIONAL CONSULTANTS

FOR

Request for Qualifications (RFQ)
Professional Services

For

Annual Contract for Industrial Hygiene and Environmental Consulting Services

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Industrial Hygiene and Environmental Consulting Services DCSB Project No. M-80010 for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$1,000,000 (construction) and \$50,000 (study fees) respectively, provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

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: Bruce Ackerman
PHONE NO.: (904)390-2279

RESPONSE DUE DATE: RFQ's ARE DUE ON OR BEFORE JANUARY 16, 2007 AND WILL BE ACCEPTED UNTIL 4:30 p.m.

**MBE GOALS: PARTICIPATION PLAN – 5%
OVERALL**

Information on the selection process can be found at www.educationcentral.org/facilities under Selection Booklets.

The Board of Directors of the Foundation for Florida's Community Colleges is seeking proposals from qualified firms to provide the Board with professional investment and asset management services with respect to the investment of the Foundation's assets.

The Investment and Asset Management company will manage assets of \$10,000,000 in the Foundations portfolio.

For a copy of the Board's adopted Investment Policy Statement and the RFP contact Judy Green at (850)245-9494 or Judy.Green@fldoe.org or visit our web site at www.fldoe.org/cc/foundation. Proposals must be submitted not later than 12:00 Noon, on January 15, 2007.

DEPARTMENT OF COMMUNITY AFFAIRS

INVITATION TO BID

As a Contractor, you are invited to submit a bid to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, hereinafter referred to as Owner, for the construction of building facilities at Waccasassa Forestry Center, located on State Road 222, N. E. 39th Avenue, Gainesville, Alachua County, Florida. The Project Budget is estimated to be: \$1.9 million.

The Department is seeking a Contractor for the construction of building facilities at the Waccasassa Forestry Center. The contractor shall provide all materials, labor, equipment and inspection fees necessary for the construction of building facilities in accordance with the terms and conditions of the Invitation to Bid.

PROJECT NAME AND LOCATION: Waccasassa Forestry Center, located on Highway 232, Gainesville, Alachua County, Florida.

SOLICITATION DOCUMENT: The entire solicitation document, which includes specifications, may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/DF-06/07-62, or by calling the Purchasing Office at (850)487-3727.

MANDATORY PRE-BID CONFERENCE/SITE VISIT: Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on January 10, 2007, at 10:30 a.m., at the Waccasassa Forestry Center Headquarters, 1600 N. E. 23rd Avenue, Gainesville, Florida 32609. During the pre-bid conference a site visit will be held for prospective bidders. It is

the bidders' responsibility to consider any and all site conditions or requirements for the project. Specifications will be available at the mandatory pre-bid conference/site visit.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: January 24, 2007, 2:00 p.m.

PLACE: Department of Agriculture and Consumer Services, 407 S. Calhoun Street, Room SB8, Mayo Building, Tallahassee, Florida 32399, (850)487-3727.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL TRANSPORTATION AUTHORITIES

INVITATION TO BID NO. 06-853

NEW RIVER BRIDGE BLOCKING CONTROL SYSTEM

The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, operates Tri-Rail, a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Invitation to Bid (ITB) is to enter into an Agreement with a qualified Contractor to provide all the necessary equipment, labor, and materials to successfully install and integrate the New River Bridge Blocking Control System. The Blocking Control System will allow dispatched signalization for trains over the New River Bridge. All potential Bidders must have the ability to interface and comply with all CSXT standards and equipment, Operating Rules, and safety regulations.

A REQUEST FOR DOCUMENTS should be directed to: Mr. Robert Becker, SFRTA, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7909. The cost of the solicitation document is Twenty-Five Dollars (\$25.00) non-refundable. Checks or money orders made payable to SFRTA should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about December 11, 2006.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 4:00 p.m., December 28, 2006, at the SFRTA office in Pompano Beach.

SFRTA reserves the right to postpone, accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Bids must remain in effect for One Hundred Eighty (180) days from the Bid opening date.

TERM: The period of performance shall be effective from the date of the Notice to Proceed for a period of Ninety (90) calendar days.

DBE PARTICIPATION: SFRTA solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination. SFRTA's DBE program goal is 10% of total contract expenditures.

CONE OF SILENCE: Any verbal or written communications between any Bidder (potential or actual), or its representatives and any SFRTA Board Member, staff member, committee member, or consultant regarding this procurement are strictly prohibited from the date of the ITB advertisement through the

date of execution of the contract. The only exceptions to this are: (1) written requests regarding information or clarification made to SFRTA's designated contract specialist during the allowable time period under the solicitation; (2) any communications at a publicly noticed meeting of SFRTA; and (3) any communications with the SFRTA Director of Procurement. Any violation of the requirements set forth in this section shall constitute grounds for immediate and permanent disqualification of the Bidder/violator from participation in this procurement.

WATER MANAGEMENT DISTRICTS

Notice of Bid/Request for Proposal REQUEST FOR BIDS 06/07-004 LM PRINTING OF RECREATIONAL GUIDE

The Suwannee River Water Management District (District) is requesting sealed bids for the printing of our recreational guide. This guide gives locations, descriptions, facilities available, and activities allowed on public District lands. The guide will consist of approximately 144 half-letter (8 1/2 in. x 5 1/2 in.) color pages.

For information regarding this project, contact the project leader Deborah Parker at (386)362-1001. Bid packages may be obtained by logging on to www.mysuwanneeriver.com.

All interested bidders must submit an original of the Bid Response Form included in Attachment A in a sealed envelope. Bids are due at District headquarters in Live Oak, Florida, by 3:00 p.m., January 19, 2007. Bids received after this time, for any reason, will be rejected.

DEPARTMENT OF MANAGEMENT SERVICES

Notice of Bid/Request for Proposal PUBLIC ANNOUNCEMENT FOR INDOOR AIR QUALITY REMEDIATION CONTRACTING SERVICES NORTH FLORIDA REGION

PROJECT NAME: Continuing Area Contracts for Indoor Air Environmental Remediation Contracting for building materials remediation, and HVAC Remediation Services.

PROJECT LOCATION: NORTH Florida Region (All counties in a line across the State North of Manatee, Hardee, Highlands, Okeechobee and St. Lucie).

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services (DMS), Division of Real Estate Development and Management, requests qualifications from Licensed Florida Mechanical HVAC Contractors for Indoor Environmental Remediation Contracting Services. Firms must be licensed as a Florida Mechanical HVAC Contracting Firm and have a minimum of six (6) years specific experience in the Indoor Environmental Remediation Contracting Field.

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Real Estate Development and Management.” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

Notice of Bid/Request for Proposal
**PUBLIC ANNOUNCEMENT FOR INDOOR AIR QUALITY
 REMEDIATION CONTRACTING SERVICES SOUTH
 FLORIDA REGION**

PROJECT NAME: Continuing Area Contracts for Indoor Air Environmental Remediation Contracting for building materials remediation, and HVAC Remediation Services.

PROJECT LOCATION: SOUTH Florida Region (All counties in a line across the State South of Pinellas, Hillsborough, Polk, Osceola and Indian River).

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services (DMS), Division of Real Estate Development and Management, requests qualifications from Licensed Florida Mechanical HVAC Contractors for Indoor Environmental Remediation Contracting Services. Firms must be licensed as a Florida Mechanical HVAC Contracting Firm and have a minimum of six (6) years specific experience in the Indoor Environmental Remediation Contracting Field.

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Real Estate Development and Management.” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

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 Bid/Request for Proposal
NOTICE OF INVITATION TO BID
 BID NO. BDC43-06/07

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Charlotte Harbor Preserve State Park-Ranger Residence

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to provide and install a three bedroom, two bathroom, with great room-living room, approximately 28' X 60', DCA approved modular home with a wind velocity rating of 120 mph or greater, provide a engineered permanent foundation and anchoring, and Charlotte County permitting and utility connections.

PARK LOCATION: Charlotte Harbor Preserve State Park, 12301 Burnt Store Rd., Punta Gorda, FL 33955

PROJECT MANAGER: Suzannah Ray, Bureau of Design and Construction, (850)488-5372, Fax: (850)488-1141.

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 price including alternates exceeds \$200,000.00, each bidder whose bid is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

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. Plans and specifications will be available on December 22, 2006 at: Charlotte Harbor Preserve State Park, 12301 Burnt Store Rd., Punta Gorda, FL 33955 Attention: John Aspiolea, (941)575-5861.

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 Mike Renard with the Bureau of Design and Construction, (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m., Wednesday, January 17, 2007, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309. The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Construction.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF BID CANCELLATION – Notice is hereby given that the State of Florida, Department of Children and Family Services, withdraws the Invitation to Bid and cancels the bid for the following project:

PROJECT NUMBER: DCF-05225311

PROJECT NAME: Install Fire Sprinklers, Bldg. 1265, Florida State Hospital (Chattahoochee).

BID DATE AND TIME: January 9, 2007, until 1:30 p.m. (Eastern Standard Time)
ENGINEER: Systech Group, Inc., 11260 Roger Bacon Drive, Suite 501, Reston, VA 20190-5203.

EARLY LEARNING COALITION OF OSCEOLA COUNTY

Public Notice – Invitation for ITN - Notice is hereby given that the Early Learning Coalition of Osceola County will receive sealed ITN’s up to 3:00 p.m., on Monday, March 30, 2007 for the delivery of School Readiness and Voluntary Pre-Kindergarten Services. The purpose of the ITN is to provide comprehensive School Readiness and Voluntary Pre-Kindergarten services in Osceola County designed to enhance the cognitive, social, and physical development of children and preparing them to be school ready.

A Letter of Intent to submit an Application is due Friday, January 5, 2007, by 5:00 p.m. (Eastern Standard Time)

A Mandatory Applicant’s Conference will be held on:

DATE AND TIME: Friday, January 26, 2007, 1:00 p.m.

PLACE: Tompkins Conference Room, 1637 E. Vine Street, Kissimmee, Florida 34744.

ITN specifications may be requested by emailing the Coalition at osceolaquality@earthlink.net or may be downloaded from the Coalition’s website at www.elcosceola.org. The Letter of Intent and sealed proposal should be submitted via mail services or hand delivery ONLY to:

Early Learning Coalition of Osceola County
 ATTN: Procurement Committee
 1631 E. Vine Street, Ste. E
 Kissimmee, Florida 34744

PORT ST. JOE PORT AUTHORITY

REQUEST FOR QUALIFICATIONS

The Port St. Joe Port Authority (PA) invites the submittal of statements of qualifications from engineering firms or teams interested in providing professional consulting services. This solicitation is issued pursuant to the Consultants Competitive Negotiations Act, Section 287.055, F.S. Submittals should be in compliance with that act and other related general laws.

As a result of a recent acquisition, the PA now owns approximately 68 acres near the mouth of the Gulf County Canal (ICWW) at St. Joseph Bay and with a water frontage of approximately 1400 feet. The PA has recently completed and transmitted the Port St. Joe Port Master Plan 2006 (the Plan) which provides the framework for the development of the properties into a functioning port. A copy of the Plan in CD format may be obtained by making request to the Port staff office at phone number (850)229-5240.

EXPERTISE AND EXPERIENCE: The firm/team selected through this process will be engaged to provide general engineering services to the PA. Those services are anticipated to cover the broad range of disciplines needed to develop a greenfield port site, including but not limited to: marine, civil, and environmental engineering; facility design and planning, including buildings, warehouses, etc. and both deep and shallow draft marine facilities; specifications and bid document preparation; construction management and oversight; and such other services as might be required. The information submitted in response to this RFQ shall demonstrate the respondents’ expertise and experience in these areas.

BULKHEAD PROJECT: The initial task for the firm chosen through this selection process will be the design of improvements identified in the Plan as Phase I (Figure 4-1, attached). Its most significant feature is bulkheading along the waterfront but also includes an access road, cargo apron, grading and drainage, security measures, and related improvements. A contract will be negotiated with the selected firm for the design of these improvements with the deliverable being plans, specifications, and other related documents that are “bid ready” – complete and available for distribution in a bid solicitation to construction contractors. A second phase of this project is anticipated to include assistance in evaluation of the bids, contract negotiation with the successful bidder, and construction management and oversight of the work as the owner’s representative on behalf of the P.A.

QUALIFICATIONS OF KEY PERSONNEL: Responses to this RFQ should identify the project manager/point of contact as well as other key personnel who are anticipated to be assigned to tasks and projects for the Port of Port St. Joe. Information must be included to show their qualifications and experience on projects of similar scope and magnitude.

REFERENCES: Responses to this RFQ should include references from at least five clients for whom the firm has performed work similar in nature. Provide client name, project title and description, cost, date of assignment, and telephone number of contact person.

SUBMITTAL REQUIREMENTS: Nine bound copies of the response to this RFP should be submitted to the following address by 5:00 p.m., January 19, 2007. Faxed or e-mail submittals will not be accepted.

| | |
|----------------------------------|-----------------------------------|
| If by commercial carrier: | If by U.S. Postal Service: |
| Port St. Joe Port Authority | Port St. Joe Port Authority |
| c/o Mr. Tommy Pitts | c/o Mr. Tommy Pitts |
| Port Director | Port Director |
| 521 Premier Drive | P. O. Box 745 |
| Port St. Joe, FL 32456 | Port St. Joe, FL 32457 |
| Phone (850-229-5240 | |

Submittals should include the following sections, for a total of no more than twenty five pages, exclusive of resumes and corporate brochures.

- Cover letter
- Statement of the firm's/team's understanding of the needs of the PA in regards to engineering services and how they are prepared and equipped to meet those needs, including specifically addressing the Bulkhead Project identified above as the first task
- Overview of corporate/team qualifications and experience
- Key management and technical staff including a chart showing hourly rates for the relevant professional and support personnel categories and other corporate cost factors
- Experience
- References
- Resumes of key personnel
- Company brochures

SELECTION PROCESS: No more than three firms will be selected to participate in personal interviews with the PA, based on the information contained in the responses to this RFQ. Interviews with the selected firms will be held in Port St. Joe. For those firms selected for an interview, key team members, including a representative authorized to make commitments for the firm should be present.

The PA reserves the sole right to evaluate the submitted responses to this RFQ, waive any irregularity therein, reconfigure proposed teams, insert added team members, select consultant, and/or reject any and all submittals for any reason, should such be deemed in the best interest of the PA. Any questions regarding this RFQ may be directed to Mr. Tommy Pitts, Port Director, (850)229-5240, e-mail tpitts@gtcom.net.

Section XII Miscellaneous

DEPARTMENT OF EDUCATION

PUBLIC ANNOUNCEMENT OF A/E SELECTION RESULTS

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NUMBER: RFQ-06-03

PROJECT NAME: Engineering Project Management for Bulkhead Replacement

1. Bergmann Associates
2. Applied Technology and Management, Inc.
3. DMC Dredging & Marine Consultants

DEPARTMENT OF COMMUNITY AFFAIRS

COMPETITIVE GRANT PROGRAM

The Division of Emergency Management gives notice of its intent to open the Fiscal Year 2007-2008 application cycle for competitive awards from the Emergency Management

Preparedness, and Assistance (EMPA) Trust Fund. The application cycle officially opens December 22, 2006 with an application submission deadline of February 22, 2007. Contingent on a Legislative appropriation, funds provided under the Fiscal Year 2007-2008 cycle will be available to award recipients no earlier than July 1, 2007.

Due to the uncertainty of the Fiscal Year 2007-2008 Legislative Appropriations, the amount of funds available for this program cannot be determined at this time. As soon as the appropriation is approved, notification of these funds will be posted on our website at www.floridadisaster.org/cps/grants.htm

The Department encourages all interested and eligible parties with projects that will enhance emergency management capabilities within the State of Florida to apply for funds during this open period.

As provided for in Rule Chapter 9G-19, F.A.C., two programs offering competitive awards encompassing four separate categories are available as follows:

PROGRAMS

- 1) **EMERGENCY MANAGEMENT COMPETITIVE GRANT PROGRAM – (General)**
Provides competitive grants to state or regional agencies, local governments, and private non-profit organizations to implement projects that will further state and local emergency management objectives. Eligible applicants may submit multiple applications; however, no single application shall seek or receive an award in excess of \$200,000. All eligible applicants, with the exception of counties shall be limited to no more than three (3) application submissions in an application cycle.
- 2) **MUNICIPAL COMPETITIVE GRANT PROGRAM –** provides competitive grants to municipalities that are legally constituted, have an authorized, established, and maintained emergency management program; have a signed current Statewide Mutual Aid Agreement (SMAA) and have supplied all required information and documentation such that the SMAA is ready to be signed by the Division of Emergency Management by the date of the application deadline. Each Municipal Emergency Management Program may apply for one competitive grant under this program, not to exceed \$50,000 in requested grant funds.

APPLICATION CATEGORIES:

Applications are accepted in the following four categories under both programs:

- 1) Projects that will promote public education on disaster preparedness and recovery issues.
- 2) Projects that will enhance coordination of relief efforts of statewide private sector organizations, including public-private business partnership efforts.

- 3) Projects that will improve the training and operations capabilities of agencies assigned lead or support responsibilities in the Florida Comprehensive Emergency Management Plan.
- 4) Other projects that will further state and local emergency management objectives designated as priorities in the applicable Notice of Funding Availability. NOTE: PRIORITY POINTS ARE AVAILABLE FOR APPLICATIONS SUBMITTED UNDER THIS CATEGORY ONLY.

Priority Area:

Projects that will promote solutions for removing barriers to emergency preparedness. These may include, but are not limited to, projects which address community preparedness, such as Community Emergency Response Teams (CERTs) and county/local Emergency Operations Centers/Emergency Management Incident Management Teams (IMTs); public information and education building on the theme of "Get a Plan"; special needs populations to include the low income, the frail, elderly and the disabled and language barriers, the care and sheltering of people with their pets, and/or transportation issues.

Applications addressing the above priority must be submitted under Project Category #4, - "Other projects that will further state and local emergency management objectives which have been designated by the State of Florida as priorities in the applicable Notice of Funding Availability."

All critical facility projects, at a minimum, whether mitigation, retrofit, renovations or new construction, must conform to the hurricane vulnerability guidelines established in the American Red Cross' publication "Standards for Hurricane Evacuation Shelter Selection" (ARC 4496, January 2002). To assist in the determination of a facility's compliance with these guidelines, an ARC 4496 Evaluation Questionnaire will be made available. If these standards cannot be met until the project is complete, the evaluation will need to reflect what measures will be used to reach a compliance status. THE EVALUATION QUESTIONNAIRE MUST BE COMPLETED AND SUBMITTED WITH THE APPLICATION. Critical facilities include, but are not limited to, hurricane shelters, Emergency Operations Centers, structures for fire stations, rescue operations or law enforcement facilities, hospitals and public works facilities, etc. Other more stringent codes and standards may apply to new construction or substantial renovation/retrofit projects.

Applicants who are eligible under Rural Economic Development Initiatives (REDI)-Rural Area of Critical Economic Concern may be entitled for a waiver or reduction of financial match requirements. Applicants will need to provide the most current memorandum from the Executive Office of The Governor, Office of Tourism Trade and Economic

Development that confirms their eligibility when submitting their application. This waiver will be considered by the Review Committee when determining match score.

In conjunction with this offering, in lieu of workshops, a tutorial PowerPoint presentation will be on our website, www.floridadisaster.org/cps/grants.htm. This tutorial will provide more detailed information about the State's priority issues, a review of the application format, a review of the Rule Chapter 9G-19, F.A.C., and other important information relevant to the programs.

TO DOWNLOAD THE RULE, APPLICATION PACKET AND ARC 4496 EVALUATION QUESTIONNAIRE, PLEASE VISIT OUR WEBSITE AT www.floridadisaster.org/cps/grants.htm.

DCA Final Order No.: DCA06-OR-302

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND

DEVELOPMENT REGULATIONS

ADOPTED BY ORDINANCE NO. 2006-18

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
- 2. On October 13, 2006, the Department received for review City of Marathon Ordinance No. 2006-18 that was adopted by the City of Marathon Board of City Commissioners on August 8, 2006 ("Ord. 2006-18"). Ord. 2006-18 amends the Residential Rate of Growth Ordinance ("ROGO") regulations set forth in Section 9.5-125 of the city code relating to the 30 ROGO allocations rendered to the City. In separate action, the Department previously approved the City's Comprehensive Plan Amendment 06-1 amending Policy 1-3.5.1 to establish 30 annual ROGO allocations, with up to 24 allocated for market rate units and a minimum of 6 allocated for affordable housing for the City starting with years 2005-2006.
- 3. Ord. 2006-18 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 2006-18 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2006-18 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (j) Make available affordable housing for all sectors of the population of the Florida Keys.
9. Ord. 2006-18 is not inconsistent with the remaining Principles. Ord. 2006-18 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2006-18 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Tracy D. Suber
 State Planning Administrator
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 13th day of December, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Christopher M. Bull, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
Acting City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

John Herin, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA06-OR-298
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In re: ISLAMORADA, VILLAGE OF ISLANDS,
A LAND DEVELOPMENT REGULATION
ADOPTED BY ORDINANCE NO. 06-20

IMMEDIATE FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues this Immediate Final Order, pursuant to §120.569(2)(n), §380.05(6), and §380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern and Islamorada, Village of Islands (“Village”) is a local government within the Florida Keys Area of Critical State Concern.
2. On November 17, 2006, the Department received for review Village Ordinance No. 06-20, adopted by the Village Council on November 6, 2006 (“Ord. 06-20”).
3. The purpose of Ord. 06-20 is to amend Ordinance Nos. 04-10, 05-19, and 06-04; extending the moratorium on the acceptance of development applications for the redevelopment of mobile home parks within the Village. Extending the moratorium will allow adequate time for Village Staff to continue the process of adopting new regulations that will provide guidelines for the redevelopment and development of mobile home parks. Ord. 06-20 is a temporary measure; Section 2 provides that Ord. 06-20 shall automatically dissolve on December 12, 2007 unless otherwise extended in accordance with applicable law, or upon the effective date of new comprehensive plan policies and land development regulations concerning affordable housing, the formulation of which shall be expeditiously pursued.
4. As a result of the work performed by the Village’s planning staff, the Village’s Workforce/Affordable Housing Citizens’ Advisory Committee, the Village’s Local Planning Agency and the Village Council in the creation of new regulations to address the redevelopment of Mobile Home Parks; the expiration of the Moratorium prior to the adoption of new regulations may affect the public health, safety and welfare of the Village by

impacting the existing inventory of workforce and affordable housing stock and its availability for those who live in the Village. Based upon the information contained in Ord. 06-20, the Department finds that there is an immediate danger to the public health, safety and welfare that requires the issuance of an Immediate Final Order.

5. Ord. 06-20 is consistent with the Village's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §380.05(6), and §380.0552(9), Fla. Stat. (2006).
7. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
8. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. §380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 06-20 are land development regulations.
9. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in §380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
10. Ord. 06-20 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys.
11. Ord. 06-20 is not inconsistent with the remaining Principles. Ord. 06-20 is consistent with the Principles for Guiding Development as a whole.
12. Since there is an immediate danger to the public health, safety and welfare, the approval of Ord. 06-20 shall be effective immediately. §120.569(2)(n), Fla. Stat. (2006).

WHEREFORE, IT IS ORDERED that:

- A. Islamorada, Village of Islands Ordinance 06-20 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED; and
- B. This Order and Village Ordinance 06-20 shall become effective immediately upon filing with the Agency Clerk.

DONE AND ORDERED in Tallahassee, Florida.

THADDEUS L. COHEN, Secretary
 Department of Community Affairs
 NOTICE OF RIGHTS

I. Challenges to the Immediate Effective Date:

ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS IMMEDIATE FINAL ORDER AND WHO DISPUTES THE FINDING THAT THERE IS AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE THAT REQUIRES AN IMMEDIATE FINAL ORDER MAY APPEAL THIS IMMEDIATE FINAL ORDER ON THAT BASIS OR SEEK AN INJUNCTION TO SET ASIDE THE IMMEDIATE NATURE OF THIS ORDER PURSUANT TO SECTIONS 120.569(2)(n) AND 120.68(1), FLORIDA STATUTES.

- A. TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.
- B. TO SEEK AN INJUNCTION, A COMPLAINT MUST BE FILED WITH THE APPROPRIATE CIRCUIT COURT PURSUANT TO THE FLORIDA RULES OF CIVIL PROCEDURE. THE COMPLAINT MUST BE ACCOMPANIED WITH THE FILING FEE REQUIRED BY THE CLERK OF THE CIRCUIT COURT.

II. Challenges to All Other Issues:

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

- A. IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569

AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

- B. IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.
- C. IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.
- D. THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN

THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

- E. A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Immediate Final Order has been filed with the undersigned Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 13th day of December, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Chris Sante, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
Nancy Stroud, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
3107 Stirling Drive, Suite 300
Fort Lauderdale, FL 33312-8500

DCA Final Order No.: DCA06-OR-303

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND

DEVELOPMENT REGULATIONS

ADOPTED BY ORDINANCE NO. 2006-22

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On October 13, 2006, the Department received for review City of Marathon Ordinance No. 2006-22 that was adopted by the City of Marathon Board of City Commissioners on September 12, 2006 ("Ord. 2006-22"). Ord. 2006-22 amends Section 9.5-281(a) of the City of Marathon Code in order to permit, in certain zoning districts, detached single family residences on lots smaller than 4,500 square feet, and allows for reduced side yard setbacks to aid in the placement of a structure.
3. Ord. 2006-22 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 2006-18 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla.

3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2006-22 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (j) Make available affordable housing for all sectors of the population of the Florida Keys.
9. Ord. 2006-22 is not inconsistent with the remaining Principles. Ord. 2006-22 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2006-22 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Tracy D. Suber
 State Planning Administrator
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 13th day of December, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Christopher M. Bull, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
Acting City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

John Herin, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA06-OR-304

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND

DEVELOPMENT REGULATIONS

ADOPTED BY ORDINANCE NO. 2006-26

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On October 13, 2006, the Department received for review City of Marathon Ordinance No. 2006-26 that was adopted by the City of Marathon Board of City Commissioners on September 12, 2006 (“Ord. 2006-26”). Ord. 2006-26 creates a moratorium on the acceptance of residential Rate of Growth applications that seek development permits to develop properties containing high quality natural areas and adopting interim development regulations deferring ROGO allocations in high quality natural areas until land development regulations and comprehensive plan amendments are adopted by the City Council or one year, whichever comes first.
3. Ord. 2006-26 is consistent with the City’s 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 2006-18 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2006-26 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (b) Protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

9. Ord. 2006-26 is not inconsistent with the remaining Principles. Ord. 2006-26 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2006-26 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Tracy D. Suber
 State Planning Administrator
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 13th day of December, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Christopher M. Bull, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
Acting City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

John Herin, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

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 (2005), Auto Easy Finance, Inc., d/b/a Daelim Motor USA, intends to allow the establishment of Action Mopeds, Inc., d/b/a Action Wheel Sport, as a dealership for the sale of Daelim motorcycles at 5310 66th Street North, St. Petersburg (Pinellas County), Florida 33709.

The name and address of the dealer operator(s) and principal investor(s) of Action Mopeds, Inc., d/b/a Action Wheel Sport, are dealer operator(s): William A. Lynch, Daniel J. Lynch and Anne M. Lynch, 5310 66th Street, North, St. Petersburg, Florida 33709; principal investor(s): William A. Lynch, Daniel J. Lynch and Anne M. Lynch, 5310 66th Street, North, St. Petersburg, Florida 33709.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Maria Maury, Dealer Development Department, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, 12901 Southwest 122nd Avenue, Suite 105, Miami, Florida 33186.

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 (2005), Auto Easy Finance, Inc., d/b/a Daelim Motor USA, intends to allow the establishment of FlaCycle, Inc., as a dealership for the sale of Daelim motorcycles at 6022 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after December 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of FlaCycle, Inc. are dealer operator(s): Bruce Friedlander, 6022 South Tamiami Trail, Sarasota, Florida 34231; principal investor(s): Bruce Friedlander, 6022 South Tamiami Trail, Sarasota, Florida 34231.

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: Maria Maury, Dealer Development Department, Easy Finance, Inc., d/b/a Daelim Motor USA, 12901 Southwest 122nd Avenue, Suite 105, Miami, Florida 33186.

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 (2005), SunL Group, Inc., intends to allow the establishment of Eman Auto Sales as a dealership for the sale of China Qingqi (QING), Taizhou Chunal (CHUA), American Lifan (CHOL), Shanghai Meitian (MEIT), Shanghai JMSTAR (JMST) motorcycles at 1506 North Nova, Hollyhill (Volusia County), Florida 32117, on or after November 17, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Eman Auto Sales are dealer operator(s): Adam Eman, 1506 North Nova, Hollyhill, Florida 32117; principal investor(s): Adam Eman, 1506 North Nova, Hollyhill, Florida 32117.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Southeast Toyota Distributors, LLC, intends to allow the relocation of Expressway Toyota, Inc., d/b/a Expressway Toyota and d/b/a Expressway Scion, as a dealership for the sale of Toyota and Scion vehicles from its present location at 150 Northwest 79th Avenue, Miami, Florida 33126, to a proposed location at 9775 Northwest 12th Street, Miami (Dade County), Florida 33172, on or after March 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Expressway Toyota, Inc., d/b/a Expressway Toyota and d/b/a Expressway Scion, are dealer operator(s): Leonardo A. Perez, 150 Northwest 79th Avenue, Miami, Florida 33126; principal investor(s): Marc A. Kahn, 150 Northwest 79th Avenue, Miami, Florida 33126.

The notice indicates intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Janet Shope, Senior Market Representation Manager, Southeast Toyota Distributors, LLC, 100 Jim Moran Boulevard, Deerfield Beach, Florida 33442.

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 relocation 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 (2005), SunL Group, Inc., intends to allow the establishment of Extreme Hobbies and Sports, Inc., as a dealership for the sale of China Qingqi (QING), Taizhou Chunal (CHUA), American Lifan (CHOL), Shanghai Meitian (MEIT), and Shanghai

JMSTAR (JMST) motorcycles, at 2300 Sunset Point Road, Clearwater (Pinellas County), Florida 33755, on or after November 17, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Extreme Hobbies and Sports, Inc., are dealer operator(s): Chris Hopkins, 2300 Sunset Point Road, Clearwater, Florida 33755; principal investor(s): Chris Hopkins, 2300 Sunset Point Road, Clearwater, Florida 33755.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), SunL Group, Inc., intends to allow the establishment of Extreme Hobbies and Sports, Inc., as a dealership for the sale of China Qingqi (QING), Taizhou Chunal (CHUA), American Lifan (CHOL), Shanghai Meitian (MEIT), Shanghai JMSTAR (JMST) motorcycles, at 3229 Highway 98 South, Lakeland (Polk County), Florida 33803, on or after November 17, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Extreme Hobbies and Sports, Inc., are dealer operator(s): Chris Hopkins, 3229 Highway 98, South, Lakeland, Florida 33803; principal investor(s): Chris Hopkins, 3229 Highway 98, South, Lakeland, Florida 33803.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Kawasaki Motors Corp., U.S.A., intends to allow the relocation of S & T Motors, Inc., d/b/a Citrus Cycle, as a dealership for the sale of Kawasaki motorcycles from its present location at 2277 Highway 41, North, Inverness, Florida 34453, to a proposed location at 1581 West Gulf to Lake Highway, Lecanto (Citrus County), Florida 34461, on or after March 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of S & T Motors, Inc., d/b/a Citrus Cycle, are: dealer operator(s): Susan and Tim Bandon, 4974 Celosia Terrace, Beverly Hills, Florida 34465; principal investor(s): Susan and Tim Bandon, 4974 Celosia Terrace, Beverly Hills, Florida 34465.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Capps, Regional Sales Director, South Region, Kawasaki Motors Corp., U.S.A., 6110 Boat Rock Boulevard, Southwest, Atlanta, Georgia 30336-2776.

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 relocation 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 (2005), Motor Sports of America of New Jersey, Inc., intends to allow the establishment of Mojo Power Sports, Inc., as a dealership for the sale of Qingqi Ningbo (NING) motorcycles at 707 West Bay Drive, Largo (Pinellas County), Florida 33770, on or after December 12, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Mojo Power Sports, Inc., are dealer operator(s): Peter M. Spoto, 707 West Bay Drive, Largo, Florida 33770; principal investor(s): Peter M. Spoto, 707 West Bay Drive, Largo, Florida 33770.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: James Pizzo, Motor Sports of America, P. O. Box 334, Mount Royal, New Jersey 08061.

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 (2005), Yuan Cheng International Group, Inc., d/b/a New Star Technology, intends to allow the establishment of Advanced Bike Concepts as a dealership for the sale of JMSTAR motorcycles at 1318 East Altamonte Drive, Altamonte Springs (Seminole County), Florida 32701, on or after December 5, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Advanced Bike Concepts are dealer operator(s): Margo Marn, 1318 East Altamonte Drive, Altamonte Springs, Florida 32701; principal investor(s): Margo Marn, 1318 East Altamonte Drive, Altamonte Springs, Florida 32701.

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: John Cheng, President, Yuan Cheng International Group, Inc., d/b/a New Star Technology, 19877 Quiroz Court, Walnut, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Yuan Cheng International Group, Inc., d/b/a New Star Technology, intends to allow the establishment of Audio Toys as a dealership for the sale of JMSTAR motorcycles at 695 West Jefferson, Brooksville (Hernando County), Florida 34601, on or after December 5, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Audio Toys are dealer operator(s): Sam Ladadwa, 695 West Jefferson, Brooksville, Florida 34601; principal investor(s): Ishaq Abuayyash, 695 West Jefferson, Brooksville, Florida 34601.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Cheng, President, Yuan Cheng International Group, Inc., d/b/a New Star Technology, 19877 Quiroz Court, Walnut, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 (2005), Yuan Cheng International Group, Inc., d/b/a New Star Technology, intends to allow the establishment of FlaCycle, Inc., as a dealership for the sale of JMSTAR motorcycles at 6022 South Tamiami Trail, Sarasota (Sarasota County), Florida 32132.

The name and address of the dealer operator(s) and principal investor(s) of FlaCycle, Inc., are dealer operator(s): Bruce Friedlander, 6022 South Tamiami Trail, Sarasota, Florida 34231; principal investor(s): Bruce Friedlander, 6022 South Tamiami Trail, Sarasota, Florida 34231.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Cheng, President, Yuan Cheng International Group, Inc., d/b/a New Star Technology, 19877 Quiroz Court, Walnut, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 (2005), Yuan Cheng International Group, Inc., d/b/a New Star Technology, intends to allow the establishment of Kosdos Corporation as a dealership for the sale of JMSTAR motorcycles at 6800 Northwest 84th Avenue, Miami (Dade County), Florida 33166, on or after December 5, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Kosdos Corporation are dealer operator(s): Yamil Khawain, 6800 Northwest 84th Avenue, Miami, Florida 33166; principal investor(s): Yamil Khawain, 6800 Northwest 84th Avenue, Miami, Florida 33166.

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: John Cheng, President, Yuan Cheng International Group, Inc., d/b/a New Star Technology, 19877 Quiroz Court, Walnut, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 (2005), Budget Custom Golfcars, LLC, intends to allow the establishment of Star Electric Cars, Inc., as a dealership for the sale of California Roadster Golfcars (ACG)(LSV) at 2308 North Dixie Highway, Fort Lauderdale (Broward County), Florida 33305.

The name and address of the dealer operator(s) and principal investor(s) of Star Electric Cars, Inc., are dealer operator(s): Warren and Susan Sistare, 2308 North Dixie Highway, Fort Lauderdale, Florida 33305; principal investor(s): Warren and Susan Sistare, 2308 North Dixie Highway, Fort Lauderdale, Florida 33305.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gary Pridemore, Owner/President, Budget Custom Golfcars, LLC, 4560 U.S. Highway 1, Vero Beach, Florida 33305.

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 (2005), Zongshen, Inc., intends to allow the establishment of USA Scooter & Bike, Inc., d/b/a Exotic Bikes & Toys, as a

dealership for the sale of Zongshen motorcycles at 13041 Southwest 88th Street, Miami (Dade County), Florida 33186, on or after December 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of USA Scooter & Bike, Inc., d/b/a Exotic Bikes & Toys, are dealer operator(s): Khan Bartier, 13041 Southwest 88th Street, Miami, Florida 33186; principal investor(s): Khan Bartier, 13041 Southwest 88th Street, Miami, Florida 33186.

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: Jieming (Tiger) Qiu, Authorized Representative, Zongshen, Inc., 3511 Northwest 113th Court, Doral, Florida 33178.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), TANK Sports, Inc., intends to allow the establishment of WALA Corporation, d/b/a Vespa Jacksonville, as a dealership for the sale of KTMEX motorcycles at 1128 North Third Street, Jacksonville (Duval County), Florida 32250, on or after December 2, 2006.

The name and address of the dealer operator(s) and principal investor(s) of WALA Corporation, d/b/a Vespa Jacksonville, are dealer operator(s): Tom Bole, 1128 North Third Street, Jacksonville, Florida 32250; principal investor(s): Tom Bole, 1128 North Third Street, Jacksonville, Florida 32250.

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: Mike Turber, National Sales Manager, TANK Sports, Inc., 10925 Schmidt Road, El Monte, California 91733.

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 (2005), Southeast Toyota Distributors, LLC, intends to allow the establishment of West Kendall Imports, LLC, d/b/a West Kendall Toyota/Scion, as a dealership for the sale and service of Toyota and Scion vehicles in Miami-Dade County, Florida. The sales and service facilities will be on contiguous pieces of property as "contiguous" is defined by subparagraph 15C-7.004(2)(d)2., Florida Administrative Code. Therefore, only one publication and only one license will be necessary to cover both pieces of property.

The specific location of the sales facility will be: on the west side of Southwest 137th Avenue, approximately 550 feet south of the southwest corner of the intersection of Southwest 136th Street and Southwest 137th Avenue, in Miami, Miami-Dade County, Florida 33186, which is more particularly described as: a portion of the Northeast 1/4 of Section 22, Township 55 South, Range 39 East, Miami-Dade County, Florida, described as follows: Commence at the Northeast corner of said Section 22; thence run South 87 degrees, 36 minutes, 46 seconds West, along the North line of said Section 22, for a distance of 300.64 feet to a point; thence run South 01 degree, 21 minutes, 29 seconds West, for a distance of 40.09 feet to a point on a line parallel with and 40.00 feet South of, as measured at right angles to, the North line of said Section 22, thence run North 87 degrees, 36 minutes, 46 seconds East, along the previously described line, for a distance of 144.30 feet to a point of curvature of a circular curve concave to the Southwest; thence run Northeasterly, Easterly and Southeasterly along the arc of said curve, having for its elements a radius of 40.00 feet and a central angle of 85

degrees, 29 minutes, 14 seconds, for an arc distance of 59.68 feet to a point of compound curvature of a circular curve concave to the West; thence run Southeasterly along the arc of said curve, having for its elements a radius of 5674.58 feet and a central angle of 5 degrees, 08 minutes, 44 seconds, for an arc distance of 509.62 feet to the Point of Beginning of the hereinafter described parcel; thence continue along said arc having for its elements a radius of 5674.58 feet, a central angle of 3 degrees, 06 minutes, 39 seconds, for an arc distance of 308.10 feet to a point; thence run North 89 degrees, 46 minutes, 56 seconds West, for a distance of 526.34 feet to a point; thence run North 68 degrees, 16 minutes, 45 seconds West, for a distance of 214.49 feet to a point on a circular curve concave to the Northwest, said point bearing North 68 degrees, 21 minutes, 00 seconds West, to the center of said curve; thence run Northeasterly along the arc of said curve having for its elements a radius of 5000 feet and a central angle of 2 degrees, 52 minutes, 04 seconds, for an arc distance of 250.27 feet to a point of compound curvature of a circular curve concave to the West; thence run Northeasterly along the arc of said curve, having for its elements a radius of 280.00 feet a central angle of 4 degrees, 08 minutes, 54 seconds, for an arc distance of 20.27 feet to a point; thence run South 75 degrees, 54 minutes, 09 seconds East, for a distance of 67.86 feet to a point; thence run South 88 degrees, 53 minutes, 04 seconds East, for 566.51 feet to the Point of Beginning, containing 4.815 acres, more or less.

The specific location of the service facility will be: on the west side of 138th Avenue, approximately 250 feet south of the southwest corner of the intersection of Southwest 136th Street and Southwest 138th Avenue, in Miami, Miami-Dade County, Florida 33186, which is more particularly described as: A portion of the Northeast 1/4 of Section 22, Township 55 South, Range 39 East, Miami-Dade County, Florida, more particularly described as follows: Commence at the Northeast corner of said Section 22; thence run South 87 degrees, 36 minutes, 46 seconds West, along the North line of said Section 22, for a distance of 1394.45 feet to a point on the West line of the East 1/2 of the Northeast 1/4 of said Section 22, said line also being the East line of "Tamiar Industrial Park Section 1" according to the plat thereof, as recorded in Plat Book 109, at Page 18, of the Public Records of Miami-Dade County, Florida; thence run South 00 degrees, 13 minutes, 16 seconds West, along the previously described line for 40.04 feet to a point; thence continue South 00 degrees, 13 minutes, 16 seconds West, along the previously described line for a distance of 293.37 feet to the Point of Beginning of the hereinafter described parcel; thence continue along the previously described course for 272.22 feet to a point; thence run North 87 degrees, 31 minutes, 53 seconds East, for 575.93 feet to a point on a circular curve concave to the Northwest, said point bears South 70 degrees, 11 minutes, 35 seconds East, from the center of said curve; thence run Northeasterly along the arc of said curve, having for its elements a radius of 4920.00 feet and a

central angle of 1 degree, 1 minute, 30 seconds, for an arc distance of 88.02 feet to a point of compound curvature of a circular curve concave to the West; thence run Northeasterly along the arc of said curve, having for its elements a radius of 200.00 feet and a central angle of 18 degrees, 33 minutes, 40 seconds, for an arc distance of 64.79 feet to the point of tangency; thence run North 00 degrees, 13 minutes, 16 seconds East, for a distance of 178.56 feet to a point; thence run South 87 degrees, 36 minutes, 47 seconds West, for a distance of 236.13 feet; thence run South 02 degrees, 23 minutes, 13 seconds East, for a distance of 52.17 feet; thence run South 87 degrees, 36 minutes, 47 seconds West, for 381.34 feet to the Point of Beginning containing 4.064 acres, more or less.

The dealership to be established will be West Kendall Imports, LLC, d/b/a West Kendall Toyota/Scion, a Delaware limited liability company authorized to do business in Florida. It will be opened on or after March 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of West Kendall Imports, LLC, d/b/a West Kendall Toyota/Scion, are dealer operator(s): Gerald F. Bean, 10943 South Dixie Highway, Pinecrest, Florida 33156; principal investor(s): the principal investor of West Kendall Imports, LLC is Kendall Imports, L. P., a Delaware limited partnership, whose address is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. Kendall Imports, L.P., has one limited partner, Gerald F. Bean, whose address is: 10943 South Dixie Highway, Pinecrest, Florida 33156, and one general partner, Kendall Imports, Inc., a Delaware corporation, whose address is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware, 19808. Kendall Imports, Inc. has one shareholder, Gerald F. Bean, whose address is: 10943 South Dixie Highway, Pinecrest, Florida 33156.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Janet Shope, Senior Market Representation Manager, Southeast Toyota Distributors, LLC, 100 Jim Moran Boulevard, Deerfield Beach, Florida 33442.

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 American Honda Motor Co., Inc., intends to allow the establishment of Winter Haven Ventures, Inc., d/b/a Winter Haven Honda, as a dealership for the sale of Honda automobiles and light trucks at a parcel on the north side of State Road 540 (Cypress Gardens Boulevard), approximately 1.1 miles west of Cypress Gardens Road in Winter Haven, Polk County, Florida, more particularly described as follows: That part of the East one-half of the Southeast one-quarter, lying North of S.R. 540, less the North 781 feet thereof, and that part of the Southwest one-quarter of the Southeast one-quarter, lying North of S.R. 540 in Section 2, Township 29 South, Range 26 East, Polk County, Florida, and being more particularly described as follows: Begin at the intersection of the North right-of-way boundary of State Road 540 and the East boundary of the Southeast one-quarter of Section 2, Township 29 South, Range 26 East, Polk County, Florida; thence North 71 degrees 24 minutes 05 seconds West, along said North right-of-way, 450.00 feet; thence North 18 degrees 35 minutes 55 seconds East, perpendicular to said North right-of-way, 850.71 feet; thence North 89 degrees 30 minutes 46 seconds East, perpendicular to said East boundary of the Southeast one quarter, 147.09 feet to said East boundary of the Southeast one quarter; thence South 00 degrees, 29 minutes, 14 seconds East, along said East boundary of the Southeast 1/4, 951.09 feet; returning to the Point of Beginning.

The dealer operators of the proposed dealership are Frank J. Rodriguez, 723 Bear Creek Circle, Winter Springs, FL 32708 and Carl R. Atkinson, 1110 S. W. Ivanhoe Blvd., #10, Orlando, FL 32804. The principal investors of the proposed dealership are Frank J. Rodriguez, 723 Bear Creek Circle, Winter Springs, FL 32708 and Carl R. Atkinson, 1110 S. W. Ivanhoe Blvd., #10, Orlando, FL 32804.

American Honda Motor Co., Inc. intends to permit the establishment of the proposed dealership on or after March 1, 2007.

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, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Bill Green, Market Planning Manager, American Honda Motor Co. Inc., 1919 Torrance Boulevard, Torrance, California 90501.

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 (2005), SunL Group, Inc., intends to allow the establishment of XZILR8ING Enterprises, LLC, as a dealership for the sale of China Qingqi (QING), Taizhou Chunal (CHUA), American Lifan (CHOL), Shanghai Meitian (MEIT), Shanghai JMSTAR (JMST) motorcycles, at 909 49th Street, South, Gulfport (Pinellas County), Florida 33707, on or after November 17, 2006.

The name and address of the dealer operator(s) and principal investor(s) of XZILR8ING Enterprises, LLC, are dealer operator(s): Tom Malin, 909 49th Street, South, Gulfport, Florida 33707; principal investor(s): Tom Malin, 909 49th Street, South, Gulfport, Florida 33707.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a special ceremony to be held at:

DATE AND TIME: Tuesday, January 9, 2007, 10:00 a.m.

PLACE: Joseph P. Cresse Hearing Room, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

For the investiture of reappointed Commissioner Isilio Arriaga and for newly appointed Commissioner Ken Littlefield, for terms beginning January 2, 2007 and ending January 1, 2011. The Agenda Conference has been separately noticed to begin at 1:00 p.m.

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 FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that the proposed improvements to the existing water system in the City of Bonifay, Florida (DWFP300101 and WW 452110 – City of Bonifay Preliminary Engineering Report) will not adversely affect the environment. The total cost of the proposed facilities is estimated at \$598,474. The project may qualify for a Drinking Water and a Clean Water State Revolving Fund loan composed of federal and state funds. A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Isaac Santos, Bureau of Water Facilities Funding, Department of Environmental Protection, Mail Station #3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

NOTICE OF RECEIPT OF PETITION

FOR ISSUANCE OF MODERATING PROVISIONS

The Florida Department of Environmental Protection (Department) gives notice of receipt of a petition from the South Florida Water Management District (SFWMD) requesting the issuance of moderating provisions, pursuant to paragraph 62-302.540(6)(a), F.A.C., in connection with certain permits for surface water discharges into the Everglades Protection Area (which is defined in Section 373.4592(2), Florida Statutes, as Water Conservation Area (WCA) 1, WCA-2, WCA-3, and Everglades National Park). The requested moderating provisions, if issued by the Department, would provide temporary and limited relief from the numeric phosphorus criterion set forth in subsection 62-302.540(4), F.A.C., for certain structures operated by SFWMD that discharge into existing impacted areas of the Everglades Protection Area, as defined in paragraphs 62-302.540(3)(d) and 62-302.540(6)(a), F.A.C. If issued, the moderating provisions would be applicable to the following permits issued by the Department to SFWMD for the operation and maintenance of these structures: Everglades permits nos. 0195030 (STA-1E EFA Permit), FL0304549 (STA-1E NPDES Permit), 503074709 (STA-1W EFA permit), FL0177962-001 (STA-1W NPDES permit), 0126704 (STA-2 EFA permit), FL0177946-001 (STA-2 NPDES permit), 0192895 (STA-3/4 EFA permit), FL0300195 (STA-3/4 NPDES permit), 0131842 (STA-5 EFA permit), FL0177954 (STA-5 NPDES permit), 262918309 (STA-6 EFA permit), and 06502590709 (non-ECP EFA permit).

The moderating provisions application file and supporting data are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, by contacting: Shelley Yaun, Florida Department of Environmental Protection, Water Quality Standards and Special Projects Section, 2600 Blairstone Road, Tallahassee, Florida 32399-2400, (850)245-8422. Written comments on SFWMD's request for the issuance of moderating provisions may be submitted to Shelley Yaun at the address above.

DEPARTMENT OF HEALTH

On December 5, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Rachel Cornelia Beach, L.P.N., license number PN 1312981. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary

determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 5, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Sharon K. Brown, R.N., license number RN 3337432. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 8, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Rita Cecilia Conto, R.N., license number RN 2010882. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 8, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Stuart Wade Davis, L.P.N., license number PN 5161106. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 5, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Heather Marie Degueldre, L.P.N., license number PN 5161343. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 5, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Tamara Michelle Glascock, R.N., license number RN 2684982. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 5, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Arthur L. Sellers, C.N.A., license number CNA 108774. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 5, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Katrina Lynn Baker, R.Ph., license number PS 39520. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

NOTICE OF ORDER

NOTICE IS HEREBY GIVEN that the Office of Insurance Regulation has issued the following:

IN THE MATTER OF: CASE NO: 88231-06
 CITIZENS PROPERTY
 INSURANCE CORPORATION

ORDER APPROVING CITIZENS' HIGH-RISK ACCOUNT REFUNDING BONDS AND RELATED DOCUMENTS

THIS MATTER came before the Office of Insurance Regulation for consideration and final agency action upon the request of Citizens Property Insurance Corporation ("Citizens"), pursuant to Section 627.351(6), Florida Statutes, as amended (the "Citizens Act"), and Sections 19(B) and 20 of Citizens' Plan of Operation (the "Plan of Operation"), for approval of the issuance by Citizens of its High-Risk Account

Senior Secured Refunding Bonds, Series 2007, in one or more series, in the aggregate principal amount of not exceeding \$1,200,000,000 (the "Series 2007 Bonds") and related documentation.

Citizens' request is based on the adoption by its Board of Governors ("the Board") of the Authorizing Resolution attached as Exhibit "A" and described herein, providing that the 1999A Notes (as defined in the Fifth Supplemental Indenture hereinafter referred to) are to be refunded and redeemed through the issuance of the Series 2007 Bonds in a manner that maximizes the tax-exempt component of the Series 2007 Bonds while minimizing the taxable component thereof, thereby maximizing the debt service savings to be achieved by the refunding and redemption of the 1999A Notes. Amendments to Section 627.351(6)(b)(2)(b), Florida Statutes, require Citizens' Board to exercise its best efforts to retire existing debt and to report to the Financial Services Commission, the President of the Senate, and the Speaker of the House of Representatives, the actions the Board has taken to minimize the cost of carrying debt.

The Series 2007 Bonds are to be issued pursuant to that certain Trust Indenture dated as of August 6, 1997 (the 1997 "Indenture"), as amended, and as further amended by that certain Fifth Supplemental Indenture (the "Fifth Supplemental Indenture" and, together with the 1997 Indenture as amended, the "Indenture"), by and between Citizens and the successor Indenture Trustee named therein. The Fifth Supplemental Indenture is to be in substantially the same form as the copy received and reviewed by the Office of Insurance Regulation prior to the entry of this Order. Citizens is also entering into or will utilize, as applicable, other related documents and agreements in connection with the issuance of the Series 2007 Bonds, including, without limitation, an interest rate lock agreement if deemed in the best interests of Citizens in order to hedge Citizens' exposure to an increase in the make-whole redemption premium for the 1999A Notes.

Citizens is a statutorily created corporation, established pursuant to the Citizens Act. Citizens, through its High-Risk Account, has become a significant provider of residential and commercial windstorm insurance in the State of Florida, thereby creating the imminent potential of a substantial shortage of funds to meet its policyholder claims and other obligations in the event of a catastrophic hurricane or other weather-related event. The Citizens Act authorizes Citizens to borrow funds for the High-Risk Account by issuing bonds or by incurring other indebtedness and to pledge assessments under the Act and other funds available to Citizens' High-Risk

Account as the source of security and repayment for such borrowings. In order to provide funds to, among other things, meet policyholder claims and other obligations of the High-Risk Account, Citizens has previously issued debt obligations under the 1997 Indenture, as supplemented and amended, including the 1999A Notes.

On December 7, 2006, Citizens' Board adopted a resolution (the "Authorizing Resolution") finding and determining that it is in Citizens' best interests to refund and redeem the 1999A Notes and authorizing the issuance of the Series 2007 Bonds, in one or more series, in the aggregate principal amount of not exceeding \$1,200,000,000 to refund and redeem the 1999A Notes. The Authorizing Resolution provides that the 1999A Notes are to be refunded and redeemed through the issuance of the Series 2007 Bonds in a manner that maximizes the tax-exempt component of the Series 2007 Bonds while minimizing the taxable component thereof, thereby maximizing the debt service savings to be achieved by the refunding and redemption of the 1999A Notes.

As required by Section 19(B) of the Plan of Operation, Citizens has filed with the Office of Insurance Regulation a statement of the purpose of the Series 2007 Bonds and an estimate of the costs to be incurred by Citizens in connection with the issuance of the Series 2007 Bonds.

The Office of Insurance Regulation, having considered this submission, and being otherwise advised in the premises, hereby finds that:

1. The Office of Insurance Regulation, by and through the Insurance Commissioner, has jurisdiction over the subject matter of, and the parties to, this proceeding pursuant to the Citizens Act.
2. The Series 2007 Bonds are being issued for the primary purpose of providing funds, together with other available moneys of the High-Risk Account, to refund and redeem the 1999A Notes, thereby achieving debt service savings for Citizens. The Indenture is hereby deemed to be a "trust indenture" within the meaning of, and is approved for purposes of, Section 19(B) of the Plan of Operation.
3. Pursuant to the Citizens Act, and Sections 19(B) and 20 of the Plan of Operation, Citizens has authority to enter into the Fifth Supplemental Indenture, to issue the Series 2007 Bonds under the Indenture and to make the same payable and secured as provided in the Indenture.

IT IS THEREFORE ORDERED:

That the Office of Insurance Regulation hereby APPROVES, the Fifth Supplemental Indenture, the issuance of the Series 2007 Bonds under the Indenture and the pledge by Citizens of the Pledged Revenues (as defined in the Indenture) and, in particular, the Emergency Assessments to be levied and collected in connection with the High-Risk Account's 2005 Plan Year Deficit (as defined in the Indenture), to secure the Series 2007 Bonds.

DONE and ORDERED this 13th day of December 2006.

KEVIN M. MCCARTY
COMMISSIONER

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Fla. R. App. P. Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel, acting as the Agency Clerk, at 612 Larson Building, Tallahassee, Florida, and a copy of the same with the appropriate district court of appeal within thirty (30) days of rendition of this Order.

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.fldfs.com/ofir/banking/cufm.asp>. Comments may be submitted to the: Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., January 12, 2007):

Name and Address of Applicant: City County Credit Union of Fort Lauderdale, 1982 North State Road 7, Margate, Florida 33063-5710

Expansion Includes: Geographic

Received: December 8, 2006

VOLUNTEER FLORIDA

Volunteer Florida is pleased to announce a request for proposals (rfp) funding for planning grants to operate an AmeriCorps program. AmeriCorps programs support local community efforts to address education, environmental, homeland security, public safety or other human needs. Planning grants are provided a year before an organization actually applies for an AmeriCorps program. The purpose of planning grants is to provide organization minimal resources to build the capacity of the organization to effectively operate an AmeriCorps program. A full grant application will be posted on the Volunteer Florida website www.volunteerflorida.org by December 22, 2006. Proposals are due in federal egrants system by January 12, 2007.

Volunteer Florida, The Governor's Commission on Volunteerism and Community Service was established in 1994 by the Florida Legislature to administer grants under the National and Community Service Trust Act of 1993. The Commission grants funds to Florida AmeriCorps and National Service programs; encourages volunteerism for everyone from youths to seniors to people with disabilities; promotes volunteerism in emergency management and preparedness; and helps to strengthen and expand Volunteer Centers in Florida.

AmeriCorps is a program funded by the U.S. Congress under the Catalog of Federal Domestic Assistance number 94.006. The national public/private partnership supporting AmeriCorps is the Corporation for National and Community Service (CNCS). For more information about the CNCS and national AmeriCorps programs, visit www.americorps.org

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN December 4, 2006
 and December 8, 2006**

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

| | | | | |
|-----------|---------|----------|-------|-------|
| 5B-62.001 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.002 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.003 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.004 | 12/6/06 | 12/26/06 | 32/25 | 32/40 |
| 5B-62.005 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.006 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.007 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.008 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.009 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.010 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.011 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.012 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.013 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.014 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.015 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.016 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.017 | 12/6/06 | 12/26/06 | 32/25 | 32/40 |
| 5B-62.018 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.019 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.020 | 12/6/06 | 12/26/06 | 32/25 | 32/44 |
| 5B-62.021 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.022 | 12/6/06 | 12/26/06 | 32/25 | 32/44 |
| 5B-62.023 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.024 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.025 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.026 | 12/6/06 | 12/26/06 | 32/25 | |
| 5B-62.027 | 12/6/06 | 12/26/06 | 32/25 | 32/44 |

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

| | | | | |
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| 60BB-2.032 | 12/7/06 | 12/27/06 | 32/45 | |
| 60BB-2.037 | 12/7/06 | 12/27/06 | 32/45 | |

DEPARTMENT OF HEALTH

Board of Dentistry

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| 64B5-2.014 | 12/6/06 | 12/26/06 | 32/44 | |
| 64B5-2.0146 | 12/6/06 | 12/26/06 | 32/44 | |

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
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| 64B5-2.0148 | 12/6/06 | 12/26/06 | 32/44 | |
| 64B5-7.0035 | 12/5/06 | 12/25/06 | 32/44 | |
| 64B5-7.006 | 12/5/06 | 12/25/06 | 32/44 | |
| 64B5-12.013 | 12/5/06 | 12/25/06 | 32/44 | |
| 64B5-12.016 | 12/5/06 | 12/25/06 | 32/44 | |
| 64B5-12.019 | 12/5/06 | 12/25/06 | 32/44 | |
| 64B5-13.005 | 12/5/06 | 12/25/06 | 32/44 | |
| 64B5-14.002 | 12/5/06 | 12/25/06 | 32/44 | |
| 64B5-14.006 | 12/5/06 | 12/25/06 | 32/44 | |
| 64B5-16.0075 | 12/6/06 | 12/26/06 | 32/44 | |

Board of Medicine

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| 64B8-1.007 | 12/6/06 | 12/26/06 | 32/43 | |
| 64B8-4.009 | 12/6/06 | 12/26/06 | 32/43 | |
| 64B8-11.003 | 12/6/06 | 12/26/06 | 32/43 | |
| 64B8-13.005 | 12/6/06 | 12/26/06 | 32/43 | |

Board of Optometry

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| 64B13-5.001 | 12/5/06 | 12/25/06 | 32/44 | |
| 64B13-5.002 | 12/5/06 | 12/25/06 | 32/44 | |

School Psychology

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| 64B21-500.009 | 12/6/06 | 12/26/06 | 32/43 | |
| 64B21-502.001 | 12/6/06 | 12/26/06 | 32/43 | |

Council of Licensed Midwifery

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| 64B24-2.001 | 12/6/06 | 12/26/06 | 32/43 | |
| 64B24-6.001 | 12/6/06 | 12/26/06 | 32/43 | |

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

| | | | | |
|-----------|---------|----------|-------|--|
| 69H-2.003 | 12/8/06 | 12/28/06 | 32/19 | |
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Division of Consumer Services

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|------------|---------|----------|-------|--|
| 69I-42.003 | 12/7/06 | 12/27/06 | 32/41 | |
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OIR Insurance Regulation

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|--------------|---------|----------|-------|-------|
| 69O-170.0155 | 12/6/06 | 12/26/06 | 32/36 | 32/43 |
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