

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: RULE TITLE:

5B-3.0038 Quarantine Action

PURPOSE AND EFFECT: The purpose of this chapter is to prevent the introduction and subsequent dissemination of plant pests into Florida through the movement of nursery stock and other plants and plant products. This chapter provides for the regulation of nursery stock and other plants and plant products moving into Florida and establishes provisions under which such nursery stock and other plants and plant products can enter the state.

SUBJECT AREA TO BE ADDRESSED: Rule 5B-3.0038, F.A.C., Quarantine Action.

(1) Plant pests not known to occur in the state of Florida. Plants and plant products which do not meet Florida regulations or are found to be infested or infected with, or exposed to a plant pest not known to be established in the state shall be subject to being refused entry, returned to the owner, quarantined, treated, or destroyed as specified by the department, or destroyed or treated by an authorized representative of the department. The destruction, quarantine, treatment, or return of a shipment shall be under the direction of an authorized representative of the department and at the expense of the owner. Payment to the department for such expense shall be required before shipping can resume. Shippers shall be immediately suspended from shipping into Florida when shipments of plants and plant products are found to be infested or infected with a plant pest not known to be established in the state, and the pest is determined to be potentially damaging to Florida agriculture. This suspension shall remain in effect until the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, and the state of origin department of agriculture agree the problem has been resolved and that shipping may resume. An Agreement for Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts, DACS-08029, revised 8/02, will be completed on all shipments requiring regulatory action. An Agreement for Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts form, DACS-08029, revised 8/02, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08003, Report of Plant and Plant Material in Transit, and DACS-08029, Agreement for Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts, may be obtained from the Division of Plant Industry, Bureau of Plant

and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. The following are examples of plant pests that would require immediate quarantine action:

(a) Insects.

1. *Aceria litchii* (currently in Hawaii (Litchi mite)).
2. *Anoplophora* spp. (Asian longhorned beetles).
3. *Biprorulus bibax* (spined orange bug).
4. Bostrichidae (Bostrichid beetles).
5. *Brevipalpus chilensis* (Chilean false red mite).
6. *Ceratovacuna lanigera* (sugarcane woolly aphid).
7. *Eutetranychus orinetalis* (Oriental red mite).
8. *Exophthalmus* spp. (Caribbean citrus weevils).
9. *Liriomyza huidobrensis* (pea leaf miner).
10. *Maconellicoccus hirsutus* (pink mealybug).
11. *Metamasius* spp. (Neotropical palm and bromeliad weevils).

12. *Musgraveia sulciventris* (bronze orange bug).

13. *Myllocerus* spp. (Asian weevils).

14. *Nephotettix* spp. (Green leafhoppers on rice).

15. *Nilaparvata lugens* (brown plant hopper).

16. *Oxycarenus hyalinipennis* (dusky cottonseed bug).

17. *Prymnotrypes* spp. (Andean potato weevils).

18. *Russelliana solanicola* (a potato psyllid).

19. *Siphoninus ptyllyleae* (Ash whitefly).

20. *Trioza anceps* (avocado psyllid).

21. *Trioza perseae* (avocado psyllid).

22. *Trioza erytrae* (African citrus psyllid).

23. *Tropilaelaps clareae* (*Tropilaelaps* mite).

(b) Diseases.

1. Citrus chlorotic dwarf.

2. Citrus leprosis virus.

3. Citrus variegated chlorosis.

4. Citrus yellow mosaic virus.

5. Huanglongbing (citrus greening disease).

6. *Phytophthora ramorum* (sudden oak death).

7. *Puccinia horiana* (chrysanthemum white rust).

- (1) through (7) No change.

8. *Septoria citri*

8. Sugarcane bacilliform badnavirus.

9. Sugarcane yellowleaf syndrome.

10. *Xanthomonas axonopodis* pv. *citri* (citrus canker).

Renumber (8)-(10) to (9)-(11).

(c) Mollusks.

1. *Achatina* spp. (giant African snail and others).

2. *Archachatina marginata* (banana rasp snail).

3. *Cryptomphalus* spp. (brown garden snail and others).

4. *Megalobulimus oblongus* (giant South American snail).

5. *Theba pisana* (white garden snail).

(d) Nematodes.

1. *Anguina tritici* (wheat gall nematode).

2. *Bursaphelenchus cocophilus* (red ring nematode).
3. *Ditylenchus destructor* (potato rot nematode).
4. *Ditylenchus dispaci* (bud and stem nematode).
5. *Globodera rostochiensis* and *G. Pallida* (potato cyst nematode).
6. *Hemicycliophora arenaria* (citrus sheath nematode).
7. *Heterodera carotae* (carrot cyst nematode).
8. *Heterodera cruciferae* (cabbage cyst nematode).
9. *Heterodera goettingiana* (pea cyst nematode).
10. *Heterodera zeae* (corn cyst nematode).
11. *Hoplolaimus columbus* (Columbia lance nematode).
12. *Longidorus africanus* (a needle nematode).
13. *Longidorus belondriodes* (a needle nematode).
14. *Meloidogyne chitwoodi* (Columbia root-knot nematode).
15. *Meloidogyne citri* (a citrus root-knot nematode).
16. *Meloidogyne fujianensis* (citrus root-knot nematode).
17. *Meloidogyne naasi* (cereal root-knot nematode).
18. *Nacobbus aberrans* (false root-knot nematode).
19. *Pratylenchus convallariae* (a lesion nematode).
20. *Pratylenchus crenatus* (a lesion nematode).
21. *Pratylenchus goodeyi* (a lesion nematode).
22. *Xiphinema brevicolle* (a dagger nematode).
23. *Xiphinema bricolensis* (a dagger nematode).
24. *Xiphinema californicum* (a dagger nematode).
25. *Xiphinema diversicaudatum* (a dagger nematode).
26. *Xiphinema index* (California dagger nematode).
27. *Xiphinema insigne* (a dagger nematode).
28. *Xiphinema vuittenezi* (a dagger nematode).
29. *Zygotylenchus* spp. (a lesion nematode).

(2) Plant pests of limited distribution in the state of Florida. Plants and plant products found infested or infected with or exposed to a plant pest of limited distribution in the state shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the department and released from quarantine. An agreement for Chemical Treatment, DACS-08081, revised 6/03, may be required for plants and plant products requiring treatment. Agreement for Chemical Treatment form, DACS-08081, revised 6/03, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08081, Agreement for Chemical Treatment, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. The following are examples of plant pests that would require immediate quarantine action:

- (a) Insects.
 1. *Diaphorina citri* (Asian citrus psyllid).
 2. *Diaprepes abbreviatus* (diaprepes root weevil).

3. *Maconellicoccus hirsutus* (pink mealybug).
4. *Metamasius callizona* (bromeliad weevil).
5. *Metamasius hemipterus* (palm and sugarcane weevil).
6. *Morganella longispina* (scale insect) (plumose scale).
7. *Myllocerus undatus* (weevil).
8. *Opuntiaspis* spp. (scale insect).
9. *Paratachardina lobata* (lobate lac scale).
10. *Parlatoria ziziphi* (black parlatoria scale).
11. *Philephedra* sp. (scale insect).
12. *Phoenicococcus marlatti* (red date scale).
13. *Vinsonia stellifera* (stellate scale).

(b) Diseases.

1. *Agrobacterium tumefaciens* (crown gall).
2. Lethal yellowing of palms.
3. *Phomopsis gardeniae* (gardenia canker).
4. *Puccinia pelargonii – zonalis* (geranium rust).
5. *Sphaceloma poinsettiae* (poinsettia scab).
6. Tomato yellow leaf curl virus.

(c) Mollusks (snails).

1. *Otala lactea* (milk snail).
2. *Zachryisia provisoria* (Cuban land snail).

(d) Nematodes.

1. *Meloidogyne mayaguensis*.

(3) Common Plant Pests. All nursery stock and other plants and plant products found infested or infected with a common plant pest shall be subject to immediate quarantine action when the population of the plant pest is adversely affecting the plant or plant product. The plant or plant product will not be eligible for certification until treated as prescribed by the department and released from quarantine. An Agreement for Chemical Treatment, DACS-08081, revised 6/03, may be required for plants and plant products requiring treatment.

SPECIFIC AUTHORITY: 570.07(23), 581.031(4), 581.101 FS.

LAW IMPLEMENTED: 581.031(7), 581.083, 581.101 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: Richard Gaskalla

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

DEPARTMENT OF EDUCATION

State Board of Education

| | |
|------------|--|
| RULE NOS.: | RULE TITLE: |
| 6A-1.09412 | Course Requirements – Grades 6-12 Basic and Adult Secondary Programs |
| 6A-1.09441 | Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation |

PURPOSE AND EFFECT: The purpose of the rule development is to review the Course Code Directory and Instructional Personnel Assignments and the Florida Course Descriptions for Grades 6-12/Adult, Basic Education to ensure consistency between the two documents. This review will not address proposed subject area standards currently under review. The effect of the rule developments is to complete the annual reievw of the documents.

SUBJECT AREA TO BE ADDRESSED: Course Descriptions.

SPECIFIC AUTHORITY: 1001.02(1), 1001.03(1), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1001.42(7), 1003.42, 1011.62(1)(r) 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: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida, (850)245-9661

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."

STATE BOARD OF ADMINISTRATION

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|------------|---|
| RULE NOS.: | RULE TITLES: |
| 19-8.010 | Reimbursement Contract |
| 19-8.012 | Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund |
| 19-8.013 | Revenue Bonds Issued Pursuant to Section 215.555(6), F.S. |
| 19-8.028 | Reimbursement Premium Formula |
| 19-8.029 | Insurer Reporting Requirements |
| 19-8.030 | Insurer Responsibilities |

PURPOSE AND EFFECT: To discuss proposed amendments to the following rules: Rule 19-8.010, F.A.C., the annual Reimbursement Contract, Rule 19-8.012, F.A.C., the procedures to determine ineligibility or exemption from participation in the Florida Hurricane Catastrophe Fund, Rule 19-8.013, F.A.C., Revenue Bonds, Rule 19-8.028, F.A.C., the annual Reimbursement Premium Formula, Rule 19-8.029, F.A.C., the Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Responsibilities.

SUBJECT AREA TO BE ADDRESSED: Contract requirements for the 2008-2009 Contract Year, exemption and ineligibility, bonding, premium formula requirements, insurer reporting requirements for the 2008-2009 contract year, and insurer responsibilities.

SPECIFIC AUTHORITY: 215.5595 FS.

LAW IMPLEMENTED: 215.5595 FS.

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

DATE AND TIME: Wednesday, January 9, 2008, 9:00 a.m. – 12:00 p.m. (ET).

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida. The conference call number for those who wish to participate by telephone is 1(888)808-6959, conference code 4765251363.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy Allen, Senior FHCF Attorney, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317; tracy.allen@sbafla.com; telephone (850)413-1341

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.601 RULE TITLE: Employee Benefit Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth policies and procedures for the operation of the employee benefit trust fund as authorized by Sections 945.215 and 945.21501, F.S.

SUBJECT AREA TO BE ADDRESSED: Employee benefit trust fund.

SPECIFIC AUTHORITY: 945.215, 945.21501 FS.

LAW IMPLEMENTED: 945.215, 945.21501 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.601 Employee Benefit Trust Fund.

(1) The purpose of the trust fund shall be to:

(a) Construct, operate, and maintain training and recreation facilities at correctional facilities for the exclusive use of department employees. Any facility constructed using funds from the Employee Benefit Trust Fund is the property of the department and must provide the maximum benefit to all interested employees, regardless of gender.

(b) Provide funding for employee appreciation programs and activities designed to enhance the morale of employees.

(2) The employee benefit trust fund shall be established in the Bureau of Finance and Accounting. Oversight and administration of the fund shall be the responsibility of the employee benefit trust fund team. The primary function of the central office team will be to standardize the operation of the employee benefit trust fund. The team shall be made up of the following staff members:

- (a) Secretary or designee;
- (b) Assistant Secretary of Institutions or designee;
- (c) Chief of Staff or designee;
- (d) Deputy Assistant Secretary of Institutions or designee
- (e) Director of Administration or designee; and
- (f) Chief, Bureau of Finance and Accounting or designee.

(3) A regional employee benefit trust team appointed by the regional director of institutions will be established in each region. This team will review and approve the number and location of vending machines and canteens, recommend

staffing patterns, and perform a monthly review of checks written. The team shall be made up of the following staff members:

- (a) Regional director of designee, chair;
- (b) Regional business manager or designee;
- (c) A representative from the regional office of institutions;
- (d) An institutional warden; and
- (e) An employee from a major institution.

(4) An institutional employee benefit trust fund team appointed by the warden will be established at each institution. This team will make recommendations for employee benefit projects, make recommendations for the number and location of vending machines and canteens, review canteen operations, establish inventory levels, and develop a methodology to establish pricing. The team shall be made up of the following staff members:

- (a) The warden, chair;
- (b) A security representative from each unit, annex or work camp;
- (c) A representative from classification;
- (d) A representative from medical;
- (e) The general services specialist; and
- (f) One institution employee.

(5) Local institutions are authorized to submit money to the trust fund from the following sources

(a) Proceeds of vending machines, staff canteens, or other such services not intended for use by inmates;

(b) Donations, except donations by, or on behalf of an inmate.

(6) One half of the net proceeds of the department's recycling program will be used to fund employee benefits for community corrections, regional offices, and central office.

(7) Local bank accounts shall be established at each institution for the purchase of items from Form DC2-330, Listing of Authorized Employee Canteen Resale and Supply Items. Form DC2-330 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Bureau of Policy Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(8) The central office employee benefit trust fund team will establish an amount to be retained in each local account. Funds in excess of operating needs will be transferred to the central account.

(9) Institutions requesting to withdraw money from the fund shall submit a request to the central office team describing the need for the funds and cost estimate for the project. The request will be submitted utilizing Form DC2-354, Employee Benefit Trust Fund Expenditure Request. Form DC2-354 is hereby incorporated by reference. Copies of this form are

available from the Forms Control Administrator, Bureau of Policy Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(10) The central office team shall review each request to ensure that the purpose of the expenditure is in accordance with authorized uses of the fund and to ensure that the institution has sufficient funds earmarked for the amount of the withdrawal. If the DC2-354 is approved, vendor payments may be requested by e-mail using the Form DC2-356, EBTF Expenditure Check Request. Form DC2-356 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Bureau of Policy Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(11) A service charge equal to 7% of canteen revenues will be used to offset administrative costs of the employee benefit trust fund.

Specific Authority 945.215, 945.21501 FS. Law Implemented 945.215, 945.21501 FS. History—New _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-603.201
RULE TITLE: Transfer of Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rule concerning transport of inmates from one department facility to another.

SUBJECT AREA TO BE ADDRESSED: Transfer of inmates.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-603.201 Transfer of Inmates.

(1) For the purposes of this rule "transfer" shall mean the reassignment and movement of inmates from one institutional facility to another. "Transfer" does not include such movement as may be required for the normal operations of the Department such as outside trips sponsored by religious, Jaycee and Alcoholics Anonymous groups and trips by work and maintenance crews. ~~The institutional inmate record and all sub-files must accompany any inmate being routinely transferred between department facilities, except in emergency~~

~~situations.~~ In emergency situations medical records will be transferred with the inmate except that in emergencies such as the evacuation of a facility, the medical records will be boxed together with all records going to one location and forwarded to the receiving institution(s) with the inmates or as soon as possible. In such emergencies, individual packaging of medical records is waived. ~~The institutional inmate record shall also accompany the inmate unless the inmate's health and welfare would be jeopardized if the transfer were delayed for the amount of time required to obtain the record.~~ Local procedures shall be established to ensure that appropriate facility staff have access to the institutional inmate record during weekends, holidays, and after normal business hours. Such procedures shall ensure that the security of the record is not compromised and that accountability for the record is maintained in the event that access is required other than during normal working hours. Following an emergency transfer, all other sub-files, such as the visiting record, educational record, property record, etc., shall be forwarded by the sending facility within 72 hours following the transfer.

(2) through (5) No change.

~~(6) The vehicle shall be thoroughly searched and all security features inspected prior to boarding any inmates. Continuing checks shall be made periodically by transfer officer while en route. Vehicle inspection shall be conducted during the time the transfer vehicle is stopped prior to departing on or continuing a trip.~~

(7) through (8) renumbered (6) through (7) No change.

~~(8)(9) The Chief Health Officer may specify that an inmate who is mentally or physically ill be transferred separately from the general population inmates.~~ In addition, if there is any indication that an inmate who is to be transferred is not in good physical or mental condition, the transfer officer shall secure the advice of the institution physician before beginning the trip. Transfer of an inmate who is ill or injured shall be undertaken based on the advice of the Chief Health Officer on duty. The Chief Health Officer shall determine if medical staff are to accompany the inmate while being transferred. If he does decide that medical staff need to accompany the inmate, he must assign this staff.

~~(9)(40)~~ In transferring any death row, close management, or disciplinary confinement inmate, or any inmate determined by the Chief of Security to be a high-risk inmate, the following shall be required:

~~(a) The inmate shall be restrained with handcuffs, waist chains with a C and S handcuff cover (black box), and leg irons and transferred in a secure caged vehicle. The driver shall be unarmed in order to handle inmates en route if necessary.~~

~~(b) The transfer vehicle shall be accompanied by a trailing escort vehicle driven by a well-armed officer. "Well-armed" shall mean possession of a semiautomatic rifle or shotgun.~~

~~(c) If several inmates are being transferred, the transfer vehicle shall have a second armed officer in attendance.~~

~~(a)(d)~~ Communication between the two vehicles is essential and is required between both vehicles and the home station.

~~(e)~~ The Chief of Security or shift supervisor is authorized to make individual exceptions to the assignment of a trailing escort vehicle for close management III and disciplinary confinement inmates.

~~(f)~~ The reception centers shall be authorized to transport close management I, II, and III inmates in the secure caged area within a specially designed secure transfer bus without the necessity of a trailing escort vehicle.

~~(b)(g)~~ Protective management inmates shall not be routinely transported on reception center transfer buses. Specific written instructions will be provided from the transportation section of the Bureau of Sentence Structure and Transportation.

~~(10)(11)~~ No change.

~~(11)(12)~~ If more than one officer is assigned to the transfer trip, at least one officer shall remain with the vehicle to provide supervision during stops. When there is only one officer, the vehicle must be parked in such a way that supervision can be provided for the vehicle and all inmates departing the vehicle. If stops occur within the secure confines of an institution and inmates remain on board the vehicle, the vehicle shall be parked so that the institution can provide proper supervision before the transfer officer leaves the vehicle.

~~(12)(13)~~ Manpower requirements shall vary depending upon the mode of transfer, the distance to be traveled and the type and number of inmates. Each situation must be thoroughly evaluated by the Chief of Security or shift supervisor prior to departure and appropriate personnel assigned. A minimum of one armed correctional officer shall be assigned when there are close custody inmates to transfer except when special approval is received from the Director of Institutions. At all times there must be at least one officer of the same sex as that of the inmate present during the transferring of medium, close, or maximum custody inmates. There shall be no gender restrictions regarding the transfer of community or minimum custody inmates. Community or minimum custody inmates do not require restraints unless they are being transferred with close custody inmates or pose a security risk; however, there shall be an adequate number of officer escorts to provide appropriate supervision.

~~(14)~~ Standard restraint equipment for the normal situation will be handcuffs and a restraint chain. Except as specifically outlined below, additional restraints, such as waist chains with a C and S handcuff cover (black box) and leg irons, shall be necessary when transferring death row and close custody inmates, inmates who are extreme escape risks, inmates with serious assaultive tendencies, or any inmate determined by the Chief of Security to be a high security risk. Being legally responsible for the custody of inmates, the transfer officer in charge has the authority to apply restraints to community

~~eustody inmates and additional restraints to medium or minimum custody inmates when he or she determines that such is necessary to ensure security.~~

~~(a)~~ When inmates are transferred within the state from one secure perimeter to another secure perimeter and a specially designed secure transfer bus is used, inmates may be restrained with leg irons only. Death row, closed management, and high risk inmates will require restraints as noted in subsection (10) above during any transport.

~~(b)~~ Each medium custody inmate who is not being transferred from one secure perimeter to another secure perimeter in a specially designed secure transfer bus shall be restrained with a minimum of handcuffs. Close custody inmates will require a waist chain with a C and S handcuff cover (black box) and leg irons under these circumstances. The restraints shall be applied prior to leaving the secure perimeter. The restraints shall not be removed until the inmate is returned to a secure perimeter unless circumstances require their removal, that is, federal appearances or medical visits.

~~(c)~~ Use of restraint equipment, except for death row inmates, will not be required at Reception Centers for any transport on state property provided that a specially designed secure transfer bus is used; i.e., from a Reception Center Main Unit to a Reception Center annex that is not separated by property not belonging to the Department of Corrections.

~~(d)~~ During any transport, the level of restraints applied will be commensurate with the highest custody grade being transported.

~~(e)~~ During prenatal and postpartum periods, female inmates will not be restrained with their hands behind the back nor will leg irons be utilized due to the possibility of a fall. Waist chains with the C and S handcuff cover (black box) will not be worn when there is any danger of causing harm to the inmate or fetus.

~~(13)(f)~~ Female inmates, when being transferred on the same vehicle as male inmates, shall be physically separated from the male inmates by security screens and other security measures.

~~(g)~~ All restraint equipment shall be double locked.

~~(h)~~ An inmate shall not be handcuffed behind his or her back or handcuffed to a stationary object in a moving vehicle.

~~(14)(4)~~ A reasonable number of stops shall be made in order for inmates to utilize toilet facilities. Proper security shall be provided inmates when utilizing toilet facilities on or off the transfer vehicle.

~~(15)~~ An Electronic Restraint Belt may be used in cases involving high profile transports outside the secure perimeter of an institution where in the judgment of the security staff the use of the belt is warranted. Prior to usage of the Electronic Restraint Belt, written, signed approval must be obtained from the Office of Institutions, Bureau Chief of Security Operations.

~~(15)(16) Because the carrying of firearms in the transferring of inmates is extremely hazardous, in those instances where it is advisable for firearms to be carried, such equipment must be kept in a secure place or on the person of an officer who will not come in direct contact with an inmate during the entire trip. Firearms shall not be carried by any of the escorting officers while in a car, plane or train unless the inmate is securely restrained and positive precautionary measures have been taken that will preclude contact between inmates and the armed officer. Use of firearms shall be in accordance with Rule 33-602.210, F.A.C.~~

(17) through (19) renumbered (16) through (18) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 7-12-86, Amended 5-21-92, 1-6-94, 2-12-97, 11-8-98, Formerly 33-7.009, Amended 8-28-01,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-8.041 Minimum Flows

PURPOSE AND EFFECT: The amendments establish a minimum flow pursuant to Section 373.042, F.S., for Crystal Springs. This water body is listed on the District’s minimum flow and levels priority list for establishment of minimum flows. The minimum flow will be used in the District’s permitting and resource management and development programs.

SUBJECT AREA TO BE ADDRESSED: Establishment of a minimum flow for Crystal Springs located within the Hillsborough River Basin in Hillsborough County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 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: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-8.041 Minimum Flows.

(1) through (5) No change.

(6) Minimum Flows for Crystal Springs Located Within the Hillsborough River Basin, Hillsborough County, Florida.

(a) The Minimum Flows are to ensure that the minimum hydrologic requirements of the water resources or ecology of the natural systems associated with the upper Hillsborough River are met.

(b) The Minimum Flow for Crystal Springs is stated as the flow measured by USGS physical measurements. Flows from Crystal Springs are calculated as the difference between upstream flow measurements at USGS Gage No. 02301990 – Hillsborough River Above Crystal Springs near Zephyrhills, FL and downstream flow measurements at USGS Gage No. 02302010 – Hillsborough River Below Crystal Springs near Zephyrhills, FL measurements and constitute the combined flow of the main spring vent and numerous smaller vents in the river channel. The minimum flow for the Crystal Springs complex is 46 cfs based on a 5-year running mean and median.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS. History—Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-21.003 Filing Claims

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language or add language for clarification of the rule.

SUBJECT AREA TO BE ADDRESSED: Filing Claims.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-21.004 Claims Review

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language or add language for clarification of the rule.

SUBJECT AREA TO BE ADDRESSED: Claims Review.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.108 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-21.005 RULE TITLE: Payment of Claims

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language or add language for clarification of the rule.

SUBJECT AREA TO BE ADDRESSED: Payment of claims.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.141, 489.143 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-21.006 RULE TITLE: Collection Efforts

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language or add language for clarification of the rule.

SUBJECT AREA TO BE ADDRESSED: Collection efforts.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 120.69, 455.227(3)(b), 489.143 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: G. W. Harrell, Executive Director, Board of Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NOS.: 64B-2.001, 64B-2.002 RULE TITLES: Practitioner Profile, Information Required Upon Renewal

PURPOSE AND EFFECT: The Department determined to update the rules.

SUBJECT AREA TO BE ADDRESSED: Practitioner Profile and Information Required Upon Renewal.

SPECIFIC AUTHORITY: 456.004, 456.044 FS.

LAW IMPLEMENTED: 456.039, 456.0391, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046 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: Lola Pouncey, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C-10, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH**Board of Occupational Therapy**

RULE NO.: RULE TITLE:

64B11-4.003 Standards of Practice; Discipline

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language for the second and third offense for failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

SUBJECT AREA TO BE ADDRESSED: Standards of practice; discipline.

SPECIFIC AUTHORITY: 456.079, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.217 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH**Board of Occupational Therapy**

RULE NO.: RULE TITLE:

64B11-4.005 Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete reference "for end of life/palliative health care."

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.077 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH**Board of Physical Therapy Practice**

RULE NO.: RULE TITLE:

64B17-3.001 Licensure as a Physical Therapist by Examination

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Licensure as a Physical Therapist by Examination.

SPECIFIC AUTHORITY: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051 FS.

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

DATE AND TIME: Thursday, March 6, 2008, 4:00 p.m. or as soon thereafter as can be heard.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, Florida 32812

Pursuant to the provisions of 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: the Board's Executive Director. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

Every physical therapist who applies for licensure by examination shall satisfy and demonstrate to the Board that the applicant:

(1) through (4) No change.

(5) Has attained and submitted to the Board the following:

(a) A minimum of 75 professional education credits with no deficiencies in the required content sections or areas as delineated in the FSBPT coursework evaluation tool. Effective April 1, 2008, an applicant must have attained a minimum of 90 professional education credits with no deficiencies in the required content or areas as delineated in the FSBPT coursework evaluation tool.

(b) through (f) No change.

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

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.: RULE TITLES:

64I-6.001 Title
64I-6.002 Program Components

PURPOSE AND EFFECT: Chapter 64I-6, F.A.C., entitled, Comprehensive Statewide Tobacco Education and Use Prevention Program, has been created to implement Section 27, Article X of the State Constitution and Section 381.84, F.S., requiring funding and implementation of a comprehensive statewide tobacco education and use prevention program.

SUBJECT AREA TO BE ADDRESSED: The proposed rules provide for specific program components to be implemented in accordance with the Federal Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs, October 2007.

SPECIFIC AUTHORITY: 381.84(3) FS.

LAW IMPLEMENTED: 381.84 FS.

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

DATE AND TIME: January 14, 2008, 2:30 p.m. – 4:00 p.m.

PLACE: Grand Ballroom, Doubletree Hotel 101 South Adams Street, Tallahassee, Florida 32301-7774

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Carlos Martinez 245-4144, ex. 2473. If you are 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: Carlos Martinez 245-4144 ex. 2473

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64I-6.001 Title.

These rules shall be known as “Comprehensive Statewide Tobacco Education and Use Prevention Program”.

Specific Authority 381.84 FS. Law Implemented 381 FS. History–New _____.

64I-6.002 Program Components.

(1) The statewide tobacco education and use prevention program shall be implemented in accordance with the United States Centers for Disease Control (CDC) Best Practices for Comprehensive Tobacco Control Programs-2007, as amended.

(2) The CDC Best Practices for Comprehensive Tobacco Control Programs-2007, as amended, is incorporated herein by reference.

Specific Authority 381.84 (3) FS. Law Implemented 381 FS. History–New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 65C-16.001 | Definitions |
| 65C-16.002 | Adoptive Family Selection |
| 65C-16.003 | Case Reviews |
| 65C-16.004 | Recruitment, Screening and Application Process/Adoptive Applicants |
| 65C-16.005 | Evaluation of Applicants |
| 65C-16.007 | Abuse Hotline and Registry and Criminal Records Checks |
| 65C-16.008 | Dispute Resolutions and Appeals |
| 65C-16.009 | Adoption Placement |
| 65C-16.010 | Adoption Placement – Post-Placement Services |
| 65C-16.011 | Confidentiality – Human Immunodeficiency Virus (HIV) Infected Clients |
| 65C-16.012 | Types of Adoption Assistance |
| 65C-16.013 | Determination of Maintenance Subsidy Payments |
| 65C-16.014 | Post Adoption Services |
| 65C-16.015 | Non-Recurring Adoption Expenses |
| 65C-16.016 | Access to Closed Adoption Records |
| 65C-16.017 | Florida Adoption Reunion Registry |
| 65C-16.018 | Adoption Benefits for Qualifying Employees of State Agencies |

PURPOSE AND EFFECT: Update Florida Administrative Rules with recent statutory and policy changes.

SUBJECT AREA TO BE ADDRESSED: Adoption of children
SPECIFIC AUTHORITY: 110.1055, 110.15201, 110.201(1), 110.2035(1), 110.403(1)(c), 110.605(1) FS.

LAW IMPLEMENTED: 63.233, 409.166(7), 409.167(6) 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: Gay Frizzell (850)921-3005

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-16.001 Definitions.

(1) "Abuse Hotline" means the department's single statewide toll-free telephone number established for the purpose of receiving reports of child abuse, abandonment or neglect.

(2) "Adoption" means "adoption" as defined in Section 63.032(2), F.S.

(3) "Adoption Assistance" as defined in Section 409.166(2)(b), F.S. ~~means payments and services provided to a special needs child and his or her adoptive family, as specified in the adoption assistance agreement. Such assistance may include maintenance subsidy, medical subsidy, Medicaid and reimbursement of non-recurring expenses associated with the legal adoption. College tuition exemption is also available. State employees may be eligible for an employee adoption benefit.~~

(4) "Adoption Entity" means "adoption entity" as defined in Section 63.032(3), F.S.

(5) "Adoption Exchange" means a mechanism for linking adoptive family resources with children needing adoption placement. The Exchange serves all department adoption and foster care staff, and the staff of licensed child placing agencies in Florida.

(6) "Adoption Home Study" means a written evaluation of the adoptive parents' capacity for adoptive parenthood. The study assesses the applicants' home and living environment, their marriage, family and social activities and relationships.

(7) "Adoption Reunion Registry" means a voluntary computer data base which acts as a repository for current names, addresses and telephone numbers of parties to any Florida adoption.

(8) "Agency" means "agency" as defined in Section 63.032(5), F.S.

(9) "At-Risk Adoptive Placement" means a placement of a minor in the home of an approved adoptive parent prior to the termination of the minors' parents' parental rights.

(10) "Children's Case Manager" means a person who is responsible for participating in the development and implementation of a service plan, linking the behavioral health service providers to a child or adolescent and his or her family, monitoring the delivery of behavioral health services, providing advocacy services, and collecting information to determine the effect of the behavioral health services and treatment.

(11) "Community Based Provider" means a private agency which has entered into a contract with the department to provide supervision of and services to children in out-of-home placements.

(12) "Court" means "court" as defined in Section 63.032(7), F.S.

(13) "Custodian" means a person or entity in whom the legal right to custody of a child is vested.

(14) "Department" means the Department of Children and Family Services.

(15) "Disruption" means the termination of an adoption placement prior to legal finalization.

(16) "Dissolution" means a termination of an adoption following legal finalization.

(17) "District/Region" means a geographic area through which the department plans and administers its programs.

(18) "Intermediary" means "intermediary" as defined in Section 63.032(9), F.S.

(19) "Interstate Compact" means an agreement among states, enacted into law in all 50 states, the District of Columbia and the Virgin Islands, which governs the interstate movement of children. It establishes orderly procedures for the interstate adoptive or out of home placement of children, including post-placement supervision.

(20) "Lead Agency" means "eligible lead community-based provider" as defined in Section 409.1671(1)(e)(e), F.S.

(21) "Licensed Child-Placing Agency" means "licensed child-placing agency" as defined in Section 39.01, F.S.

~~(22)(21)~~ "Mental health multidisciplinary team" means the group of people brought together by the child's mental health case manager to plan and coordinate mental health and related services to meet the child's needs in the most appropriate, least restrictive setting. Members of the team should include the child, unless contraindicated, the child's parent or legal guardian, caregiver, targeted case manager, psychiatrist, therapist or behavioral specialists, family safety counselor and any other agency representative who is providing mental health or related services to the child.

~~(23)(22)~~ "Non-Recurring Adoption Expenses" means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a special needs child, that were incurred prior to adoption finalization.

~~(24)(23)~~ "Placement" means the act of physically moving a minor into the physical custody of the prospective adoptive parent, or in the case of adoption by a foster parent, relative, or other current caretaker, the date the placement agreement is signed.

~~(25)(24)~~ "Primary Residence and Place of Employment in Florida" means "Primary Residence and Place of Employment" as defined in Section 63.032(17), F.S.

(26) “Qualifying Adoptive Employee” means a full-time or part-time employee of a state agency who is paid from regular salary appropriations or who otherwise meets the employer’s definition of a regular rather than temporary employee and who adopts a child pursuant to Chapter 63, F.A.C. For purposes of this definition, the term includes instructional personnel, as defined in Section 1012.01, F.S., employed by the Florida School for the Deaf and the Blind.

~~(27)(25)~~ “Relative” means “relative” as defined in Section 39.01(63)(60), F.S.

~~(28)(26)~~ “Significant Emotional Tie” means the relationship between a child and his or her caretaker family when a child is bound to that family in such a vital and ardent manner that removal of the child from that family would have detrimental consequences for the child. This term is also used in evaluating a child’s eligibility for adoption subsidy when the question of eligibility rests solely on his adoption by the current caretaker.

~~(29)(27)~~ “Sibling” means one of two or more individuals having one or both parents in common.

~~(30)(28)~~ “Single Point of Access” means the designated district/region staff person or Alcohol, Drug Abuse and Mental Health or the authorized agent designated by the department within a geographical area who is identified as the point of contact to assist the family services counselor in accessing mental health assessments and other mental health services for children in the care and custody of the department.

~~(31)(29)~~ “Special Needs Child” means “special needs child” as defined in Section 409.166(2), F.S.

(32) “State Agency” means a branch, department, or agency of state government for which the Chief Financial Officer processes payroll requisitions, a state university or community college as defined in Section 100.21, F.S., a school district unit as defined in Section 1001.30, F.S., or a water management district as defined in Section 373.019, F.S.

~~(33)(30)~~ “Suitability of Intended Placement” means the fitness of the intended placement with primary consideration given to the welfare of the child and the fitness and capabilities of the adoptive parents for a particular child.

~~(34)(31)~~ “To Place” means the process of giving up a child for adoption and the prospective parents’ receiving and adopting the child including all actions by any person or agency participating in the process.

Specific Authority 63.233, 409.166(7), 409.167(6) FS. Law Implemented 39.001, 39.701, 63.032, 63.092, 63.122, 63.165, 63.192, 63.212, 409.166, 409.167, 409.401 FS. History—New 4-28-92, Amended 4-19-94, Formerly 10M-8.0013, Amended 12-4-97, 8-19-03,_____.

65C-16.002 Adoptive Family Selection.

(1) The Department facilitates the adoption of children with special needs. Persons seeking to adopt non-special needs children will be referred to private agencies. Birth parents

seeking adoption planning for their non-special needs children will be referred to private adoption agencies. Any non-special needs children in the care of the department for whom adoption is the goal, will be referred to private adoption agencies for placement planning, unless there is a plan for adoption by the current custodian.

(2) General Policy. A person or government involved in adoption may not deny to any individual the opportunity to become an adoptive parent on the basis of race, color or national origin of the individual or the child. A person or government may not delay or deny the placement of a child for adoption on the basis of race, color or national origin of the adoptive parent or the child.

(3) It is the policy of the state and of the department that adoption placements must be made consistent with the best interest of the child. The role of good judgment in assessing the best interest of the child cannot be replaced by rote policy decrees. The exercise of that judgment must be shaped by the following considerations:

(a) Grandparent priority. Grandparents with whom a child has lived for at least six months must be notified that their grandchild is being considered for adoption as specified in Section 63.0425, F.S. Such grandparents must be afforded the opportunity to have a home study completed and to petition for adoption, and the court is required to give first priority to that petition.

(b) Other relative priority. Other relatives may wish to be considered as an adoption placement for the child. If such a relative is identified and requests consideration for adoption placement, the application of the relative must be evaluated to determine suitability through an adoptive home study.

(c) Current custodian priority. The current custodian of the child may wish to adopt. If the custodian applies to adopt the child, the application must be evaluated to determine suitability through an adoptive home study. The home study must assess the length of time the child has lived in a stable, satisfactory environment and the depth of the relationship existing between the child and the custodian. It should be recognized that individuals who might not be considered the placement of choice for children not known to them, can be the placement of choice for children with whom they have an existing stable relationship. There are some situations in which adoption by the current custodian may not be in the best interest of the child. Examples of these situations include:

1. The current custodians want to adopt a child but not his or her siblings and it is in the best interest of the sibling group to be placed together.

2. The current custodian has returned other adopted children to the department, or has arranged for some other out-of-home informal long-term placement for a previously adopted child.

(d) Non-custodian with whom child has a relationship. Persons known to the child, but who do not have custody of the child, may wish to be considered for adoption. If such persons apply to adopt the child, the application must be evaluated to determine suitability through an adoptive home study. In addition, the depth of the relationship existing between the child and the non-custodial applicant must be examined.

(e) Family new to the child. Many families who pursue adoption do not have a specific child in mind when they apply. These families must be provided information about the children available for adoption through the department, and must be helped, through training, preparation, and the home study process, to determine if special needs adoption is appropriate for their family.

(4) Siblings.

(a) When considering adoption placement of a sibling group, the department must consider the fact that placing siblings together, whenever possible, preserves the family unit.

(b) In situations where consideration is being given to separating siblings, the adoption unit must staff the case as a team. The team must consider the emotional ties existing between and among the siblings and the degree of harm which each child is likely to experience as a result of separation. The positives and negatives of keeping the children together must be thoroughly explored, and at least one member of the team must be assigned the role of defending the position of placing the children together. In particularly difficult cases, professionals who have expertise in this area can be consulted.

(c) The decision to separate siblings must be approved in writing by the district/region Family Safety Program Office or the community based provider staff charged with this responsibility. Adoption staff will prepare a memorandum directed to the district/region Family Safety Program Office or the appropriate community based provider staff describing efforts made to keep the siblings together and an assessment of the short term and long range effects of separation on the children. The memorandum must also include a description of the plan for future contact between the children if separation is approved. The plan must be one to which each adoptive parent and caretaker can commit.

(d) If after placement as a sibling group, one child does not adjust to the family, a decision must be made regarding what is best for all of the children. The adoption staff must review this situation as a team, and choose the plan that will be least detrimental to the children. The decision must be documented in the children's files. This documentation must also include the plan for future contact if the decision is to pursue separate placements.

(e) Sometimes the department may take into custody a child who is a sibling to previously adopted children. The department shall advise the adoptive parents of this occurrence. If this child becomes available for adoption, the adoptive parents of the previously placed sibling shall be given an

opportunity to apply to adopt this child. The application of these adoptive parents will be given the same consideration as an application for adoption by a relative, as described above.

(5) Occasionally a child whose parent's parental rights have been terminated, for whom there is a plan for foster parent adoption, has relatives who indicate an interest in adopting after the termination process is completed. The following factors must be considered in making a decision that represents the best interest of the child in this situation.

(a) Attachment. Consideration must be given to the quality and length of the attachment to the foster parent. The age of the child at placement and the current age must be considered in assessing attachment. The ease with which the child attached to the current family and any indications of attachment difficulty in the child's history must be evaluated. The number of moves the child has experienced will be an important factor in determining the likelihood that the child will form a healthy attachment to the relative.

(b) Kinship. Children who have a shared history with extended family and cultural values and traditions are more likely to be passed on to the child when there is opportunity to grow up in the care of family members. Consideration must be given to the quality of the relationship with the relative. Some children will already know and trust the relative seeking to adopt. If not, the willingness of the relative to participate in pre-placement activities to promote the development of a relationship must be considered.

(c) Permanence. The capacity of the relative and the foster parent to meet the child's need for permanence must be evaluated. The ability of the prospective parent to understand the needs of adoptive children in different developmental stages and their awareness of the inherent challenges of parenting an adopted child must be carefully considered.

(6) In any adoptive placement of a Native American child, the federal "Indian Child Welfare Act" governs the order of placement preference. While the Indian Child Welfare Act gives a placement preference, it allows each tribe to establish a different order of preference by resolution, and that order must be followed. The Act lists the placement preference for adoption of an Indian child in the following order:

- (a) A member of the child's extended family;
- (b) Other members of the Indian child's tribe; or
- (c) Other Indian families.

(7) Study of the Child. Completing the study of the child is an important part of the preparation needed to find an adoptive family. Before preparing the study of the child, the counselor must be thoroughly familiar with the content of the child's foster care record. The record must include all available information regarding the child and the birth family's medical and social history. All available social and medical history information must be provided to the adoptive parents prior to or at the time of the adoption placement. The study of the child,

with identifying information removed, will be a part of the written background information provided to the adopting family. A study of the child will include:

(a) **Developmental History.** A developmental history must be obtained from the birth parents whenever possible. When the child has been in care for a period of time, developmental history obtained from birth parents must be supplemented by direct study and observation by the counselor, foster parents, pediatrician, and if indicated, psychologist, teacher and other consultants. The developmental history must include:

1. Birth and health history;
2. Early development;
3. Child's characteristic way of responding to people;
4. Deviations from the normal range of development; and
5. Child's prior experiences, including continuity of care, separations, and information regarding other known significant relationships the child has had prior to and since entering foster care.

(b) **Medical History.** A medical examination must be completed by a qualified physician, preferably a pediatrician, to determine the child's state of health and significant health factors which may interfere with normal development. The medical history must take into consideration the following:

1. Circumstances of birth and possible birth trauma;
2. Congenital conditions which may have been corrected or need additional correction or treatment;
3. Physical handicaps that may interfere with normal activity and achievement;
4. Significant illnesses and health of the child, parents and other family members; and
5. Immunization record of the child.

(c) **Family History.** Family history will be obtained from birth parents when possible and will include any significant information about both parents and any siblings. Material about the child's birth family, which will be shared with the adoptive family and later with the child, must be carefully and accurately recorded. This information should include:

1. Age of both parents;
2. Race, national origin or ethnicity;
3. Religion;
4. Physical characteristics;
5. Educational achievements and occupations;
6. Health, medical history and possible hereditary problems;
7. Personality traits, special interests and abilities; and
8. Child's past and present relationship with family members and the significance of these relationships.

(d) **Psychological and Psychiatric Evaluations.** Psychological or psychiatric evaluations of children known or suspected of having mental health problems must be obtained prior to the adoption placement. Any child who will be placed for adoption with medical subsidy for treatment of a

psychological or psychiatric condition must have had such an evaluation within the 12 month period preceding the adoption placement.

(e) **Hereditary.** There are no hereditary factors that rule out adoptive planning for a child. Genetic and medical professionals will assist in deciding which hereditary conditions entail significant risk because they limit life expectancy or adversely affect normal development. With the recognition that there are adoptive parents who are willing to accept children with special needs, such conditions must be carefully evaluated. An unfavorable diagnosis does not rule out adoption for the child when there are families willing to assume the risks.

(f) **Pre-placement Physical Examination.** Prior to placement every child must be given a complete physical examination. This will be completed when a specific family is being considered for a child and they express interest in proceeding after having received specific information about the child. Should placement with an identified family not occur after the physical has been completed, another examination will not be necessary if the child is placed with a subsequent family within six months of the date of the physical. No child will be placed without a physical which has been conducted within six months of placement. The department will arrange to have the examination completed or if the adoptive family prefers, the examination may be completed by the family's pediatrician at their expense, and a copy provided to the department. It is important that this examination be thorough and provide the potential adoptive family and the counselor with a clear understanding of the child's physical condition.

(8) The information discussed in paragraphs (a) through (f) must be shared in writing with the adoptive parents. The identity of the birth family must be protected when providing this written material to the family.

Specific Authority 39.001, 39.012, 39.0121, 63.233, 409.165 FS. Law Implemented 39.621, 63.0425, 63.052, 63.062(3), 409.145 FS. History—New 2-14-84, Formerly 10M-8.02, Amended 5-20-91, 4-28-92, 4-19-94, 8-17-94, 1-8-95, Formerly 10M-8.002, Amended 12-4-97, 12-23-97, 8-19-03, Repromulgated _____.

65C-16.003 Case Reviews.

(1) The purpose of case reviews is to ensure that appropriate permanent plans are developed and executed for every child at the earliest possible time.

(2) The case review requirements for children in adoption planning consist of three types of reviews:

(a) **Judicial Review.** All children served by the department's adoption units, including those for whom a termination of parental rights has not been completed and those for whom termination of parental rights has been completed are subject to periodic court review. Children in adoption placements that have not yet finalized are subject to court review until legal finalization of the adoption. Judicial Review

reports for children in adoption planning must include information about reasonable efforts to recruit an adoptive family, place the child for adoption and finalize the adoption.

(b) Quarterly Case Staffings. Local case management staff responsible for planning for children in need of adoption will meet together as a team to staff and assess the needs of waiting children and available families. The teams will meet as often as necessary to assure that permanency needs are met. Each waiting child is to be staffed at least quarterly.

(c) Supervisory Consultation. Supervisory consultation is an on-going function of direct service supervision. Consultation must be directed at ensuring thorough case assessment, case planning and service delivery. Supervisory consultation must be provided to every direct service staff member regardless of prior training and experience, and must include individual supervisory case conferences, at least monthly.

Specific Authority 39.601, 39.701 FS. Law Implemented 39.001, 39.451, 39.453, 39.701, 39.703, 409.145, 409.175, 409.1755 FS. History--New 4-28-92, Amended 4-19-94, Formerly 10M-8.0023, Amended 12-4-97, 8-19-03, Repromulgated.

65C-16.004 Recruitment, Screening and Application Process/Adoptive Applicants.

(1) The department or community based care provider will ensure that an assessment of adoptive parent resource needs is done in each district at the beginning of each calendar year, and that recruitment activities are planned for the year based on the results of the assessment. The districts' annual recruitment plan will be submitted to the headquarters Family Safety Program Office by February 15 of each year. The headquarters Family Safety Program Office staff will develop a statewide recruitment plan, based on the needs of individual districts, as reflected in the district plans.

(2) The recruitment activities must be designed to meet the needs of all children in foster care who need adoptive homes and must include informational meetings for potential adoptive applicants to be held at least every 90 days.

(3) The department and its designees shall recruit adoptive families that reflect the ethnic and racial diversity of children needing adoptive placement.

(4) The prospective adoptive parents' initial inquiry to the Department of Children and Family Services local office, or to the community based provider, whether written or verbal, will receive a written response or a telephone call within seven (7) working days. Prospective adoptive parents who indicate an interest in adopting special needs children must be offered the opportunity to participate in the department's approved adoptive parent training program. If space is limited in scheduled classes, slots in the classes will be assigned in the following priority order:

(a) Persons with an existing relationship with a specifically identified child who is waiting for adoption placement, or that child's sibling.

(b) Persons who have expressed an interest in adopting a specifically identified child waiting for adoption, or that child's sibling.

(c) Persons who have explicitly stated their willingness to adopt children available for placement through the department or its designee; and

(d) Persons expressing a general willingness to adopt special needs children.

(5) An application to adopt must be made on form CF-FSP 5071, PDF 09/2000, Adoptive Home Application, which includes necessary identifying information and information required by statute. If a community based provider chooses to use its own form, that form must contain all of the elements of CF-FSP 5071, PDF 09/2000, which is incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Bldg. 7, Tallahassee, FL.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022(2)(c), 63.122, 409.145, 409.401 FS. History--New 7-18-95, Formerly 10M-8.0042, Amended 8-19-03, Repromulgated.

65C-16.005 Evaluation of Applicants.

(1) No person shall be denied the opportunity to become an adoptive parent on the basis of race, color or national origin. The placement of a child with a particular family must not be denied or delayed on the basis of race, color or national origin of the family or the child.

(2) A social study which involves careful observation, screening and evaluation shall be made of the child and adoptive applicants prior to the placement of the child. The aim of this evaluation is to select families who will be able to meet the physical, emotional, social, educational and financial needs of a child, while safeguarding the child from further loss and separation from primary caretakers.

(3) In determining which applications for adoption should be approved, all of the following criteria, not listed in any order of priority, must be considered:

(a) The child's choice, if the child is developmentally able to participate in the decision. The child's consent to the adoption is required if the child is age 12 or older;

(b) The ability and willingness of the adoptive family to adopt some or all of a sibling group, although no individual child shall be impeded or disadvantaged in receiving a loving and nurturing home due to the inability of the adoptive family to adopt all siblings. The needs of each individual child must be promoted;

(c) The commitment of the applicant to value, respect, appreciate, and educate the child regarding his or her racial and ethnic heritage and to permit the child the opportunity to know and appreciate that ethnic and racial heritage;

(d) The family's child rearing experience. Applicants with previous child-rearing experience who exhibit the energy, physical stamina, and life expectancy which would allow them to raise the child to adulthood and who have a demonstrated history of having provided consistent financial support to other minor children, either birth or adopted, will be considered. Applicants who do not have previous child rearing experience but who demonstrate the capacity to parent a special needs child will also be considered. Applicants who have experienced an adoption disruption or dissolution in the past must be carefully evaluated. When evaluating the previous disruption or dissolution experience, staff must assess the reasons for the disruption or dissolution, the family's openness in dealing with the problems that led to the disruption, their willingness to accept help with the problems, and their willingness to help the child move to the next placement;

(e) Marital Status. The department and its designees will accept applications to adopt from married couples and from single adults. Couples married less than two years must be given particularly careful evaluation;

(f) Residence. Florida families must be prepared to remain in Florida long enough to have the adoption study completed, the child placed, and the adoption finalized. Families from other states wishing to adopt Florida children may apply and be studied by an agency authorized or licensed to practice adoption in their state of residence. Out of state placements will be facilitated through established regional or national adoption exchanges or directly with out of state agencies, and will comply with the requirements of the Interstate Compact for the Placement of Children;

(g) Income. The family must have income and resources to assure financial stability and security to meet expenses incurred in adequate care of the family. While a family's income must meet the needs of its current members, a family interested in a special needs child must not be precluded from consideration if the availability of an adoption subsidy would enable them to adopt a special needs child. Management of current income and the ability to plan for future changes in income so that the child's social, physical and financial needs will be met are as important as the amount of income;

(h) Housing and neighborhood. Housing and neighborhoods must provide adequate space and the living conditions necessary to promote the health and safety of the family;

(i) Health. Applicants will be required to fully disclose health history, current health status, including any condition that is progressive and debilitating in its course, and any past and current treatment and services received for such condition, regarding themselves and each member of the household. The physical, mental and emotional health of the prospective adoptive household members must not jeopardize the safety and permanency of the child's placement and will be considered in determining the best interest of the child;

(j) Other Children in the Family. When families have children by birth or adoption, the anticipated impact of a new child on the family must be considered;

(k) Working Parents. The willingness and ability of prospective adoptive parents who are employed outside the home to make arrangements to be with the child during the transition period must be considered. It is desirable that one parent be free to devote full time to the care of the child for a period of time after placement. The exact length of time is determined by the needs and the age of the child, and the needs of the child must be given priority over the employment situation of the parent;

(l) Department Employees. Employees of the department and the community based care provider will be considered as adoptive applicants. In situations where the employee has a close working relationship with the foster care or adoption staff in his or her district or provider agency, or had such a relationship in the recent past, the applicants study shall be conducted by another district or a licensed adoption agency. The district Family Safety Program Office or the appropriate entity in the provider agency must be notified immediately when an application to adopt is received from a departmental or provider agency employee. The office or the provider entity will make a decision regarding whether the adoption study for the employee will be completed by the district or provider agency, or if the services of another district or agency will be sought. If the decision is to have the employees adoption study and subsequent placement handled by another district or agency, the district Family Safety Program Office or the provider entity will make the necessary arrangements with the Family Safety program office in the other district or the chosen agency. When an adoptive applicant is a member of a board or group which has actual or perceived authority over the department, its community based provider, its staff or operations, such applicant will be referred to another district or a local licensed child placing agency for handling;

(m) Affidavit of Good Moral Character. All adoptive parent applicants must complete an affidavit of good moral character attesting to their own good moral character. Foster parents who are adopting a foster child in their home and who have completed this affidavit as a part of their licensing requirements need not complete it again;

(n) All adoptive applicants must complete the requirements for background screening as outlined in Rule 65C-16.007, F.A.C.; and

(o) Use of References. A minimum of five written references will be required. At least two of the references will be non-relatives. References must be obtained from persons who have had the opportunity to observe the applicants in situations that may give some indication for their capacity for parenthood or who would have documented knowledge of deviant behavior or immoral character. References should be

obtained from employers of applicants and from schools or day care providers who have had an opportunity to know the family.

(4) Family Preparation and Study Process.

(a) Adoption staff must explain to applicants what to expect during the preparation and study process. The process must also help to establish a relationship with adoptive applicants which will make it possible for them to ask for and use help during the presentation, pre-placement, placement and the post-placement adjustment period.

(b) The department's approved adoptive parent training must be provided to all prospective adoptive parents except licensed foster parents and relative caregivers who have previously attended the approved training or have been determined do understand the challenges and parenting skills needed to successfully parent the children available for adoption from foster care ~~program provides a format through which prospective foster, shelter and adoptive parents can be selected and prepared to work with the department as team members in permanency planning.~~

(c) At the beginning of each year districts and community based care organizations responsible for adoption services must establish a 12 month training calendar so that inquiring families can be aware of when they can expect to begin the preparation process. Districts and providers must also maintain the ability to conduct extra training groups when there is a need. This will be particularly important when there are significantly higher numbers of families waiting for group than can be accommodated in the regularly scheduled sessions. Districts and providers who assure that all appropriate adoption licensing and foster care staff are trained and certified in the delivery of the adoption training will be prepared to deal with such emergency situations.

(5) Family Preparation Through Use of the Individual Study Process.

(a) Although the most preferred method of preparing applicants for adoptive parenthood is the group process, there will be exceptional cases in which an individual study approach must be used. Some examples of factors which might lead to a decision to prepare an applicant family via an individual study are as follows:

1. Extreme distance which would cause hardship for the family;
2. Small numbers of inquiring families at irregular times;
3. Families who are adopting subsequent children and have already been trained; and
4. Cases in which the child has been living in the home for an extended period and there is evidence of well functioning relationships.

(b) Each decision to use the individual study approach must be approved in writing by the district Family Safety Program Office, or the appropriate entity in the community based agency, and the family's record must include justification for use of this method.

(c) The focus of the individual study, as in group preparation, must be on education and preparation of the family.

(6) Families Who Adopt Again. Prior approval of a family to adopt does not automatically deem the family appropriate to adopt again. Families previously approved in other states or districts/regions should be carefully evaluated. Consideration of any family for placement of a subsequent child requires an updating of the previous study. Such an update will include an assessment of the following:

(a) Issues Related to the Previously Adopted Child. This should include a brief description of the child, his or her incorporation into the family, and the skills the parents have demonstrated in providing for this child;

(b) Motivation of the family in seeking to adopt another child at this time;

(c) School adjustment of the previously adopted child;

(d) Health Needs. Any significant medical problems and any impact they have had on the previous adoption or might be expected to have on subsequent placements must be discussed;

(e) Housing needs and the capacity of the home to comfortably accommodate another child;

(f) Income. Any major changes in the family income must be discussed. A determination should be made as to whether or not the addition of another child, even with adoption subsidy, will tax the family's ability to manage within their current income;

(g) Marriage. The effect of the previous adoption on the marriage must be discussed;

(h) Extended Family and Neighbors. How the previous adoption has been perceived, received or rejected by family and neighbors;

(i) Updated References. References should be asked to address how the family seems to have managed with the previously adopted child and how they believe the family will cope with additional children;

(j) Abuse Hotline/Criminal Records Check. Abuse Hotline and criminal records checks must be conducted as part of each subsequent application to adopt; and

(k) Other Major Changes. Address any additional family members not considered in the initial study. Also address any other major changes such as job changes, deaths, and serious illness or medical conditions which may have had an effect on the family or which may compromise the applicant's ability to meet the needs of another child.

(7) The Written Adoption Study. Whether or not the parent preparation is conducted in a group process or in an individual study, a written report, generally referred to as the adoption home study, must be prepared for each studied family. The written home study must address the issues discussed in subsections (1) through (6) above.

(8) At the conclusion of the preparation and study process, the counselor and supervisor will make a decision about the family's appropriateness to adopt. That decision will be reflected in the final recommendation included in the written study. If the recommendation is for approval, the study and written recommendation will be submitted to the Family Safety Program Administrator or designee or the appropriate entity in the community based care agency for approval. If the counselor and supervisor do not recommend approval the case will be reviewed by Adoption Review Committee according to the directions provided in subsection 65C-16.0061(9), F.A.C.

(9) Adoption Review Committee. Each district and community based care provider responsible for providing adoption services for children in the department's custody must establish an Adoption Review Committee. The committee will consist of at least three (3) persons, and must include one department staff, preferably with adoption expertise ~~may include the district adoption specialist.~~ The district or community based care agency will select a committee member to serve as the committee chair.

(a) The committee will provide consultation and assistance to the adoption counselor on any adoptive home study in which the counselor and supervisor are recommending rejection, or adoption case situations which present challenging issues. Requests for committee review may be made by the adoption counselor, the adoption specialist, the family safety program administrator or the appropriate entities with the community based provider. Requests for committee review will be made in writing and forwarded to the adoption specialist or the appropriate entity in the community based care agency. While the committee is available to review any challenging case, cases with the following issues must be referred to the committee.

1. Health. Cases in which it is determined that the adoptive applicant is experiencing a serious or chronic medical condition and such condition predictably compromises or could compromise the applicant's ability to provide the physical, emotional, social and economic support necessary for the child to thrive.

2. Abuse History. Cases in which the Abuse Hotline clearance reveals verified findings of abuse, neglect, or abandonment which did not result in a disqualifying felony conviction, and cases in which there were some indicators of abuse or neglect.

3. Criminal History. In cases in which the required criminal history checks pursuant to Section 39.0138(1) ~~435.045(1)~~, F.S., reveal that the applicant(s) have been convicted of crimes specified in Section 39.0138(2) ~~435.045(1)(a)1.~~, F.S., their application must be rejected. A referral to the adoptive applicant review committee will not be required. The applicant must be advised that he or she cannot be approved. If the criminal history check reveals that the applicant was convicted of a law violation listed in Section

39.0138(3) ~~435.045(1)(a)2.~~, F.S., within the last five years, the applicant cannot be considered for approval, until five years after the violation was committed. These applicants must be referred to the committee.

4. Cases in which the applicant is a current or former foster parent and the review of the foster parent file reveals that there have been care and supervision concerns or a violation of licensing standards.

5. With the exception of those applicants convicted of a crime specified in Section 39.0138(1) ~~435.045(1)(a)~~, F.S., counselors must seek the assistance of the committee prior to a decision to reject an applicant.

(b) The adoptive applicant review committee chairperson will convene the committee and issue a written recommendation to district legal counsel and ~~or~~ the appropriate entity within the community based care agency within 30 days of receipt of the request. Following input from district legal counsel ~~or the community based care entity~~, the chairperson will prepare a written report summarizing consensus of the committee and the recommendation from district legal counsel and ~~or~~ the community based care agency entity. The This recommendation to approve the applicant will be submitted to the district administrator or the chief executive officer of the community based care agency. The recommendation to reject the applicant will be submitted to the district administrator and the chief executive officer of the community based care agency.

(c) The chief executive officer of the community based care agency will provide the applicant with written notification of the decision to approve within 10 working days of the decision. The district administrator ~~or chief executive officer~~ will provide the applicant with written notification of the decision to ~~approve or~~ reject the application, within 10 working days of the decision. The written notice must include the reason for the rejection, and must advise the applicant of his/her judicial option as described in the Administrative Procedures Act, Chapter 120, F.S.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022(2)(c), 63.122, 409.145, 409.401, 435.045 FS. History-New 2-14-84, Formerly 10M-8.05, Amended 4-28-92, 4-19-94, 8-17-94, 1-8-95, 7-18-95, Formerly 10M-8.005, Amended 12-23-97, 8-19-03,_____.

65C-16.007 Abuse Hotline and Registry and Criminal Records Checks.

(1) Abuse Hotline checks must be conducted on all adoptive applicants. The applicants must be informed of this part of the investigation early in the home study process and must provide written consent for the check to be completed. For applicants who have previously been foster parents or have adopted in other states, Abuse Hotline checks must be completed in the previous state. Abuse Hotline checks must be current within 30 days of placement of an adoptive child in the home.

(a) The counselor must submit to the district background screening coordinator, sufficient information to conduct a search of the Florida Abuse Hotline Information System. Abuse Hotline record checks must also be conducted on all other household members who are 12 years of age or older. When the adoptive applicant or other adult household member lived in another State within five years of the request for a home study, a child abuse and neglect registry check of the other State must be completed. If the other State has an ACF-approved delayed effective date or the State does not maintain a registry, the counselor must determine whether to approve the applicant in the absence of the information.

(b) Any request for information from the Abuse Hotline must be in writing and must include a statement of statutory authorization to receive the information.

(c) All Department of Children and Families personnel and other agencies and professionals using information from the Abuse Hotline, or any child abuse case record should be informed that misuse of such information may cause them to be held personally liable, and any person injured or aggrieved by such disclosure may be entitled to damages. Unauthorized release of abuse reports may result in criminal prosecution. The offense is a misdemeanor in the third degree.

(2) Criminal background checks through local, state and federal law enforcement agencies will be conducted on all persons age 18 or older residing in the prospective adoptive home. For applicants who have been foster parents or who have adopted in other states, local and state checks must be completed in the state of previous residence. Should the background reveal that the applicant has been convicted of a crime specified in Section 39.0138(2) 435.045(1)(a)1., F.S., the application must be rejected. Juvenile delinquency checks through the Florida Department of Law Enforcement must be conducted on all household members twelve through seventeen years of age as a public record search. If this check reveals a Juvenile Justice record, this information must be addressed in the home study and a determination must be made regarding possible impact on the adopted child.

(3) For foster parents and relative caregivers who are adopting a department child, federal background checks must be current within 5 years at the time of adoption placement. For potential adoptive parents who are not foster parents or relative caregivers, federal background checks must be current within one year at the time of adoption placement. All potential adoptive parents must have state and local background checks that are current within 90 days of the date of adoption placement.

(4) Applicants who have been convicted of any crime specified under Section 39.0138(3) 435.045(1)(a)2., F.S., within the last five years cannot be considered for approval until five years after the violation was committed. At that time these applicants must also be referred to the adoption review committee. Applicants who have been found guilty or entered

a plea of guilty or nolo contendere for crimes not listed in Section 39.0138(3) 435.045(1)(a), F.S., shall be carefully evaluated as to the extent of their rehabilitation. Factors to be considered will include the severity of the action resulting in the record, how much time has lapsed since the offense, circumstances surrounding the incident, and whether records indicate single or repeated offenses. Referral of these applicants to the adoption review committee is not required but they must be submitted to the district Family Safety Program Administrator or the appropriate entity in the community based care agency for approval.

(5) Abuse Complaints Against Adoptive Parents.

(a) When the department receives reports of abuse or neglect by adoptive parents whose adoptions have been finalized, they will be handled as any other family on whom a report has been received.

(b) In cases where such reports are received on families whose adoptions are not finalized, the protective investigator will consult with the adoption counselor or supervisor who knows the family and children.

(c) Should an allegation of abuse, neglect or abandonment be made directly to the adoption counselor, the Florida Abuse Hotline must be notified immediately. The report will be transmitted to the district Protective Investigation unit. Complaints which do not contain allegations of abuse, neglect or abandonment and are made directly to the adoption counselor must be investigated by the counselor.

(d) If an investigation of an abuse, neglect or abandonment report by protective investigations reveals that the subject of the report is an adoptive parent whose adoption has not been finalized, the adoption counselor must be notified immediately and must assume responsibilities in the investigation as outlined above. The child should be removed from the adoptive home if he or she meets the criteria for removal pursuant to Section 39.401, F.S.

(e) If abuse or neglect is established but does not warrant immediate or permanent removal of the children, careful consideration should be given to providing services to the family for a specified period of time. ~~Services may be provided by the department's Protective Services unit and a~~ A referral to the mental health multidisciplinary team may be appropriate. Prior to the expiration of the specified period of time, input from the district adoption specialist or the appropriate entity in the community based care agency must be sought to assess progress being made and the likelihood that the consent to the adoption may safely be issued. The district adoption specialist or the appropriate entity in the community based care agency shall convene a meeting ~~to include the protective services counselor and supervisor and the adoption counselor and supervisor.~~ These individuals must decide if the placement will be terminated and the child returned to foster care or if a recommendation to issue consent for finalization of the

adoption will be made to the district administrator for the adoption to finalize. ~~The district administrator must provide written approval of the plan to issue consent.~~

(f) Whether the department recommends finalization of the adoption or removal of the children, information about the complaint, services provided to the family, and reasons for the department's final decision must be documented and provided to the court.

Specific Authority 39.012, 63.233, 409.145 FS. Law Implemented 63.022, 63.092(2)(b), 409.145, 435.045 FS. History—New 5-20-91, Formerly 10M-8.00513, Amended 4-28-92, 4-19-94, 8-17-94, 1-8-95, Formerly 10M-8.0053, Amended 12-23-97, 8-19-03, _____.

65C-16.008 Dispute Resolutions and Appeals.

When an adoptive applicant or parent is adversely affected by a decision or action taken by the department, or by a community based agency acting for the department, efforts should be made to settle the dispute at the counselor/supervisor level. If this attempt is unsuccessful, the Adoption Review Committee will be convened as outlined in subsection 65C-16.005(9), F.A.C. If this review results in a decision by the district administrator that supports the departments/agency's original decision, the applicant or parent must be told of that decision in writing and advised of their judicial option as described in the Administrative Procedures Act, Section 120.68, F.S., and of their right to a hearing pursuant to Section 120.57, F.S.

Specific Authority 120.57, 120.68, 409.026(8), 409.145 FS. Law Implemented 120.68, 409.145 FS. History—New 5-20-91, Formerly 10M-8.00514, Amended 4-19-94, 7-18-95, Formerly 10M-8.0054, Amended 8-19-03, Repromulgated _____.

65C-16.009 Adoption Placement.

(1) The adoption placement process incorporates the following:

- (a) Selection of the family;
- (b) Presentation of the information to the family regarding the child and to the child regarding the family;
- (c) First meeting;
- (d) Get acquainted period and pre-placement visits; and
- (e) Day of placement.

(2) The decision on final placement is based on the child's readiness and the cues given by the child to the counselor that he is ready to move into his new home.

(3) The mechanics of final placement include:

- (a) An assessment of the child and family's adjustment during the transition activities, and their readiness for placement;
- (b) A decision regarding the appropriate geographical location for placement. Depending on the child's developmental age, the placement may occur in the foster home, the adoptive home, or another location determined suitable by the parties. The child's counselor will be present regardless of the selected location; and

(c) An opportunity for the child to say good-bye to each member of the foster family.

(4) When it is necessary for the child to travel to the home of the adoptive parent for placement, the child should be accompanied by the counselor and the person with whom he or she has the most meaningful relationship. If this person is a member of the foster family the department will provide financial reimbursement for any costs incurred.

(5) Occasionally it may be in the child's best interest to be placed in a prospective adoptive applicant's home prior to completion of legal termination of parental rights. Examples of situations where at-risk placement may be appropriate include:

- (a) The child's termination of parental rights is on appeal;
- (b) The child has been voluntarily surrendered and termination of parental rights by the court is anticipated;
- (c) A petition for termination of parental rights has been filed, as it appears unlikely that the child can be returned to the biological parents within a reasonable period of time; and
- (d) The child must be moved from his or her current foster home placement, and the placement in a pre-adoptive home will result in one less move for the child.

(6) Consideration of a placement under one of the above situations presumes that relatives as placement resources have been considered and found not available or inappropriate. Such placements must only occur with approved adoptive families. These placements must be carefully planned and must have written approval of the district Family Safety Program Office or the appropriate entity with the community based care provider, prior to discussion with the family. The prospective adoptive family must clearly understand the risks involved in such a placement. This is particularly critical if the termination of parental rights is being appealed or if it can be anticipated that the biological family will seek to prevent the severance from occurring. The pre-adoptive family must be given the opportunity to consider the risks and allowed to decide if they are willing to proceed. Families entering into an at-risk placement must indicate in writing that they understand and accept the risks involved.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022, 63.042, 409.145 FS. History—New 4-28-92, Formerly 10M-8.0058, Amended 8-19-03, Repromulgated _____.

65C-16.010 Adoption Placement – Post-Placement Services.

(1) The department has a legal responsibility to provide services until the finalization of an adoption. This period is no less than 90 days from the date the child was placed in the physical custody of the adoptive parent. The first home visit must be made within one week after placement. There shall be a minimum of three supervisory visits in placements which are non-problematic. For placements which do not proceed smoothly, additional and more frequent contacts are necessary. The adoptive child or children must be contacted a minimum

of once every calendar month until adoption finalization. The entire family must be seen together at least once during the post-placement supervision period.

(2) Some placements are, by nature, complex and will require additional services during the post-placement period. Examples of these placements include:

(a) Sibling placements. Incorporating a large sibling group into an adoptive family is complex due to the number of new relationships this entails. Another difficult situation occurs when one child in a sibling group experiences difficulty in establishing a relationship with the adoptive family and the other child or children appear to be adjusting well. The counselor must decide whether to separate the siblings. Before making a decision to separate siblings, the adoption unit must staff the case as a team. The positives and negatives of keeping the children together must be thoroughly explored and the team must decide what is in the best interest of the children. If it is determined that the removal of only one child is best, arrangements must be made for continuing contact among the children. Refer to Rule 65C-16.002, F.A.C., for criteria to assist in decision making for sibling placements. The decision and the reasons for the decision must be documented in the case file. The file must also include documentation of a plan to assure on-going contact among separated siblings.

(b) Children with severe emotional and behavioral difficulties. Children who required specialized services to maintain stability in their foster home often need the same services in the adoptive home.

(c) Adolescents. Adoption placement of adolescents can be difficult because the developmental task for this age group is to become free of close family ties and establish independence. This can make the task of attaching to an adoptive family challenging and additional services for the family and the adopted youth may be required.

(d) Children placed transracially. Families adopting children of a different race will face challenges specific to this situation. It is important for adoption staff to assist the family in understanding the importance of race and ethnic heritage and to assist the family in accessing resources to help meet the specific needs of the child who is adopted transracially.

(3) Mental Health Multidisciplinary Team. During the post-placement supervision period, adoptive families may access the services of the Mental Health Multidisciplinary Team. When the services of the team are needed, the adoption counselor should initiate contact with the identified single point of access in the district Alcohol, Drug Abuse and Mental Health Program Office.

(4) Although emotional ties through the parent/child relationship are being established through living together, the legal finalization procedure gives the relationship sanction and protection. Legalization of the adoption assures the child who is adopted the rights and responsibilities of membership in a permanent family.

(a) At the end of the supervisory period, the department adoption supervisor and the counselor, or the appropriate community based provider entity, must make a final assessment of the placement. Before the final adoption hearing, or within 90 days after the adoption petition is filed with the court by the adoptive family, whichever occurs first, a final home evaluation must be completed as directed in Section 63.125, F.S., and a written report on the findings, including a recommendation on the granting of the adoption petition, must be filed with the court. In addition to the requirements of Section 63.125, F.S., the following must be addressed in the written report to the court:

1. A summary of issues discussed in Rule 65C-16.005, F.A.C., Evaluation of Applicants and Rule 65C-16.007, F.A.C., Abuse Hotline and Registry and Criminal Checks.

2. Full discussion and disclosure regarding any unusual circumstances in the adoptive family including health records and findings, and financial problems.

(b) After the post-placement period has been completed, the department supervisor or appropriate community based provider entity, signs the consent to adoption and forwards it to the adoptive parents' attorney. Attached to the consent must be the family medical history containing such information concerning the medical history of the child and birth parents as is available or readily obtainable. This information must be made available to the adopting parents. With the consent and medical history, the attorney can proceed with the filing of the petition for adoption in court. If not previously provided, the adoptive parents must be provided with a copy of the study of the child at this time. If the study contains identifying information about the biological family, that information must be deleted prior to presenting it to the family.

(c) The counselor or community based provider case manager completes the original and two copies of Section A and B of the Certified Statement of Final Decree of Adoption to be used by the Clerk of the Court to obtain the new birth certificate. As soon as the petition is filed, and a copy is routed to the adoption unit, that unit will forward the Certified Statement to the Clerk of the Court for completion and certification and will notify the attorney that the form has been forwarded.

(d) When a placement disrupts, the counselor or community based provider case manager must record a disruption summary, which provides an evaluation and assessment of the reasons for the disruption. In addition to assessing and summarizing the reasons for the disruption, the summary must also assess the impact the failed placement had on the child and issues which must be resolved before another placement can be considered. Any specific attributes which will be necessary in the next adoptive parents must also be included. This summary must be recorded within 10 days after the disruption occurs.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022, 63.122, 63.152, 63.162, 382.015, 382.025, 409.145 FS. History—New 2-14-84, Formerly 10M-8.06, Amended 4-28-92, 4-14-94, 1-8-95, Formerly 10M-8.006, Amended 12-4-97, 8-19-03, Repromulgated.

65C-16.011 Confidentiality – Human Immunodeficiency Virus (HIV) Infected Clients.

(1) The department or the community based provider agency shall disclose to adopting parents the name of a child who has been tested for HIV and the results of that test when the decision to adopt the child has been confirmed by the adopting parents and the department. Prior to the confirmation of the decision, the adoptive parents shall be told that the child being considered by them has tested positive for HIV but cannot be told the child’s name until after the decision to place has been made.

(2) The adopting parents who have accepted an HIV infected child into their home must be given a written statement which includes the following language: “This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose.”

(3) The adoption record must contain documentation that the written statement was given to the adoptive family.

Specific Authority 381.004(3)(f)11. FS. Law Implemented 381.004(3)(f)11. FS. History—New 5-20-91, Amended 4-19-94, Formerly 10M-8.0061, Amended 8-19-03, Repromulgated.

65C-16.012 Types of Adoption Assistance.

(1) The intent of adoption assistance is to promote the adoption of special needs children who are in the department’s foster care program or in the care of a licensed private child placing agency. It is the responsibility of the department or the community based care agency adoption staff to inform prospective adoptive parents of the availability of all of the benefits listed below.

(2) Maintenance Subsidy. A monthly payment may be made for support and maintenance of a special needs child until the child’s 18th birthday. Unless approved by the Secretary of the Department pursuant to subsection 65C-16.013(9), F.A.C., the amount of the payment may not exceed the standard foster care board rate for which the child would have been eligible had the adoption placement not taken place. ~~Annual reevaluations of the continued need for subsidy are required.~~

(3) Post Adoption Services ~~Medical Subsidy.~~ In addition to temporary case management and information and referral requests, post adoption services includes medical assistance to cover ~~The~~ cost of medical, surgical, hospital and related

services needed as a result of a physical or mental condition of the child which existed prior to the adoption ~~may be subsidized.~~ The need for medical services for a condition recognized prior to adoption must be established ~~and authorized~~ prior to the placement for adoption, although the service might not be delivered until some time after finalization of the adoption. The need for medical assistance ~~subsidy~~ must be supported by documentation of that need from the appropriate professional, such as a licensed physician or dentist, or qualified mental health professional, ~~and must be reassessed annually.~~

(4) Other Medical Services. Other medical services available may include on-going Medicaid coverage and continuing eligibility with Children’s Medical Services for children who were receiving such services prior to adoption.

(5) Reimbursement for Non-recurring Adoption Expenses. Nonrecurring adoption expenses are those reasonable and necessary adoption fees, court costs, attorneys fees, and other expenses that are directly related to the legal adoption of a special needs child.

(6) Adoption Benefit for State Employees. State employees as defined in Section 409.1663, F.S. who adopt a ~~dependent~~ child may be eligible for a lump sum payment as defined in Section 409.1663, F.S. ~~in are entitled to financial assistance.~~

(7) Tuition Waiver. Children who were in the custody of the department and who were adopted after May 5, 1997 are eligible for an exemption of undergraduate college tuition fees at Florida universities or community colleges.

(8) Adoption assistance for eligible children will be paid irrespective of the child’s state of residence. Adoptive parents receiving adoption assistance are obligated to notify the department of any change of address.

(9) The provision of all adoption assistance is contingent upon the availability of state and federal funds.

Specific Authority 409.166 FS. Law Implemented 409.166 FS. History—New 2-14-84, Formerly 10M-8.18, 10M-8.018, Amended 8-19-03,_____.

65C-16.013 Determination of Maintenance Subsidy Payments.

(1) The purpose of adoption subsidy is to make available to prospective adoptive parents financial aid which could enable them to adopt a special needs child. Every adoptive family must be advised of the availability of adoption subsidy and the purpose for which it is intended. Placement without subsidy must be the placement of choice unless it can be shown that such placement is not in the best interest of the child.

(2) The child’s and the family’s need for subsidy must be determined prior to placement. When this need is not determined prior to placement, and the adoptive parents feel they have been wrongly denied subsidy benefits on behalf of an adopted child, they have the right to request a fair hearing

pursuant to Chapter 120, F.S. If, through the fair hearing process, subsidy is approved, the effective date of the subsidy will be the date the family officially requested subsidy. Retroactive payment dating back to the date of placement will not be approved.

(3) Children with income of less than 200% of the Federal Poverty Level and who reside in Florida may have their subsidies funded with Temporary Assistance for Needy Families (TANF), pursuant to Section 414.045, F.S., and the Title IV-A State Plan. A TANF funded subsidy must be changed to another funding source if the child moves out of Florida. Families receiving TANF funded subsidy must keep the department informed of all changes to the child's income.

(4) Medical or mental health evaluations may be required to document the need for maintenance subsidy. When this is the case, these evaluations must be no more than 12 months old at the time of initial subsidy determination.

(5) Efforts to place the child in a non-subsidized placement must be documented in the child's record. Documentation of this exploration shall be one of the following:

- (a) List of other families considered;
- (b) Letters to agencies specifically seeking a home for the child; and
- (c) Registration of the child on the adoption exchange.

It is not the intent of this requirement that a child remain unnecessarily in foster care while the department searches for a non-subsidized placement, if a family who can meet the special needs of the child is available, but requires a subsidy.

(6) The one exception to the requirement to explore placement without subsidy is when it has been determined that the child's adoption by his current caretaker, with whom he/she has established significant emotional ties, is the placement of choice. However, the current caretaker must be asked if he/she will adopt the child without subsidy. This exploration must be documented in the child's record. The caretaker must understand that being an adoptive parent includes different parental rights and responsibilities. Some of these responsibilities are financial, and adoption subsidy, unlike foster care board rate payments, is not intended to cover the complete cost of the child's care. The maintenance subsidy payment is intended to assist the adoptive parent in supporting the extra costs associated with adopting a child with special needs.

(7) ~~Initial Basic~~ Maintenance Subsidy. The initial determination of the monthly ~~basic~~ maintenance subsidy payment will be based on the department's published standard foster care board rates. The negotiation of maintenance ~~This initial basic~~ subsidy will be 80% of the standard foster care board rate at the time the payment determination is being made, or, if the child is in medical foster care, 80% of the medical foster care board rate at the time the determination is made. It is important to remember that maintenance ~~basic~~

~~subsidy negotiation determination~~ is based on the needs of the child and the standard board rates, ~~not actual board rates that may have been paid for a particular child.~~

(8) ~~Supplemental Maintenance Payment.~~ ~~An additional supplemental amount may be added to the child's basic subsidy when~~ When a child has a specific and diagnosed physical, mental, emotional, or behavioral problem which requires care, supervision, and structure beyond that ordinarily provided in a family setting, a maintenance subsidy may be negotiated up to 100% of the standard foster care board rate. No subsidy ~~The total of the basic subsidy amount and the supplemental amount may not~~ exceed the standard foster care board rate for which the child was eligible as a foster child, unless an exception is granted by the Secretary as discussed in subsection (9) below. Maintenance subsidy ~~This payment~~ is not intended to cover services which may be obtained through family insurance, Medicaid, Children's Medical Services, medical subsidy, or through special education plans provided by the public school district.

(9) The proposed amount of subsidy, ~~including the supplemental amount~~ must be submitted to the ~~district Family Safety Program Administrator or designee, or the~~ appropriate entity with the community based care provider for approval. Documentation supporting the request for a supplemental payment must be included.

(10) When the Secretary of the Department determines that it is appropriate, an exception may be granted to the policy limiting subsidy to the standard board rate. No adoption subsidy may exceed the actual amount of the foster care board paid for the child. Any request for an this policy ~~exception to~~ exceed the standard foster care board rate must come in writing to the Secretary from the district or region administrator.

(11) The adoption assistance agreement must be signed and dated by all parties prior to the finalization of the adoption. The effective date of the agreement is the date of placement in the adoptive home, or in the case of adoption by the current caregiver, on the date the memorandum of agreement to adopt is signed. Each authorization for subsidy will be for a period of twelve months, effective on the date of placement, or in the case of adoption by the current caregiver, on the date the placement agreement is signed. There must always be a current adoption assistance agreement signed by the parent and the department's representative. Payments may not be made for any months in which there is no current adoption assistance agreement in place.

(12) The family must be advised that it is their responsibility to notify the department immediately of any change in circumstances, including moving out of state, changes in the child's need for services covered by the supplemental payment.

(13) The adoption subsidy agreement remains in effect until:

- (a) The child reaches 18 years of age;

(b) The parents are no longer legally responsible for the support of the child; or

(c) The parents are no longer providing any support to the child. Maintenance subsidy payment will be terminated when the child reaches 18 years of age or if the parents cease having responsibility for the child or the child is no longer receiving support from the parents.

(14) No change shall be made to a maintenance subsidy without concurrence of the adoptive parents. Subsidy redeterminations. At redetermination the basic monthly maintenance subsidy amount will remain the same as the amount initially determined. If the child is receiving a supplemental payment, the continued need for the supplemental payment will also be determined at this time. A new or updated prognosis will be required to document the continued need for service and support. If the service is no longer required, the supplemental payment must be discontinued. The total adoption assistance agreement must be re-negotiated with the adoptive parent at each scheduled or unscheduled change to the subsidy payment.

(15) No child will have his or her subsidy payment reduced based on application of this rule.

(16) Any child who has been determined eligible for adoption subsidy whose adoption has been dissolved by termination of parental rights or by the death of the adoptive parents will retain his or her original subsidy eligibility if subsequently placed for adoption.

Specific Authority 409.026(8), 409.031, 409.166(7) FS. Law Implemented 409.031, 409.166 FS. History—New 2-14-84, Formerly 10M-8.20, Amended 5-20-91, 4-19-94, Formerly 10M-8.020, Amended 12-23-97, 8-19-03,_____.

~~65C-16.014 Determination of Medical Subsidy Post Adoption Services.~~

(1) After finalization, the adoptive family may ~~The department may pay the adopting parents a subsidy for medical, surgical, hospital and related~~ require ~~services, including medical assistance needed~~ as a result of a physical or mental condition of the child which existed prior to the adoption. The need for medical assistance subsidy must be established ~~and authorized~~ prior to the signing of the subsidy agreement ~~adoption placement~~, although the service might not actually be needed until a later date. When this need is not established prior to the signing of the subsidy agreement ~~placement~~ and the adoptive parents feel they have been wrongly denied a post adoption service subsidy benefits on behalf of an adopted child, they have the right to request a fair hearing. If, through the fair hearing process, the service subsidy is approved, the effective date of the subsidy service will be the date the family officially requested the service subsidy. Retroactive payment dating back to the date of placement will not be approved.

(2) Medical ~~assistance subsidy~~ must be terminated when the condition for which it was granted no longer exists or on the child's 18th birthday, whichever occurs first: Children needing residential mental health services will be referred to the district's Alcohol, Drug Abuse and Mental Health Program Office, children's program for services.

(3) The medical assistance subsidy is not to include those costs which can be or are covered by the adopting family's medical insurance, Children's Medical Services, Children's Mental Health Services, Medicaid or local school districts.

(4) The adoptive parents must obtain the approval of the department or the community based care provider agency prior to planning for the use of medical assistance subsidy funds. The adoptive parents must submit a copy of the bill for the service to the department or to the community based care provider agency to initiate reimbursement. The bill must be clearly legible and must specify the name of the child, the service rendered and the date of the service, in addition to the charge for the service.

Specific Authority 409.166 FS. Law Implemented 409.166 FS. History—New 2-14-84, Formerly 10M-8.21, 10M-8.021, Amended 12-23-97, 8-19-03,_____.

65C-16.015 Non-Recurring Adoption Expenses.

(1) Under any adoption assistance agreement with adoptive parents of a special needs child, the state is required to make payments to the adoptive parents for non-recurring, one time, expenses incurred in connection with adoption of the special needs child. Nonrecurring adoption expenses are those reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of the special needs child. Such costs may include expenditures for physical and psychological examinations of the adoptive parents required as a part of the adoption process as well as transportation, lodging and food for the child or adoptive parents when necessary to complete the placement or adoption process.

(2) Agency adoption fees must be waived for families adopting children who are in custody of the department for whom subsidies will be paid. Such fees need not be waived for families adopting children who are in the custody of licensed child-placing agencies. If these children are otherwise eligible, agency fees shall be counted as an allowable expense under non-recurring adoption expenses. It is not necessary that the family be receiving a money payment to be eligible for this program.

(3) The maximum payment allowable under this program is \$1,000 per adoption placement. In cases where siblings are placed and adopted either separately or as a unit, each child is treated as an individual with separate reimbursement for nonrecurring expenses up to the maximum amount of \$1,000 per child.

(4) There can be no income eligibility requirements for adoptive parents in determining whether payments for non-recurring expenses of adoption will be made.

(5) Parents cannot be reimbursed for out-of-pocket expenses for which they have been otherwise reimbursed.

(6) Except where it would be contrary to the best interest of the child, a reasonable but unsuccessful effort must be made to place the child without adoption assistance prior to reimbursement for non-recurring adoption expenses.

(7) The following procedures will initiate payments for reimbursement of nonrecurring adoption expenses:

(a) All adoptive parents of special needs children will be advised of the availability of nonrecurring expense reimbursement.

(b) Reimbursement for eligible costs may be made to the adoptive parent or directly to a vendor. All parents will be advised to keep copies of receipts of expenditures related to the adoption. Copies of such receipts must be available in the subsidy record. Eligible expenses include court costs, attorney fees, birth certificates, costs of required physicals and psychological examinations, costs of transportation, lodging and food for the child and/or adoptive parents when necessary to complete the adoption process, and the cost of the home study if the child is in the custody of a private agency.

(c) When a placement decision has been made, the adoption assistance agreement will be negotiated with the family and will include a statement of the projected cost to be reimbursed for nonrecurring adoption expenses, as well as proposed maintenance and medical subsidy amounts if appropriate.

(d) Payments for nonrecurring expenses can be made up to two years following the finalization of the adoption. However, every effort should be made to complete these transactions within three months following adoption finalization.

Specific Authority 409.166, 409.301 FS. Law Implemented 409.166, 409.301 FS. History—New 5-20-91, Amended 4-19-94, Formerly 10M-8.0221, Amended 8-19-03, Repromulgated.

65C-16.016 Access to Closed Adoption Records.

(1) The confidentiality of adoption records, original birth records, and court files is protected by sealing them upon adoption finalization. Persons seeking information from those records will be referred to the headquarters Office of Family Safety for assistance. Florida law requires non-identifying information to be released to adoptive parents and adult adoptees but does not allow access to the record by other parties.

(2) Requests for information from closed adoption records must be written, and no information will be released by telephone. Because records must be indexed by names of the adoptive parents, that information must be included in the

letter requesting release of information as well as some form of identification such as a photocopy of the client's driver's license or birth certificate.

(3) In order to respond to written requests from adoptive parents or adult adoptees for non-identifying information, the department or the community based care provider agency must be able to access the adoption records and other records which concern the adoptee. The department or community based care provider agency shall retain as confidential all records relating to each child who became adopted through the department's adoption program. These confidential records shall be referred to as department closed adoption records and shall be retained in the district/region or in the community based care provider agency until called for by the headquarters Office of Family Safety for permanent storage.

(4) The department will assume responsibilities for the closed adoption records of private licensed child placing agencies in Florida who cease to operate.

Specific Authority 63.162, 63.233 FS. Law Implemented 63.162, 63.233 FS. History—New 5-20-91, Amended 4-28-92, 4-19-94, Formerly 10M-8.024, Amended 8-19-03, Repromulgated.

65C-16.017 Florida Adoption Reunion Registry.

(1) The state registry of adoption information created in Section 63.165 F.S., is also known as the Florida Adoption Reunion Registry. The purpose of the registry is to reunite adult adopted persons with members of their family without either party having to take court action to accomplish this goal. The department shall retain and maintain the registry records on a permanent basis. The registry shall be open with respect to all adoptions in the state, regardless of when they took place. The registry shall be available for those persons choosing to enter information, but no one shall be required to do so.

(2) The department operates the state-wide registry for persons who have come forward to voluntarily register information about themselves for release to specified other parties to that adoption. The registry is the mechanism whereby individuals from families separated by adoption may be reunited should each party seek that reunion. All birth and adoptive parents who are parties to an adoption shall be advised of registry services prior to adoption finalization.

(3) Procedures for Registration.

(a) Any person may register by completing and submitting the application for registry services, indicating to whom they consent to release identifying information about themselves.

(b) Persons to whom identifying information may be released are limited by Section 63.165, F.S., to the following:

1. Adoptee;
2. Birth father;
3. Birth mother;
4. Adoptive mother;
5. Adoptive father;

6. Birth siblings;
7. Maternal birth grandparents of the adoptee; and
8. Paternal birth grandparents of the adoptee.

(4) Adoptee birth data will be verified by registry staff, with the assistance of the Vital Records section of the Office of Vital Statistics in the Department of Health. In cases where birth information cannot be verified and registration is not possible, applicants will be notified of data used as a basis for search and given opportunity to correct or change that data for resubmission. Should verification of the birth information still not be possible, no further attempts will be made to process that application. If the applicant desires to submit new or different information, a new application and accompanying fee must be submitted.

(5) Original applications, signed by registrants, will be placed on file permanently.

(6) Updating of Registry Information.

(a) Any registrant may change the name, address or telephone number associated with their registration, may limit or restrict their consent to release information, or may completely withdraw from the registry at any time.

(b) Responsibility for update rests with registrants and only the most current information on file will be disclosed to designated recipients upon their completion of registration procedures.

(7) All registry documents containing identifying information shall be handled and stored in accordance with procedures for the handling of confidential information.

(8) The department will offer counseling services to registrants at the time of registration. Counseling, as specified in Section 63.165(2), F.S., consists of professional advice provided by the department, by counselors employed by the department, by agencies licensed by the State of Florida to provide adoption services, or by other persons who have adoption training or experience.

(9) Fee for Service.

(a) The registry fee for initial filing of identifying information with the registry shall be \$35.00. This fee shall be submitted in the form of a money order, bank draft, or personal check by the registrant and shall be deposited in a trust account specified by the department. These fees shall be used to defray the direct and indirect costs of operating the registry.

(b) The registry fee for updating information previously filed or for changing, limiting or withdrawing consent to release identifying information shall be \$10.00 for each occurrence. These fees shall be deposited in a trust fund specified by the department. These fees shall be used to defray the direct and indirect costs of operating the registry.

(c) Receipts will be mailed to registrants to acknowledge the processing of fees. Accompanying letters of acknowledgement will state the status of the applicant's registration.

(d) Fees are collected to offset costs of researching birth information, processing applications, and providing staff to service client information and other requests. When an application has been accepted by the registry for processing, fees will be deposited and will not be returned to the applicants, even if registration proves to be impossible.

(e) Fees for counseling services shall be set and collected by the department, licensed agency, or other professional who provides the service.

(f) The department shall waive fees in cases where need and hardship can be documented. Acceptable documentation of hardship includes verification that applicant is receiving unemployment benefits, public assistance, social security income or food stamps.

(10) CF1490, PDF 09/2000 Applications for Registry Services, and CF1491, PDF 09/2000 Application to Update Information on File with Adoption Registry, which are incorporated by reference, are available upon request from the Department's Office of Family Safety, Interstate Compact Office at 1317 Winewood Blvd., Tallahassee, FL.

Specific Authority 110.1055, 110.15201, 110.201(1), 110.2035(1), 110.403(1)(c), 110.605(1) FS. Law Implemented 110.152, 110.201, 110.209, 110.403, 110.603 FS. History--New 1-1-02, Amended 4-3-03, Repromulgated.

65C-16.018 Adoption Benefits for Qualifying Employees of State Agencies.

(1) Adoption benefits are available to employees of the state as outlined below:

(a) Payment of benefits is contingent on funding.

(b) Benefits are available only for adoptions that become final after September 30, 2000.

(c) Benefits are available only for a child who is under the age of eighteen at the time of the final order of adoption.

(d) Benefits are available only to qualifying adoptive employees as defined in Section 409.1663(1)(c), F.S., and who adopt a special needs child as specified in Section 409.166, F.S. or a non-special needs child whose permanent custody was awarded to the department or a licensed child-placing agency.

(e) Benefits paid to a part-time qualifying employee shall be prorated based on the employee's full-time equivalency status at the time of application for the benefits.

(f) A qualifying adoptive employee who adopts more than one child is eligible for benefits for each child.

(g) Benefits are limited to one award per child regardless of the number of adoptive parents or employee's change of employer.

(h) The benefit is a non-qualified plan under Section 125 of the Internal Revenue Code, subject to withholding taxes.

(i) The Department shall hold an annual open enrollment period for submission of applications between the first business day of August and the last business day of October. To apply for this benefit, the applicant shall fully complete and

submit the State of Florida Application for Adoption Benefit Form which is available online at <http://www.dcf.state.fl.us/adoption/adoptbenefitsprogram.shtml>.

1. To complete Part II of the application, the applicant shall apply to his or her agency head, who, upon completion, shall return the original application to the applicant. The applicant is responsible for obtaining all certifications and supporting documentation necessary to complete the application. The applicant shall submit the original application and required documentation to the Department before the close of the annual open enrollment period. The Department shall return any application received outside the open enrollment period.

2. For multiple adoptions, the applicant shall submit a separate application for each child. If the final order of adoption lists all children, the applicant may submit one certified copy of the final order.

(j) The Department shall review all timely applications and determine who is eligible to receive the benefit. If funding is insufficient to pay the benefit to all eligible applicants, those with earlier final orders of adoption shall have priority. If final orders of adoption bear the same date, earlier received applications shall have priority. Eligible applicants who do not receive a benefit due to lack of funds shall submit a new application during the next annual open enrollment period, if they desire consideration for payment of the benefit from later appropriations.

Specific Authority 110.1055, 110.15201, 110.201(1), 110.2035(1), 110.403(1)(c), 110.605(1) FS. Law Implemented 110.152, 110.201, 110.209, 110.403, 110.603 FS. History—New _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

| | |
|-------------------|-----------------------------|
| RULE NOS.: | RULE TITLES: |
| 690-157.301 | Rate Increase Standards |
| 690-157.302 | Facility Only Rates |
| 690-157.303 | Home Health Care Only Rates |
| 690-157.304 | Comprehensive Only Rates |

PURPOSE AND EFFECT: To establish a framework for evaluating rate increases for long term care insurance, and to ensure that the rate increases are not excessive.

SUBJECT AREA TO BE ADDRESSED: Rate increase standards for long term care insurance.

SPECIFIC AUTHORITY: 627.9408(1) FS.

LAW IMPLEMENTED: 627.031(1)(a), 627.062, 627.9407(7) FS.

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

DATE AND TIME: January 16, 2008, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail gerry.smith@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 IS: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

690-157.301 Rate Increase Standards.

(1) Rate increase filings for long term care insurance shall be filed in accordance with filing requirements and standards of Rule Chapters 690-149 and 690-157, F.A.C.

(2) The term “policies with similar coverage” has the same meaning as “similar policy forms” as defined in subsection 690-157.103(17), F.A.C.

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

(4) Pursuant to the provisions of Section 627.9407(7)(c), F.S., for insurers that are currently actively marketing and issuing similar coverage, the rates resulting after a rate increase filing shall not exceed the insurer’s new business rate.

(5)(a) Section 627.9407(7)(c), F.S., requires that the office annually determine and publish the currently available new business rates for similar coverage being sold in Florida. The published new business rates represent the maximum annual rate that may be charged after a rate increase for insurers not currently issuing new coverage.

(b) The published rates shall be determined by first identifying those carriers currently issuing policies with similar coverage. For each of the similar coverage categories, the Florida new business earned premium, defined as first year premium in Florida, is determined for the prior calendar year. Those insurers reporting at least the top 80% of that earned premium, cumulatively, starting with the largest, will be used to tabulate the new business rate. The new business rate shall be the weighted average of the insurers’ rates, using the market share, as measured by first year premium in Florida, as the weight.

(c)1. The new business rates are for the standard underwriting class for the insurer. Standard underwriting class is the underwriting class with the most predominant sales, measured by number of policies, regardless of the name given to it by the insurer.

2. The new business rates for other underwriting classes shall bear the same relationship to the standard rate schedules that the insurer has filed and approved. For example, if an insurer's preferred rate is 85% of its standard rate, the premium limit applicable to the rate increase for business sold as preferred will be 85% of the standard rate schedule.

(d)1. The published new business rates represent the particular benefit configuration listed. If an insurer has policies in force that have benefits different from the benefit used to determine the published rates, the insurer may contact the office for the new business rate that reflect the different benefits.

2. The office shall determine the new business rates for the requested benefit configuration in the same manner as it used for determining the published rates. The resulting rates shall be consistent with the published new business rates reflecting benefit differences only.

3. Insurers needing a different benefit configuration should make such request of the office in advance of a rate filing so as to give the office time to determine such rates and provide them to the insurer.

4. If the office is unable to determine the rates by a tabulation of the insurers currently selling similar coverage, the office shall use its best actuarial judgment in determining the new business rates using the information available from the insurers in the 80% market share. Alternatively in such cases, at the option of the insurer, the insurer may submit the results of a model used to price new long term care products by an actuarial consulting firm currently pricing long term care for other clients, who is independent of the insurer, acceptable to the office, and contracted by the insurer. The assumptions used shall be available to the office for review and approval. The model will be used to develop the new business pricing for the insurer's policy benefit configuration, the new business pricing for the published benefit configuration, and to develop a factor which is the ratio of the insurer's policy benefits to the published benefits. It is noted that the provisions of Section 627.9407(7)(c), F.S., provide that the differences shall be benefit differences only; all other provisions of the two policies being modeled shall be identical. Such factor, representing benefit differences only, shall be used to adjust the published new business rates. Independent, as used in this section, shall mean that the actuarial consulting firm or the actuary to be involved in the project has no relationship currently or for the last three years with the insurers for pricing, valuation, or other reviews.

(e) If the application of this rule results in different increases being applied to different plans within the filing, the requirements of subparagraph 69O-149.003(1)(a)4., F.A.C. shall apply.

(f) The published rates apply to sales in Hillsborough County. For all other counties, the rate from the published table should be adjusted by the insurer's current area factor applicable in that county relative to the insurer's area factor in Hillsborough County.

(g) The premium for all additional benefits provided in the policy or by rider to the policy shall be the same proportion of the base rates after any rate change as they were before such change.

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

69O-157.302 Facility Only Rates.

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

(2) The following maximum new business rates are effective for 2007 rate increase filings and for 2007~~8~~ rate filings until new rates are published: These annual rates are appropriate for:

- (a) Tax qualified policies;
 - (b) A benefit of \$100/day;
 - (c) An elimination period of 90 days.
 - (d) Policies offering Restoration of Benefits, and
 - (e) Sales in Hillsborough County
- (3)(a) Facility Only Rates:

| Issue Age | 3-Yr Benefit Period | 5-Yr. Benefit Period | Unlimited Benefit Period |
|-----------|---------------------|----------------------|--------------------------|
| 35 | \$301.98 247.43 | \$380.48 302.74 | \$505.10 378.50 |
| 45 | \$344.72 363.53 | \$449.60 446.70 | \$610.00 555.75 |
| 55 | \$410.55 522.32 | \$550.54 646.08 | \$755.90 810.43 |
| 65 | \$865.58 1,126.33 | \$1,126.68 1,406.97 | \$1,569.48 1,750.61 |
| 75 | \$2,346.15 3,073.57 | \$3,087.00 3,879.00 | \$4,194.18 4,769.07 |

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

| Insurer | Weighting Percentage |
|---|----------------------|
| Metropolitan Life Insurance Company | 22.1% |
| Bankers Life & Casualty Company | 90.3% |
| Penn Treaty Network America Insurance Company | 64.6% |
| Penn Treaty Network America Insurance Company | 9.7% |

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

690-157.303 Home Health Care Only Rates.

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

(2) The following maximum new business rates are effective for 2007 rate increase filings and for 20078 rate filings until new rates are published. These annual rates are appropriate for:

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

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

| Issue Age | 3-Yr Benefit Period | 5-Yr. Benefit Period | Unlimited Benefit Period |
|-----------|---------------------|----------------------|--------------------------|
| 35 | \$289.72 166.18 | \$338.50 203.65 | \$387.94 242.26 |
| 45 | \$369.28 245.38 | \$443.74 306.44 | \$508.03 366.65 |
| 55 | \$529.97 369.58 | \$636.44 455.50 | \$726.61 548.26 |
| 65 | \$1,010.63 691.78 | \$1,214.83 836.06 | \$1,376.28 989.23 |
| 75 | \$2,106.93 1,318.83 | \$2,516.29 1,520.52 | \$2,763.85 1,702.93 |

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

| Insurer | Weighting Percentage |
|---|----------------------|
| Bankers Life & Casualty Company | 74.6% 97.2% |
| Colonial American Life Insurance Company | 19.6% 2.3 |
| Penn Treaty Network America Insurance Company | 0.5% |

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

690-157.304 Comprehensive Only Rates.

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

(2) The following maximum new business rates are effective for 2007 rate increase filings and for 20078 rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;

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

(3)(a) Comprehensive Only Rates:

| Issue Age | 3-Yr Benefit Period | 5-Yr. Benefit Period | Unlimited Benefit Period |
|-----------|---------------------|----------------------|--------------------------|
| 35 | \$311.40 332.88 | \$387.86 414.10 | \$492.05 574.47 |
| 45 | \$385.79 474.36 | \$492.12 592.44 | \$620.13 822.62 |
| 55 | \$526.60 666.65 | \$652.26 824.77 | \$848.46 1,151.34 |
| 65 | \$1,002.89 1,313.19 | \$1,245.66 1,640.75 | \$1,620.10 2,259.55 |
| 75 | \$2,722.30 3,288.22 | \$3,367.66 4,210.08 | \$4,258.26 5,603.51 |

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

| Insurer | Weighting Percentage |
|---|----------------------|
| Allianz Life Insurance Company of North America | 2.7% |
| Bankers Life & Casualty Insurance Company | 3.4% 52.7% |
| Blue Cross Blue Shield of Florida | 6.7% 5.1% |
| Genworth Life Insurance Company | 19.3% 11.5% |
| Great American Life Insurance Company | 9.8% |
| John Hancock Life Insurance Company | 21.2% 14.2% |
| Metropolitan Life Insurance Company | 17.0% |
| New York Life Insurance Company | 2.5% |
| Northwestern Long Term Care Insurance Company | 3.0% |
| Provident Life & Accident Insurance Company | 2.6% |
| Unum Life Insurance Company of America | 4.6% |
| Metlife Insurance Company | 6.7% |

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

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.002
 RULE TITLE: Inmate Grievances – Terminology and Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.002, F.A.C., is amended to clarify the reviewing authority for grievances, appeals, and specifically direct grievances.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.002 Inmate Grievances – Terminology and Definitions

The following terms, as defined, shall be standard usage throughout the department:

(1) No change.

(2) Bureau of Inmate Grievance Appeals: The bureau authorized by the Secretary to receive, review, investigate, evaluate, and respond to grievance appeals and direct grievances as defined in subsection (8). The Bureau of Inmate Grievance Appeals is located in the Office of Research, Planning and Support Services and is managed by the Chief of Inmate Grievance Appeals.

(3) through (7) No change.

(8) Grievance Appeal, Direct Grievances, or Central Office Review: This is a statement of complaint filed with the Secretary of the Department of Corrections through the use of the Request for Administrative Remedy or Appeal, Form DC1-303. Appeals and direct grievances are addressed in Rule 33-103.007, F.A.C.

(9) through (14) No change.

(15) Reviewing Authority: Staff who are authorized to sign grievances or appeals as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary's representative.

(a) Informal Grievance:

1. Staff member who is responsible for the issue grieved.

(b) Formal Grievance Level:

1. Major Institutions – warden or assistant warden;

2.(b) Private Correctional Facilities – warden, deputy warden, or, when determined by staff in the Bureau of Inmate Grievance Appeals that further review is required, the warden, deputy warden, or the Executive Director of the Privatization Commission;

3.(e) Road Prisons, Vocational Centers, Work Camps, Community Correctional Centers, and Contract Community Facilities – warden or assistant warden of the supervising institution.

(c)(d) No change.

(d)(e) Direct Grievances:

1. A direct grievance which is to be reviewed by the warden: The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans With Disabilities Act, grievances challenging placement in close management and subsequent reviews, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature.

2. A direct grievance which is to be reviewed by the Bureau of Inmate Grievance Appeals: the Bureau Chief, or those staff designated by the Secretary to serve as his representative.

(16) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, 1-2-03, 9-16-03, 2-9-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.004

RULE TITLE: Inmate Grievances – Staff and Inmate Participation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.004, F.A.C., is amended to reflect the changes made to Rule 33-103.002, F.A.C.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.004 Inmate Grievances – Staff and Inmate Participation

(1) Inmate and employee participation in the grievance process will take the form of solicitation of written comments by inmates and employees on selected formal inmate grievances that staff determine will significantly impact the inmate population and which challenge general procedures and practices prior to the initial adjudication of the grievance. Each institution shall within 5 calendar days of receipt, post copies of this type of formal grievance on inmate and employee bulletin boards, circulate among all inmates in all disciplinary, administrative, and close management areas, including all inmates under sentence of death. These grievances shall be posted and circulated without identification of individual names or identifying facts. Written comments must be received in the office of the reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (d), F.A.C., within 5 calendar days from the date of posting in order to receive consideration. With the exception of submitting written comments, no inmate or employee who appears to be involved in the matter shall participate in any capacity in the final resolution of a grievance.

(2) Inmates and employees have the opportunity to review the effectiveness and credibility of the department’s grievance procedure through the submission of written comments to the reviewing authority as defined in paragraphs 33-103.002(15)(a) through (c)(d), F.A.C. The reviewing authority shall review and respond to written comments received and institute procedural changes as appropriate. Comments received relating to this rule that are outside the decision making authority of the reviewing authority as defined in paragraphs 33-103.002(15)(a) through (c)(d), F.A.C. shall be forwarded to the Office of the General Counsel for review and appropriate action. If the comments or complaint focuses on the implementation of the rule at a particular institution, the reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (c)(d), F.A.C., has the authority to make necessary changes in this implementation consistent

with the rule. If the comments or complaint deal with the content of the rule itself and the only way a change could be effected would be to change the rule, then it needs to be forwarded to the Office of the General Counsel. The Office of the General Counsel shall review the complaint to see if there appears to be a problem with the rule itself. If changes are necessary, the Office of the General Counsel coordinates the rule promulgation process. The warden shall receive a response and in turn advise the employee or inmate.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.004, Amended 10-11-00, 2-9-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.005 RULE TITLE: Informal Grievance

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.005, F.A.C., is amended to clarify when an inmate may bypass the informal grievance process and when an informal grievance should not be utilized and to reflect the changes made to Rule 33-103.002, F.A.C. The requirement in Rule 33-103.005, F.A.C., that inmates deliver informal grievances to the responsible staff member, is amended to require that informal grievances be collected by a designated staff member, logged, and forwarded to the responsible staff member for response. The requirement in Rule 33-103.005, F.A.C., that attachments be submitted in triplicate, has also been removed.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.005 Informal Grievance.

(1) Inmates shall utilize the informal grievance process prior to initiating a formal grievance, ~~except in~~ the case of an emergency grievance, a grievance of reprisal, a grievance of a sensitive nature, a grievance alleging violation of the Americans with Disabilities Act, a medical grievance, a grievance involving admissible reading material, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, a grievance challenging placement in close management and subsequent reviews, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or a grievance involving disciplinary action (does not include corrective consultations) governed by Rules 33-601.301-.314, F.A.C., an inmate may utilize the formal grievance process governed by Rule 33-103.006, F.A.C., directly, bypassing the informal grievance process. An inmate shall utilize the direct grievance process governed by subsection 33-103.007(6), F.A.C., for grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) rather than initiating an informal or formal grievance.

~~(a) When an inmate decides to initiate a grievance, An~~ informal grievance shall be submitted to the designated staff by personally placing the informal grievance in a locked grievance box. Locked boxes shall be available to inmates in open population and special housing units. A staff person from classification, the grievance coordinator’s office, or the assistant warden’s office shall be responsible for the key. If the staff member collecting the grievances is from classification or the assistant warden’s office, he or she shall retrieve the grievances and appeals and deliver them to the institutional grievance coordinator. The warden shall designate one (1) staff member who shall log all informal grievances and distribute to the appropriate department or staff.

~~(b) After being logged, informal grievances shall be forwarded to the~~ staff member who is responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff. When an informal grievance is received by the reviewing authority as defined in paragraphs 33-103.002(15)(a) ~~through (d)~~, F.A.C., the reviewing authority shall respond to the grievance, refer the grievance to a staff member for response, or shall advise the inmate to re-file with a specific staff member.

~~(c) The inmate shall not file duplicate informal grievances with different staff members.~~

(2) When submitting an informal grievance, the inmate shall use Form DC6-236, Inmate Request, and shall:

(a) No change.

(b) On top of the page, or on the same line as the word “Request”, or on the first line of the request section the inmate shall print the words “Informal Grievance”. Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. No change.

2. When completing the inmate request form for submission as an informal grievance, the inmate shall ensure that the form is legible, that included facts are accurately stated, and that only one issue or complaint is addressed. If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC6-236. ~~Attachments that are a continuation of the grievance statement, shall be submitted in triplicate.~~ The inmate shall sign and date the form and write in his Department of Corrections number and forward the informal grievance to the designated staff person. If an inmate fails to sign his grievance, it shall result in a delay in addressing the grievance until it can be verified that it is that inmate’s grievance.

~~3. The inmate shall submit all copies of the completed form to the staff member who is responsible for the particular area of the problem.~~

(3) Upon receipt of the informal grievance, the recipient shall note the date of ~~receipt~~ on the form.

(4) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.006
 RULE TITLE: Formal Grievance – Institution or Facility Level

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.006, F.A.C., is amended to reflect the changes made to Rule 33-103.002, F.A.C., and the requirement that formal grievances be submitted in triplicate has been removed.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.006 Formal Grievance – Institution or Facility Level.

(1) When an inmate decides to file a formal grievance, he shall do so by completing Form DC1-303, Request for Administrative Remedy or Appeal and filing within the time limits set forth in Rule 33-103.011. F.A.C.

(a) In institutions and private correctional facilities, inmates shall direct this form to the warden or warden or assistant warden or deputy warden as defined in paragraphs 33-103.002(15)(a),(b) and (e), F.A.C.

(b) No change.

(2) Procedural Requirements.

(a) through (c) No change.

(d) ~~Attachments that are a continuation of Part A, the grievance statement, shall be submitted in triplicate. If the inmate fails to submit the continuation of his grievance statement of complaint in triplicate, it may result in no copy of the continuation pages being returned to the inmate with the response.~~

(e) through (g) renumbered (d) through (f) No change.

(g)(h) The inmate shall attach a copy of the informal grievance and the response to the informal grievance to his DC1-303 form, unless the grievance is a direct formal grievance of the following: is an emergency grievance; a grievance of reprisal; a grievance of a sensitive nature; a medical grievance; a grievance alleging violation of the Americans with Disabilities Act; a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time; a grievance challenging placement in close management and subsequent reviews; a grievance regarding the return of incoming mail governed by subsection

33-210.101(14), F.A.C.; or a grievance of disciplinary action (excluding corrective consultations). Any other pertinent documentation shall be attached also. Informal grievances as described in subparagraph 33-103.005(2)(b)1., F.A.C., shall not be accepted as documentation of having met the requirements of the informal grievance step.

(h)(i) The inmate shall ~~then~~ submit the grievance or appeal to designated staff by personally placing the grievance or appeal in a locked grievance box. Locked boxes shall be available to inmates in open population and special housing units. A staff person from classification, the grievance coordinator’s office, or the assistant warden’s office shall be responsible for the key. If the staff member collecting the grievances is from classification or the assistant warden’s office, he or she shall retrieve the grievances and appeals and deliver them to the institutional grievance coordinator. The institutional grievance coordinator shall log all formal grievances and provide the inmates with receipts. The appeals will be forwarded to the Bureau of Inmate Grievance Appeals after being processed for mailing in accordance with paragraphs 33-103.006(8)(b) and (c), F.A.C. The Bureau of Inmate Grievance Appeals shall log all appeals and forward receipts to the inmates. Grievances and appeals shall be picked up and forwarded by the institutions daily Monday through Friday.

(i)(j) No change.

(3) The following types of grievances may be filed directly with the reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (d), F.A.C., by-passing the informal grievance step, and may be sent in a sealed envelope through routine institutional mail channels:

(a) Emergency Grievance – Upon receipt, the reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (d), F.A.C., shall take the following action as soon as possible, but no later than two calendar days following receipt:

1. through 4. No change.

(b) through (i) No change.

(4) No change.

(5) Upon receipt of the formal grievance, the recipient [reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (d), F.A.C.] shall cause the following to occur:

(a) through (d) No change.

(6) Following investigation and evaluation by the reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (d), F.A.C., a response shall be provided to the inmate within 20 calendar days of receipt of the grievance as required by paragraph 33-103.011(3)(b), F.A.C. The degree of investigation is determined by the complexity of the issue and the content of the grievance. The response shall state whether the grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial or return.

(a) through (b) No change.

(c) The reviewing authority as defined in paragraphs 33-103.002(15)(~~b~~)(~~a~~) through (~~d~~), F.A.C., shall retain a complete copy of the grievance on file.

(d) No change.

(7) No change.

(8) Mailing Procedures. The warden or person designated in paragraphs 33-103.002(15)(~~b~~)(~~a~~) through (~~d~~), F.A.C., shall establish a procedure in the institution or facility under his supervision for processing those grievances which require mailing. Inmates who are filing grievances that require mailing shall be required to utilize the procedure set forth in this rule when processing their grievances or appeals to the reviewing authority of community facilities or the Bureau of Inmate Grievance Appeals in the central office. The institution or facility shall provide postage for grievances submitted through this process. Procedures implemented shall include, at a minimum, the following:

(a) through (e) No change.

(f) Upon receipt of ~~a~~ the mailed grievance by the reviewing authority as defined in paragraphs 33-103.002(15)(d), F.A.C., or the Bureau of Inmate Grievance Appeals, the following shall occur:

1. The decision of whether or not the grievance has been timely filed by the inmate shall be made based upon the following comparisons:

A. No change.

~~B. In the case of an appeal being filed with central office, by comparing the receipt date on the DC1-303 form to the response date of the formal grievance.~~

~~B.C.~~ In the case of a grievance being filed directly at the institutional ~~or central office~~ level, by comparing the receipt date on the DC1-303 form to the date of the incident or situation giving rise to the complaint.

2. through 3. No change.

(9) through (10) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended 8-1-00, 10-11-00, 2-9-05, 10-28-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.007
RULE TITLE: Appeals and Direct Grievances to the Office of the Secretary

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.007, F.A.C., is amended regarding the requirements of HIPAA related grievances, direct grievances to the Secretary, reflect the changes made to Rule 33-103.002, F.A.C., and for clarity. The requirement that attachments be submitted in triplicate has been removed.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS, 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.007 Appeals and Direct Grievances to the Office of the Secretary.

(1) No change.

(2) Procedural Requirements.

(a) through (b) No change.

~~(e) Attachments that are a continuation of Part A, grievance statement, shall be submitted in triplicate. If the inmate fails to submit the continuation of his grievance statement of complaint in triplicate, it may result in no copy of the continuation pages being returned to the inmate with the response;~~

(d) through (g) renumbered (c) through (f) No change.

~~(3) If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:~~

~~(a) Attach a copy of his formal grievance and response;~~

~~(b) Attach a copy of his informal grievance and response, except when appealing grievances on disciplinary action (excluding corrective consultations), medical issues, admissible reading material, placement in close management and subsequent reviews, violation of the Americans with Disabilities Act, grievances regarding the return of incoming~~

~~mail governed by subsection 33-210.101(14), F.A.C., or grievances involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time;~~

~~(e) Attach any other documentation that the inmate has that is pertinent to the review and that the inmate wants reviewed. Attachments as required by the rule that do not meet the requirements of this rule may result in the grievance being returned to the inmate;~~

~~(d) Submit the complete form with attachments to the Office of the Secretary in accordance with subsection 33-103.006(8), F.A.C. Failure to submit a complete grievance shall result in the grievance being returned to the inmate without action.~~

~~(e) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of the Request for Administrative Remedy or Appeal, Form DC1-303.~~

~~(3)(4) The Office of the Secretary has designated the Bureau of Inmate Grievance Appeals to receive, review, investigate, evaluate and respond to appeals and direct grievances filed with the Office of the Secretary. Appeals and direct grievances to the Office of the Secretary shall be turned over that same date to the Bureau of Inmate Grievance Appeals which shall ensure that the grievance is date-stamped in on the date of receipt. Upon receipt the appeal or direct grievance by the Bureau of Inmate Grievance Appeals, the following shall occur:~~

~~(a) The decision of whether or not the grievance has been timely filed by the inmate shall be made based upon the following comparisons:~~

~~1. In the case of an appeal being filed with the central office, by comparing the receipt date on the DC1-303 form to the response date of the formal grievance.~~

~~2. In the case of a grievance being filed directly at the central office level, by comparing the receipt date on the DC1-303 form to the date of the incident or situation giving rise to the complaint.~~

~~(4)(5) Upon receipt of the grievance appeal or direct grievance, the Chief of Inmate Grievance Appeals shall cause the following to occur:~~

~~(a) through (c) No change.~~

~~(d) A grievance appeal or direct grievance may be returned to the inmate for any one or more of the reasons stated in Rule 33-103.014, F.A.C., without further processing.~~

~~(e) No change.~~

~~(f) The response shall state whether the appeal or direct grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial or return. The criteria considered in approving, denying or returning an appeal or direct grievance will vary with the facts of the grievance.~~

~~(5) Grievance appeals – If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:~~

~~(a) through (e) No change.~~

(6) Direct Grievances.

(a) Emergency grievances, grievances of reprisals, or grievances of a sensitive nature may be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. Grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. The following shall apply:

1. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns either an emergency, or is a grievance of a reprisal, or a grievance of a sensitive nature. When alleging HIPAA violations, the inmate shall state that the grievance concerns HIPAA at the beginning of Part A of Form DC1-303.

2. The inmate must clearly state the reason for not initially bringing the complaint to the attention of institutional staff and by-passing the informal and formal grievance steps of the institution or facility, except in the case of a HIPAA violation grievance which must be filed directly with the Office of the Secretary.

3. The inmate may forward grievances of these ~~four~~ three types to the Office of the Secretary in a sealed envelope by following the procedure set out in paragraph 33-103.006(8)(d), F.A.C. When a direct grievance alleging violation of HIPAA is received at the Office of the Secretary, the Bureau of Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review the information and to use and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Inmate Grievance Appeals to ensure appropriate filing and routing.

(b) Emergency Grievances. An emergency grievance may be filed directly with the ~~Secretary~~. Upon receipt, staff of the Bureau of Inmate Grievance Appeals shall take the following actions as soon as possible, but no later than two calendar days following receipt:

1. through 4. No change.

(c) Grievances ~~appeals~~ filed directly with the Office of the Secretary that are grievances of reprisal, ~~or~~ grievances of a sensitive nature, or a grievance alleging a violation of HIPAA shall be responded to according to established time frames.

~~(d) Grievances alleging violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303, and shall be responded to according to established time frames. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns HIPAA.~~

~~(d)(e) No change.~~

(7) through (8) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History--New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, 2-9-05, 8-21-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.008
RULE TITLE: Grievances of Medical Nature
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.008, F.A.C., is amended to reflect the changes made to Rules 33-103.002 and 33-103.007, F.A.C.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 944.09 FS.
LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.008 Grievances of Medical Nature.
(1)(a) No change.

(b) If a formal grievance of a medical nature is received by the reviewing authority of community facilities as defined in paragraph 33-103.002(15)(b)(e), F.A.C., it shall be forwarded to the Office of the Director for Regional Health Services for investigation and response. However, if the medical grievance originates out of one of the drug treatment centers which have a chief health officer, it shall be forwarded to that chief health officer for investigation and response. Following preparation

of a response and signature of the responding employee, the grievance shall be returned to the reviewing authority of community facilities to ensure appropriate filing and routing.

(c) No change.

(2) If a grievance appeal of a medical nature ~~or a direct grievance alleging violation of HIPAA~~ is received ~~by~~ at the Office of the Secretary, the Bureau of Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review the information and to use and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Inmate Grievance Appeals to ensure appropriate filing and routing. Other procedures applicable to the processing of a grievance appeal of a medical nature are as stated in Rule 33-103.007, F.A.C.

Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History--New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.008, Amended 6-29-03, 2-9-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.011
RULE TITLE: Time Frames for Inmate Grievances
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.011, F.A.C., is amended to reflect the changes made to Rule 33-103.002, F.A.C.

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

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

SPECIFIC AUTHORITY: 944.09 FS.
LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.011 Time Frames for Inmate Grievances — ~~Time frames.~~

When determining the time frames for grievances in all cases, the specified time frame shall commence on the day following the date of the incident or response to the grievance at the previous level. For example, if an incident occurred on December 1, fifteen days from that date would be December 16.

(1) No change.

(2) An extension of the above-stated time periods shall be granted when it is clearly demonstrated by the inmate to the satisfaction of the reviewing authority as defined in paragraphs 33-103.002(15)(b) and (c) ~~(a) through (d)~~, F.A.C., or the Secretary that it was not feasible to file the grievance within the relevant time periods and that the inmate made a good faith effort to file in a timely manner. The granting of such an extension shall apply to the filing of an original grievance or when re-filing a grievance after correcting one or more deficiencies cited in Rule 33-103.014, F.A.C.

(3) Responding to Grievances.

(a) No change.

(b) Formal Grievances – The reviewing authority as defined in paragraphs 33-103.002(15)(b) ~~(a) through (d)~~, F.A.C., shall have up to 20 calendar days from the date of receipt of the grievance to take action and respond. See Rule 33-103.006, F.A.C.

(c) through (d) No change.

(4) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.011, Amended 2-9-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.012
 RULE TITLE: Grievance Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.012 is amended to reflect the changes made to Rules 33-103.002 and 33-103.005, F.A.C.; including the requirement of logging informal grievances.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.012 Grievance Records.

(1) A log shall be made of each formal grievance, direct grievance, or appeal and shall contain, at a minimum, the following information:

(a) through (g) No change.

(2) No change.

(3) A log shall be made of each informal grievance and shall contain, at a minimum, the following information:

(a) Inmate name;

(b) Prison number;

(c) Date that the grievance or appeal was received;

(d) Staff member responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff who is to respond to the informal grievance.

~~(4)~~ (3) The Department shall maintain the confidentiality of inmate grievance records to the extent permitted under Florida law.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.012, Amended 2-9-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.016
 RULE TITLE: Follow Through on Approved Grievances

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.016, F.A.C., is amended to include direct grievances.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.016 Follow Through on Approved Grievances.

(1) No change.

(2) Appeals and direct grievances to the Office of the Secretary. All grievances which are approved by the Office of the Secretary/Bureau of Inmate Grievance Appeals shall be handled as follows:

(a) through (f) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 4-10-95, Amended 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01, 8-21-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.7115
 RULE TITLE: Consulate Visitors

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide institutions and consulate visitors with the conditions under which foreign national inmates and consulates may visit.

SUMMARY: The proposed rule allows foreign national inmates the ability to meet with the consulate representing their country privately, and to have an attorney accompany the consulate officer. The proposed rule requires that the consulate provide the identification sufficient to authenticate that he or she is a consulate of the inmate's country before a private meeting is allowed and to allow the consulate and inmate to exchange documents only after a cursory inspection by the officer in charge. The proposed rule also requires that institutions provide an adequate area for consulate officers to visit their inmate citizens in order to ensure the privacy of such visits and includes recommended visiting schedules.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.7115 Consulate Visitors.

(1) A consulate officer may visit a foreign national inmate from the country that the consulate represents if the inmate wishes to confer with the consulate officer and the consulate officer presents sufficient identification and evidence of his status as a consulate officer. The inmate must be verified by Immigration and Customs Enforcement as a foreign national of the country represented by the consulate.

(2) Consulate visits should be scheduled between 8:00 a.m. and 5:00 p.m., Monday through Friday excluding holidays. A consulate visit may be scheduled at other times if,

in the opinion of the warden or his designee, such scheduling is necessary to avoid disadvantage to the inmate or undue hardship to the consulate officer.

(3) The warden shall provide an adequate area for consulate officers to visit their inmate citizens in order to ensure the privacy of such visits.

(4) Consulate documents will not be exchanged between the consulate officer and the inmate unless the consulate officer notifies the officer in charge that the exchange of consulate documents is necessary and allows a cursory inspection of the consulate documents. The officer in charge is authorized to disapprove any consulate document exchange if such exchange would present a threat to the security and order of the institution or to the safety of any person. If the consulate officer disagrees with the decision of the officer in charge, the duty warden shall be contacted to make the final decision.

(5) An attorney may accompany the consulate officer during a consulate visit pursuant to Rules 33-601.711 Legal Visitors and 33-601.712 Use of Cameras and Tape Records by Attorneys, F.A.C.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp, Assistant Secretary of Institutions
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-8.041
RULE TITLE: Minimum Flows

PURPOSE AND EFFECT: The amendments establish minimum flows pursuant to Section 373.042, F.S., for the upper segment of the Braden River from Linger Lodge to Lorraine Road. This water body is listed on the District's minimum flow and levels priority list for establishment of minimum flows. The minimum flows will be used in the District's permitting and resource management and development programs.

SUMMARY: The District has identified seasonal low, medium and high flow periods for the Braden River. Short-term minimum flow compliance standards were developed for each of these periods using a "building block" approach. The Minimum Low Flow for the low flow period (Block 1, May 7 through June 19) is the natural flow minus 15% at the Braden River USGS gage near Lorraine.

For the Minimum High Flow for the high flow period (Block 3, June 20 through October 24), is a stepped flow reduction of 19% and 10% of the historic flows, with the step occurring at the 15% exceedance flow (54 cfs) at the Braden River USGS gage near Lorraine.

For the medium flow period (October 25 to May 6) it was determined that changes in habitat availability for fish and macroinvertebrates determined the Minimum Medium Flow. The Minimum Medium Flow is established as the flow less 11% at the Braden River USGS gage near Lorraine.

Five and ten year means and medians are proposed as long-term compliance standards.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 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: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) through (7) No change.

(8) Minimum Flows for the Braden River.

(a) The Minimum Flows are to ensure that the minimum hydrologic requirements of the water resources or ecology of the natural systems associated with the river are met.

(b) Minimum Flows for the Braden River at the USGS Braden River near Lorraine Gage USGS # 02300032 ("near Lorraine Gage") are set forth in Table 8-14 below. The long-term compliance standards set forth in Table 8-15 are established based on the application of the Minimum Flows to the lowest anticipated natural flow conditions. Minimum Flows for the Braden River are both seasonal and flow dependent. Two standards are flow based and applied continuously regardless of season. The first is a Minimum Low Flow threshold of 7 cfs at the near Lorraine Gage. The second is a Minimum High Flow threshold of 54 cfs at the near Lorraine Gage. The Minimum High Flow is based on changes in the number of days of inundation of floodplain features. There are also three seasonally dependent or Block specific Minimum Flows. The Block 1 and Block 2 Minimum Flows

are based on potential changes in habitat availability for fish species and macroinvertebrate diversity. The Block 3 Minimum Flow is based on changes in the number of days of connection with floodplain features.

| Period | Effective Dates | Where Flow on Previous Day Equals: | Minimum Flow Is |
|----------|--------------------------|--|---|
| Annually | January 1 to December 31 | ≤7 cfs >7cfs and <54 cfs 54 cfs | 7 cfs Seasonally dependent – see Blocks below Previous day flow minus 10% |
| Block 1 | May 7 to June 19 | ≤7 >7 cfs | 7 cfs previous day flow minus 10% |
| Block 2 | October 25 to May 6 | ≤7 >7 cfs and <54 cfs 54 cfs | 7 cfs previous day flow minus 11% previous day flow minus 10% |
| Block 3 | June 20 to October 24 | ≤7 cfs >7 cfs and <54 cfs 54 cfs | 7 cfs previous day flow minus 19% previous day flow minus 10% |

(c) Compliance – The Minimum Flows are met when the flows in Table 8-15 are achieved.

| Minimum Flow | Hydrologic Statistic | Flow (cfs) |
|--------------|----------------------|------------|
| Annual Flow | 10-Year Mean | 31 |
| | 10-Year Median | 3 |
| | 5-Year Mean | 26 |
| | 5-Year Median | 2 |
| Block 1 | 10-Year Mean | 5 |
| | 10-Year Median | 1 |
| | 5-Year Mean | 2 |
| | 5-Year Median | 0 |
| Block 2 | 10-Year Mean | 20 |
| | 10-Year Median | 3 |
| | 5-Year Mean | 10 |
| | 5-Year Median | 1 |
| Block 3 | 10-Year Mean | 65 |
| | 10-Year Median | 23 |
| | 5-Year Mean | 43 |
| | 5-Year Median | 7 |

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS. History–Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2007

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

RULE NO.: 40D-8.624
RULE TITLE: Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to establish minimum levels for the next set of priority lakes pursuant to Section 373.042, Florida Statutes and to establish guidance levels for those lakes.

SUMMARY: The proposed amendments establish the High Guidance Level, High Minimum Level, Minimum Lake Level and Low Guidance Level for Lakes Angelo, Denton, Placid, Tulane and Verona in Highlands County; Lakes King, King-East and Linda in Pasco County; and Crooked Lake in Polk County, Florida. The proposed amendments also repeal the previously adopted Ten Year Flood Guidance Level, High Level, Low Level and Extreme Low Level for the lakes.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 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: Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below.

| Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929. | | | | | | |
|--|--|-------------------------------|---------------------|--------------------------|--------------------------|--------------------|
| Location by County and Basin | Name of Lake and Section, Township and Range Information | Ten Year Flood Guidance Level | High Guidance Level | High Minimum Lake Level | Minimum Lake Level | Low Guidance Level |
| (a) through (h) No change. | | | | | | |
| (i) In Highlands County Within the Peace River Basin | <u>Angelo, Lake</u> S-25, T-33S, R-28E | | <u>102.1'</u> | <u>101.3'</u> (CAT 3) | <u>100.0'</u> (CAT 3) | <u>99.6'</u> |
| | <u>Denton, Lake</u> S-02, T-34S, R-28E | | <u>114.9'</u> | <u>114.1'</u> (CAT 3) | <u>112.8'</u> (CAT 3) | <u>112.4'</u> |
| | Jackson Lake S-30, T-34S, R-29E | 104.1' | 102.6' | 102.4' (CAT 3) | 101.3' (CAT 3) | 100.2' |
| | June-In-Winter, Lake S-34, T-36S, R-29E | 75.5' | 74.7' | 74.5' (CAT 3) | 74.0' (CAT 3) | 73.2' |
| | Letta Lake S-31, T-33S, R-29E | 100.5' | 99.5' | 99.5' (CAT 3) | 98.4' (CAT 3) | 97.1' |
| | Little Jackson Lake S-06, T-35S, R-29E | 104.1' | 102.6' | 102.4' (CAT 3) | 101.3' (CAT 3) | 100.2' |
| | Lotela Lake S-26, T-33S, R-28E | 108.5' | 107.5' | 106.8' (CAT 3) | 105.7' (CAT 3) | 105.0' |
| | <u>Placid, Lake</u> S-24, T-37S, R-29E | | <u>93.4'</u> | <u>92.6'</u> (CAT 3) | <u>91.4'</u> (CAT 3) | <u>90.9'</u> |
| | <u>Tulane, Lake</u> S-27, T-33S, R-28E | | <u>118.7'</u> | <u>117.9'</u> (CAT 3) | <u>116.6'</u> (CAT 3) | <u>116.2'</u> |
| | <u>Verona, Lake</u> S-23, T-33S, R-28E | | <u>118.2'</u> | <u>117.4'</u> (CAT 3) | <u>115.8'</u> (CAT 3) | <u>115.1'</u> |
| (j) through (r) No change. | | | | | | |
| (s) In Pasco County Within the Hillsborough County Basin | Bell Lake S-13, T-26, R-18 | 73.3' | 71.6' | 70.8' (CAT 1) | 69.4' (CAT 1) | 69.2' |
| | Bird Lake S-36, T-26, R-18 | 68.2' | 66.8' | 66.6' (CAT 1) | 65.2' (CAT 1) | 64.3' |
| | Buddy Lake S-17, T-25S, R-21E | 96.9' | 93.7' | 93.7' (CAT 3) | 87.3' (CAT 3) | 83.9' |
| | Hancock Lake S-5, T-24S, R-20E | 106.9' | 102.5' | 102.5' (CAT 3) | 100.2' (CAT 3) | 97.7' |
| | <u>King Lake</u> S-7, T-26S, R-19E | | <u>73.1'</u> | <u>72.4'</u> (CAT 1) | <u>70.8'</u> (CAT 1) | <u>69.7'</u> |
| | <u>King Lake (East)</u> S-22, T-25S, R-20E | | <u>105.7'</u> | <u>105.1'</u> (CAT 3) | <u>102.7'</u> (CAT 3) | <u>101.4'</u> |

| | | | | | | |
|--|--|--------|--------|-------------------|-------------------|--------|
| | Middle Lake S-4, T-24S, R-20E | 106.9' | 103.1' | 102.5' (CAT 3) | 100.2' CAT 3) | 99.2' |
| | Padgett, Lake S-24, T-26, R-18 | 71.5' | 70.5' | 70.5' (CAT 1) | 69.5' (CAT 1) | 68.4' |
| | Pasadena, Lake S-16, T-25S, R-21E | 96.9' | 93.7' | 93.7' (CAT 3) | 87.3' (CAT 3) | 83.9' |
| (t) In Pasco County Within the Pinellas- Anclote River Basin | Camp Lake S-34, T-26, R-18 | 64.3' | 63.8' | 63.4' (CAT 1) | 62.0' (CAT 1) | 61.3' |
| | Linda, Lake S-26, T-26S, R-18E | | 66.3' | 66.2' (CAT 3) | 64.7' (CAT 3) | 63.6' |
| | Parker (Ann), Lake S-35, T-26, R-17 | 49.5' | 48.3' | 48.1' (CAT 1) | 46.7' (CAT 1) | 46.2' |
| (u) through (y) No change. | | | | | | |
| (z) In Polk County Within the Peace River Basin | Clinch Lake S-31, T-31S, R-28E | 107.4' | 105.5' | 105.5' (CAT 3) | 104.4' (CAT 3) | 103.1' |
| | Crooked Lake S-01, T-31S, R-27E | | 121.2' | 120.8' (CAT 3) | 117.9' (CAT 3) | 116.4' |
| | Eagle Lake S-01, T-29S, R-25E | 131.3' | 129.6' | 129.0' (CAT 3) | 127.9' (CAT 3) | 127.2' |
| | McLeod Lake S-07, T-29S, R-26E | 133.3' | 129.4' | 129.4' (CAT 3) | 128.3' (CAT 3) | 127.0' |
| | Parker, Lake S-8, T-28S, R-24E | 131.8' | 130.6' | 130.6' (CAT 3) | 129.6' (CAT 3) | 129.0' |
| | Wales Lake S-01, T-30S, R-27E | 114.1' | ND | 107.7' (CAT 3) | 106.6' (CAT 3) | ND |
| (aa) through (cc) No change. | | | | | | |

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000

| Location of Impoundment by County and Basin | Ten Year Flood Guidance Level in Feet Above Mean Sea Level (msl) | High Level in Feet Above Mean Sea Level (msl) | Low Level in Feet Above Mean Sea Level (msl) | Extreme Low Level in Feet Above Mean Sea Level (msl) |
|---|--|---|--|--|
| (a) through (h) No change. | | | | |
| (i) In Highlands County Within the Peace River Basin LAKES Sec Twsp Rng | | | | |
| Adelaide, Lake 5 33S 28E | 110.00 | 106.50 | 104.00 | 102.50 |
| Angelo, Lake 4 27S 25E | 104.00 | 99.50 | 97.00 | 95.00 |
| Anoka, Lake 27 33S 28E | 124.00 | 124.00 | 122.00 | 120.00 |
| Apthorpe, Lake 18 36S 30E | 72.00 | 71.50 | 68.00 | 66.00 |
| Blue, Lake 30 36S 30E | 78.70 | 77.50 | 75.00 | 73.50 |
| Bonnet, Lake 8 34S 29E | 91.90 | 90.75 | 88.00 | 86.00 |

| | | | | |
|---------------------------------------|-------------------|-------------------|-------------------|-------------------|
| Brentwood, Lake 10 33S 28E | 102.30 | 102.75 | 99.50 | 98.00 |
| Buck, Lake 29 37S 30E | 96.40 | 94.00 | 91.50 | 89.50 |
| Byrd, Lake 9 33S 28E | 110.60 | 108.25 | 105.50 | 104.00 |
| Carrie, Lake 21 36S 29E | 75.13 | 75.50 | 73.00 | 72.50 |
| Charlotte, Lake 17 35S 29E | 93.90 | 93.75 | 91.25 | 89.75 |
| Chilton, Lake 7 33S 28E | 116.30 | 114.00 | 111.00 | 109.50 |
| Clay, Lake 29 36S 30E | 79.00 | 78.75 | 76.00 | 75.00 |
| Crews, Lake 32 36S 29E | 120.50 | 119.50 | 117.00 | 115.50 |
| Damon, Lake 3 33S 28E | 102.30 | 101.00 | 98.00 | 95.00 |
| Denton, Lake 2 34S 28E | 117.10 | 116.50 | 114.00 | 112.00 |
| Dinner, Lake 17 34S 29E | 103.50 | 102.50 | 98.50 | 97.00 |
| Francis, Lake 22 36S 29E | 70.80 | 70.50 | 67.50 | 66.50 |
| Glenada, Lake 34 33S 28E | 118.40 | 120.00 | 117.00 | 115.50 |
| Grassy, Lake 17 37S 30E | 92.10 | 91.50 | 88.50 | 87.50 |
| Harry, Lake 1 36S 29E | 67.60 | 67.50 | 63.00 | 62.00 |
| Henry, Lake 25 36S 29E | 75.13 | 75.50 | 73.00 | 72.50 |
| Hill, Lake 17 36S 29E | 101.00 | 99.25 | 96.00 | 94.50 |
| Huckleberry Lake 7 35S 29E | 104.80 | 104.50 | 102.00 | 101.00 |
| Huntley, Lake 5 37S 30E | 83.40 | 83.75 | 81.00 | 79.50 |
| Josephine, Lake 32 35S 29E | 72.70 | 72.50 | 69.00 | 68.50 |
| June-in-Winter, Lake 34 36S 29E | 75.13 | 75.50 | 73.00 | 72.50 |
| Lake Lachard 36 36S 29E | 79.56 | 78.50 | 76.00 | 74.00 |
| Lelia, Lake 34 33S 29E | 113.00 | 114.50 | 112.50 | 110.50 |
| Little Bonnet Lake 36 33S 28E | 101.70 | 100.00 | 97.00 | 96.00 |
| Little Red Water Lake 14 36S 29E | 104.10 | 103.25 | 100.50 | 98.50 |
| Lost Lake 12 37S 29E | 90.60 | 88.00 | 84.00 | 82.75 |
| McCoy, Lake 6 37S 30E | 87.39 | 87.00 | 84.00 | 82.00 |
| Mirror, Lake 7 37S 30E | 94.70 | 93.50 | 90.00 | 88.00 |

| | | | | |
|--|-------------------|-------------------|-------------------|-------------------|
| Center Nellie 13 36S 29E | 73.20 | 71.50 | 67.00 | 65.00 |
| Nellie N.W., Lake 1336S29E | 73.20 | 71.50 | 67.00 | 65.00 |
| Nellie S.E., Lake 13 36S 29E | 73.20 | 71.50 | 67.00 | 65.00 |
| Olivia, Lake 6 33S 28E | 118.10 | 117.50 | 114.50 | 113.00 |
| Pearl, Lake 6 37S 30E | 87.27 | 87.00 | 84.00 | 82.00 |
| Persimmon Lake 10 36S 29E | 69.30 | 68.25 | 65.00 | 63.50 |
| Pioneer, Lake 11 33S 28E | 108.60 | 108.00 | 104.50 | 103.00 |
| Placid, Lake 30 36S 30E | 94.70 | 94.50 | 91.50 | 90.00 |
| Pythias, Lake 2 33S 28E | 101.20 | 101.00 | 98.00 | 95.00 |
| Red Beach Lake 15 35S 29E | 76.80 | 76.50 | 73.75 | 72.75 |
| Red Water Lake 14 36S 29E | 70.80 | 70.50 | 67.50 | 66.50 |
| Ruth, Lake 18 35S 29E | 94.20 | 94.00 | 91.50 | 90.00 |
| Saddlebags, Lake 6 37S 30E | 84.27 | 84.00 | 81.00 | 79.00 |
| Sebring, Lake 14 34S 28E | 107.60 | 107.25 | 104.50 | 103.00 |
| Simmons, Lake 24 36S 29E | 74.30 | 72.50 | 68.00 | 66.50 |
| Sirena, Lake 1 37S 29E | 87.27 | 87.00 | 84.00 | 82.00 |
| Trout Lake 34 32S 28E | 100.60 | 101.00 | 98.00 | 95.00 |
| Tulane, Lake 27 33S 28E | 120.50 | 120.00 | 116.00 | 114.00 |
| Unnamed Lake (B) 20 37S 30E | 92.10 | 91.50 | 88.50 | 87.50 |
| Unnamed Lake (F) 24 36S 29E | 78.50 | 78.00 | 74.00 | 72.00 |
| Verona, Lake 23 33S 28E | 123.00 | 119.00 | 115.25 | 113.00 |
| Viola, Lake 14 33S 28E | 112.20 | 109.50 | 105.75 | 104.00 |
| Wolf Lake 24 35S 28E | 93.80 | 92.50 | 90.00 | 88.00 |
| (j) through (r) No change. | | | | |
| (s) In Pasco County Within the Hillsborough River Basin LAKES | | | | |
| Catfish Lake S30 T25 R19 | 68.72 | 68.00 | 65.50 | 63.50 |
| Cow (East) Lake S19 T26S R19E | 78.63 | 78.50 | 76.00 | 75.00 |
| Floyd, Lake S36 T26 R19 | 68.41 | 68.50 | 66.00 | 64.00 |

| | | | | |
|--|-------------------|-------------------|-------------------|-------------------|
| Gooseneck, Lake S29 T26 R19 | 75.10 | 73.50 | 71.00 | 69.00 |
| Hog (Joyce) Lake S19 T26S R19E | 76.66 | 76.50 | 73.50 | 72.50 |
| Iola, Lake S15 T24S R20E | 147.55 | 147.50 | 145.00 | 142.50 |
| Jessamine, Lake S11 T24S R20E | 144.18 | 142.00 | 138.00 | 136.00 |
| JoAnn, Lake S30 T26 R19 | 68.72 | 68.00 | 65.50 | 63.50 |
| King Lake S7 T26S R19E | 73.58 | 73.50 | 71.50 | 69.50 |
| King Lake (East) S22 T25S R20E | 105.49 | 105.25 | 102.50 | 100.00 |
| Moody Lake S10 T24S R20E | 110.48 | 110.00 | 107.50 | 105.50 |
| Myrtle, Lake S30 T26 R19 | 68.72 | 68.00 | 65.50 | 63.50 |
| Saxon Lake S30 T26S R19E | 71.34 | 71.25 | 69.00 | 67.50 |
| Tampa (Turtle) Lake S32 T26 R19 | 66.00 | 65.50 | 63.00 | 61.00 |
| Toni, Lake S30 T26 R19 | 68.72 | 68.00 | 65.50 | 63.50 |
| Twin, Lake S28 T26 R19 | 68.35 | 67.50 | 65.00 | 63.00 |
| Unnamed Lake #26 S25 T26 R18 | 68.75 | 68.00 | 65.50 | 63.50 |
| (t) In Pasco County Within the Pinellas- Anclote River Basin LAKES | | | | |
| Bass Lake (Holiday) S34 T26E R17S | 48.80 | 48.75 | 45.75 | 45.00 |
| Big Lake Vienna 23 26 18 | 70.70 | 70.25 | 67.00 | 65.00 |
| Fishing Lake S34 T26E R17S | 48.80 | 48.75 | 45.75 | 45.00 |
| Geneva Lake (Mud) S26 T26E R17S | 51.20 | 50.00 | 48.00 | 46.00 |
| Linda, Lake 26 26 18 | 67.30 | 66.75 | 64.00 | 62.00 |
| Little Moss (Como) Lake 35 26 18 | 67.00 | 66.00 | 63.00 | 62.00 |
| Minniola, Lake S34 T26E R17S | 51.20 | 50.00 | 48.00 | 46.00 |
| Moss Lake 35 26 18 | 65.00 | 64.00 | 61.50 | 59.00 |
| Seminole, Lake S35 T26E R17S | 49.20 | 48.75 | 46.00 | 45.00 |
| Thomas, Lake 11 26 18 | 75.60 | 75.00 | 72.50 | 71.50 |
| Wistaria, Lake 2 26 18 | 74.90 | 74.00 | 71.00 | 69.00 |
| (u) through (y) No change. | | | | |
| (z) In Polk County Within the Peace River Basin | | | | |

| | | | | |
|--|-------------------|-------------------|-------------------|--------------|
| Ada, Lake S33 T28 R27 | 123.80 | 123.00 | 120.00 | 118.00 |
| Altamaha, Lake S11 T30 R27 | 122.60 | 122.50 | 120.00 | 118.00 |
| Amoret Lake 24 30 27 | 115.50 | 115.25 | 113.00 | 111.00 |
| Annie, Lake S3 T29S R27E | 122.10 | 119.00 | 116.00 | 114.00 |
| Arianna, Lake 3 28 25E | 137.10 | 137.00 | 134.50 | 132.50 |
| Aurora, Lake 13 30 28 | 103.30 | 100.00 | 97.00 | 95.00 |
| Banana, Lake 10 29 24E | 106.75 | 106.50 | 103.50 | 102.00 |
| Belle, Lake 11 30 27 | 123.60 | 120.00 | 117.00 | 115.00 |
| Bess, Lake 18 29S 27E | 125.50 | 125.25 | 123.00 | 121.00 |
| Big Gum Lake 26 29 R28 | 95.50 | 95.00 | 92.00 | 89.00 |
| Blue, Lake S13 T28 R25 | 149.80 | 149.00 | 146.50 | 144.50 |
| Blue Lake 24 30S 27E | 118.00 | 117.00 | 114.00 | -- |
| Bonnie, Lake S31 T29 R28 | 113.30 | 113.00 | 110.00 | 108.00 |
| Bonny, Lake 20 28S 24E | 130.90 | 130.50 | 128.00 | 126.00 |
| Buckeye, Lake S22 T28S R26E | 130.10 | 129.00 | 126.00 | 124.50 |
| Buffum, Lake 12 31S 26E | 132.75 | 132.25 | 129.25 | -- |
| Cannon, Lake 19 28S 26E | 132.60 | 132.00 | 129.50 | 127.00 |
| Connie, Lake 9 28S 26E | 129.70 | 128.75 | 126.50 | 124.50 |
| Cooper (Worth) S02 T30 R27 | 124.20 | 123.50 | 121.00 | 119.00 |
| Crooked, Lake 4 31S 27E | 122.60 | 122.00 | 118.50 | - |
| Crystal Lake S02 T30 R27 | 121.40 | 121.25 | 118.00 | 115.00 |
| Crystal Lake S21 T28 R27 | 122.90 | 122.00 | 119.00 | 117.00 |
| Crystal Lake 23 29S 26E | 130.00 | 129.50 | 127.00 | 125.00 |
| Cypress Lake 36 29 28E | 100.20 | 98.50 | 95.00 | 93.00 |
| Lake Daisy S6 T29 R27 | 130.90 | 130.00 | 127.00 | 126.00 |
| Lake Deer 25 28 25E | 141.30 | 140.75 | 138.50 | 136.50 |
| Dell, Lake S28 T28 R27 | 125.70 | 123.75 | 121.50 | 119.50 |
| Lake Dexter S2 T29 R26 | 132.20 | 132.00 | 129.00 | 127.50 |

| | | | | |
|------------------------------------|--------|--------|--------|--------|
| Dinner, Lake 15 29S 27E | 120.90 | 118.50 | 116.00 | 114.00 |
| Easy, Lake 19 30 28 | 115.50 | 115.25 | 113.00 | 111.00 |
| Echo, Lake S05 T28 R26 | 132.30 | 131.00 | 128.00 | 126.00 |
| Effie, Lake 3 30 27 | 119.60 | 118.00 | 115.00 | 113.00 |
| Elbert, Lake S22 T28 R26 | 137.50 | 135.50 | 133.00 | 131.50 |
| Eloise, Lake 3 29S 26E | 132.60 | 132.00 | 129.50 | 127.00 |
| Fannie, Lake 11 28S 26E | 127.00 | 125.75 | 123.50 | 120.00 |
| Lake Florence S35 T28 R26 | 128.80 | 128.75 | 127.00 | 125.00 |
| Lake Fox S6 T29 R27 | 135.20 | 135.00 | 132.00 | 131.00 |
| Garfield, Lake 5 30 26E | 105.70 | 104.75 | 101.00 | 100.00 |
| Gator, Lake 26 30S 26E | 133.60 | 133.00 | 130.75 | 128.50 |
| George, Lake S06 T28 R26 | 130.70 | 130.00 | 127.50 | 125.50 |
| Gibson, Lake 25 27S 23E | 144.20 | 143.50 | 141.50 | 141.50 |
| Gordon, Lake S16 T28 R27 | 121.30 | 119.00 | 116.00 | 114.00 |
| Lake Grassy 2 29 25E | 134.80 | 129.00 | 126.50 | 125.50 |
| Lake Gross (Grassy) S14 T29 R26 | 138.50 | 136.00 | 133.50 | 132.00 |
| Hamilton, Lake 18 28S 27E | 122.50 | 121.50 | 119.00 | 117.25 |
| Hancock, Lake 8 29S 25E | 102.40 | 99.00 | 96.00 | 94.00 |
| Hart, Lake 24 29S 26E | 124.70 | 124.50 | 122.00 | 120.00 |
| Hartridge, Lake 8 28S 26E | 132.60 | 132.00 | 129.50 | 127.00 |
| Henry, Lake 16 31S 26E | 160.10 | 159.00 | 156.00 | 154.00 |
| Henry, Lake 36 27S 26E | 127.00 | 126.50 | 124.50 | 122.50 |
| Hickory, Lake 17 32S 28E | 98.50 | 98.50 | 96.00 | 94.00 |
| Howard, Lake 30 28S 26E | 132.60 | 132.00 | 129.50 | 127.00 |
| Ida, Lake 28 31S 28E | 80.00 | 79.00 | 76.50 | 75.00 |
| Ida, Lake S17 T28 R26 | 136.70 | 135.25 | 132.00 | 130.50 |
| Idyl, Lake S16 T28 R26 | 134.90 | 134.00 | 131.50 | 130.00 |
| Idylwild, Lake 18 28S 26E | 132.60 | 132.00 | 129.50 | 127.00 |

| | | | | |
|-----------------------------------|--------|--------|--------|--------|
| Jessie, Lake 12 28S 25E | 132.60 | 132.00 | 129.50 | 127.00 |
| Josephine, Lake 13 30 27 | 121.30 | 120.00 | 116.50 | 114.50 |
| Josephine, Lake S27 T28 R27 | 124.10 | 121.50 | 118.00 | 116.50 |
| Lee, Lake S16 T28 R27 | 123.50 | 123.50 | 121.50 | 120.00 |
| Lena, Lake 9 28S 25E | 137.10 | 137.00 | 134.50 | 132.50 |
| Leonore, Lake 10 31S 28E | 87.40 | 87.00 | 84.50 | 83.00 |
| Link, Lake 27 28S 26E | 128.70 | 128.00 | 125.00 | 123.00 |
| Little Aurora | 103.30 | 100.50 | 98.00 | 96.00 |
| Little Gum Lake 35 29S 28E | 96.80 | 96.50 | 94.00 | 92.00 |
| Little Lake Hamilton 5 28S 27E | 122.50 | 121.50 | 119.00 | 117.25 |
| LuLu, Lake 4 29S 26E | 132.60 | 132.00 | 129.50 | 127.00 |
| Lee, Lake 10 29S 27E | 122.10 | 119.00 | 116.00 | 114.00 |
| Mabel, Lake 11 29S 27E | 114.50 | 110.75 | 107.00 | 105.00 |
| Mariam, Lake 27 28S 26E | - | 124.75 | 122.75 | 121.00 |
| Marie, Lake S27 T28 R27 | 121.00 | 121.00 | 118.00 | 116.00 |
| Martha, Lake S21 T28 R26 | 142.50 | 142.00 | 139.00 | 137.00 |
| Maude, Lake S21 T28 R26 | 141.70 | 140.50 | 137.50 | 136.00 |
| May, Lake 29 28S 26E | 132.60 | 132.00 | 129.50 | 127.00 |
| Medora, Lake S36 T27 R25 | 140.40 | 138.00 | 134.50 | 133.00 |
| Menzie, Lake S28 T28 R27 | 127.00 | 122.00 | 120.00 | 118.00 |
| Middle Lake Hamilton 7 28S 27E | 122.50 | 121.50 | 119.00 | 117.25 |
| Lake Millsite 11 29 25E | 125.30 | 123.50 | 121.00 | 119.00 |
| Mirror, Lake 20 28S 27E | 132.60 | 132.00 | 129.50 | 127.00 |
| Moody, Lake 17 31S R28E | 92.80 | 93.50 | 91.00 | 89.00 |
| Myrtle, Lake 19 29S 27E | 118.70 | 118.50 | 116.50 | 114.50 |
| Lake Ned S1 T29S R26 | 129.60 | 128.50 | 126.00 | 124.00 |
| North Lake Wales S01 T30 R27 | 116.80 | 115.00 | 112.00 | 110.00 |
| Otis, Lake 28 28S 25E | 128.70 | 128.00 | 125.00 | 123.00 |

| | | | | |
|--|--------|--------|--------|--------|
| Pansy, Lake S08 T28 R26 | 130.00 | 129.00 | 126.50 | 124.50 |
| Parker, Lake 32 29S 27E | 122.50 | 122.00 | 119.50 | 117.50 |
| Parker, Lake 8 28 24E | 131.60 | 131.00 | 128.75 | 127.50 |
| Parks, Lake 36 29S 28E | 104.50 | 102.50 | 100.00 | 98.00 |
| Polecat, Lake 27 30S 26E | 142.40 | 142.00 | 139.50 | 137.50 |
| Reedy, Lake 35 31S 28E | 80.00 | 79.75 | 77.25 | 75.25 |
| Reeves, Lake 13 29S 26E | 125.10 | 124.50 | 122.00 | 120.00 |
| Lake River S1 T29 R26 | 141.60 | 139.50 | 136.00 | 134.00 |
| Rochelle, Lake 4 28S 26E | 129.70 | 128.75 | 126.50 | 124.50 |
| Round, Lake 13 29S 26E | 129.40 | 129.25 | 126.50 | 124.50 |
| Roy, Lake 34 28S 26E | 132.60 | 132.00 | 129.50 | 127.00 |
| Ruby, Lake 12 29S 26E | 125.50 | 125.25 | 123.00 | 121.00 |
| Ruth, Lake S28 T28 R27 | 123.50 | 121.50 | 117.50 | 115.50 |
| Saddlebag, Lake 6 30S 29E | 106.80 | 105.00 | 102.00 | 100.00 |
| Saint Anne Lake 14 30 28 | 97.50 | 96.00 | 93.00 | 91.00 |
| Sanitary (Marianna), Lake S01 T28 R25 | 138.60 | 137.50 | 135.00 | 133.00 |
| Sara, Lake S17 T28 R27 | 122.50 | 121.50 | 119.00 | 117.25 |
| Scott, Lake 18 29S 24E | 168.60 | 168.00 | 165.00 | 164.25 |
| Lake Sears 36 28 25E | 143.20 | 141.00 | 138.00 | 136.00 |
| Serena, Lake S12 T30 R27 | 125.30 | 118.00 | 115.00 | 113.00 |
| Shipp, Lake 32 28S 26E | 132.60 | 132.00 | 129.50 | 127.00 |
| Silver, Lake 5 32S 28E | 105.00 | 103.00 | 100.50 | 98.50 |
| Silver, Lake S20 T28 R26 | 147.10 | 146.50 | 144.00 | 142.00 |
| Smart, Lake 9 28S 26E | 129.70 | 128.75 | 126.50 | 124.50 |
| Lake Spirit 35 28 25E | 134.10 | 131.50 | 129.00 | 127.00 |
| Spring, Lake 20 28S 27E | 132.60 | 132.00 | 129.50 | 127.00 |
| Starr, Lake 14 29 27 | 115.50 | 113.00 | 110.00 | 108.00 |
| Streety Lake 24 32S 27E | 108.70 | 105.50 | 102.50 | 101.00 |

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|--------------------------------------|--------|--------|--------|--------|
| Summit, Lake 34 28S 26E | 132.60 | 132.00 | 129.50 | 127.00 |
| Sunset Lake 10 30 28 | 101.10 | 98.00 | 95.50 | 93.50 |
| Surveyors, Lake 26 30S 26E | 133.60 | 133.00 | 130.75 | 128.50 |
| Thomas, Lake 1 30E 28E | 104.20 | 99.50 | 97.00 | 95.00 |
| Lake Thomas 35 28 25E | 135.60 | 132.00 | 128.00 | 126.00 |
| Tractor Lake 14 30 27 | 125.00 | 123.25 | 121.00 | 119.00 |
| Trask, Lake S22 T28 R27 | 114.90 | 113.00 | 108.00 | 106.00 |
| Trout, Lake 34 32S 28E | 100.60 | 101.00 | 98.00 | 95.00 |
| Twin Lakes S11 T30 R27 | 124.10 | 123.75 | 120.00 | 118.00 |
| Venus, Lake 9 29S 27E | 126.10 | 125.00 | 122.00 | 120.00 |
| Walker, Lake 21 30S 26E | 143.00 | 141.00 | 137.00 | 135.00 |
| Warren, Lake S11 T30 R27 | 124.60 | 123.50 | 121.00 | 119.00 |
| Weader (Weaver), Lake S03 T30 R27 | 122.00 | 121.75 | 119.00 | 117.00 |
| Winterset, Lake 11 29S 26E | 132.60 | 132.00 | 129.50 | 127.00 |
| (aa) through (cc) No change. | | | | |

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, ~~373.0395~~, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-10-04, 6-5-05, 1-1-07, 2-12-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007; October 26, 2007; November 2, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-4.001

RULE TITLE:
Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The handbook update contains corrected instructions for entering the National Provider Identifier and expanded instructions on entering the National Drug Code for injectable medications on the claim form. The effect will be to incorporate by reference in rule Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

SUMMARY: The purpose of this rule amendment is to incorporate by reference Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The effect will be to incorporate by reference in rule Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 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 22, 2008, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Agency for Health Care Administration, Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, FL 32308, (850)922-7351, mazzocco@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006, updated January 2007 and November 2007, which is incorporated by reference. The handbook is 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 handbook may be obtained by calling Provider Inquiry at (800) 377-8216.

(2) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History—New 10-1-03, Amended 7-2-06, 3-7-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ouida Mazzoccoli

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 60FF-1.001 | General |
| 60FF-1.002 | Definitions |
| 60FF-1.003 | Establishing and Maintaining Eligibility for Non-Required SUNCOM Customers |
| 60FF-1.004 | Required Users Filing SUNCOM Exemption Requests for Use of Network Resources Not Provided through SUNCOM |
| 60FF-1.005 | Exemption Request Part I: Description of the Business Objectives |
| 60FF-1.006 | The Department’s Evaluation of Part I of Exemption Requests |
| 60FF-1.007 | Exemption Request Part II: Description of the Network Solution |
| 60FF-1.008 | The Department’s Evaluation of Part II of Exemption Requests |
| 60FF-1.009 | Exemption Request Part III: Verification that the Purchase and Implementation Met Rules Requirements |
| 60FF-1.010 | The Department’s Evaluation of Part III of Exemption Requests |
| 60FF-1.011 | State Intranet Users Clearance Requests Related to Interoperability and Security |
| 60FF-1.012 | Department Response to Clearance Requests |

PURPOSE AND EFFECT: Because SUNCOM was a component of the State Technology Office (STO), the elimination of the STO left SUNCOM without rules. These proposed rules reestablish SUNCOM rules with significant and fundamental changes because of changes to Statutes, technology and deregulation of the telecommunications industry that were not accounted for in the STO rules.

SUMMARY: These proposed rules describe steps and criteria for verifying Eligibility to use SUNCOM and to become a customer; establish a process that replaces the CPLA process for statutorily “Required Users” (agencies and universities according to Section 282.103(3), F.S.) to obtain exemptions from use of SUNCOM; establish a “Clearance Request” process for SUNCOM Intranet customers before implementing non-SUNCOM network solutions.

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

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

SPECIFIC AUTHORITY: 282.102 (9) FS.

LAW IMPLEMENTED: 282.102, 282.103, 282.104, 282.105, 282.106, 282.107 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: January 28, 2008, 1:00 p.m., February 7, 2008, February 20, 2008, 9:00 a.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Carolyn Mason, Department of Management Services, Communications and Information Technology, 4030 Esplanade Way, Suite 125K, Tallahassee, FL 32309; Carolyn.mason@dms.myflorida.com or telephone 850/922-7503.

Interested parties are encouraged to obtain electronic copies of these proposed rules via an electronic mail request to Carolyn Mason and send Ms. Mason specific excerpts with clearly identifiable suggestions on how the proposed wording can be improved (i.e. using underline and strike through to signify suggested changes). All parties providing such suggestions should include information identifying themselves and the organization they represent with contact information.

THE FULL TEXT OF THE PROPOSED RULES IS:

STATE COMMUNICATIONS DEFINITIONS: USAGE QUALIFICATIONS; EXEMPTIONS AND CLEARANCES

60FF-1.001 General.

As mandated by Section 282.103, F.S., the Department of Management Services (the Department) shall design, acquire, engineer, implement and operate a statewide network referred to as SUNCOM. Barring exceptions described within these rules, the Department shall obtain, secure, manage, coordinate State communications and provision for use of State communications services, equipment and communications software. Most of these communications resources shall be rendered into a cohesive SUNCOM network with centrally controlled invoicing to achieve economies of scale, interoperability, accountability and enhanced capabilities for voice, data, video, radio, telephony, wireless, and multimedia communications services that SUNCOM shall make available to Eligible Users. The Department shall further establish standards for, regulate and monitor connections to the SUNCOM network. This rule chapter applies to Eligible Users, as defined in Sections 282.103, .104, .105, and .106, F.S., including state agencies, political subdivisions of the state,

municipalities, educational institutions, libraries, and nonprofit corporations using SUNCOM or procuring communications services through the Department.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History-- New _____.

60FF-1.002 Definitions.

(1) The following terms as defined below, are applicable to Chapters 60FF-1, 60FF-2 and 60FF-3.

(a) Authorizing Official – An individual appointed by the Eligible User who shall assume one or several roles, and have the ability to exercise the secure and exclusive rights granted through those roles, in the CSAB System(s) on behalf of the Eligible User. Authorizing Officials shall have the authority to obligate funds on behalf of the Eligible User and to approve expenditures for communications services through their actions in the CSAB System(s) or by their receipt of uncontested electronic mail notifications from SUNCOM staff regarding changes to Customer services as reflected in the CSAB System(s). At least one Authorizing Official appointed by the Eligible User shall have the authority to establish other Authorizing Officials for the same Eligible User, thus granting the associated authorities, within the CSAB System(s). Some or all of the Authorizing Officials shall be knowledgeable about the Electronic Communications needs and conditions of the Eligible User.

(b) Backdoor – Any Unauthorized Connection linking an part of the State Intranet to an outside network or the Internet.

(c) Billing Data – Data, in standardized formats established by the Department used by the Department to charge Customers for the relative portions of SUNCOM Services they use.

(d) Business Objective – An operational or cost savings benefit expected from use of Network Equipment, Software or Services. The mere implementation, ownership or use of Network Equipment, Software or Services or Communications Devices shall not be considered to be a genuine Business Objective.

(e) Communications Device – Any device or software which renders audio, video and/or data into Electronic Communications.

(f) Communications Service Authorization and Billing System (CSAB Systems) – The Department system(s) for ordering SUNCOM Services, billing Customers for SUNCOM Services and the associated electronic repository of CSA and Billing Data that is available to Customers by accessing through the Web site <http://SUNCOM.myflorida.com>.

(g) Communications Service Authorization (CSA) – Order from Eligible User requesting a SUNCOM Service placed through the CSAB System(s), authorizing its

installation/implementation and implicitly or explicitly acknowledging the associated Eligible User payment obligations.

(h) Communication Service Provider – Entity providing communications services, circuits, hardware or software within the State of Florida.

(i) Connection – A link between two devices or networks to facilitate Electronic Communications.

(j) Customer – An entity that is a qualified Eligible User and has accepted access to the CSAB System, has ordered, retains usage of or is paying for a SUNCOM Service. In instances where different entities order, use or pay for a specific SUNCOM Service, the using entity is considered to be the Customer.

(k) Customer's Physical Network – All of the devices, software and circuits facilitating the Customer's Electronic Communications in one location. The Customer's Physical Network ends at the point(s) where it is connected to any circuits provided by SUNCOM, a Communications Service Provider or any public network.

(l) Department – The Florida Department of Management Services.

(m) Electronic Communications – The exchange of electronic information between networks and/or devices including voice, data, video and multimedia using physical, virtual and/or wireless transport methods.

(n) Eligible User – Qualifying user of SUNCOM Services including state agencies, county and municipal agencies, public schools and districts, private, nonprofit elementary and secondary schools (provided they do not have an endowment in excess of \$50 million), state universities, community colleges, libraries, water management districts, state commissions and councils, and nonprofit corporations. Any entity ordering or using or paying for a SUNCOM Service must be an Eligible User.

(o) Network Equipment – Any device or circuit which establishes Physical or Virtual Connections from within the Customer's Physical Network to networks or devices outside of the Customer's Physical Network to facilitate communications on behalf of Communications Devices or other Network Equipment. A Communications Device, regardless of its primary use, shall be classified as Network Equipment if it also performs this Network Equipment function.

(p) Network Service – Any service that includes establishment of Physical or Virtual Connections from within the Customer's Physical Network to networks or devices outside of the Customer's Physical Network to facilitate communications on behalf of Communications Devices or Network Equipment. This also includes any services to install, configure or manage Network Software or Network Equipment.

(q) Network Security – The protection of network topologies and associated services from unauthorized modification, destruction, or disclosure and the reassurance that the network performs its critical function without harmful side effects.

(r) Network Software – Any software which establishes Physical or Virtual Connections from within the Customer's Physical Network to networks or devices outside of the Customer's Physical Network to facilitate communications on behalf of Communications Devices or Network Equipment.

(s) Network Solution – Use of Network Equipment, Network Software and/or Network Services to meet a Business Objective.

(t) Physical Connection – Hardware and/or circuit used to establish and/or maintain a Connection.

(u) Portfolio of Services – The electronic publication located on the official Web site of the Department defining SUNCOM Services and providing associated technical standards, as mandated in Section 281.102(1), F.S.

(v) Required User – All state agencies and state universities mandated to use SUNCOM in Section 281.103, F.S.

(w) Security Breach – Any instance where Florida government data or software is accessed or becomes accessible to unauthorized parties or instances where the resources owned or leased by Florida government entities, their partners or vendors are rendered inoperable, unavailable or impaired due to actions of an unauthorized party.

(x) State Intranet – That portion of the SUNCOM network protected from other networks or the Internet via the State Firewall maintained by the Department.

(y) State Network – The entire SUNCOM offering including the State Intranet, extranet from the State Intranet, virtual private network connections through the State Intranet and all portions of the SUNCOM infrastructure regardless of whether it is leased or owned by the Department. This includes the private and public portions and the portion in between the private and public portions.

(z) Sub-network – Networks established by Customers within, or attached to, the broader State Network that is maintained by the Department.

(aa) SUNCOM Provider – Communication Service Provider authorized by the Department to sell, deliver, configure and/or maintain hardware, circuits, software and/or services under the SUNCOM name to SUNCOM Customers. SUNCOM Providers must be in compliance with all applicable laws, including rules or regulations promulgated by the Florida Public Service Commission and the Federal Communications Commission if the SUNCOM Provider is a Communication Service Provider regulated by these agencies.

(bb) SUNCOM Services – Network Equipment, Network Services, Network Software, Communications Devices or the configuration or management of any of these, obtained.

secured or provided by the Department and rendered into services that are made available to Eligible Users by the Department or SUNCOM Providers under agreements with the Department

(cc) System Failure – Any condition where Florida government Electronic Communications are impaired or inoperable.

(dd) Traffic – Flow of Electronic Communications over Network Hardware and circuits.

(ee) Traffic Monitoring – Information collected regarding communications over the State Network including destination/source address, volume, pattern, and date and time information that may be recorded and analyzed by the Department for any given session.

(ff) Unauthorized Access – Any sign-on and/or log-on activity accessing any part of the State Network and/or connected devices performed by an Unauthorized User.

(gg) Unauthorized Activity – Unauthorized Access to, Unauthorized Connection to, Unauthorized Traffic on and Unauthorized Use of the State Network.

(hh) Unauthorized Connection – Any virtual private network, private virtual circuit, extranet and/or point-to-point connection to the State Network that has not been disclosed to and recorded by the Department.

(ii) Unauthorized Traffic – Any communications transported across the State Network that is not directly relevant to state business and/or that is directed to or from an Unauthorized User.

(jj) Unauthorized User – Individual user not affiliated with and authorized by a current Customer of SUNCOM who is using the State Network.

(kk) Virtual Connection – The configuration or use of software to establish and/or maintain a Connection.

(2) Other terms shall have their commonly understood meanings.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-1.003 Establishing and Maintaining Eligibility for Non-Required SUNCOM Customers.

(1) Eligible Users which are not Required Users must submit an electronic mail request to customerservice@dms.myflorida.com, provide the associated information necessary to prove eligibility and agree to the provisions of these rules and SUNCOM policies and procedures prior to becoming a Customer.

(2) Once designated by the Department as eligible, Eligible Users have the obligation to maintain understanding of statutory eligibility requirements, verify their ongoing eligibility and notify the Department upon loss of eligibility.

(3) At any time the Department may declare an Eligible User ineligible if the Department finds that the Customer no longer qualifies in accordance with Sections 282.103-.107, F.S.

(4) The acts of an entity to establish an account in the CSAB System(s) or accept SUNCOM Services is considered acknowledgement by the entity of these eligibility requirements and is a declaration that the entity is eligible in accordance with Sections 282.103-.107, F.S.

(5) The registration process in the CSAB System(s) will consist of the following:

(a) Upon first login of the Authorizing Official (User), the User will be prompted with a statement akin to the following: By ordering SUNCOM Services, the User acknowledges:

1. All requirements of Chapter 282, F.S., and the Rules, policies and procedures of the Department;

2. Responsibility to pay for ordered services until cancelled by the User;

3. That the resale of any SUNCOM service to a non-Eligible User is expressly prohibited;

4. Responsibility to notify the Department upon any change in eligibility within thirty days of status change;

5. That telephone numbers and electronic addresses provided by the Department as part of the SUNCOM Service offering belong to the Department and upon termination of the SUNCOM service cannot be transferred to another entity without the Department's expressed written consent.

(b) The potential Customer will be asked to Accept or Decline these terms and conditions.

(6) Accepting these terms will allow the Customer to provide a profile in the CSAB System including:

(a) Category of Organization as pertains to eligibility: County, City, Non-Profit, Education, Library, Contractor, etc.

(b) If the User is a Contractor, additional information is required before use of the CSAB System is possible: State Agency, County or City government the Eligible User has a contract with, Contract Number, Expiration Date, Contract Administrator (must be state, county or city government employee), Telephone Number of Contract Administrator, Email Address of Contract Administrator.

(c) Upon completion of this information, the Customer will be able to place orders.

(7) Declining these terms will result in a statement akin to the following: Acceptance is required for the use of SUNCOM Service. Please contact your local SUNCOM Representative with questions or concerns at: 888-4SUNCOM.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-1.004 Required Users Filing SUNCOM Exemption Requests for Use of Network Resources Not Provided through SUNCOM.

(1) Required Users intending to implement a Network Solution through means other than SUNCOM, must obtain an exemption from the Department of Management Services by filing an Exemption Request consisting of the three parts described Rules 60FF-1.005 through 60FF-1.010, F.A.C.

(2) Upon identifying a business need requiring a new Network Solution and prior to developing any part of the Exemption Request, the Required User shall discuss the Required User's need with the Department to find out if SUNCOM's existing or impending services, or a collaborative effort between the Department and the Required User, can accommodate the need.

(3) The Required User shall incorporate common practices of readability including tables of contents, headings, executive summaries or cover letters, proper grammar and spelling. Recommended templates and examples shall be provided through the Portfolio of Services as they become available.

(4) Required Users shall submit Exemption Requests either:

(a) Through the provisions of the CSAB System.

(b) Or via electronic mail with attachments to SUNCOMRequests@myflorida.com with "Exemption Request" and the name of the Required User in the Subject line.

Note that if the request contains sensitive information, use of electronic mail may pose security risks.

(c) Or via U. S. Postal Service address to: Department of Management Services, SUNCOM, Attention: Exemption Request Processing, 4030 Esplanade Way, Tallahassee, Florida 32399-0950.

(5) If at any time after submittal of the Exemption Request, the Required User determines that SUNCOM can satisfy the Required User's Business Objectives described in the Exemption Request, the Department or the Required User shall acknowledge that fact in writing. The Required User and the Department shall then be absolved of the requirements related to Exemption Requests. The Department and the Required User shall then arrange for implementation of SUNCOM Services or preparation of a SUNCOM proposal to meet the Customer's Business Objectives.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60FF-1.005 Exemption Request Part I: Description of the Business Objectives.

Part I shall consist of the following:

(1) Standard contact, categorization and tracking data including:

(a) The Customer account number;

(b) Requesting Required User organization name, address, city, state, zip code;

(c) Exemption Request author, name, telephone number, electronic mail address;

(d) Address, city, state, zip code where the primary part of Network Solution implementation shall take place;

(e) Date that the Network Solution is to be implemented;

(f) Category of service to which the Exemption Request pertains (e.g., Voice, Data, Conferencing, Wireless);

(g) Any pending SUNCOM orders affected;

(h) Brief summary of Business Objectives.

(2) Verification that Part I of the Exemption Request has been authorized by the Chief Information Officer or the equivalent (if a CIO does not exist) for the Required User.

(3) The Required User's description of the Business Objectives to be satisfied by the proposed Network Solution for which the Required User is seeking an Exemption. The description shall contain the same essential information the Required User used (shall use) to formulate the Required User's proposed Network Solution (in Part II).

(4) A general description of the Required User's proposed technical means to achieve the Business Objectives in sufficient detail for the Department to evaluate whether the Department can currently, or shall soon be able to, provide a solution.

(5) A description of the Required User's findings from their initial inquiry to and discussions with SUNCOM regarding the Required User's needs in accordance with subsection 60FF-1.004(2), F.A.C. Upon identifying a business need requiring a new Network Solution and prior to developing any part of the Exemption Request, the Required User shall discuss the Required User's need with the Department to find out if SUNCOM's existing or impending services, or a collaborative effort between the Department and the Required User, can accommodate the need. Upon identifying a business need requiring a new Network Solution and prior to developing any part of the Exemption Request, the Required User shall discuss the Required User's need with the Department to find out if SUNCOM's existing or impending services, or a collaborative effort between the Department and the Required User, can accommodate the need.

(6) The expected timing of the milestones for implementing the solution.

(7) All of the projected one-time and recurring costs of the solution. This includes all of the costs of Network Services, Network Software and Network Equipment, project management, planning, consulting, procurement process and miscellaneous costs associated with the entire project.

(8) This statement: "Based upon current information available to the requestor, the Business Objectives described in Part I of this Exemption Request cannot currently be satisfied through SUNCOM Services."

(9) The name and contact information of the person holding a full time position as an employee of the Required User in a position established through the General Appropriations Act who shall have authored the Exemption Request and shall be available to answer related questions.

(10) Any subsequent supplementary documentation requested by the Department that shall clarify or elaborate on Part I components and is needed to properly evaluate Part I of the Required User's Exemption Request.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-1.006 The Department's Evaluation of Part I of Exemption Requests.

The Department shall make one of three findings regarding the Department's ability to provide a timely and cost effective SUNCOM solution to the Required User's Business Objectives within 15 days after receipt of Part I of the Exemption Request.

(1)(a) If the Department makes a preliminary finding that a SUNCOM Service cannot currently satisfy the Business Objectives and requires more information than what is contained in Part I in order to complete its evaluation, the Department shall notify the Required User of this finding and begin evaluating Part II as soon as it is available.

(b) If the Department finds that some of the standard components of Part II are unnecessary to the Department's evaluation, it may notify the Required User that those components need not be provided.

(2) If the Department makes a final determination that a SUNCOM Service cannot meet the Required User's genuine Business Objectives described in Part I, the Department shall notify the Required User of this finding and that none of Part II needs to be submitted.

(3)(a) If the Department concludes that a SUNCOM Service, or a collaborative effort between the Department and the Required User, can meet the Required User's Business Objectives described in Part I, the Department shall notify the Required User that the Exemption Request has been denied, none of Part II needs to be submitted and the Department intends to propose a solution.

(b) Within 30 days from submittal of the Exemption Request, the Department shall provide the Required User a SUNCOM proposal at a level of detail that is commensurate with the completeness and thoroughness provided in Part I of the Exemption Request. This SUNCOM proposal may include a general description of a proposed collaborative effort between the Department and the Required User to meet the Required User's need.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-1.007 Exemption Request Part II: Description of the Network Solution

(1) At the Required User's discretion, the Required User may submit Part II at the same time Part I is submitted. However, Part II shall not be evaluated by the Department until after the evaluation of Part I is complete.

(2) The Part II description of the Network Equipment, Software or Services must include the following:

(a) Verification that Part II of the Exemption Request has been authorized by the Chief Information Officer or the equivalent (if a CIO does not exist) for the Required User.

(b) An explanation of how the proposed Network Solution shall be used to satisfy the Business Objectives in Part I.

(c) Descriptions of the Network Equipment, Software or Services comprising the proposed Network Solution.

(d) Appropriate categorization and projected costs of the expected sources of Network Equipment, Software and Services using the following three categories:

1. "Internal Resources" -- Required User full or part-time staff, Required User owned Equipment and Software developed by the Required User.

2. "Vendor(s) Resources" -- Vendor provided Equipment, Software and Services.

3. "SUNCOM Resources" -- SUNCOM provided Equipment, Software and Services.

(e) An update to the expected costs listed in Part I (per subsection 60FF-1.005(6), F.A.C.).

(f) The procurement method expected to be used such as: State Contract Number, Single Source, Invitation to Bid, Request for Proposal.

(g) If known at the time of submittal of Part II; the entity that is expected to provide the solution with contact information including: entity name, city, state, representative name, telephone number, electronic mail address.

(h) The Return on Investment (ROI) calculations estimating the net cost savings from the proposed solution using all of the estimated short and long term costs of the solution if cost savings is considered to be among the benefits described in Part I. ROIs must show the calculation methods in sufficient detail to allow for replication.

(i) Schematics of the affected network prior to and after the implementation of the solution.

(j) General descriptions of security exposures associated with the proposal and security measures to address the exposures.

(k) This statement: "This Exemption Request and the solution it proposes is in compliance with Sections 282.102 and 282.103, F.S., and Title 60FF of the Florida Administrative Code and shall be implemented in a manner that is consistent with the Security Requirements of Chapter 60FF-3, F.A.C."

(1) The name and contact information of the person, holding a full time position as an employee of the Required User in a position established through the Appropriations Act who shall have authored the request and shall be available to answer related questions.

(3) The Required User must provide any subsequent supplementary documentation requested by the Department that shall clarify or elaborate on Part II components and is needed to properly evaluate Part II of the Required User's Exemption Request.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60FF-1.008 The Department's Evaluation of Part II of Exemption Requests.

If the Department concludes that a SUNCOM Service, or a collaborative effort between the Department and the Required User, can better meet the Required User's Business Objectives than the means proposed in Part II, the Department shall notify the Required User that the Request has been denied and that the Department intends to propose a solution within 30 days. The Department shall use the following criteria when evaluating Part II of the Exemption Request:

(1) Congruity – The Department shall evaluate the congruity of Part II to ensure that the Required User's proposed Network Solution is likely to meet the genuine Business Objectives described in Part I. The Department shall evaluate congruity only for the purpose of establishing comparable standards of comparison between the Required User's proposed solution and potential SUNCOM alternatives. This congruity evaluation shall neither consider the appropriateness of the Business Objectives (beyond ensuring that they are genuine Business Objectives), nor be a means of managing the Required User's risk, nor determine if the cost to achieve the Required User's genuine Business Objectives is appropriate unless one of the objectives is cost savings or if the Department can provide a SUNCOM alternative that is less expensive to the State.

(a) If the Department determines that there are material incongruities in Part II or between Parts I and II, the Department shall either:

1. Request that the Required User make changes to Parts I and/or II reconciling incongruities. If the Department asks the Required User to reconcile incongruities, the Department shall specifically name all identifiable material incongruities and be comprehensive in its evaluation of the Exemption Request. Accordingly, subsequent requests from the Department shall not require the Required User to submit changes to components of the request previously seen by the Department if the components were not previously identified as a concern and are unaffected, directly or contextually, by a change to the Exemption Request.

2. Request that the Required User resubmit the entire Exemption Request based on the determination that the incongruities are so substantial that a broad reconsideration by the Required User is warranted. In such instances, the Department shall specify the major concerns but shall not provide a detailed evaluation as described in a. If the Department asks the Required User to reconcile incongruities, the Department shall specifically name all identifiable material incongruities and be comprehensive in its evaluation of the Exemption Request. Accordingly, subsequent requests from the Department shall not require the Required User to submit changes to components of the request previously seen by the Department if the components were not previously identified as a concern and are unaffected, directly or contextually, by a change to the Exemption Request. If the Department asks the Required User to reconcile incongruities, the Department shall specifically name all identifiable material incongruities and be comprehensive in its evaluation of the Exemption Request. Accordingly, subsequent requests from the Department shall not require the Required User to submit changes to components of the request previously seen by the Department if the components were not previously identified as a concern and are unaffected, directly or contextually, by a change to the Exemption Request. above.

3. Conclude that the Department alone or a collaborative effort between the Department and the Required User can develop an alternative solution that is more responsive to the Business Objectives described in Part I or more tenable or less expensive than what is proposed in Part II. The Department shall then:

a. Deny the Exemption Request.

b. Within 30 days from the denial of the Exemption Request, provide the Required User a SUNCOM proposal at a level of detail that is commensurate with the completeness and thoroughness provided in Part II of the Exemption Request. This proposal may include a general description of a collaborative effort between the Department and the Required User to meet the Required User's need.

(2) The Department shall use the following congruity criteria:

(a) Congruity between the Required User's Business Objectives (described in Part I) and the proposed Network Solution (described in Part II): This criterion shall determine if the likely benefits of the proposed Network Solution will satisfy the Required User's identified Business Objectives.

(b) Congruity between the Required User's estimated costs and the realistic resources required, market conditions and scope that will likely drive costs: This criterion shall determine if the costs estimate is realistic.

(c) Congruity between the Required User's estimated timing and the work effort required: This criterion shall determine if the milestones in Part I are realistic given the description of the proposed Network Solution in Part II.

(d) Congruity between the Required User's expectations of the proposed Network Solution and the likelihood those expectations shall be met: This criterion shall determine if the proposed technology has been used before to satisfy equivalent Business Objectives and what is the likelihood of success based upon the scope, technological maturity and track-record of similar projects.

(3) Economies of scale considerations.

(a) If the Department determines that the Required User can satisfy its Business Objectives at the same or lower costs in a timely manner through a shared solution with another Required User or the Required User's subordinate entities, the Department shall negotiate with the Required User with the goal of implementing a shared solution.

(b) If the Department proposes a collaborative or shared solution between the Required User and the Department then the Department:

1. Shall commit to an approach that shall not unreasonably delay the Required User's project nor compel the Required User to incur additional costs.

2. May require that the shared solution become a SUNCOM offering from which the Required User obtains the solution.

(4) Compatibility of the solution with the State Network – If the Department determines that the Network Solution proposed in Part II creates incompatibility with the State Network such that State communications or economies of scale shall be impaired, the Department shall request that the Required User modify its Network Solution proposal accordingly. If the solution cannot be modified to prevent the impairments, the Department shall deny the Exemption Request.

(5) Security Impact on the State Network – If the Department determines that the Network Solution proposed in Part II will not comport with the Network Protection Standards for State Network established in Rule 60FF-3.004, F.A.C., the Department shall request that the Required User modify its proposed Network Solution accordingly. If the solution cannot be modified to comport with Rule 60FF-3.004, F.A.C., the Department shall deny the Exemption Request.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-1.009 Exemption Request Part III: Verification that the Purchase and Implementation Met Rules Requirements.

If the Department has approved Parts I and II of the Exemption Request, the Required User shall provide copies of all related procurement solicitations, contracts, purchase orders or agreements for related Network Services, Network Software and Network Equipment as they become available.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-1.010 The Department's Evaluation of Part III of Exemption Requests.

If the Department discovers that any procurement solicitations, contracts, purchase orders or agreements related to the Exemption Request do not comply with Rule 60FF-3.005, F.A.C., the Department shall deny the Exemption Request.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-1.011 State Intranet Users Clearance Requests Related to Interoperability and Security.

(1) Specific Customers must provide certain information regarding the interoperability and security of network projects to obtain a clearance from the Department prior to implementation. This rule applies to SUNCOM Customers which are:

(a) Using the State Intranet.

(b) And are not Required Users covered under the provision of Rule 60FF-1.004, F.A.C.

(c) And are intending to initiate Network Solutions that result in the purchase or lease of Network Services, Network Software or Network Equipment and these network resources:

1. Make use of the Internet Protocol.

2. And are not provided through SUNCOM.

(2) These Customers shall submit Clearance Requests either:

(a) Through the provisions of the CSAB System described in Chapter 60FF-2, F.A.C.

(b) Or via electronic mail with attachments to SUNCOMRequests@myflorida.com with "Clearance Request" and the name of the Customer in the subject line. Note that if the request contains sensitive information, use of electronic mail may pose security risks.

(c) Or via U. S. Postal Service address: Department of Management Services, SUNCOM, Attention: Clearance Request Processing, 4030 Esplanade Way, Tallahassee, Florida 32399-0950.

(3) These Customers must provide the following as a part of the Clearance Request:

(a) Standard contact, categorization and tracking data including:

1. The Customer account number;

2. Customer organization name, address, city, state, zip code;

3. Clearance Request author name, telephone number, electronic mail address;

a. Note that this contact person shall be available to answer related questions.

4. Address, city, state, zip code where the primary part of the Network Solution shall take place;

5. Date that the Network Solution is to be implemented;

6. Category of service the Clearance Request pertains to (e.g., Voice, Data, Conferencing, Wireless);

7. Any pending SUNCOM orders affected;

(b) Brief summary of Business Objectives.

(c) Descriptions of the Network Equipment, Software or Services comprising the Network Solution.

(d) If known at the time of submittal of the Clearance Request, the entity that is expected to provide the solution with contact information including: entity name, city, state, representative name, telephone number and electronic mail address.

(e) Schematics of the affected network prior to and after the implementation of the Network Solution.

(f) General descriptions of security exposures associated with the proposal and security measures to address the exposures.

(4) A statement must be included that the Customer shall commit to Rule 60FF-3.005, F.A.C., and be prepared to demonstrate this commitment by providing copies of purchasing documents, if requested by the Department.

(5) The Customer must provide any subsequent supplementary documentation requested by the Department that shall clarify or elaborate on the Network Solution and is needed to properly evaluate its potential impact on the State Intranet and its other Customers.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60FF-1.012 Department Response to Clearance Requests.

(1) The Department shall evaluate the Customer’s Clearance Request for the following conditions:

(a) Compatibility of the solution with the State Network – If the Department determines that the Network Solution creates incompatibility with the State Intranet such that State communications or economies of scale shall be impaired, the Department shall request that the Customer modify its Network Solution accordingly. If the Network Solution cannot be modified to prevent the impairments, the Department shall deny the Clearance Request.

(b) Security Impact on the State Network – If the Department determines that the Network Solution shall not comport with the Network Protection Standards for State Network established in Rule 60FF-3.004, F.A.C., the Department shall request that the Customer modify its Network Solution accordingly. If the Network Solution cannot be modified to comport with Rule 60FF-3.004, F.A.C., the Department shall deny the Clearance Request.

(2) Clearance Requests that are denied shall result in one of the following:

(a) Re-submittal of another approach by the Customer.

(b) A proposal from the Department for an alternative approach that is in compliance.

(c) Termination of the Customer’s participation in the State Intranet.

Specific Authority 282.102(9) FS. Law Implemented 282.102 (2), (5) (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Ghini, Director of Telecommunications and Wireless, and Michael Kyvik, Chief of Operations, Communications and Information Technology Services (CITS)

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry Kester, Deputy Secretary, Communications and Information Technology Services (CITS), Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

| RULE NOS. | RULE TITLES: |
|------------------|---|
| 60FF-2.001 | Order Process |
| 60FF-2.002 | Customer Responsibilities in Order Process |
| 60FF-2.003 | Communications Service Provider Responsibilities in Order Process |
| 60FF-2.004 | The Department’s Responsibilities in Order Process |
| 60FF-2.005 | SUNCOM Charges to Customers |
| 60FF-2.006 | SUNCOM Provider Billing to Department |
| 60FF-2.007 | SUNCOM Provider Billing Directly to Customers |

PURPOSE AND EFFECT: Because SUNCOM was a component of the State Technology Office (STO), the elimination of the STO left SUNCOM without rules. These proposed rules reestablish SUNCOM rules with significant and fundamental changes because of changes to Statutes, technology and deregulation of the telecommunications industry that were not accounted for in the STO rules.

SUMMARY: The proposed rules describe the SUNCOM order and billing processes; establish clear processes for SUNCOM billing to customers and; establish clear processes for vendor billing to SUNCOM and vendor direct billing to customers.

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

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

SPECIFIC AUTHORITY: 282.102(9) FS.

LAW IMPLEMENTED: 282.102, 282.103, 282.104, 282.105, 282.106, 282.107 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: January 28, 2008, 1:00 p.m., February 7, 2008, February 20, 2008, 9:00 a.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade 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 2 days before the workshop/meeting by contacting: Marta McPherson at (850)488-2706. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Carolyn Mason, Communications and Information Technology Services, 4030 Esplanade Way, Suite 125K, Tallahassee, Florida 32303; Carolyn.mason@dms.myflorida.com or telephone (850)922-7503

Interested parties are encouraged to obtain electronic copies of these proposed rules via an electronic mail request to Carolyn Mason and send Ms. Mason specific excerpts with clearly identifiable suggestions on how the proposed wording can be improved (i.e. using underline and strike through to signify suggested changes). All parties providing such suggestions should include information identifying themselves and the organization they represent with contact information.

THE FULL TEXT OF THE PROPOSED RULES IS:

STATE COMMUNICATIONS ORDER PROCESSING AND BILLING

60FF-2.001 Order Process.

The Customer Service Authorization Process shall be as follows:

(1) Unless specifically authorized in writing by the Department, Customers shall initiate all requests for SUNCOM Services in the Communications Service Authorization System or permit the Department to initiate them on the Customer's behalf with the Customer's consent through the CSAB System(s).

(2) Any transactions within the CSAB System(s) initiated by Customers that result in placement of an order shall be clearly marked with a label "Place Order."

(3) Upon completion of a successful order placement, the CSAB System(s) shall attempt to send a confirmation via electronic mail to the electronic mailing address on file in the CSAB System for the Authorizing Official who placed the order.

(4) The Department shall review CSA requests, modify them if necessary, then satisfy them or process them for satisfaction by another party, or reject them based upon their compliance with these rules and compatibility with SUNCOM offerings. Each modification, major progressive step, rejection or satisfaction of the request shall result in electronic notification and/or readily apparent indicative changes in the CSA and/or Billing Data within the CSAB System(s).

(5) SUNCOM Providers shall use the CSAB System(s) or exchange data with the CSAB System in accordance with the Department data exchange standards, as the means of accepting SUNCOM service requests and shall expeditiously and accurately update status information regarding the SUNCOM Provider's efforts to satisfy the request and/or make changes to the SUNCOM service.

(6) The CSAB System(s) shall be the foundation of the SUNCOM inventory of services obtained from SUNCOM Providers and Services consumed by Customers. Therefore, the CSA data shall be the basis for billing and audits verifying the accuracy of SUNCOM Provider charges to SUNCOM and SUNCOM charges to Customers.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60FF-2.002 Customer Responsibilities in Order Process.

The Customer's responsibilities in the order process shall be as follows:

(1) Register to Become a Customer – Eligible Users which are not SUNCOM Customers or Required Users must submit a request, provide the associated information and agree to the terms and conditions as described in Rule 60FF-1.003, F.A.C.

(2) Appoint and Maintain Authorizing Officials - The Customer shall appoint Authorizing Official(s) on behalf of the Eligible User and all of its subordinate entities (for which the Customer makes organizational and/or accounting distinctions). Multiple roles within the CSAB system(s) may be held by single or several individuals, as long as all of the roles available to Customers in the CSAB system(s), including the authority to appoint other Authorizing Officials, are performed by appointees of the Customer.

(a) Each Customer shall have the sole responsibility to ensure that only its duly designated Authorizing Officials exercise the commensurate Customer authorities in the CSAB System(s) on the Customer's behalf.

(b) All Authorizing Officials are obliged to achieve and maintain understanding of their role(s) and associated authorities and functionality of the CSAB system(s) and SUNCOM processes to satisfy Customer requests and to invoice for services.

(3) Establish and Maintain Customer Accounts – Each Customer shall establish and maintain accurate and current data within the CSAB System(s) regarding the Customer’s profile, accounting information and Authorizing Officials.

(4) Place Orders – Absent a declaration to the contrary from the Department, the CSAB System(s) shall be the sole means for Customers to request or modify SUNCOM Services. In order to be considered a valid CSA, irrespective of the means of establishing it, a CSA must have a corresponding entry with a unique identification number in the Department electronic repository of CSA data and can only be established with consent from the Authorizing Official. CSAs are initiated through the following:

(a) Direct entry of the associated data into the SUNCOM CSAB System(s) by the Authorizing Official.

(b) Agreements between the Department staff and the Customer to establish CSAs on behalf of the Customer.

(c) Electronic insertion of CSA data into the Department’s electronic repository of CSA data with consent from the Customer and the Department.

(5) Monitor Statuses and Inventories – All Customers are responsible for monitoring events and accessible inventories in the CSAB System(s) related to the Customer account(s) and services.

(6) Audit Invoices – Each Customer shall be solely responsible for auditing invoices to the Customer against the CSA data and ensuring that billings reflect the correct inventory and correct service charges, in accordance with SUNCOM prices, for the invoicing period.

(7) Adapt to System Enhancements – The Customer is responsible for keeping abreast of enhancements to and announcements regarding the CSAB System(s) and changing Customer processes in accordance with the changes to the CSAB System(s).

(8) Acknowledge the Primacy of CSAB Data – Because the CSAB System(s) is the foundation of the SUNCOM inventory of services consumed by SUNCOM Customers (when written agreements with SUNCOM Providers or Customers do not specifically exclude the CSA process) and the basis for invoicing to Customers for services, Customers must make good faith efforts to ensure that the data contained in the system(s) is accurate and presuppose its validity.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.10 FS. History–
New _____.

60FF-2.003 Communications Service Provider Responsibilities in Order Process.

The Communications Service Provider’s and SUNCOM Service Provider’s responsibilities in the order process shall be as follows:

(1) Accept the CSAB System(s) as the Means for Processing Service Requests – In all instances where agreements between the Department and SUNCOM Providers do not specifically exclude the CSA process, SUNCOM Providers shall accept CSA data from the CSAB Systems(s) as the basis for processing requests from the Department and SUNCOM Customers, and shall recognize the CSA data as the State’s acknowledgement of its payment obligations.

(a) Any services originating from a CSA order shall be satisfied with a SUNCOM service if a corresponding SUNCOM service exists irrespective of any of the choices made by the Authorizing Official.

(b) SUNCOM Providers shall not accommodate or satisfy requests for SUNCOM Services from entities that are not Eligible Users.

(c) Communications Service Providers shall not accommodate or satisfy requests from Required Users for Network Equipment, Network Services or Network Software outside the CSA or Exemption Request processes unless an exception is explicitly granted by the Department or specified through an agreement between the Department and the Provider.

(d) SUNCOM Providers shall not accommodate or satisfy requests for SUNCOM Services from Eligible Users outside the CSA process unless an exception is explicitly granted by the Department or specified through an agreement between the Department and the Provider.

1. If a SUNCOM Provider has been granted an exception to allow selling SUNCOM Services outside of the CSA process, the SUNCOM Provider will supply substantiating detail of said sales using the same standards as outlined in paragraph 60FF-2.007(2)(b), F.A.C.

(e) SUNCOM Providers shall not usurp processes or service request procedures intrinsic to the CSAB System(s) unless specifically authorized by the Department in writing.

1. The Department shall grant exceptions to the CSA and billing processes through contractual terms when the nature of the service or the limitation of SUNCOM’s current ability to accommodate the service through these processes require such exceptions in order to make the service available. However, the Department and the SUNCOM Provider shall commit to efforts to eliminate these exceptional conditions.

2. The Department shall grant other exceptions to the CSA process only when the need for a service constitutes an emergency as determined by a Department employee.

(2) Update the CSAB System(s) Accurately and Expeditiously – SUNCOM Providers shall use the CSAB System(s) or exchange data with the CSAB System(s) in

accordance with the Department data exchange standards, to expeditiously and accurately update status information regarding the SUNCOM Provider's efforts to satisfy a request.

(3)(a) Acknowledge the Primacy of CSA Data – Because the CSAB System(s) is the foundation of the SUNCOM inventory of services obtained from SUNCOM Providers and services consumed by SUNCOM Customers (when agreements with SUNCOM Providers do not specifically exclude the CSA process) and the basis for invoicing SUNCOM Customers, SUNCOM Providers must make good faith efforts to ensure that the data contained in the system is accurate and presuppose its validity.

(b) Absent clear evidence to the contrary, disputes regarding whether or not a compensable service has been rendered shall be determined by the existence of data in the CSAB System(s). This data shall verify that a CSA request had been issued and a compensable service had been rendered for the period corresponding to a SUNCOM Provider's claim in order for the SUNCOM Provider to receive the associated payment.

(4) Fostering and Adapting to Enhancements to the CSAB System(s) – SUNCOM Providers are responsible for assisting the Department in efforts to enhance the system and changing SUNCOM Providers' processes to facilitate enhancements.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History– New _____.

60FF-2.004 The Department's Responsibilities in Order Process.

The Department's responsibilities in the Order Process shall be as follows:

(1) Maintain the CSAB System(s) – The Department shall ensure the availability of the system to Customers and SUNCOM Providers in a manner consistent with the standard business needs of the Customer and SUNCOM Providers.

(2) Enhance the CSAB System(s) – The Department shall engage in continuous efforts, in partnerships with Customers and SUNCOM Providers, to enhance the CSAB System(s) to improve usability and enhance functionality.

(3) Inform the Customer – The Department shall expeditiously and thoroughly inform users of the CSAB System(s) of impending changes to functionality and interfaces for the purpose of enabling users to adjust their business processes accordingly and retain effectiveness when using the system(s).

(4) Train the Customer – The Department shall provide training to users of the CSAB System(s) pertaining to its functionality and the business processes intrinsic to the system(s) and the CSA and billing processes.

(5) Modify and Approve Customer Requests – In instances where the business process requires it, the Department shall expeditiously review CSA requests from Customers, modify

them where appropriate, satisfy them or process them for satisfaction by another party or reject the CSA after communicating with the Authorizing Official regarding the reason.

(6) Acknowledge the Primacy of CSA Data – Because the CSAB System(s) is the foundation of the SUNCOM inventory of services obtained from SUNCOM Providers and services consumed by SUNCOM Customers (when agreements with SUNCOM Providers do not specifically exclude the CSA process) and the basis for invoicing provided to Customers for services, the Department must make good faith efforts to ensure that the data contained in the system is accurate and presuppose its validity.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History– New _____.

60FF-2.005 SUNCOM Charges to Customers.

(1) The Department provides SUNCOM invoices and invoicing detail to Customers electronically through the secure Web site: <http://suncombilling.myflorida.com>.

(2) Payment Processes –

(a) To properly satisfy an invoice the Customer must provide complete information with the payment that is sufficient to ensure that the Department receives the credits and they are attributable to the correct invoice.

(b) Customers who properly satisfy the invoice through the State accounting system (with a Journal Transfer) need not provide any other documentation to the Department.

(c) Customers who properly satisfy the invoice through other electronic methods established by the State Chief Financial Officer need not provide any other documentation to the Department.

(d) Customers properly satisfying the invoice via any other means shall send one copy of the summary element with the payment to the Department of Management Services, Bureau of Financial Management, Post Office Box 5438, Tallahassee, Florida 32399-5438.

(3) The entire amount of the bill is due within 30 days of the invoice date printed on the invoice.

(a) Non-payment of the bill within 31 days shall result in a notice of nonpayment describing potential consequences of failure to make a timely payment.

(b) Non-payment of the bill within 60 days shall result in a second notice of nonpayment warning the Customer that the recurring service associated with the charge shall be terminated if payment is not processed within 90 days from the date the invoice was issued.

(c) Non-payment of the bill within 90 days shall result in a third notice of nonpayment warning the Customer that the recurring service associated with the charge may be terminated immediately.

(d) Non-payment of the bill within 120 days shall result in a fourth notice of nonpayment warning the Customer that all of the recurring services provided to the Customer by SUNCOM may be terminated immediately.

(4) Disputing Charges – If the Customer disputes any of the charges on a SUNCOM invoice, the Customer shall submit a “charge dispute” via electronic mail to the following address: SUNCOMInv@dms.myflorida.com.

(a) The electronic mail shall contain the following:

1. The phrase “Charge Dispute-Invoice Number” followed by the name of the Customer in the subject line of the electronic mail.

2. A detailed description of the dispute. The simplest and most effective description shall cite CSA data that indicates that the charge is unwarranted. Absent CSA data that supports the Customer’s claim, the description shall cite other documentation and provide a thorough rationale for the claim including an explanation regarding why the CSA data does not support the claim.

3. Supporting attachments.

(b) In spite of the Customer’s dispute of (a portion of the) charges, the Customer shall pay the entire invoice and await resolution of the dispute and a subsequent credit from the Department.

1. However, if the disputed charge constitutes an onerous obligation for the Customer and the Customer has a good faith belief that the charge is unwarranted; the Customer may withhold payment for the corresponding portion of the charge that is in dispute. If the Customer chooses to exercise this option, the Customer shall include a statement akin to the following in their charge dispute: “Because this disputed charge constitutes an onerous cost and the Customer is confident that the disputed charge is unwarranted, the Customer is withholding payment for the portion of the invoice related to the disputed charge.”

2. The Customer shall never withhold payment for charges that are unrelated to the specific charge that is disputed. If an invoice includes disputed charges, the Customer must satisfy the invoice for an amount equal to the portion of the invoice that is not disputed.

(c) Barring prohibitively complicated factors, the Department shall resolve the disputed charge within two billing cycles from the date of the charge notification.

1. If the Department concurs with the Customer, the Department shall inform the Customer via a reply to the charge dispute via electronic mail and issue a credit for the amount of the dispute on the next amendable invoice.

2. If the Department does not concur with the Customer, the Department shall inform the Customer and provide the rationale for its conclusion in a reply to the charge dispute via electronic mail.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-2.006 SUNCOM Provider Billing to the Department.

Barring the exceptions for contract terms described below, all of the following conditions apply to invoicing from SUNCOM Providers.

(1) SUNCOM Providers shall invoice the Department for all SUNCOM Services provided to SUNCOM and SUNCOM Customers.

(2) The Department shall invoice all SUNCOM Customers for all SUNCOM Services rendered.

(3) The Department shall pay SUNCOM Providers lump sums on behalf of all SUNCOM Customers for the entire amount of legitimate charges regardless of the payment status of SUNCOM Customers.

(a) The Department shall solely determine when services shall be terminated to SUNCOM Customers for nonpayment in accordance with subsection 60FF-2.005(3), F.A.C.

(4) The SUNCOM Provider must make good faith efforts to render charges to the Department and SUNCOM Customers accurately.

1. Based upon a commensurate commitment from each SUNCOM Provider and the Department’s judgment that the SUNCOM Provider has made a good faith effort to invoice accurately, the Department shall choose “other remedy of the error” rather than request “a corrected invoice” as described in Section 215.422(3)(b), F.S., to reconcile invoicing errors. These remedies shall include use of Generally Accepted Accounting principles to identify errors and process credits.

(5) The SUNCOM Provider shall supply an unchangeable hand bill showing the official charge to the Department.

(a) Through written agreement with the Department, the hand bill may consist of unchangeable electronic data.

(6) The SUNCOM Provider shall electronically supply detail substantiating the invoice.

(a) When totaled, the substantiating detail must match and validate the hand bill and provide a thorough source of auditing and reconciling the basis for charges from SUNCOM Providers.

(b) The electronic files containing the substantiating detail must include sufficient data to enable the Department to render invoices to SUNCOM Customers for their proportionate usage of the SUNCOM Services. That data must include: CSA number, Customer name and account codes, item, and amount of item. All other billing elements must be included as defined by the contract between the Department and the SUNCOM Provider, such as billing date, interval billed, and service specific detail.

(c) The substantiating detail must be provided using an Electronic Data Interchange format established by the Department and sent to the Department address established for that purpose.

(d) Any electronic billing substantiation or detail data supplied by SUNCOM Providers that is not authorized by the Department as the means of accepting electronic substantiating detail data shall be considered supplemental aids to auditing or querying invoicing data and do not comprise official payment obligations or substantiating detail.

(7) The date the invoice is received by the Department or the date the service was rendered, whichever is later, constitutes the billing date used as a basis for determining payment deadlines. Billing dates prior to the time when the associated service is rendered or billable service period is complete have no consequence on the Department's payment obligation.

(8) Conflicting or mutually exclusive methods of billing to and collections from SUNCOM Customers is prohibited.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-2.007 SUNCOM Provider Billing Directly to Customers.

(1) The SUNCOM Provider must be granted authority through its written contract with the Department in order to invoice SUNCOM Customers directly for SUNCOM Services.

(2) When the SUNCOM Provider invoices SUNCOM Customers directly:

(a) The SUNCOM Provider must make good faith efforts to render accurate charges to SUNCOM Customers.

(b) The SUNCOM Provider shall electronically supply to the Department complete and accurate detail substantiating all of the charges to SUNCOM Customers.

1. When totaled, the substantiating detail must validate the invoices to Customers and provide a thorough source of auditing and reconciling the basis for charges from SUNCOM Providers by including sufficient data to enable the Department to determine proportionate usage of the SUNCOM Customers.

2. Absent contract provisions with the Department that establish formats and exchange methods for the electronic substantiating detail file, the file must be provided using an Electronic Data Interchange format established by the Department and sent to the Department address established for that purpose.

3. The Department is not obligated to provide the Customer copies of invoices or substantiation on behalf of the SUNCOM Provider. If the Department chooses to do so, it shall not be as a part of a normal practice, and any such data that the Department provides shall not constitute official obligations of the State.

(3) The Department has no obligation to assume payable commitments on behalf of SUNCOM or SUNCOM Customers in instances where a vendor or SUNCOM Provider submitted an invoice directly to a SUNCOM Customer. If the Department chooses to assume such commitments, it shall only do so if and after the Customer has made the associated payment to the Department.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Ghini, Director of Telecommunications and Wireless, and Michael Kyvik, Chief of Operations, Communications and Information Technology Services (CITS)

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry Kester, Deputy Secretary, Communications and Information Technology Services (CITS)
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

| RULE NOS.: | RULE TITLES: |
|-------------------|--|
| 60FF-3.001 | Customer Access to State Long Distance Communications System |
| 60FF-3.002 | Modifications, Additions, Reductions or Terminations to Existing SUNCOM Service Initiated by a Customer |
| 60FF-3.003 | Additions or Modifications, Reductions or Terminations to Existing SUNCOM Service Initiated by the Department |
| 60FF-3.004 | Network Protection Standards for State Network |
| 60FF-3.005 | Security Breach Protection Provisions Required for Department Approved Use of Third Party Network Equipment, Services and Software |
| 60FF-3.006 | Department Response to System Failures and Security Breaches |
| 60FF-3.007 | SUNCOM Cost Recovery for System Failures and Security Breaches Caused by Third Parties |
| 60FF-3.008 | Management and Distribution of State Numbers and Addresses |
| 60FF-3.009 | Delegation to the Department of Education |
| 60FF-3.010 | Florida State Government Listings |

PURPOSE AND EFFECT: Because SUNCOM was a component of the State Technology Office (STO), the elimination of the STO left SUNCOM without rules. These proposed rules reestablish SUNCOM rules with significant and fundamental changes because of changes to Statutes, technology and deregulation of the telecommunications industry that were not accounted for in the STO rules.

SUMMARY: These proposed rules state that SUNCOM reserves the right to choose the best method of access to long distance for Customers (based on economic considerations and available technology); establish criteria and means for customers to modify or terminate their use of existing SUNCOM services; establish criteria and means for SUNCOM to modify or terminate existing SUNCOM services. These proposed rules also add SUNCOM security requirements which includes descriptions of security principles that will be followed on the network, how SUNCOM will handle security breaches and customer responsibilities when purchasing non-SUNCOM network equipment, software or services (this includes requiring vendors to assume some liability for damages to SUNCOM and/or its customers from the security breaches they cause). These proposed rules also establish SUNCOM as owner, distributor and delegator of State telephone numbers and electronic addresses; describes State Government Listings process; and delegates authority for public/educational broadcasting to the Department of Education.

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

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

SPECIFIC AUTHORITY: 282.102 (9) FS.

LAW IMPLEMENTED: 282.102, 282.103, 282.104, 282.105, 282.106, 282.107 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: January 28, 2008, 1:00 p.m.; February 7, 2008, 9:00 a.m.; February 20, 2008, 9:00 a.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Carolyn Mason, Department of Management Services, Communications and Information Technology, 4030 Esplanade Way, Suite 125K, Tallahassee, FL 32309; Carolyn.mason@dms.myflorida.com or telephone (850)922-7503

Interested parties are encouraged to obtain electronic copies of these proposed rules via an electronic mail request to Carolyn Mason and send Ms. Mason specific excerpts with clearly

identifiable suggestions on how the proposed wording can be improved (i.e. using underline and strike through to signify suggested changes). All parties providing such suggestions should include information identifying themselves and the organization they represent with contact information.

THE FULL TEXT OF THE PROPOSED RULES IS:

STATE NETWORK USAGE AND SECURITY POLICIES

60FF-3.001 Customer Access to State Long Distance Communications System.

The Department of Management Services (the Department) reserves the right to select the most economical method of access for Long Distance Customers, based on the volume of minutes used monthly by the Customer, the cost to provide access from the Customer to the State Network, and the available technology.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60FF-3.002 Modifications, Additions, Reductions or Terminations to Existing SUNCOM Service Initiated by a Customer.

The Customer of a SUNCOM Service is required to adhere to the appropriate technical specifications and procedures associated with the applicable service, as outlined in the Portfolio of Services. To obtain approval for any modifications, additions, reductions, or terminations of SUNCOM Services, the Customer shall follow the Customer Service Authorization (CSA) process, as described in Chapter 60FF-2, F.A.C., at least 45 days in advance of the requested effective date. Failure to provide notification for the termination or modification of a service in the Communications Service Authorization and Billing System (CSAB System) within the required time frame shall result in continued charges for the existing service.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60FF-3.003 Additions or Modifications, Reductions or Terminations to Existing SUNCOM Service Initiated by the Department.

(1) The Department shall initiate changes or terminate a Customer's SUNCOM service based on any of the following reasons:

(a) Discontinuation of a service offering by the Department.

(b) Lack of usage of the service by the Customer.

(c) The provision of the service is not a cost-effective solution for the Customer, the Department or the State.

(d) A change to the service is required to maintain its compliance with appropriate technical specifications and procedures as outlined in the Portfolio of Services.

(e) A change to the service is required because the service offering has changed.

(f) The SUNCOM Provider supplying the service has changed.

(g) Violation of a security standard, as specified in Rules 60FF-3.004-.006, F.A.C.

(h) The Customer is no longer eligible for SUNCOM Services in accordance with Sections 282.103-.107, F.S.

(i) The Customer fails to pay for SUNCOM Services as described in subsection 60FF-2.003(4), F.A.C.

(2) When a change to a Customer's service is required, the Department shall notify the Customer of required changes to the Customer's service. It the Customer disputes the basis for the change or wishes to request an extension, the Customer shall respond within 30 days from such notice, with a written request to justify why the Department should not make the proposed change to the Customer's service.

(a) If the Department denies the request, the Department shall enter the change into the CSAB System on behalf of the Customer and provide notification of its action to the Customer.

(b) If no response from the Customer is received by the Department within the 30-day period, the Department shall enter the change into the CSAB System on behalf of the Customer and provide notification of its action to the Customer.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-3.004 Network Protection Standards for State Network.

To protect the integrity of state communications services, Customers shall adhere to the following security specifications and directives:

(1) Any configurations of Network Equipment, Network Software or Communications Devices that allow for Unauthorized Activity are prohibited.

(2) The Department prohibits configurations which directly or indirectly circumvent the State firewall creating Backdoor Connections without SUNCOM managed or sanctioned filtering.

(3) The Department prohibits configurations creating non-SUNCOM managed Virtual Connections, tunnels (encrypted and non-encrypted) or remote access Connections to or from the State Intranet directly or indirectly circumventing the State firewall.

(4) Any inbound or outbound connectivity to the State Intranet via Virtual Connections, tunnels (encrypted and non-encrypted) or remote access shall be registered by the

Customer with the Department. To register, Customers shall adhere to Rule 60FF-1.004 or 60FF-1.0011, F.A.C., (depending upon its required usage status) by submitting an Exemption Request (for Required Users) or Clearance Request (for other Intranet users). A 12 month utilization log shall be maintained by the Customer and made available to the Department upon request.

(5) No scanning tools, Traffic generating stress testing of applications or communications, or network topology discovery tools are allowed to be used on or across the SUNCOM network without written authorization from the Department. Said authorization shall be granted based upon the Department verifying that:

(a) The extent of the activity shall not affect or alarm SUNCOM, its Providers and Customers.

(b) And the activity shall not impair the capacity of SUNCOM circuits to accommodate communications traffic.

(c) And the initiator of the activity shall coordinate the timing and extent of the activity to minimize impact on the State Network and its Customers.

(6) The Information Security Manager, as established by Section 282.318(2)(a), (1), F.S., or the highest level information security official for the Customer, shall work with the Department to ensure that the Customer adheres to the Department's security rules and any SUNCOM service requirement based on the appropriate technical specifications and procedures associated with the applicable service, as outlined in the Portfolio of Services. The Customer's security designee and network administrator are responsible for keeping any Unauthorized Traffic or Connection from traversing the SUNCOM network.

(7) Additional Network Services outside the official SUNCOM offering are subject to the Security Breach Protection provisions stated in Rules 60FF-3.005 through 60FF-3.006, F.A.C., and shall be documented by the Customer, as required in Rule 60FF-1.009, F.A.C., for Required Users or in subsection 60FF-1.011(4), F.A.C., for non-Required Users. This documentation shall be made available to the Department for review upon request.

(8) SUNCOM communication Traffic shall be monitored by the Department for Unauthorized Activity. Violations shall be reported to the Customer having appeared to have facilitated the Unauthorized Activity and/or the appropriate authority with jurisdiction over associated prevention and enforcement. After the Department has notified the Customer, access to the SUNCOM network may be terminated by the Department until any Unauthorized Traffic has been eliminated if the Department believes it could threaten the State Network or its Customers.

(9) The Customer shall provide documentation of network topology and configuration information to the Department during Network Security audits or during resolution or investigation of security incidents.

(10) Customers shall be responsible for resolving all security problems and vulnerabilities defined in these rules for conditions within the Customer's purview and shall cooperate with the Department on SUNCOM resolution efforts for conditions jointly within the purview of the Department and the Customer.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-3.005 Security Breach Protection Provisions Required for Department Approved Use of Third Party Network Equipment, Services and Software.

All Required Users and Users of the State Intranet shall adhere to these requirements for any purchase or lease of Network Services, Network Software or Network Equipment through means other than SUNCOM Services.

(1) Any procurement solicitation, contract, purchase order or agreement for Network Services, Network Software, Network Equipment through means other than SUNCOM Services must include the following:

(a) This phrase, "The vendor agrees to provide equipment, software and services in accordance with and adherence to Chapters 60FF-1 through 60FF-3 Florida Administrative Code."

(b) A description of the relative amount of liability for System Failures and Security Breaches that shall be assumed by the purchasing entity, the vendor and the Department when the cause of System Failures or Security Breaches are within the shared control of these parties.

(c) This phrase, "The vendor shall assume one hundred percent (100%) liability for System Failures and/or Security Breaches which result from the vendor's failure to properly implement or coordinate implementation (which includes providing due diligent communications with other parties having roles in implementing or accommodating implementation) of the services, equipment or software described in this contract/purchase order/agreement or result from the inherent flaws or limitations of the services, equipment or software described in this contract/purchase order/agreement."

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-3.006 Department Response to System Failures and Security Breaches.

(1) If there is a Security Breach or System Failure resulting from implementation of Network Services, Network Software or Network Equipment purchased or leased from sources other than SUNCOM by Required Users and Users of the State Intranet, the Department shall take whatever action the Department deems necessary to protect the integrity of the State Network and SUNCOM Customers.

(a) This can include the Department's assumption of exclusive control, through the Department's staff or its vendors, of said Network Services, Network Software, Network Equipment.

(b) And/or this can result in temporary termination of SUNCOM Services to the SUNCOM Customer responsible for said Network Services, Network Software, or Network Equipment.

(2) Government entities and associated vendors that are responsible for any and all said Network Services, Network Software, or Network Equipment shall grant the Department exclusive access to and control of any resources that the Department declares to be related to the failure or breach, remedy thereto and ongoing prevention of recurrence.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-3.007 SUNCOM Cost Recovery for System Failures and Security Breaches Caused by Third Parties.

If there is a Security Breach or System Failure that affects SUNCOM or any SUNCOM Customer resulting from a breach as described in Rule 60FF-3.005, F.A.C., the providing vendor shall pay the Department liquidated damages in proportion to the vendor's liability share. The amount of the liquidated damages shall be equal to the Department's costs to resolve the breach, repair consequential damages and establish protections to prevent recurrence. The Department's costs shall consist of SUNCOM staff time, any equipment, expenses or vendor charges related to the effort.

(1) SUNCOM Average Hourly Rate shall be the basis for remuneration for SUNCOM staff time which is calculated using the following formula: The total amount of Salary and Benefits appropriated to the budget entity responsible for SUNCOM under the current General Appropriations Act divided by the number of Full Time Equivalent labor hours from the same source (Full Time Equivalent positions times 2,080).

(2) The vendor shall also pay all costs associated with damages experienced by SUNCOM Customers affected by the System Failure or Security Breach in proportion to the vendor's relative liability. The costs associated with said damages shall be calculated in a good faith and equitable manner by each affected SUNCOM Customer.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-3.008 Management and Distribution of State Numbers and Addresses.

(1) The Department, as the provider of the State Network, shall own, manage and establish standards for the communications addressing, directory services, and the state numbering plans for state communications and the State Network.

(a) This includes distributing and/or authorizing all numbers and addresses to Customers of the network, and delegating management of subsidiary groups of numbers and addresses to Customers of the network.

(2) Telephone numbers and electronic addresses provided by the Department as part of the SUNCOM Service offering belong to the Department and cannot be given to another entity should SUNCOM service be terminated without the Department's expressed written consent.

(3) Required Users shall cooperate with the Department's efforts to carry out these responsibilities and other Customers shall cooperate with such efforts as they relate to the SUNCOM Services purchased by the Customers.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-3.009 Delegation to the Department of Education.

The authority to acquire, lease, and utilize broadcast communications equipment, facilities, and services is hereby delegated to the Department of Education in the procurement of broadcast equipment, facilities, and services for use by the public and educational broadcast entities licensed by the Federal Communications Commission. The Department of Education shall brief the Department on these delegated activities and shall permit the Department to audit activities delegated herein when the Federal Communications Commission initiates an action related to these delegations or the Department of Education engages in a related procurement process.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (5), (8), (12), 282.103 FS. History--New _____.

60FF-3.010 Florida State Government Listings.

(1) The Department shall provide the State of Florida government listing information for all local commercial directories and coordinate the maintainance of government and personnel listing information on the state government Web site www.411.myflorida.com. The Department shall have final authority regarding State of Florida government listing publishing, format, distribution and standardization for all local commercial directories and on the state government Web site www.411.myflorida.com.

(2) Each Eligible User shall be responsible for submitting updated listing information through means provided by the Department on the state government Web site at www.411.myflorida.com, or by email to help@dms.myflorida.com, or by writing to: Department of Management Services, SUNCOM, Attention: Directory Records Listings Information, 4030 Esplanade Way, Tallahassee, Florida 32399-0950.

(3) Each Eligible User shall pay the expense for its listings in the local commercial telephone directories.

(4) Each Eligible User shall provide to the Department and continually maintain current information regarding primary and secondary contact persons with authority to present data regarding the Eligible User to the Department.

(5) Each Eligible User shall provide and maintain a contact person for escalation and response to complaints or inquiries regarding data respective to the organization and as required by the Florida Customer Service Standards Act, Section 23.30, F.S.

(6) To ensure that all state government listings in local commercial directories and the government and personnel listings on the state government Web site remain current, each Eligible User has a continuing duty to provide updated information to the Department throughout the calendar year. Each Eligible User shall submit notification requesting deletion of listings no longer applicable to the Eligible User concerned.

Specific Authority 282.102(9) FS. Law Implemented 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Ghini, Director of Telecommunications and Wireless, and Michael Kyvik, Chief of Operations, Communications and Information Technology Services (CITS)

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry Kester, Deputy Secretary, Communications and Information Technology Services (CITS), Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

**DEPARTMENT OF MANAGEMENT SERVICES
Communications and Information Technology Services**

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 60FF-4.001 | Purpose; Definitions |
| 60FF-4.002 | SLERS Partner Classifications |
| 60FF-4.003 | Application and Approval Process |
| 60FF-4.004 | Frequencies and Licenses |
| 60FF-4.005 | Talk Groups |
| 60FF-4.006 | Security, Encryption Requirements, Radio Programming, and System Key Management |
| 60FF-4.007 | Service and Maintenance Priorities |

PURPOSE AND EFFECT: The proposed rule provides a process and procedures for application to and approval of new users to the Statewide Law Enforcement Radio System.

SUMMARY: The proposed rule defines categories of users, the application and approval process, frequency and talk groups use, security requirements and service and maintenance priorities.

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

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

SPECIFIC AUTHORITY: 282.106(9) FS.

LAW IMPLEMENTED: 282.1095 FS.

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

DATE AND TIME: January 29, 2008, 1:00 p.m.

PLACE: Department of Management Services, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399-0950

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Marta McPherson at (850)488-2706. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Fuchs, Department of Management Services/CITS, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-8036

THE FULL TEXT OF THE PROPOSED RULES IS:

FLORIDA STATEWIDE LAW ENFORCEMENT RADIO SYSTEM

60FF-4.001 Purpose; Definitions.

(1) The purpose of this rule chapter is to establish procedures to allow public safety entities, as defined herein, to use the Statewide Law Enforcement Radio System (SLERS). Such use benefits State Law Enforcement and SLERS Partners and facilitates the efficient use of radio spectrum.

(2) The following terms are defined:

(a) Contractor – Entity under contract with the Department of Management Services (the Department) to provide the Statewide Law Enforcement Radio System.

(b) Encryption – Cryptographic transformation of data (“plaintext”) into a form (“cipher-text”) that conceals the data’s original meaning to prevent it from being known or used by unauthorized persons.

(c) First Responder – State, local and Federal law enforcement, fire service and emergency medical agencies.

(d) Interoperability – A communication link within public safety and public service wireless communications systems which permits users from different entities to interact with one another and to exchange information in order to more effectively carry out their assigned missions.

(e) Interoperability Talk Groups – Talk groups established in the radio system for interagency communications within the Statewide Law Enforcement Radio System.

(f) Joint Task Force on State Agency Law Enforcement Communications – The board established in Section. 282.1095, Florida Statutes, to advise the Department on the planning, designing, and establishment of SLERS.

(g) Joint Task Force (JTF) Agency – State law enforcement entities (including ex-officio members) which are members of the Joint Task Force pursuant to Joint Task Force Board approval of applicants’ implementation plans and applicants’ acceptance of Board policies and standard operating procedures.

(h) MHz – Megahertz, or millions of cycles per second (a measure of radio frequency or channel).

(i) Security Manager – The individual appointed by the Joint Task Force on State Agency Law Enforcement Communications to be responsible for the security of the Statewide Law Enforcement Radio System, as well as any Alternate Security Manager or Deputy Security Manager appointed by the Joint Task Force on State Agency Law Enforcement Communications.

(j) Special Conditions – Any terms and conditions in the SLERS Partner Application and Agreement (Form No.DMS-SLERS-1, incorporated by reference in subsection 60FF-4.003(1), F.A.C.) for access to the Statewide Law Enforcement Radio System or written approval of application included to mitigate the impact of the SLERS Partner’s usage on other SLERS users.

(k) State Law Enforcement – Law enforcement agencies of state agencies and state universities.

(l) System Key – An electronic code applied to every radio in the radio system which prevents unauthorized radios from accessing the system.

(m) System Manager – The individual charged by the Department of Management Services with responsibility to manage the contract for the Statewide Law Enforcement Radio System and services.

(n) Talk Group – A logical grouping of radio users as defined in the radio system programming that can communicate together; a radio net.

(3) Other terms shall have their commonly understood meaning.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New _____.

60FF-4.002 SLERS Partner Classifications.

(1) SLERS Partner– Public safety entities, other than Joint Task Force entities, which are eligible under Part 90 of the Federal Communication Commission’s rules to use spectrum allocated for public safety use, to which Contractor provides communications services on SLERS.

(2) SLERS Partners shall be classified as follows:

(a) Local First Responders – Agencies of local government providing law enforcement, fire, and emergency medical services.

(b) Other Public Safety User – Agencies of local government other than First Responders.

(c) Interoperability Users – Government agencies requiring communications with Federal, state, or local government First Responders using the State interoperability talk groups. Interoperability Users use another radio system for their primary radio system; SLERS is a secondary system for these agencies.

(d) State Government Users – Non-JTF User agencies of state government.

(e) Federal Government User – Federal government entities which are authorized by the Department of Management Services pursuant to 47 C.F.R. § 90.179 and the provisions of this rule chapter.

(f) Affiliate User – Personnel that are task-assigned or liaison to a JTF Agency in direct support of the JTF Agency’s mission but are not a member of the JTF Agency shall be classified as JTF Agency under this rule chapter, provided that all communication on the system is in direct coordination with the JTF Agency User. Separate internal talk groups set up strictly for the use of a non-JTF Agency shall constitute eligible SLERS Partner use under this rule chapter. Such groups shall be subject to the same eligibility requirements and membership conditions as any SLERS Partner.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New _____.

60FF-4.003 Application and Approval Process.

(1) Agencies wishing to use the Statewide Law Enforcement Radio System shall complete the SLERS Partner Application and Agreement for access to the Statewide Law Enforcement Radio System (Form No.DMS-SLERS-1), which is hereby incorporated by reference and available online at www.myflorida.com or by writing to: Statewide Law Enforcement Radio System, SLERS System Manager, Department of Management Services, 4030 Esplanade Way, Suite 180, Tallahassee, Florida 32399-0950.

(2) Upon receipt of the application, the Department of Management Services will within seven (7) days notify the Contractor that the application has been received. The Contractor will then submit a proposal to the applicant and, upon Contractor and the applicant reaching agreement, submit the proposed agreement to the Department.

(3) The proposed agreement shall contain the terms and conditions; term of subscription; number of radios and users, by phase if a phased implementation; radio coverage requirements; site usage; necessary frequencies and licensing; an overview of equipment including use of encrypted radios; talk group structure including the number of talk groups and use of interoperability talk groups, by phases of

implementation if applicable; overview of network operation, maintenance and reporting; and an analysis of traffic load impact to the system. The proposed agreement must include a proposed Statement of Responsibilities which defines roles and responsibilities of the Contractor, the SLERS Partner and the Department. The proposed agreement shall include a projection of the applicant’s growth and impact on the system in terms of additional radio users expected through the year 2020.

(4) After receipt of the proposed agreement, the Department will review it for compliance with Chapter 60FF-4, F.A.C., and for completeness of the information in subsection 60FF-4.003(3), F.A.C. The Department shall review the proposed agreement to confirm that:

(a) The applicant meets the definition of a SLERS Partner in subsection 60FF-4.002(1), F.A.C.:

(b) The proposed use of the system by the applicant use in no way diminishes the State’s use of SLERS, other SLERS Partners’ use of SLERS and that the proposed use will not cause the hourly average waiting time per call to exceed 0.5 seconds at any site; and

(c) The proposed use of the system by the applicant will not cause degradation to security or existing operations; and,

(d) It does not conflict with the applicant’s or the State’s right to control its FCC licenses.

(5) The Department shall review the proposed agreement within sixty (60) days and provide the Contractor and applicant with recommendations, if any, regarding the proposed agreement and requested changes or additions.

(6) If in response to a proposal the Department requests an applicant to provide radio frequencies for the system, the applicant shall submit with the final proposal a letter to the System Manager listing the frequencies and authorizing their use.

(7) Upon satisfactory review of the proposed or amended agreement, the Department shall present the applicant to the Technical and Standard Operations Procedures Committees of the Joint Task Force on State Agency Law Enforcement Communications, and present the proposed agreement to the Joint Task Force on State Agency Law Enforcement Radio Communications for its comments. If the Department makes recommendations regarding the proposed agreement, the Contractor shall prepare a final proposed agreement and re-submit the proposed agreement to the Department or the Department may specify special conditions as part of its acceptance.

(8) Upon satisfactory completion of the procedures set forth in subsections 60FF-4.003(1)-(7), F.A.C., the Department shall authorize, in writing, SLERS Partner use of the system by the applicant. Such written approval may include special conditions for applicant’s use of SLERS.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New _____.

60FF-4.004 Frequencies and Licenses.

(1) SLERS Partners wishing to join the Statewide Law Enforcement Radio System shall contribute FCC-licensed or Florida 800 MHz FCC Region 9 Public Safety Plan Frequencies for use by the Statewide Law Enforcement Radio System during their term of membership. In order to ensure that the Department can be properly licensed by the FCC to incorporate such frequencies into the Statewide Law Enforcement Radio System, such SLERS Partners shall provide the Department with all relevant correspondence or consents demonstrating their agreement to relinquish them to the Department for the period of Statewide Law Enforcement Radio System use. SLERS Partners shall provide at least six (6) months minimum notice of their intent to leave the system before the contributed frequencies will be returned to the user. The Department is authorized, pursuant to Section 282.102(11), F.S., to apply for and obtain the licenses for the use of all such frequencies contributed to the system.

(2) In the case of Federal users and State Government Users wishing to join the Statewide Law Enforcement Radio System but having no frequencies, the Department may require the subscriber to utilize dual band 700/800 MHz radios to supplement the Statewide Law Enforcement Radio System by accessing available frequency bands or to specify other Special Conditions for the subscriber in order to avoid system usage that would cause the average waiting time per call to exceed 0.5 seconds at a site on the Statewide Law Enforcement Radio System.

(3) Interoperability Users will be exempted from the requirement to provide frequencies if the Department determines through an engineering evaluation that the subscriber will have a negligible negative impact on the Statewide Law Enforcement Radio System.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New _____.

60FF-4.005 Talk Groups.

(1) The Department and SLERS Partner applicants shall work with the Contractor to devise a talk group structure that makes efficient use of available channels and meets operational needs of JTF agencies and SLERS Partners.

(2) The talk group structure and number of talk groups for each SLERS Partner shall be based on the number of available channels in its primary area of operations. The number of available channels used in planning shall include both the number of channels currently installed and channels that SLERS Partners are contributing.

(3) All First Responders shall have the interoperability talk groups in their radios unless there is an overriding operational or security reason for not including them.

(4) Interoperability Users will be limited to the interoperability talk groups.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New _____.

60FF-4.006 Security, Encryption Requirements, Radio Programming, and System Key Management.

(1) Personnel background checks are required for non-Law Enforcement users who have access to the Interoperability Talk Groups used by State Law Enforcement unless previously conducted by their agencies.

(2) Encryption is required for access to the Interoperability Talk Groups used by State Law Enforcement but is otherwise at the option of the SLERS Partner.

(3) The Department and its contractors shall be responsible for all radio programming for SLERS Partners on the Statewide Law Enforcement Radio System. Distribution of the Encryption System Key (ESK) card shall be at the approval of the SLERS Security Manager.

(4) The Department and its contractors shall be responsible for installing the encryption for Interoperability Talk Groups for SLERS Partners on the Statewide Law Enforcement Radio System. The encryption key shall not be released by State Law Enforcement agencies, the Department and its contractors.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New _____.

60FF-4.007 Service and Maintenance Priorities.

(1) If traffic loading at a site causes queuing of calls such that the busy hour average waiting time per call exceeds 0.5 seconds, the Department, in consultation with the Contractor and system users, is authorized to take measures to restrict system use. Such measures shall include: disabling of individual calling and telephone interconnect calling; patching of talk groups; disabling of talk groups; disallowing the addition of radios to the system; limiting usage to essential traffic only; or partitioning of channels.

(2) Local First Responders will be granted call priorities equivalent to those granted to State Law Enforcement Users. All other SLERS Partners shall have lower call priorities.

(3) In no case shall any SLERS Partner be granted a higher priority for traffic or provided a faster response for maintenance than required for JTF Agency Users of the Statewide Law Enforcement Radio System.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles Ghini

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Terry L. Kester

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 26, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

| | |
|-------------------|--|
| RULE NOS.: | RULE TITLES: |
| 62-814.100 | Intent, Findings, Basis of Standards, and Research Needs |
| 62-814.300 | General Technical Requirements |
| 62-814.450 | Electric and Magnetic Field Standards |

PURPOSE AND EFFECT: Implementation of Sections 403.061(30) and 403.523(10), F.S.

SUMMARY: The Department of Environmental Protection is authorized to regulate electric and magnetic fields (EMF) from transmission lines as indicated in Florida Statute 403.061(30). The rule implementing the statute is outdated and requires updates in the following three areas, addressed in this proposed rule: (1) The elimination of a rule exemption for a specific transmission line which was never actually constructed; (2) The inclusion of standards for transmission lines with voltages above 500,000 volts; and (3) The elimination of an annual review and report on the state of science with respect to electromagnetic fields.

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

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

SPECIFIC AUTHORITY: 403.061(7), 403.523(1) FS.

LAW IMPLEMENTED: 403.061(30), 403.523(14) 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: Mr. Mike Halpin, P.E. at (850)245-8002 or mike.halpin@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-814.100 Intent, Findings, Basis of Standards, and Research Needs.

(1) No change.

(2) Findings. Based on the information available to the Department, the Department makes the following general findings:

(a) The Department has reviewed the present scientific data on the potential for health effects of electric and magnetic fields. The Department has also reviewed data on the existing or potential electric and magnetic field levels near electrical transmission and distribution lines and substations in Florida. Although there is no conclusive evidence that there is any danger or hazard to public health at the levels of existing 60 hertz electric and magnetic fields found in Florida, there is evidence of biological effects and a potential for adverse health effects on the public. ~~Further research is needed to determine if there are health effects and the exposure levels at which such effects may occur.~~

(b) With respect to 60 hertz EMF, reasonable measures include ~~urging more applied research on the potential adverse human health effects of EMF and EMF mitigation techniques; performing a comprehensive review of the state of the science and submitting annual reports to the Environmental Regulation Commission commencing in 1993; reviewing the provisions of this rule not later than July of 1994; and requiring all new and modified transmission lines and substations to meet standards which are achievable through the use of available EMF reduction technology and measures, but in no case to allow any new or modified transmission line or substation, under normal conditions, to cause electric or magnetic field strengths greater than the highest operating voltage and the maximum current rating (MCR) values for existing transmission lines and substations.~~

(3) No change.

~~(4) Additional Research Needed. Continued research is needed on the potential adverse human health and welfare effects of 60 hertz EMF and EMF mitigation techniques because existing knowledge is inadequate to confidently conclude that no further action is needed.~~

~~(4)(5)~~ Categories of Electrical Facilities. This chapter sets forth three categories of electrical facilities for regulation in regards to the electric and magnetic fields associated with these facilities.

(a) The first category is for existing electrical facilities in which construction was commenced prior to March 21, 1989, and new distribution lines. These facilities will be allowed to operate in accordance with subsection 62-814.400(2), F.A.C.

(b) The second category of electrical facilities is for those which were certified pursuant to Chapter 403, Part Two, Florida Statutes, after April 15, 1988, but before March 21, 1989. These facilities will be subject to specific standards moderated by the individual circumstances of the facility.

(c) The third category is for new transmission lines and substations the construction of which commenced after March 21, 1989.

~~(5)(6)~~ Effect of Rule. The effect of this chapter is to establish requirements to reasonably protect the public health and welfare from electric and magnetic fields associated with electrical transmission lines, distribution lines and substations.

Specific Authority 403.061(7), 403.523(1) FS. Law Implemented 403.061(30), 403.523(14) FS. History—New 3-21-89, Amended 1-7-93; Formerly 17-274.100, Formerly 17-814.100, Amended _____.

62-814.300 General Technical Requirements.

(1) through (2) No change.

~~(3) Copies of the publications listed in subsection (2) are available for inspection at the Department's Information Center, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400.~~

Specific Authority 403.061(7), 403.523(1) FS. Law Implemented 403.061(30), 403.523(14) FS. History—New 3-21-89, Amended 1-7-93, Formerly 17-274.300, Formerly 17-814.300, Amended _____.

62-814.450 Electric and Magnetic Field Standards.

(1) No change.

~~(2) Transmission lines certified pursuant to Chapter 403, Part Two, Florida Statutes, after April 15, 1988, and prior to March 21, 1989.~~

~~(a) For the Lake Tarpon — Kathleen transmission line where the ROW width is 100 feet:~~

~~1. The maximum electric field at the edge of the ROW shall not exceed 1.56 kV/m and on the ROW shall not exceed 8.94 kV/m.~~

~~2. The peak daily magnetic field at the edge of the ROW shall be limited to 35 milliGauss under normal load conditions. Under load conditions in excess of 500 MW, the peak daily magnetic field shall be limited to 229 milliGauss. Load conditions in excess of 500 MW shall occur for no more than 15 hours in any given year, except for non permanent load conditions caused by malfunction or maintenance outages in the transmission grid or generation facilities within or outside of Florida. Florida Power Corporation shall report annually to the Department the amount of time during which the 500 MW normal load condition was exceeded.~~

~~(b) For the Lake Tarpon — Kathleen transmission line where the ROW width is 190 feet:~~

~~1. The maximum electric field at the edge of the ROW shall not exceed 1.90 kV/m and on the ROW shall not exceed 8.80 kV/m.~~

~~2. The peak daily magnetic field at the edge of the ROW shall be limited to 24 milliGauss under normal load conditions. Under load conditions in excess of 500 MW, the peak daily magnetic field shall be limited to 154 milliGauss. Load conditions in excess of 500 MW shall occur for no more than 15 hours in any given year, except for non permanent load conditions caused by malfunction or maintenance outages in the transmission grid or generation facilities within or outside~~

~~of Florida. Florida Power Corporation shall report annually to the Department the amount of time during which the 500 MW normal load condition was exceeded.~~

~~(2)(3) New transmission lines and substations.~~

~~(a) The maximum electric field at the edge of the transmission line ROW containing a 500 kV nominal voltage or less transmission line or at the property boundary of a new substation containing facilities operating at these voltages shall not exceed 2.00 kV/m.~~

~~(b) The maximum electric field at the edge of the transmission line ROW for a line with a nominal voltage greater than 500 kV or at the property boundary of a new substation containing facilities operating at these voltages shall not exceed 5.50 kV/m.~~

~~(c)(b) The maximum electric field on the ROW of a 230 kV or smaller transmission line shall not exceed 8 kV/m.~~

~~(d)(e) The maximum electric field on the ROW of a 500 kV transmission line with a nominal voltage greater than 230 kV and up to 500 kV shall not exceed 10 kV/m.~~

~~(e) The maximum electric field on the ROW of a transmission line greater than 500 kV shall not exceed 15 kV/m.~~

~~(f)(d) The maximum magnetic field at the edge of a 230 kV or smaller transmission line ROW or at the property boundary of a new substation serving such lines shall not exceed 150 milliGauss.~~

~~(g)(e) The maximum magnetic field at the edge of the transmission line ROW for a transmission line with a nominal voltage greater than 230 kV and up to 500 kV ~~500 kV line~~ or at the property boundary of a new substation containing facilities operating at these voltages serving a 500 kV line shall not exceed 200 milliGauss, except for double circuit 500 kV lines to be constructed on ROWs existing on March 21, 1989, as identified below where the limit will be 250 milliGauss.~~

~~(h) The maximum magnetic field at the edge of the transmission line ROW for a transmission line with a nominal voltage greater than 500 kV or at the property boundary of a new substation containing facilities operating at these voltages shall not exceed 250 milliGauss.~~

~~(i)(f) For existing ROWs extending from the Andytown substation to the Orange River substation, Andytown substation to the Martin Generating Plant, and the Martin Generating Plant to the Midway substation, where the facility owner has acquired, prior to March 21, 1989, a ROW sufficiently wide for two or more 500 kV transmission lines and has constructed one or more 500 kV transmission lines on this ROW prior to March 21, 1989, the maximum magnetic field at the edge of the ROW or property boundary of a new or modified substation shall not exceed 250 milliGauss.~~

| Table of New Transmission Line and Substation Standards | | | |
|---|-------------------------------------|--|---------------------------------------|
| KV Rating | Property Boundary of new Substation | Edge of Transmission Line Right-of-Way | On the Transmission Line Right-of-Way |
| <=230 kV | 2.00 kV/m & 150 milliGauss | 2.00 kV/m & 150 milliGauss | 8 kV/m |
| <=500 kV and > 230 kV | 2.00 kV/m & 200 milliGauss [1] | 2.00 kV/m & 200 milliGauss [1] | 10 kV/m |
| >500 kV | 2.00 kV/m & 250 milliGauss | 2.00 kV/m & 250 milliGauss | 15 kV/m |

Footnote 1: Except as provided in paragraphs (2)(g) and (2)(i).

Specific Authority 403.061(7), 403.523(1) FS. Law Implemented 403.061(30), 403.523(14) FS. History–New 3-21-89, Amended 1-7-93, Formerly 17-274.450, Formerly 17-814.450, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeremy Susac
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-25.340 RULE TITLE: Meetings and Workshops
 PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the name of the national association of the Boards of Pharmacy.
 SUMMARY: The rule amendment will clarify the name of the national association of the Boards of Pharmacy.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.011(4) FS.
 LAW IMPLEMENTED: 456.011(4) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-25.340 Meetings and Workshops.
 The following are considered to be official meetings of the Board:

- (1) through (8) No change.
- (9) All participation in Board authorized meetings with professional associations of which the Board is a member or invitee. This would include all meetings of ~~the National Associations~~ of Boards of Pharmacy of which the Board is a member as well as Board authorized participation in meetings of national or professional associations or organizations involved in educating, regulating and reviewing the profession over which the Board has statutory authority.
- (10) No change.

Specific Authority 456.011(4) FS. Law Implemented 456.011(4) FS. History–New 9-30-81, Amended 11-13-81, 12-31-81, Formerly 21S-10.05, 21S-10.005, Amended 7-30-91, Formerly 21S-25.340, 61F10-25.340, 59X-25.340, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.203 RULE TITLE: Licensure by Examination; Application
 PURPOSE AND EFFECT: The Board proposes the rule amendment to remove the requirement for applicants by examination to have completed an HIV/AIDS course as part of the application.
 SUMMARY: The requirement for applicants by examination to have completed an HIV/AIDS course as part of the application will be removed from the rule.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.033, 465.005 FS.

LAW IMPLEMENTED: 456.013(1), (7), 456.025(3), 456.033, 465.007, 465.022 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 RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.203 Licensure by Examination; Application.

Applicants who are at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Offices of Education may apply to take the licensure examination.

(1) No change.

(2) The applicant must submit proof of having met the following requirements:

(a) No change.

~~(b) Completion of an HIV/AIDS course of no less than 3 contact hours covering the subject listed in Rule 64B16-26.602, F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an education course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in Rule 64B16-26.601, F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.~~

~~(b)(e)~~ No change.

(3) through (4) No change.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.013(1), (7), 456.025(3), 456.033, 465.007, 465.022 FS. History—New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02, 1-12-03, 1-11-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.204 RULE TITLE: Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove the requirement for applicants by endorsement to have completed an HIV/AIDS course as part of the application.

SUMMARY: The requirement for applicants by endorsement to have completed an HIV/AIDS course as part of the application will be removed from the rule.

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

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

SPECIFIC AUTHORITY: 456.033, 465.005 FS.

LAW IMPLEMENTED: 456.013(1), (7), 456.033, 465.007, 465.0075, 465.022 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 RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.204 Licensure by Endorsement.

An applicant for licensure by endorsement must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education.

(1) through (2) No change.

(3) The applicant must submit satisfactory proof of completion of the following:

~~(a) A Board approved course of no less than three (3) contact hours on HIV/AIDS covering the subjects set forth in Rule 64B16-26.601, F.A.C. The course shall be completed no earlier than 12 months prior to application.~~

~~(a)(b)~~ No change.

(4) through (8) No change.

Specific Authority 456.033, 465.005, 465.0075 FS. Law Implemented 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS. History—New 11-8-01, Amended 1-11-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

NAVIGATION DISTRICTS

Florida Inland Navigation District

| | |
|------------|--|
| RULE NOS.: | RULE TITLES: |
| 66B-1.003 | Definitions |
| 66B-1.005 | Funds Allocation |
| 66B-1.006 | Application Process |
| 66B-1.008 | Project Eligibility |
| 66B-1.015 | Small-Scale Derelict Vessel Removal Projects |

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Clarify the necessary permitting requirements prior to project funding; identify the provisions for land acquisition eligibility; correct the rule language to allow small-scale and derelict vessel applications out of the regular grant cycle; and to revise the provisions of the small-scale derelict vessel removal program.

The effect of the rule development is to implement changes in the administration of the District's Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY: Cooperative Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects.

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

Any person who wishes to provide information regarding the 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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 22, 2008, 11:00 a.m.

PLACE: The District Office, 1314 Marcinski Road, Jupiter, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road,

Jupiter, Florida 33477, Telephone Number: (561)627-3386. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-1.003 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) "APPLICANT" means an eligible state, regional or federal agency submitting an application through this program.

(2) through (7) No change

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) through (26) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06,_____.

66B-1.005 Funds Allocation.

(1) No change.

(2) Project Funding Ratio: All financial assistance and support to eligible state and regional agencies shall require, at minimum, equal matching funds from the project sponsor's own budget, with the exception of public navigation projects that meet the provisions of subsection 66B-1.005(6), F.A.C. land acquisition projects in accordance with subsection 66B-1.005(7) and Rule 66B-1.008, and small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-1.014, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-1.007(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty (50) percent of the state share of the cost of an inlet project. The District shall not contribute funding to both the state and local shares of an inlet management project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the

District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-1.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board may waive the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) through (6) No change.

(7) Land Acquisition: All land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History--New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06,_____.

66B-1.006 Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Project and eligible Small-Scale Derelict Vessel Applications, all aApplications for assistance through this program will be submitted during the authorized submission period which shall be established by vote of the Board at a scheduled meeting.

(2) through (9) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.006, Amended 3-5-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06,_____.

66B-1.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, acquisition and development of spoil sites ~~and~~ publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and

mooring facilities, and inlet management, environmental mitigation and beach renourishment directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension improvement, operation or maintenance of the following for public use on land and water:

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition and development of public boat ramps and launching facilities;
8. Acquisition and development of ~~p~~Public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront boardwalks;
13. Waterways boating safety programs and equipment;
14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
15. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels;
10. Operational items such as fuel, oil, etc.;

11. Office space that is not incidental and necessary to the operation of the main eligible public building; and

12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits. Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

a. Project management, administration and inspection;

b. Design, permitting, planning, engineering or surveying costs for completed construction project;

c. Restoration of sites disturbed during the construction of an approved project; and

d. Equipment costs. Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for construction projects that include elements that require state or federal environmental permits will demonstrate that all required environmental permitting and proprietary authorizations will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element of an application for a construction project that includes elements that require state or federal permits or exemptions not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) Property Control: The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication

shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development of the project.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten (10%) percent of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility. Certification that revenues generated by a marina facility are exclusively allocated to the operation, maintenance and improvement of the public marine facility will be required to be submitted with the application and, if approved, thereafter on an annual basis using form No. FIND 03-01 (effective date 3-3-04), hereby incorporated by reference and available from the District office.

(5) Final Decisions: The Board will make all final decisions on the eligibility of a project or specific project costs.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-24-06, _____.

66B-1.015 Small-Scale Derelict Vessel Removal Projects. Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to ~~\$20,000~~ ~~\$10,000.00~~ per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% ~~50%~~ of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C., or immediately adjacent to, the Atlantic Intra-coastal Waterway or the Okeechobee Waterway.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 4-24-06, Amended 4-15-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

NAVIGATION DISTRICTS

Florida Inland Navigation District

| | |
|-------------------|--|
| RULE NOS.: | RULE TITLES: |
| 66B-2.003 | Definitions |
| 66B-2.005 | Funds Allocation |
| 66B-2.006 | Application Process |
| 66B-2.008 | Project Eligibility |
| 66B-2.015 | Small-Scale Derelict Vessel Removal Projects |

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Clarify the necessary permitting requirements prior to project funding; identify the provisions for land acquisition eligibility; correct the rule language to allow small-scale and derelict vessel applications out of the regular grant cycle; and to revise the provisions of the small-scale derelict vessel removal program.

The effect of the rule development is to implement changes in the administration of the District's Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY: Waterways Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects.

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

Any person who wishes to provide information regarding the 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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(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:

DATE AND TIME: January 22, 2008, 11:00 a.m.

PLACE: 1314 Marcinski Road, Jupiter, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-2.003 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) through (7) No change.

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) through (29) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06,_____.

66B-2.005 Funds Allocation.

(1) No change.

(2) Project Funding Ratio: All financial assistance and support to eligible state and regional agencies shall require, at minimum, equal matching funds from the project sponsor's own budget, with the exception of public navigation projects that meet the provisions of subsection 66B-1.005(6), F.A.C. land acquisition projects in accordance with subsection 66B-1.005(7) and Rule 66B-1.008, and small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-1.014, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-1.007(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty (50) percent of the state share of the cost of an inlet project. The District shall not contribute funding to both the state and local shares of an inlet management project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the

Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-1.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board may waive the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) through (7) No change.

(8) Land Acquisition: All land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History–New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06,_____.

66B-2.006 Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Project and eligible Small-Scale Derelict Vessel Applications, all aApplications for assistance through this program will be submitted during the authorized submission period which shall be established by vote of the Board at a scheduled meeting.

(2) through (9) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Amended 2-6-97, Formerly 16T-1.006, Amended 3-5-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06,_____.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, acquisition and development of spoil sites, ~~and~~ publicly owned commercial/industrial waterway access

directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, and inlet management, environmental mitigation and beach renourishment directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension improvement, operation or maintenance of the following for public use on land and water:

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition and development of public boat ramps and launching facilities;
8. Acquisition and development of ~~p~~Public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront boardwalks;
13. Waterways boating safety programs and equipment;
14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
15. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels;

10. Operational items such as fuel, oil, etc.;

11. Office space that is not incidental and necessary to the operation of the main eligible public building; and

12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits. Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

- a. Project management, administration and inspection;
- b. Design, permitting, planning, engineering or surveying costs for completed construction project;
- c. Restoration of sites disturbed during the construction of an approved project; and
- d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for construction projects that include elements that require state or federal environmental permits will demonstrate that all required environmental permitting and proprietary authorizations will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element of an application for a construction project that includes elements that require state or federal permits or exemptions not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) Property Control: The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication

shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development of the project.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten (10%) percent of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility. Certification that revenues generated by a marina facility are exclusively allocated to the operation, maintenance and improvement of the public marine facility will be required to be submitted with the application and, if approved, thereafter on an annual basis using form No. FIND 03-01 (effective date 3-3-04), hereby incorporated by reference and available from the District office.

(5) Final Decisions: The Board will make all final decisions on the eligibility of a project or specific project costs.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)- (3) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-24-06,_____.

66B-2.015 Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to ~~\$20,000~~ \$10,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion.

In no case shall the District's cost-share contribution exceed ~~50%~~ 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C., or immediately adjacent to, the Atlantic Intra-coastal Waterway or the Okeechobee Waterway.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 4-24-06, Amended 4-15-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

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| RULE NOS.: 5F-2.001 5F-2.002 5F-2.003 5F-2.005 5F-2.014 5F-2.016 | RULE TITLES: Standards Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oil Numbers 1-D and 2-D, and Fuel Oil Numbers 1 and 2 Registration and Identification Inaccurate Measuring Devices Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 Guidelines for Imposing Administrative Penalties |
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NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 51, December 21, 2007 issue of the Florida Administrative Weekly.

The time and date for the hearing (if requested) was listed incorrectly as:

DATE AND TIME: January 14, 2007, 9:30 a.m. EST on This time and date should have been listed as:

DATE AND TIME: January 14, 2008, 9:30 a.m.

DEPARTMENT OF EDUCATION

State Board of Education

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|--------------------------|--|
| RULE NO.: 6A-1.099822 | RULE TITLE: School Improvement Rating for Alternative Schools |
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NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 45, November 9, 2007 Florida Administrative Weekly has been continued from December 11, 2007 to February 19, 2008.

DEPARTMENT OF EDUCATION

State Board of Education

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|------------------------|---------------------------------------|
| RULE NO.: 6A-2.0010 | RULE TITLE: Educational Facilities |
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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. 33, No. 45, November 9, 2007 issue of the Florida Administrative Weekly.

The document incorporated by reference within the rule, State Requirements for Educational Facilities” was amended in the following sections:

Section 1.1

(3) Scope of SREF requirements. SREF establishes the requirements for public educational facilities under the Florida School Code and Chapter 1013, Florida Statutes, in particular. ~~Boards must ensure that public educational facilities are in compliance with other applicable state and federal regulations, including but not limited to the Florida Building Code (FBC); Florida Fire Prevention Code (FFPC), Uniform Building Code (which consists of Section 423, FBC, and the FFPC), and the Asbestos Hazard Emergency Response Act (AHERA).~~

Section 1.4

Acquisition and Disposal of Real Property.

(1) Boards, including universities, are authorized to purchase, own, convey, sell, lease, trade, and encumber real property. A board planning to acquire sites, existing facilities, or new facilities, through purchase, gift, lease, lease-purchase, or otherwise, shall comply with all laws, procedures, and requirements pertaining to the appropriation and use of capital outlay funds, including appraisal and/or condemnation procedures.

~~(1) Authority. Boards are authorized to purchase, own, trade, convey, sell, lease, or encumber real property.~~

~~(2) Acquiring Real Property. The purchase of real property by a board shall be in compliance with Sections 1013.14, 1013.36, 1013.40(2) and (3), and 1013.78, F.S. Before acquiring real property, the board shall consider the most economical and practical locations for current and anticipated needs. The board shall coordinate with local, regional, and state governmental agencies to assure compatibility with the comprehensive plan.~~

~~(3) Coordination with Local Governing Bodies.~~ The board and the appropriate local governing body shall agree on a process for assuring coordination and cooperation in the provision of educational facilities and associated infrastructure as described in Section 1013.33, F.S., and other applicable growth management laws and rules.

~~(4) Recommended Usable Acreage.~~ The board shall ensure that each site contains at least the minimum usable acreage necessary to meet the needs of the anticipated program as follows:

~~(a) Elementary School.~~ A minimum of four (4) acres for the first two hundred (200) student capacity plus one (1) acre for each additional one hundred (100) students.

~~(b) Middle or Junior High School.~~ A minimum of six (6) acres for the first three hundred (300) student capacity plus one (1) acre for each additional one hundred (100) students.

~~(c) Senior High School.~~ A minimum of seven (7) acres for the first three hundred (300) student capacity plus one (1) acre for each additional fifty (50) students up to one thousand (1,000) students, plus one (1) acre for each additional one hundred (100) students thereafter.

~~(d) Area Vocational Technical School.~~ A minimum of twenty (20) acres for the first five hundred (500) student capacity plus one (1) acre for each additional fifty (50) students up to one thousand (1,000) students.

~~(e) Community College.~~ A main campus site should be a minimum of one hundred (100) acres. Each separate center site should contain a minimum of forty (40) acres for the first five hundred (500) student capacity plus two (2) acres for each additional one hundred (100) students. Special purpose center site acreage should be appropriate to contain the functions identified in the program.

~~(f) Exception to Site Size.~~ When a board chooses to employ an exception to the Recommended Usable Acreage, it shall consider how equitable programs can be offered.

~~(5) Abandoned Facilities.~~ Abandoned facilities owned by the board shall be secured to eliminate safety and sanitation hazards, unlawful entry, and vandalism from occurring.

~~(6) Returning Facilities to Instructional Use.~~ When returning board-owned educational facilities to instructional use, the facility shall be inspected for deficiencies in accordance with the Florida Fire Prevention Code for an existing building and SREF Section 5. Any remodeling, renovation, or correction of deficiencies shall be brought into compliance with the requirements in the state minimum life safety codes, Florida Building Code, the Florida Fire Prevention Code, state and federal laws, and state and federal rules, as applicable.

~~(7) Disposal of Property.~~ A board has the authority to dispose of any land or other real property by resolution of such board, if recommended in an educational plant survey, and if determined to be unnecessary for educational or ancillary purposes. A board shall take diligent measures to dispose of

educational property only in the best interest of the public. This section does not apply to granting of easements, rights of way, or leases of board property. The board has the authority to dispose of such property by one of the following methods:

~~(a) Transfer.~~ Transfer to another governmental agency for whatever consideration the board deems to be in its best interest.

~~(b) Trade.~~ The board has the authority to trade, to a public or private entity or person, land or other real property.

~~1.~~ The board can trade land or other real property that has been appraised to be at least of equal dollar value.

~~2.~~ The board can trade land or other real property not of equal value if the board deems the trade to be in its best interest.

~~3.~~ There shall be no limit on the value of land or other real property that can be traded by the board.

~~(c) Sale of Property under \$100,000.~~ When, in the opinion of the board, the property has an estimated value of less than \$100,000, the board has the authority to dispose of the property by either public or private sale for whatever consideration the board deems to be in its best interest.

~~(d) Sale of Property Equal to or over \$100,000.~~ When, in the opinion of the board, the property to be sold has an estimated value equal to or in excess of \$100,000, the board shall dispose of the property by public sale. Such sale shall be advertised for a minimum of once a week for three (3) consecutive weeks in a newspaper having general circulation in the district.

~~1.~~ For property with an estimated value from \$100,000 to \$500,000, the board shall obtain an appraisal from at least one (1) qualified real estate appraiser to determine a fair market value prior to or concurrent with receiving bids.

~~2.~~ For property with an estimated value exceeding five hundred thousand dollars (\$500,000), the board shall obtain appraisals from at least two (2) qualified real estate appraisers to determine a fair market value prior to or concurrent with receiving bids.

~~3.~~ The board can sell the property if the bid price is within ten (10) percent of the lowest appraised value.

~~4.~~ The board shall have the authority to reject any or all bids. If there are no bids, the board can dispose of the property by other approved means.

~~5.~~ After disposal of any land or real property, funds received shall only be expended on capital outlay projects.

~~6.~~ When the property is obtained through the use of federal funds or under specified conditions, all prior covenants shall be met.

~~7.~~ Upon disposal of any land or other real property, the board shall delete the appropriate records from Florida Inventory of School Houses (FISH) files by on line transactions through the Educational Facilities Information System (EFIS).

~~8. When surplus property has been determined to be a liability by the board, after obtaining appraisals, advertising the property for public sale, and opening bids, if the highest bid is less than (10) percent of the lowest appraised value, the board can, by extraordinary vote, dispose of the property to the highest bidder.~~

~~(e) Lease-Purchase Contracts. A board has the authority to dispose of any land owned by it, through a lease with an option to purchase or a lease-purchase agreement, to any person or entity, as the board determines to be in its best interest. A determination that the land, facility, or educational plant is unnecessary for educational purposes is not a prerequisite for the lease or lease purchase. The board shall advertise the proposal as required by law and prior to entering into such agreement shall hold a public meeting. A copy of the final agreement shall be available for inspection and review by the public. The intent to enter into a lease with an option to purchase or a lease purchase agreement shall be published three (3) times in a local newspaper as required by law.~~

~~(2)(8) Florida Inventory of School Houses (FISH). Real property owned or acquired under a long-term lease/use agreement (forty [40] or more years) by a school board shall be included in the inventory update as reported to the Department. All satisfactory relocatables owned, leased, lease-purchased, and rented (regardless of the terms and length of rental agreement) by or through a school board shall be included in the inventory.~~

Section 4.1

~~Professional Services and Construction Techniques. The board shall consider appropriate design and construction techniques that will deliver facilities in a timely and economical manner. The process by which professional services are obtained by a board, the construction techniques available, and the procedures for delivering projects shall be as authorized in Sections 255.20, 1013.45, and 1013.46, F.S., and as described below. Allowable design and/or construction techniques include, but are not limited to, conventional bidding, systems building, fast track construction scheduling, construction management, program management, turnkey, use of components, commissioning, partnering, value engineering, and design-build. Boards shall provide the Office a brief description of the facilities procurement process for each project over \$200,000, prior to implementation. The description shall include the names of the architects and engineers of record for design, the plan review entity, the contractor/construction manager/design-build or program management entity, building inspector, and threshold inspector using the Project Implementation Information form (OEF Form 110A). Upon completion, the board shall provide the Office with a signed Certificate of Occupancy (OEF Form 110B) and a signed Certificate of Final Inspection (OEF Form 209) for all projects over \$200,000.~~

~~(1) Professional Design Services Required. Boards shall ensure that all projects comply with the appropriate codes.~~

~~(a) Professional Responsibility. A registered Architect or Engineer (A/E), whether on staff, under continuing contract, or under a specific project contract, shall be responsible for ensuring that the design and construction of the project are in conformance with the appropriate codes; shall sign and seal the appropriate drawings and the project manual; and shall be the A/E of record. The federal Asbestos Hazard Emergency Response Act (AHERA) of October 22, 1986, requires the architect or engineer of record to sign a statement that no asbestos-containing building materials were specified, or, to the best of his/her knowledge, were used as a building material in the project.~~

~~(b) Plan Review. Boards shall adopt policies for plan review that use the services of architects, engineers, or licensed plan reviewers meeting the criteria established in Section 1013.38, F.S.~~

~~(c) Exception. Maintenance and repair projects may not require professional services; however, they must be reviewed and approved for compliance with applicable federal and state laws and building and life safety codes, and constructed accordingly. A copy of such approval or review for compliance shall be retained as a permanent record in the board's office.~~

~~1. Maintenance and repair projects include: roof or roofing replacement, short of complete replacement of membrane or structure; repainting of interior or exterior surfaces; resurfacing of floors; repair or replacement of glass; repair of hardware, furniture, equipment, electrical fixtures, and plumbing fixtures; repair or resurfacing of parking lots, roads, and walkways; and the placement and hookup of relocatables.~~

~~2. Maintenance and repair projects include upkeep of facilities, but not remodeling, renovation, or new construction of facilities.~~

~~(d) Exception: The services of a registered architect shall not be required for minor renovation projects with a construction cost of less than \$50,000 or for the placement and hookup of relocatables.~~

~~(e) Exception: The services of a registered engineer shall not be required on projects exempted by Section 471.003, F.S.~~

~~(2) Day Labor Projects. For any one (1) construction project estimated to cost \$200,000 or less, the board can arrange for the work to be accomplished on a day labor basis using employees authorized by a board and defined as follows: a person who receives compensation from, and is under the supervision of, a board that regularly deducts the F.I.C.A. and withholding tax, and provides worker's compensation, all as prescribed by law. The board can use subcontractors for portions of day labor projects.~~

~~(a) Project Costs. Estimated construction project costs shall include the total expenditures by the board for supervision, labor, materials, and supplies necessary to make a complete and usable facility or improvement.~~

~~1. Materials purchased shall be bid when their totals are estimated to be in excess of limits stipulated in Section 287.017, F.S., as required by Section 1001.42(10)(j), F.S., and a board's authorized purchasing limit.~~

~~2. Exception. Project costs do not include architectural and engineering planning fees, administrative fees, furnishings, and equipment.~~

~~(b) Exception. For renovation and remodeling projects estimated to cost over \$200,000, when no bids are received after advertising the project in the manner prescribed by law, the work may then be performed on a day labor basis provided all of the other requirements for projects costing over \$200,000 are met.~~

~~(3) Negotiated Contracts under Emergency Conditions. The board can negotiate a contract to replace, reconstruct, or make repairs under these emergency conditions:~~

~~(a) Natural Disaster or Other Imminent Danger. In an emergency situation such as fire, storm, or other providential cause, other impending danger to life safety, or pursuant to Section 1013.46(1)(b), F.S., the board can declare an emergency, can negotiate a contract with a design-build firm, design professional, or contractor in accordance with Section 255.20(1)(c)1., F.S., and can do so without public notice as authorized by Section 287.055(3), F.S.~~

~~(b) Negotiations with Low Bidder. If a bid is received that exceeds the construction budget established at the time of completion of the construction documents, all deductive alternates have been taken, and no additional funds are available, then the board can declare an emergency, stating why it exists, and begin negotiations with the lowest responsible bidder. When the construction documents or the scope of the project is changed, the revised documents shall be reviewed for compliance with applicable federal and state law and the building and life safety codes.~~

~~(4) General Contractors, Building Contractors, and Sub Contractors. All construction on board-owned property, including volunteer or service organization projects, shall be performed by state certified or licensed general contractors, building contractors, and subcontractors, or locally registered subcontractors where their registration is valid, as required by Chapter 489, F.S. Per Section 255.20, F.S., applying the CPI index from January 1, 1994, to January 1 of the year in which the project is scheduled to begin, construction projects estimated to cost more than \$200,000 and electrical projects estimated to cost more than \$50,000 shall be competitively awarded.~~

~~(a) Exception. Authorized board employees can provide routine maintenance.~~

~~(b) Exception. Day labor projects costing less than \$200,000 can be constructed using authorized employees of a board and in compliance with Chapter 489, F.S.~~

~~(5) Construction—Management/Construction—Program Management. The board shall assure that CM (Construction Management) and TPM (Total Program Management) projects are in compliance with all applicable federal and state laws and rules, building and life safety codes, the Florida Building Code, the Florida Fire Prevention Code, and SREF, which together constitute the Uniform Building Code. The contract for the construction manager at risk provides for a project with a guaranteed maximum price (GMP) pursuant to Section 1013.45, F.S., or a continuing contract.~~

~~(6) Design-Build. Pursuant to Section 1013.45, F.S., a board can use a design-build process for design and construction of educational and ancillary facilities using processes and selection criteria as described in Section 287.055, F.S. Design and construction professionals providing design-build services to the boards shall include design professionals and contractors certified, licensed, or registered to do business in Florida in conformance with Chapter 471, F.S., for engineers; Chapter 481, F.S., for architects; and Chapter 489, F.S., for contractors. The board shall assure that design-build projects are in compliance with applicable state and federal laws and building and life safety codes. Boards shall develop policies and procedures for design-build processes that include, as a minimum, the requirements of Section 287.055, F.S.; the selection of professionals; evaluation of professional services; certification as qualified pursuant to law and regulations of the board; and establishment of criteria, procedures, and standards for evaluation of design-build contract proposals or bids. To select a design-build contractor, a board can use either a qualifications-based selection process, as described in Sections 287.055(3), (4), and (5), F.S., or may use a competitive proposal selection process, which is described in Section 287.055(9)(c), F.S. Design-build contracts shall include a guaranteed maximum price and a guaranteed completion date.~~

~~(1)(7) No change.~~

Section 4.4

~~Inspectors and Inspections. The board shall ensure that all educational facilities, pre-Kindergarten (pre-K) through grade twelve (12), community colleges, and ancillary plants meet the requirements of law, rule, the Florida Building Code, the Florida Fire Prevention Code, and SREF that provide for enforcement of the life safety, health, sanitation, and other standards. The board is authorized to employ qualified persons to enforce these requirements, to inspect facilities, and to provide for the inspection of its facilities by other certified persons or agencies.~~

~~(1) Building Code Compliance Inspectors. Each board shall secure the services of licensed inspectors who shall be familiar with all construction documents and provide periodic inspections of the board's new construction, remodeling, renovation, relocatable, lease, lease purchase, maintenance, repair, and day labor projects to determine compliance with the~~

requirements of law, rule, the Florida Building Code, the Florida Fire Prevention Code, and SREF. It is the board's responsibility to employ and/or discharge inspectors as necessary and to be responsible for their performance. Building code compliance inspectors include: Florida registered architects, Florida-registered engineers, and/or building code inspectors who have been certified under the process and requirements of Chapter 468, F.S. Local building department inspectors can also inspect facilities for compliance with requirements of the law, rule, code, and SREF if the local building inspector has been certified by the Office.

(2) ~~Threshold Building Inspectors.~~ The board shall require a qualified threshold inspector, who shall be a consulting architect or engineer, the architect or engineer of record, or a board employee, who is certified by the State of Florida, Department of Community Affairs, Board of Building Codes and Standards, to perform structural inspections on threshold buildings as required by Chapter 553, F.S. Threshold buildings are greater than three (3) stories or fifty (50) feet in height, or contain an assembly space that exceeds five thousand (5,000) square feet and has an occupant load of more than five hundred (500) persons.

(3) ~~Architect/Engineer of Record (A/E of Record).~~ The A/E of record shall not perform the inspections or final occupancy inspection on projects he/she designed. The A/E of record may provide verification of compliance with rules, statutes, and codes on non-occupancy projects such as roofing, paving, and replacement of equipment.

(4) ~~Other State or Local Agencies.~~ Other state or local agencies may inspect new construction or existing facilities when required by law; however, such inspections shall be in conformance with SREF and the required codes. The board can authorize local government agency inspectors to inspect new construction or existing educational and ancillary facilities pursuant to Section 1013.371(2), F.S. Any inspection by local inspectors shall be based on applicable federal and state laws, rules, building codes, life safety codes, and SREF. Leased property can be constructed and inspected using the state minimum building and life safety codes as provided in Chapter 553, F.S. Lease purchase projects shall be constructed and inspected in accordance with the state minimum building code, life safety codes, and SREF. New construction and existing facilities may require additional inspections by other state agencies using rules as authorized by law, which include, but are not limited to, inspections for: elevators, on site water and sewer, swimming pools, underground fuel storage tanks, work place safety, kitchens, traffic control and roads, and storm water runoff. Other state agencies having jurisdiction include, but are not limited to, the following:

- (a) Department of Children and Families (DCF);
- (b) Department of Health (DOH);
- (c) Department of Business and Professional Regulation (DBPR);

- (d) Department of Environmental Protection (DEP);
- (e) Department of Transportation (DOT);
- (f) Department of Community Affairs (DCA). Boards shall provide for the inspection of relocatable classrooms during construction in accordance with DCA rules for factory-built school buildings.
- (f) Department of Labor and Employment Security (DLES);
- (g) Water Management District (WMD);
- (5) Fire Safety Inspectors. Fire safety inspectors shall be certified by the State of Florida, Department of Financial Services, Division of State Fire Marshal. The board shall ensure that every building on each site within its jurisdiction, whether owned, leased, or lease-purchased, receives two annual comprehensive fire safety inspections conducted by inspectors in conformance with Section 1013.12, F.S., and that reports include a plan of action and schedule for correction of deficiencies. Inspections are provided by both the Board fire safety inspector and the local fire control district's fire safety inspector. These reports shall be forwarded to the Division of State Fire Marshal with copies to be kept on file in the board offices. The board shall withdraw a facility from use immediately if life-threatening deficiencies are found.

(1)(6) No change.

(2)(7) No change.

(8) ~~Other Inspections as Required by Code or Law.~~ Provide periodic inspections by certified inspectors of fire alarms, fire sprinklers, fire extinguishers, elevators, bleachers, and other equipment, as required by law, rule, or code.

DEPARTMENT OF REVENUE

Sales and Use Tax

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 12A-1.0011 | Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations |
| 12A-1.005 | Admissions |
| 12A-1.011 | Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business |
| 12A-1.0115 | Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies |

12A-1.071 Rentals, Leases, or License to Use
Tangible Personal Property
12A-1.097 Public Use Forms
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 41, October 12, 2007 issue of the Florida Administrative Weekly.

These changes are in accordance with subparagraph 120.54(3)(d)1., F.S., and in response to comments received from the Joint Administrative Procedures Committee.

Subparagraph 27. of paragraph (a) of section (2) of Rule 12A-1.011, Florida Administrative Code, has been changed, so that, when adopted, the subparagraph will read as follows:

27. Natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit juices in any form, whether frozen or unfrozen, aerated, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned. Only those juices that are permitted by federal law and regulation to be labeled "100 percent juice" or "100 percent juice with added-" "ingredient(s)," "preservative," or "sweetener" will be considered natural fruit or vegetable juices. [Title 21 (Food and Drug), Chapter 9 (Federal Food, Drug, and Cosmetic Act), Subchapter IV (Food) 21 U.S.C. ss. 341; 343 (January 24, 2002), hereby incorporated by reference]; [21 C.F.R. Ch. 1, ss. 101.30; 102.5; 102.33, 146.114-146.187; 156.3; 156.145 (4-1-06), hereby incorporated by reference].

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

St. Johns River Water Management District

RULE NO.: RULE TITLE:
40C-2.101 Publications Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 36, September 7, 2007 issue of the Florida Administrative Weekly.

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference parts I, II, and III, the "Water Conservation Public Supply" requirements in Appendix I, and "Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District" in Appendix L, of the document entitled "Applicant's Handbook, Consumptive Uses of Water," (effective date).

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250 FS. History--New 1-1-83, Amended 5-31-84, Formerly 40C- 2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06.

APPLICANT'S HANDBOOK SECTION:

12.10 Central Florida Coordination Area (CFCA)

The following requirements shall apply to any public supply utility applicant or similar applicant proposing to withdraw groundwater in the CFCA.

(c) The restriction in subsection 12.10(a) on groundwater allocations to an amount no greater than a permittee's demonstrated 2013 demand shall not limit permitted groundwater withdrawals from:

1. and 2. No change.

3. An injection/recovery wellfield that injects surface water, stormwater, or reclaimed water that is not required under subsections 10.3(f) or (g) to be provided to other uses provided to users in accordance with District rules, through one or more wells for storage within an aquifer zone and subsequently recovers it through wells from the same aquifer zone and in the same wellfield, when the volume of water withdrawn does not exceed the volume of water injected; or

4. No change.

(e) A permittee that will lack sufficient supplemental water supplies after 2013 from which to obtain the increase in quantity above its demonstrated 2013 demand shall ~~can~~ be allocated a temporary amount of groundwater to meet that increase only if it has exercised due diligence to meet all schedule requirements in the permit for developing and using supplemental water supply and providing that other conditions for issuance in Rule 40C-2.301, F.A.C., and this Handbook are met. Any such temporary allocation shall cease when water from the supplemental water supply project becomes available.

(f) If an application includes a request to change the use type, or the use within a use type, supplied by groundwater during the term of a permit, such change shall not trigger the requirements to develop and/or use supplemental water supply pursuant to subsections 12.10(b)1. or 2. and the corresponding permit duration provisions of section 6.5.4 and the CFCA permit condition described in subsection 19.0(d), provided: (1) the application does not propose an increase in groundwater withdrawal above that permitted for 2013; and (2) the groundwater drawdown is no greater than that associated with the use permitted for 2013. However, this subsection 12.10(f) shall not be construed to affect any condition in the existing permit regarding the development and/or use of supplemental water supply.

(g) In reviewing a proposed consumptive use of groundwater in the CFCA under subsection 10.3(g) regarding utilization of lowest acceptable quality water sources, the

District will confine its analysis of lower quality sources to those sources listed in the definition of "supplemental water supply" in subsection 2.0(hh).

13.0 Available Water/Competing Applications

13.3 Effect of the Central Florida Coordination Area (CFCA)

In adopting the interim CFCA rules, the District acknowledges the increasing stress on the water resources in the CFCA and the mandate of the legislature to foster the development of additional water supplies and avoid the adverse effects of competition. However, the interim CFCA rules do not abrogate the rights of the Governing Board or of any other person under Section 373.233, F.S. The CFCA regulatory framework provides a comprehensive strategy for interim allocations of available groundwater and expeditious development of supplemental water supply projects, as defined in subsection 2.0(hh), to minimize competition and thereby provide greater certainty of outcome than competition.

19.0 Central Florida Coordination Area (CFCA) Conditions

In addition to the general and special conditions described in this part, permits for public supply utility applicants and similar applicants authorizing groundwater withdrawals in the CFCA shall include special conditions that address the following:

(a) Implementation of a ~~District approved~~ plan to monitor hydrology, ecology, and water quality in areas subject to impacts from the permitted withdrawal, with at least annual data reporting and analysis.

(b) Implementation of specific ~~District approved~~ measures to mitigate or avoid harm that would otherwise occur as a result of the permitted allocation.

(c) Implementation of ~~District approved~~ mitigation or avoidance actions to address any unanticipated harm, if the District finds that harm will occur or has occurred as a result of the permit allocation.

(d) ~~Expeditious Development~~ and use of supplemental water supply to meet water demands in an expeditious manner as described in subsection 12.10(b).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

| | |
|------------|--|
| RULE NOS.: | RULE TITLES: |
| 40D-2.091 | Publications Incorporated by Reference |
| 40D-2.801 | Water-Use Caution Areas |

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. 33, No. 36, September 7, 2007 issue of the Florida Administrative Weekly.

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) Water Use Permit Information Manual Part B, "Basis of Review (~~_____~~)(10/07)" and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (~~_____~~)(1/07);"

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07,_____.

40D-2.801 Water-Use Caution Areas.

(1) through (3)(c)4. No change.

5. In adopting the interim CFCA rules, the District acknowledges the increasing stress on the water resources in the CFCA and the mandate of the legislature to foster the development of additional water supplies and avoid the adverse effects of competition. However, the interim CFCA rules do not abrogate the rights of the Governing Board or of any other person under Section 373.233, F.S. The CFCA regulatory framework provides a comprehensive strategy for interim allocations of available groundwater and expeditious development of supplemental water supply projects, as defined in Section 3.6, paragraph A.7. under the heading Requirements For Applicants For Groundwater Withdrawals Within The Central Florida Coordination Area, in Part B. Basis of Review, of the Water Use Permit Information Manual, to minimize competition and thereby provide greater certainty of outcome than competition.

(3)(c)6. and 7. No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0395, 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History–Readopted 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07,_____.

BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS:

3.6 PUBLIC SUPPLY

Requirements for APPLICANTS for GROUNDWATER WITHDRAWALS WITHIN THE Central Florida Coordination Area (CFCA)

B. The following requirements shall apply to any Public Supply Utility applicant and Similar Applicants proposing to withdraw groundwater in the CFCA.

1. through 4. No change.

5. A permittee that will lack sufficient Supplemental Water Supply after 2013 from which to obtain the increase in quantity above its Demonstrated 2013 Demand ~~shall~~ can be allocated a temporary amount of groundwater to meet that increase only if it has exercised Due Diligence to meet all schedule requirements in the permit for developing and using Supplemental Water Supply and providing that other conditions of issuance in Rule 40D-2.301, F.A.C., and Parts B and D of the Water Use Permit Information Manual are met. Any such temporary allocation shall cease when water from the Supplemental Water Supply project becomes available.

6. If an application includes a request to change the use type, or the use within a use type, supplied by groundwater during the term of the permit, such change shall not trigger the requirements to develop and/or use supplemental water supply pursuant to paragraph B.2, above, and the corresponding permit duration provisions of 40D-2.321(7) and 1.9 of Chapter 1, Part B, Basis of Review, Water Use Permitting Information Manual ("Part B") and the CFCA permit condition described in Section 6.2.4. of Part B, provided (1) the application does not propose an increase in groundwater withdrawal above that permitted for 2013; and (2) the groundwater drawdown is no greater than that associated with the use permitted for 2013. However, the provisions of this paragraph B.6. shall not be construed to affect any condition in the existing permit regarding the development and/or use of supplemental water supply.

New _____.

4.4 UTILIZATION OF LOWEST QUALITY WATER

Consideration must be given to the lowest quality water available, which is acceptable for the proposed use. If a lower quality of water is available and is environmentally, technically and economically feasible for all or a portion of an Applicant's use, this lower quality water must be used. Use of a lower quality of water is not environmentally feasible if it interferes with recovery of a water body to its established minimum flow or level or the water body is either currently or projected to be adversely impacted, unless the use will provide a Net Benefit. Such lower quality water may be in the form of surface water, reclaimed water (treated wastewater effluent), recovered agricultural tailwater, collected stormwater, saline water, or other sources. In determining the economic feasibility of using reclaimed water or stormwater, the consideration shall include the costs and benefits of using the reclaimed water or stormwater, including the amount of reclaimed water or stormwater that can be produced or used relative to the cost.

Within the Central Florida Coordination Area the District will confine its analysis of lower quality water sources to those sources listed in the definition of Supplemental Water Supply in paragraph A. 7. under the heading Requirements For Applicants For Groundwater Withdrawals Within The Central Florida Coordination Area in Section 3.6. of Part B, Basis of Review, of the Water Use Permit Information Manual.

Amended 1-1-07, _____.

6.2 SPECIAL PERMIT CONDITIONS

In addition to the general, standard and other conditions, permits for applicants specified in 40D-2.801(3)(c)4., F.A.C., authorizing groundwater withdrawals in the CFCA shall include special conditions that address the following;

1. Implementation of a District-approved plan to monitor hydrology, ecology and water quality in the areas subject to impacts from the permitted withdrawals, with at least annual data reporting and analysis.

2. Implementation of specific District-approved measures to mitigate or avoid harm that would otherwise occur as a result of the permitted allocation.

3. Implementation of District-approved mitigation or avoidance actions to address any unanticipated harm, if the District finds that harm will occur or has occurred as a result of the permitted allocation.

4. Expeditious development and use of Supplemental Water Supply to meet water demands in an expeditious manner as described in paragraph B.2. under the heading Requirements For Applicants For Groundwater Withdrawals Within The Central Florida Coordination Area in Section 3.6. of Part B, Basis of Review, of the Water Use Permit Information Manual.

5. and 6. No change.

New _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 36, September 7, 2007 issue of the Florida Administrative Weekly.

40E-2.091 Publications Incorporated by Reference.

The "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – (effective date) _____, ~~April 23, 2007,~~" is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History--New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, _____.

1.3.2.1 Competition within the Central Florida Coordination Area

In adopting the interim CFCA rules, the District acknowledges the increasing stress on the water resources in the CFCA and the mandate of the Legislature to foster the development of

additional water supplies and avoid the adverse effects of competition. However, the interim CFCA rules do not abrogate the rights of the Governing Board or of any other person under Section 373.233, F.S. The CFCA regulatory framework provides a comprehensive strategy for interim allocations of available groundwater and expeditious development of supplemental water supply projects, as defined in Section 1.8, to minimize competition and thereby provide greater certainty of outcome than competition.

3.0 WATER RESOURCE EVALUATIONS

3.2.1 Restricted Allocation Areas

Due to concerns regarding water availability, the following geographic areas are restricted with regard to the utilization of specific water supply sources. These areas and sources include the following:

A. through F. No change.

F. Groundwater Allocation in the Central Florida Coordination Area (CFCA) –

1. Overall Intent:

No change.

(a) No change.

2.a. through 2. b. No change.

c. An injection/recovery wellfield that injects surface water, stormwater, or reclaimed water that is not required under criteria 3.2 or 3.2.3 to be provided to other uses provided to users in accordance with District rules, through one or more wells for storage within an aquifer zone and subsequently recovers it through wells from the same aquifer zone and in the same wellfield, when the volume of water withdrawn does not exceed the volume of water injected; or

2.d. No change.

3. No change.

4. Due Diligence:

A permittee that will lack sufficient supplemental water supplies after 2013 from which to obtain the increase in quantity above its demonstrated 2013 demand shall ~~can~~ be allocated a temporary amount of groundwater to meet that increase only if it has exercised due diligence to meet all schedule requirements in the permit for developing and using supplemental water supply and providing that other conditions for issuance in Rule 40E-2.301, F.A.C., and this Basis of Review are met. Any such temporary allocation shall cease when water from the supplemental water supply project becomes available.

5. Change In Use Type:

If an application includes a request to change the use type, or the use within a use type, supplied by groundwater during the term of a permit, such change shall not trigger the requirements to develop and/or use supplemental water supply pursuant to subsections 3.2.1.F. 2. or 3. and the corresponding permit duration provisions of 1.7.2.2 and the CFCA permit condition described in subsection 5.3.F.4., provided:

(a) The application does not propose an increase in groundwater withdrawal above that permitted for 2013; and

(b) The groundwater drawdown is no greater than that associated with the use permitted for 2013. However, this subsection 3.2.1.F.5. shall not be construed to affect any condition in the existing permit regarding the development and/or use of supplemental water supply.

6. Lower Quality Sources Analysis

In reviewing a proposed consumptive use of groundwater in the CFCA under subsection 3.2 regarding utilization of lowest acceptable quality water sources, the District will confine its analysis of lower quality sources to those sources listed in the definition of “supplemental water supply” in subsection 1.8.

5.0 PERMIT CONDITIONS

5.3 Specific Region Special Conditions

A. through E. No change.

F. In addition to the general and other special conditions described in this part, permits for public supply utility applicants and similar applicants withdrawing groundwater in the CFCA shall include special conditions that address the following:

1.a. Implementation of a District approved plan to monitor hydrology, ecology, and water quality in areas subject to impacts from the permitted withdrawal, with at least annual data reporting and analysis.

2.b. Implementation of specific District approved measures to mitigate or avoid harm that would otherwise occur as a result of the permitted allocation.

3.e. Implementation of District approved mitigation or avoidance actions to address any unanticipated harm, if the District finds that harm will occur or has occurred as a result of the permit allocation.

4.d. Expedient Development and use of supplemental water supply to meet water demands in an expeditious manner as described in 3.2.1.F.3.

5.e. Submittal of five-year compliance reports for 20 year duration permits as described in subsection 373.236(4), F.S.

6.f. The reduction in allocation or other modification to the permit, after review of each five-year compliance report or at any other time during the term of the permit, if needed to abate observed or projected harmful impacts as a result of the permitted use, unless the harmful impacts can be mitigated by the permittee. The permittee shall be provided with notice and an opportunity for a hearing under Chapter 120, F.S., if the District makes such a reduction or other modification.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:
40E-20.091

RULE TITLE:
Publications Incorporated by
Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 36, September 7, 2007 issue of the Florida Administrative Weekly.

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – (effective date) _____, April 23, 2007,” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, _____.

See Notice of Change for 40E-2.091, F.A.C., within this issue.

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 58M-2.001 | Professional Guardian Registration |
| 58M-2.003 | Professional Guardian Coursework and Competency Examination |
| 58M-2.007 | Electronic Fingerprint Criminal History Record Check |

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. 33, No. 40, October 5, 2007 issue of the Florida Administrative Weekly.

58M-2.001 Professional Guardian Registration.

(1) Persons who are required to register with Department of Elder Affairs’ Statewide Public Guardianship Office (SPGO) as a professional guardian must complete the Professional Guardian Registration Form, DOEA/SPGO Form 001, _____, ~~2007~~ which is incorporated herein by reference and may be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or at <http://elderaffairs.state.fl.us/english/public.html>. The Professional Guardian Employee Registration Form, DOEA/SPGO Form 002, _____, ~~2007~~ which is incorporated herein by reference and may be obtained from SPGO or at <http://elderaffairs.state.fl.us/english/public.html> must also be completed and submitted for all Professional Guardian Employees,

(2) through (3) No change.

(4) The following items must either accompany the registration form or must be on file with SPGO, for the registration to be deemed complete:

(a) A complete credit report, including all pages, from a nationally recognized credit agency. A nationally recognized credit agency shall mean a credit agency that obtains credit information both within and outside the State of Florida; validates, updates, and maintains the accuracy of credit

information obtained. The report must reflect the financial responsibility of the registrant and provide full, accurate, current, and complete information regarding payment history and credit rating. Credit history report for guardians as specified in Section 744.3135, F.S.;

(b) through (c) No change.

(5) For the initial registration, the applicant must submit proof of completion of the required training, as well as, proof of competency by evidence of satisfactory completion of a Department of Elder Affairs approved examination unless waived in accordance with Section 744.1085(8), F.S. For annual renewals, proof of receipt of the minimum continuing education requirements must be submitted, if not on file.

(6) No change.

(7)(a) The registration period begins the day the registration is approved by SPGO and ends on the registrant’s bond anniversary date. For multi year bonds, the annual registration expiration date will be determined by the day and month that the bond expires.

(b) SPGO will ~~may~~ prorate the registration fee up to 50% for initial registrants whose bond will expire in less than 6 months.

(8) Annual Renewals: A completed DOEA/SPGO Form 001 for annual renewal of a registration shall be submitted to SPGO at least 30 days prior to the expiration date of the current registration to ensure that a lapse in registration does not occur. Annual registration for attorneys registered as professional guardians are due January 1st of each year. If the renewal form is not received 30 days prior to expiration, Registrants may request expedited processing for an additional fee. A schedule of those expedited fees is provided on DOEA/SPGO Form 001. All fees must be received with the completed registration form prior to the registration being processed by SPGO.

(9) No change.

Specific Authority 744.1083(6) FS. Law Implemented 744.102(~~17~~)(16), 744.1083, 744.1085, 744.3135 FS. History–New 5-4-03, Amended 12-12-05, _____.

58M-2.003 Professional Guardian Coursework and Competency Examination.

(1) The minimum hours of instruction and training is set out in Section 744.1085(3), F.S. The initial 40 hours of education and training must be approved by SPGO prior to an applicant taking a course. Information about the approved professional guardian coursework and competency examination may be obtained from the Statewide Public Guardianship Office or online at <http://elderaffairs.state.fl.us/english/public.html>.

(2) Completion of the required professional guardian instruction and training course is a mandatory requirement in order for the registrant to be eligible to take the competency examination. The exam will be administered by the approved

contractor. The contractor will set the examination fee, which cannot by law exceed \$500. The examination may be waived in accordance with the criteria in Section 744.1085(8), F.S.

(3) The exam is comprised of two parts: 1) national guardianship ethics and practices, and 2) Florida law and procedure. Registrants must score a minimum of 75% on both parts on the Professional Guardian Competency Examination or must receive a waiver from SPGO prior to the registration.

(4) No change.

(5) Professional guardians must complete continuing education credits as outlined in Section 744.1085(3), F.S. The SPGO must approve the coursework for all continuing education classes prior to attendance. Proof of completion of the required continuing education hours shall be submitted with the annual renewal registration.

Specific Authority 744.1083(6), 744.1085(3)(a)-(e), (6)(b), (7),(8) FS. Law Implemented 744.102(17)(46), 744.1083, 744.1085, 744.3135 FS. History—New 12-12-05, Amended _____.

58M-2.007 Electronic Fingerprint Criminal History Record Check.

Per Section 744.3135(3)(a), F.S., a professional guardian and their fiduciary employees may use electronic fingerprinting methods. ~~Registrants must use an approved SPGO provider. A list of providers for electronic fingerprinting will be maintained by SPGO. If completing a criminal history record check by electronic fingerprinting, registrants must use a provider on the list maintained by SPGO.~~ This list may be obtained from the Statewide Public Guardianship Office or at <http://elderaffairs.state.fl.us/english/public.html>.

Specific Authority 744.3135 FS. Law Implemented 744.3135 FS. History—New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.070 Durable Medical Equipment and Supplies

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. 33, No. 31, August 3, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee and during the public hearing process.

The rule incorporates by reference the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, July 2007. The following revisions were made to the handbook.

Page 1-2, Enrolled Medicaid Pharmacy Provider. We corrected the F.A.C. citation to read, “59G-4.250.”

Page 1-3, General Medicaid Enrollment Requirements. We added “Provider” to the title so it now reads, “General Medicaid Provider Enrollment Requirements.”

Page 1-3, We added the following section from the current handbook. “Qualification Requirements. To enroll as a Medicaid provider, a DME and medical supply entity must meet the following criteria:

- Be licensed by the local government agency as a business or merchant or provide documentation from the city or county authority that no licensure is required;
- Be licensed by the Department of Health, Medical Quality Assurance, Board of Orthotics and Prosthetics, if providing orthotics and prosthetic devices;
- Be licensed by the Agency for Health Care Administration, Division of Health Quality Assurance, in possession of a Home Health Equipment license;
- Be in compliance with all applicable laws relating to qualifications or licensure; and
- Have an in-state business location or be located not more than fifty miles from the Florida state line.”

Page 1-4. We deleted the sections titled “Business Location Eligibility Requirements for DME and Medical Supply Providers” and “Business Location.”

Page 1-5 (new page 1-4), General DME and Medical Supply Provider Qualifications for Enrollment and Re-enrollment. We deleted the word “General” from the title and revised the eighth bullet to read, “Be operating primarily as a walk-in DME and medical supply business location.” In the ninth bullet, we changed the effective month from “January” to “March.”

Page 1-6 (new page 1-5), General DME and Medical Supply Provider Qualifications for Enrollment and Re-enrollment. We deleted the word “General” from the title. We deleted the following accrediting organizations: Board of Certification in Pedorthics and American Board for Certification in Orthotics and Prosthetics. We added the American Board for Certification in Orthotics, Prosthetics, and Pedontics, Inc. In the first and second paragraphs, we changed the effective month from “January” to “March.”

Page 1-7 (new page 1-6), General DME and Medical Supply Provider Qualifications for Enrollment and Re-enrollment. We deleted the word “General” from the title. We revised the third bullet to read, “The provider must have a current physical DME and medical supply services business location with substantial stock, as defined in this chapter.”

Page 1-8 (new page 1-7), Home Health Services. We revised the definition to read, “Home health services are defined in section 400.462, F.S. as health and medical services and medical supplies furnished by an organization to an individual in the individual's home or place of residence. The term includes organizations that provide one or more of the following:

- Nursing care.
- Physical, occupational, respiratory, or speech therapy.
- Home health aide services.
- Dietetics and nutrition practice and nutrition counseling.
- Medical supplies, restricted to drugs and biologicals prescribed by a physician.”

Page 1-9 (new page 1-8), Orthotic and Prosthetic Providers. In the third paragraph, we revised the first sentence to read, “Representatives of product manufacturers who are not licensed by the Department of Health, Medical Quality Assurance, Board of Orthotics and Prosthetics and are not employed by the enrolled provider are not qualified to provide Medicaid DME orthotic and prosthetic services, including the assessment, adjustment and the fitting of orthotic and prosthetic devices.”

Page 1-9 (new page 1-8). We deleted the section titled, “Mail Order Providers.”

Page 1-10 (new page 1-9), Requirements for Medical Oxygen Providers and Retailers. In the seventh paragraph, we revised the second sentence to read, “The individual patient record must include clearly documented initial and quarterly home visits.” We revised the third sentence to read, “Patient records must include equipment assessments, such as oxygen concentrator hour meter readings.”

Page 1-11 (new page 1-10), Mobile DME and Medical Supply Providers. In the first sentence, first paragraph, we deleted, “Unless authorized by a competitive procurement contract agreement.”

Page 1-17 (new page 1-16), Background Screening Requirement. In the second and fourth paragraphs, we change the effective month from “January” to “March.”

Page 1-23 (new page 1-22). We deleted the section titled, “Self-Referral and Conflict of Interest.”

Page 1-25 (new page 1-24). DME and Medical Supply Provider Responsibilities. In the seventh bullet, first sentence, after durable medical equipment, we added, “as required by the manufacturer’s guidelines.”

Page 1-26 (new page 1-25). Training Documentation Requirements for Provider’s Employees. We revised the fifth bullet to read, “Legible signatures of attendees and the DME business location where they are employed or the individual’s certification of completion of on-line training . . .”

Page 1-27 (new page 1-26), Provider Responsibility and HIPAA. In the second Note, we specified that the information is found in Chapter 2.

Page 2-4, Independent Therapist or Psychiatrist. We revised the Note to read, “See Provider Requirements, Illegal Remunerations, in Chapter 1 for additional information.”

Page 2-11, Time-Sensitive Medical-Necessity Redetermination Requirements for Consumable Medical Supplies. In the first paragraph, first sentence, we deleted “that

are included in the monthly rental fee,” and changed the first two bullets to read, “A new and specific prescription or; A Certificate of Medical Necessity (CMN) or . . .”

Page 2-12, Time-Sensitive Medical-Necessity Redetermination Requirements for Oxygen Therapy, Oxygen-Related Equipment, and Apnea Monitors. We deleted the first paragraph. We revised the first two bullets to read, “A new prescription or; Certificate of Medical Necessity (CMN) or . . .” After the last bullet, we added the following new paragraph, “The new documentation of medically necessity must specify the type of equipment, goods, or services requested and the quantity, frequency, and the length of need. Length of need must be documented when equipment has been prescribed for less than twelve (12) months.”

Page 2-13, Delivery Documentation Requirements. In the fifth bullet, we changed “A statement,” to “Documentation.” In the ninth bullet, we added “number,” so that it reads, “Model number.” We rewrote the tenth bullet to read, “Serial or item number(s), where applicable.” We deleted the fourteenth bullet, which read, “Current condition of equipment.”

Page 2-14, Pick-up and Return Documentation Requirements. Under “Pick-up documentation must include, at a minimum, the following information,” seventh bullet, we added “or item.” We deleted the tenth bullet that read, “Oxygen tank or cylinder’s contents, if applicable;” and the eleventh bullet that read, “Current condition of equipment.”

Page 2-17, Prior Authorization (PA) Process. In the first paragraph, we added the Florida Medicaid Authorization Request, PA01’s effective date and that it is incorporated by reference in 59G-4.160, F.A.C. In the second note, we deleted the last sentence, “The form is incorporated by reference in 59G-4.001, F.A.C.”

Page 2-18, Prior Authorization Documentation. In the fifth bullet, we added “or item number.” In the tenth bullet, we added, “or a statement why three (3) price sheets are not available.”

Page 2-25, Rental Agreement. We added a third bullet, which reads, “During the rental agreement, the recipient is enrolled in a Provider Service Network (PSN) or Health Maintenance Organization (HMO) plan and the rental services has been or is being terminated.”

Page 2-27, Limitations for Replacement of Equipment. We deleted the third bullet, which read, “Using or transporting the equipment in a way not intended or recommended by the manufacturer.”

Page 2-34, Home Visit Documentation Requirements. We revised the first sentence to read, “When an RN, CRT, or RRT conducts a face-to-face home visit, the licensed professional must document the following information in the recipient’s medical record.” We revised the third bullet to read, “Recipient’s current condition and recent changes in the recipient’s condition based upon an interview with the recipient’s family and caregiver;”

Page 2-41, Conflict of Interest. We revised the title to read, “Conflict of Interest for AAC Device.”

Page 2-60, Provider Service Requirements Regarding Oxygen and Oxygen-Related Equipment. We in the ninth bullet, we replaced, “qualified license professionals,” with “qualified individuals.”

Page 2-64, Initial and Quarterly Home Visit Requirements. We revised the first sentence to read, “When the CRT, RRT or RN conducts the initial visit and qualified technicians conduct quarterly home visits . . .” We deleted the second through the sixth bullets and the last bullet, which read, “Saturation measurement by pulse oximetry; and Recording of respiration; and Breath sounds; and Skin color; and Other significant observations; and Actions taken as a result of the respiratory assessment findings during the home visit.” We revised the tenth bullet (new fifth bullet) to read, “Oxygen concentrator meter reading, when a concentrator was delivered.”

Page 2-67, Practitioner Documentation Requirements. In the first sentence, we replaced “orders,” with “documentation of medical necessity.”

Page 2-68, Documentation Requirements. In the first bullet, we replaced “an order or prescription” with “documentation of medical necessity.” In the last bullet, we changed “month” to “quarter.”

Page 2-69, Portable Oxygen Service Criteria. In the first bullet, we replaced “Recipient qualifies,” with “Documentation of medical necessity.”

Page 2-79, Specific Diagnostic Requirements for Reimbursement. In the last paragraph, we replaced “qualified respiratory professional” with “qualified technician.”

Page 2-81, Reimbursement. We revised the first sentence to read, “Tubing and accessories necessary to operate respiratory and gastric suction equipment are reimbursable only for recipient owned equipment.” We deleted the second sentence, which read, “Claiming separate reimbursement for items included in the equipment’s scheduled monthly rental fee is not allowed.”

Page 2-85, IPPB Documentation. We deleted the sixth bullet, which read, “Quarterly follow up visit documentation, to include a respiratory assessment and vital signs;”

Page 2-86, Volume Ventilator Documentation. We revised the seventh bullet to read, “Quarterly visit documentation.”

Page 2-87, General Documentation Requirements. We revised the eleventh bullet to read, “Visit documentation.”

Page 2-92, Customized Wheelchair Documentation. In the first bullet, we replaced “attainment cost” with “manufacturers suggested retail pricing (MSRP).”

- 59G-14.004 Florida KidCare Dispute Review Process
- 59G-14.005 Florida KidCare Grievance Committee
- 59G-14.006 Florida KidCare Grievance Procedures

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. 33, No. 41, October 12, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee (JAPC) and from the Florida Healthy Kids Corporation.

59G-14.001(2) Complaint or dispute – We inserted timeframe language so that the definition now reads, “‘Complaint’ or ‘dispute’ is a verbal or written expression of dissatisfaction, regarding an eligibility or enrollment decision received within 90 calendar days of the date of the letter indicating the suspension or termination of a child’s enrollment.”

59G-14.001(3) Complainant or grievant – We revised the first two sentences to read, “‘Complainant’ or ‘grievant’ is a parent, legal guardian, an authorized representative of the parent or legal guardian or a child whose disability of nonage has been removed who submits a complaint or grievance on behalf of an applicant, enrollee or former enrollee of the Florida Kidcare Program. If a parent, legal guardian or a child whose disability of nonage has been removed appoints a representative . . .”

59G-14.001(5) Enrollee – We added the following definition of enrollee, “‘Enrollee’ means a child who has been determined eligible for and is receiving coverage under Sections 409.810-.820, F.S.” We renumbered the previous 59G-14.001(5) Florida Kidcare Partners through 59G-12.001(12) Third Party Administrator to subsections 59G-14.001(6) through 59G-14.001(13), F.A.C.

59G-14.001(11) Health Services, formerly 59G-14.001(10) – We added dental services so the definition now reads, “‘Health Services’ means the medical and dental benefits provided by an individual’s health care coverage (e.g., hospital services, physician services, prescription drugs and laboratory services).”

59G-14.001(13) Third Party Administrator, formerly 59G-14.001(12) – We deleted the wording specifying the administrative services performed by the third party administrator and inserted the Florida Statute provision, 624.91(5)(b)(8), F.S., which authorizes Florida Healthy Kids Corporation to assign KidCare responsibilities to a contracted third party administrator. The definition now reads, “‘Third Party Administrator’ is the entity contracted by Florida Healthy Kids Corporation that is responsible for administrative services for the Florida Kidcare Program, Title XXI Programs as authorized by 624.91(5)(b)(8), F.S.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

| | |
|------------|-----------------|
| RULE NOS.: | RULE TITLES: |
| 59G-14.001 | Definitions |
| 59G-14.002 | Confidentiality |

59G-14.002 Confidentiality – We revised the rule to read, “The Florida Kidcare Dispute Review Process and the Florida Kidcare Grievance Review Process shall conform to s. 409.821, F.S., Health Insurance Portability and Accountability Act of 1996, and Title 42, Part 431, Subpart F of the Code of Federal Regulations with respect to confidentiality of information.”

59G-14.004(1), (2) Florida Kidcare Dispute Review Process – We reworded the paragraphs to read: “(1) The Florida Kidcare Dispute Review Process is the means by which the Florida Kidcare Program provides a comprehensive review of complaints relating to eligibility and enrollment. During the review process, complaints or disputes are investigated and resolved for eligibility or enrollment matters regarding:

(a) Denial of eligibility;

(b) Failure to make a timely determination of eligibility;
and

(c) Suspension or termination of enrollment, including disenrollment for failure to pay cost sharing.

(2) Health service matter disputes regarding a delay, denial, reduction, suspension, or termination of health services and a failure to approve, furnish, or provide payment for health services in a timely manner are reviewed and resolved through a process developed independently for each Florida Kidcare program entity as referenced in 59G-14.007, F.A.C.”

59G-14.004(3) – We added language to clarify the role of the third party administrator during the Florida KidCare Informal Dispute Review Process. The rule now reads, “The Third Party Administrator for the Florida Healthy Kids Corporation determines eligibility and processes informal disputes received during “Level One” of the dispute review process for the non-Medicaid components of the Florida Kidcare Program. The Florida Healthy Kids Corporation is responsible for reviewing the formal eligibility and enrollment disputes for the Florida Kidcare Program. The Florida Healthy Kids Corporation Resolution Staff is responsible for conducting the Florida Kidcare Dispute Review Process.”

59G-14.004(4)(b) – We revised the first sentence to read, “If the Florida Kidcare customer service representative determines that a dispute cannot be resolved through a telephone conversation, the Florida Kidcare customer service representative shall request the complainant forward documentation concerning the dispute to the Florida Healthy Kids Corporation office within 90 calendar days of the date of the letter received indicating denial, suspension or termination of enrollment.”

59G-14.005(1) – We revised the rule to read, “The Florida Kidcare Grievance Committee shall review and resolve grievances related to the Florida Kidcare Program when all four levels of resolution through the Florida Kidcare Dispute Review Process have been completed. Grievances involving more than one Florida Kidcare Program will also be addressed by this committee. Disputes involving more than one Florida

Kidcare Program shall be immediately referred to the Kidcare Grievance Committee. Grievances heard by the Florida Kidcare Grievance Committee shall include eligibility and enrollment matters relating to Florida Healthy Kids, MediKids or the Children’s Medical Services Network. The following provisions apply to the Florida Kidcare Grievance Committee:”

59G-14.006(1) – We revised the first sentence to read, “If the grievant is dissatisfied with the action taken by the Florida Healthy Kids Board of Directors during the Level Four process of the Florida Kidcare Dispute Review process, the grievant can submit a written request for the Florida Kidcare Grievance Committee to review the grievance.”

59G-14.006 (3) – In the third sentence, we added the timeframe for a response. The sentence now reads, “If the initial eligibility or enrollment decision is correct and the Florida Healthy Kids Corporation followed the dispute review process outlined in this rule, the complainant will be notified in writing within five (5) calendar days of the Agency receiving the completed and executed forms referenced in 59G-14.006 (2) of this rule, that the decision determined during the Florida Kidcare Dispute Review Process shall remain unchanged.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

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|-----------|---|
| RULE NO.: | RULE TITLE: |
| 61C-5.007 | Fees; Certificates of Competency, Renewal |

NOTICE OF WITHDRAWAL OF PROPOSED RULE DEVELOPMENT

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 50, December 15, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 62-17.051 | Application for Site Certification |
| 62-17.091 | Conduct of Studies |
| 62-17.191 | Postcertification Compliance Review, Monitoring |
| 62-17.205 | Postcertification Amendments or Clarifications |
| 62-17.211 | Modification of Certification, Criteria-change Modifications, Transfer of Ownership |
| 62-17.281 | Newspaper Notice |

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. 33, No. 43, October 26, 2007 issue of the Florida Administrative Weekly.

62-17.051 Application for Site Certification.

(1)(a) No change.

(b) The applicant may substitute the United States Nuclear Regulatory Commission's or its successor's format for an application for a nuclear power plant as outlined in 10 CFR, Part 50 and 10 CFR, Part 51, January 1, 2007, ~~as amended, or any substantially similar federal format approved by the department,~~ in lieu of the department's format for a new application or a supplemental application.

(2) through (4) No change.

Specific Authority 403.504(1)(2), 403.517(1)(a), 403.5175(1) FS. Law Implemented 403.504, 403.5064, 403.517, 403.5175 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.04, Amended 5-9-83, 4-14-86, 1-22-91, 1-26-93, Formerly 17-17.051, Amended 2-1-99,_____.

62-17.091 Conduct of Studies.

(1) As needed to verify or supplement the studies made by the applicant in support of the application, the department ~~may~~ shall commence or contract for joint or independent studies to aid in the evaluation of the site or ~~may~~ request that other agencies prepare a report on matters in that agency's jurisdiction. The department shall give written notice of all such studies to the applicant and affected agencies before they are commenced.

(2) No change.

Specific Authority 403.504(2) FS. Law Implemented 403.507(2), ~~403.507(3)~~ FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.05, Amended 5-9-83, Formerly 17-17.091, Amended 2-1-99,_____.

62-17.191 Postcertification Compliance Review, Monitoring.

(1) through (2) No change.

(3) The licensee shall provide within 90 days after certification a complete summary of those submittals identified in the Conditions of Certification where due-dates for information required of the licensee are identified. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the Siting Coordination Office and any affected agency or agency subunit to whom the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified ~~below or any other format requested by the licensee and approved by the department.~~

| Condition Number | Requirement and timeframe | Due Date | Name of Agency or agency subunit to whom the submittal is required to be provided |
|------------------|---------------------------|----------|---|
| | | | |
| | | | |
| | | | |

Specific Authority 403.504(1) FS. Law Implemented 403.504(8), 403.511 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.13, Amended 5-9-83, Formerly 17-17.191, Amended 2-1-99,_____.

62-17.205 Postcertification Amendments or Clarifications.

(1) through (2) No change.

Specific Authority 403.504(1) FS. Law Implemented 403.511, ~~403.5113,~~ 403.516 FS. History–New 2-1-99, Amended _____.

62-17.211 Modification of Certification, Criteria-change Modifications, Transfer of Ownership.

No change.

(1) No change.

(a) No change.

(b) The process for modifications requested by the licensee shall be in accordance with Section 403.516(1)(c) ~~(b)~~, F.S., and the following:

1. The process is initiated by the filing of a complete and sufficient petition for Modification. The petition shall contain a concise statement of the proposed modification; the factual reasons asserted for the modification, including the changes in circumstance which justify the modification; and, a statement of whether, and if so, how the proposed modification if approved would affect the conditions of certification, the site layout or design as depicted in the current version of the application, and the anticipated affects of the proposed modification on ~~the applicant, public, and~~ the environment.

2. through 7. No change.

(c) through (d) No change.

(2) through (4) No change.

Specific Authority 403.504(1) FS. Law Implemented 403.511(5), 403.516 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.17, Amended 5-9-83, Formerly 17-17.211, Amended 2-1-99,_____.

62-17.281 Newspaper Notice.

No change.

(1) through (4) No change

(5) Notice of Land Use Hearing.

No change.

- (a) No change.
- (b) Text which is the same point size as standard news items and which substantially states the following:
 1. through 5. No change.
 6. ~~“Each party shall make available for public inspection at least five days prior to the hearing at a place specified in the public notice any written direct testimony which it intends to submit at the hearing.”~~
- (6) Notice of Zoning and Land Use Plan Appeal Hearing. No change.
- (a) through (d) No change.
- ~~(e) Same as (5)(b)6. above.~~
- (7) through (12) No change.

Specific Authority 403.504(1), 403.504(2), ~~403.6063(2), 403.517(1)(a)~~ FS. Law Implemented 403.504(2)(5)(9), 403.5063, 403.5115(4), 403.516(1), 403.517, 403.5175 FS. History–New 2-1-99, Amended _____.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-14.006 Citations

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. 33, No. 34, August 24, 2007 issue of the Florida Administrative Weekly.

The change is in response to concerns of by the Joint Administrative Procedures Committee in a letter dated October 5, 2007. The change is as follows:

The rule shall read as:

- 64B10-14.006 Citations.
- (1) through (2) No change.
- (3) The following violations with accompanying fines may be disposed of by citation:
 - (a) Practice on an delinquent inactive license or certificate for less than six months. The fine shall be \$50 for each month of practice.
 - (b) Falsely certifying compliance with continuing education hours required for renewal of licensure or certification. If the individual has no documentation, the fine shall be ~~\$1500.00~~ 500.00. If the individual has some documentation, the fine shall be \$500. ~~penalty is \$25 per missing hour, to a maximum of \$500. For failing to provide documentation of the HIV/AIDS course, the fine shall be \$100.00. All missing CEUs shall be made up within six months of the date the citation becomes a Final Order~~
 - (c) through (d) No change.

~~(e) First time failure to comply with Rule 64B10-15.001, F. A. C. The fine shall be \$500.00. For each hour of continuing education not completed or completed late, the licensee shall be required to complete one (1) additional hour of continuing education within six (6) months of the issuance of the citation.~~

~~(e)(f) No change.~~
~~(f)(g) For any Nursing Home Administrator who failed Failure to comply with Rule 64B10-12.018, F.A.C. (Special Assessment) by October 31, 2005, the fine shall be \$500.00.~~

(4) Tendering a check payable to the Board of Nursing Home Administrators or to the Department of Health that is dishonored by the institution upon which it is drawn shall result in a fine of \$100 and payment of the check within 30 days ~~Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to issuance of the citation.~~

(5) No change.

Specific Authority 456.073, 456.077 FS. Law Implemented 456.077 FS. History–New 3-1-92, Formerly 21Z-14.006, 61G12-14.006, Amended 7-21-97, Formerly 59T-14.006, Amended 5-15-00, 8-23-00, 2-23-06, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

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

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. 33, No. 45, November 9, 2007 issue of the Florida Administrative Weekly.

These changes were approved by the Board on December 6, 2007 and were made to address concerns raised by an affected party at a rule workshop held on December 6, 2007 and noticed in Vol. 33, No. 47 of the November 21, 2007 issue of the Florida Administrative Weekly. The changes are as follows:

1. Paragraph 64B17-9.001(6)(c) shall now read as follows:
 - (c) Courses sponsored or approved by the Florida Physical Therapy Association, so long as they meet the criteria set forth in subsection 64B17-9.001(3), F.A.C.
2. The proposed new paragraph (6)(d) shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NO.: 64I-4.001
 RULE TITLE: Procedures for Investigations of Florida Clean Indoor Air Act (FCIAA) Complaints

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule development in Vol. 33, No. 49, December 7, 2007 issue of the Florida Administrative Weekly. This Notice of Correction Corrects the Notice of Development of Rulemaking that was published on December 7, 2007.

PURPOSE AND EFFECT: The purpose of the amendment is to conform the rules to the statute.

SUBJECT AREA TO BE ADDRESSED: Chapter 386, Part II, Florida Statutes, Florida Clean Indoor Air Act.

SPECIFIC AUTHORITY: 386.2125 FS.

LAW IMPLEMENTED: 381.0012, 386.206, 386.207 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: Erin Levingston, Paralegal Specialist, Department of Health, 4052 Bald Cypress Way, Bin A-02, Tallahassee, Florida 32399-1743, (850)245-4005 or, erin_levingston@doh.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

~~64I-4.001 Procedures for Investigations of to Be Followed by Department of Health (DOH) Personnel When Investigating Florida Clean Indoor Air Act (FCIAA) Complaints and Notifying Alleged Violators.~~

~~(1) During inspections, DOH environmental health personnel shall document all observed violations of the Florida Clean Indoor Air Act (FCIAA) according to the requirements of Chapter 64I-4, F.A.C.~~

~~(2) Upon completion of the on-site inspection, DOH environmental health personnel shall complete the required sections of the Request for Inspection Form, a copy of which may be obtained from the Department of Health, Division of Health Access and Tobacco, 4052 Bald Cypress Way, Bin C23, Tallahassee, FL 32399-1743, and which is incorporated herein by reference, reporting that: facts relating to compliance with the FCIAA.~~

~~(a) The enclosed indoor workplace is not in compliance with the FCIAA and administrative proceedings shall be initiated, or~~

~~(b) There were no violations of the FCIAA found and the case shall be closed.~~

(3) The county health department director or administrator will forward the completed inspection form to the Division of Health Access and Tobacco, 4052 Bald Cypress Way, Bin C23, Tallahassee, FL 32399-1743.

(4) Upon receipt of the county health department report, the Division of Health Access and Tobacco shall evaluate the report for further action in accordance with Chapters 120, 381, and 386, F. S.

~~(a) Initiate administrative procedures according to the provisions of Chapter 120, F.S., or~~

~~(b) Close the case.~~

Specific Authority 386.207, 386.2125 FS. Law Implemented 381.0012, 386.206, 386.207 FS. History—New 2-27-94, Amended 4-2-96, Formerly 10D-105.008, 64D-1.001, Amended 11-5-02, 8-16-04, Formerly 64E-25.001, Amended _____.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NO.: 64I-4.002
 RULE TITLE: On-Site Investigations of Enclosed Indoor Workplaces

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule development in Vol. 33, No. 49, December 7, 2007 issue of the Florida Administrative Weekly. This Notice of Correction Corrects the Notice of Development of Rulemaking that was published on December 7, 2007.

PURPOSE AND EFFECT: The purpose of the amendment is to conform the rules to the statute.

SUBJECT AREA TO BE ADDRESSED: Chapter 386, Part II, Florida Statutes, Florida Clean Indoor Air Act.

SPECIFIC AUTHORITY: 386.2125 FS.

LAW IMPLEMENTED: 381.0012, 386.206, 386.207 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: Erin Levingston, Paralegal Specialist, Department of Health, 4052 Bald Cypress Way, Bin A-02, Tallahassee, Florida 32399-1743, (850)245-4005 or, erin_levingston@doh.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64I-4.002 On-Site Investigations of Enclosed Indoor Workplaces.

During inspections or investigations of any Florida Clean Indoor Air Act (FCIAA) complaint, DOH ~~environmental health~~ personnel shall document all observed violation(s) of Section 386.206, F.S.

(1) The proprietor or other person in charge of an enclosed indoor workplace must develop a policy regarding the prohibition of smoking in an enclosed indoor workplace. Such policy must include a prohibition of smoking in the enclosed indoor workplace. Should there be no written policy, a violation of Section 386.206 (1), F.S., exists and will be documented as: "Failure to develop a policy regarding smoking prohibition."

(2) The proprietor or other person in charge of an enclosed indoor workplace shall implement a policy regarding smoking prohibition. If persons are observed violating the policy, and the proprietor or other person in charge witnesses or is made aware of a violation of Section 386.204, F.S., in the enclosed indoor workplace but nonetheless fails to implement the policy, a violation of Section 386.206(1), F.S., exists and shall be documented as: "Failure to implement a policy regarding smoking prohibition."

(3) The proprietor or other person in charge of an enclosed indoor workplace where a smoking cessation program, medical research, or scientific research is conducted shall conspicuously post, or cause to be posted, signs designating areas where smoking is permitted for such purposes within the enclosed indoor workplace. If such signs are not posted then a violation of Section 386.206(3), F.S., exists and will be documented as: "Failure to post signs designating smoking permitted areas."

~~(4) The proprietor or other person in charge of an enclosed indoor workplace where, prior to the adoption of s. 20, Art. X of the State Constitution was required to post signs under Section 386.206, F.S., shall continue to post signs stating that smoking is prohibited within the enclosed indoor workplace. If such signs are not posted then a violation of Section 386.206(2), F.S. exists and will be documented as: "Failure to post smoking prohibited signs."~~

Specific Authority 386.207, 386.2125, FS.Law Implemented 386.206, 386.207 FS. History--New 2-27-94, Amended 2-19-96, 4-2-96, Formerly 10D-105.009, Formerly 64D-1.002, 64E-25.002, Amended 11-5-02, 8-16-04,_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-203.210 RULE TITLE: Forms Incorporated by Reference

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 33, August 18, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Finance

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| <p>RULE NOS.:</p> <p>69V-40.021</p> <p>69V-40.025</p> <p>69V-40.0271</p> <p>69V-40.028</p> <p>69V-40.029</p> <p>69V-40.031</p> <p>69V-40.051</p> <p>69V-40.058</p> <p>69V-40.099</p> <p>69V-40.100</p> <p>69V-40.105</p> <p>69V-40.160</p> <p>69V-40.165</p> <p>69V-40.200</p> <p>69V-40.220</p> <p>69V-40.240</p> <p>69V-40.242</p> | <p>RULE TITLES:</p> <p>Fictitious Name Registration</p> <p>Mortgage Broker Examination</p> <p>Professional Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives</p> <p>Permit for Mortgage Business School</p> <p>Mortgage Business School Permit Renewal</p> <p>Application Procedure for Mortgage Broker License</p> <p>Application Procedure for Mortgage Brokerage Business License</p> <p>Application Procedure for Mortgage Brokerage Business Branch Office License</p> <p>Change of Name, Change of Entity and Change in Control or Ownership</p> <p>Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender Branch Office License for Transfer in Ownership or Control of Saving Clause Mortgage Lender</p> <p>Principal Brokers</p> <p>Branch Brokers</p> <p>Application Procedure for Mortgage Lender License</p> <p>Application Procedure for Correspondent Mortgage Lender License</p> <p>Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office License</p> <p>Principal Representative</p> |
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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. 33, No. 40, October 5, 2007 issue of the Florida Administrative Weekly.

Changes are made to address comments received from the staff of the Joint Administrative Procedures Committee. The changes are as follows:

69V-40.021 Fictitious Name Registration.

No mortgage business school, mortgage brokerage business or lender person having a license or permit pursuant to Chapter 494, F.S., will be permitted to use a fictitious name unless they

have provided evidence to the Office of Financial Regulation that such fictitious name is duly registered with the Florida Secretary of State, pursuant to Section 865.09, F.S.

Specific Authority 494.0011(2) FS. Law Implemented ~~494.0029(2)(e), 494.0031(3)(e), 494.0041(2)(q), 494.0072(2)(q), 865.09~~ FS. History—New 8-7-97, Formerly 3D-40.021, Amended

69V-40.025 Mortgage Broker Examination.

(1) ~~Form and Grading.~~ The Office of Financial Regulation or its designee shall be responsible for the administration and grade notification of the Mortgage Broker Examination. The Office of Financial Regulation or its designee shall notify each applicant of the time, place and date of the examination(s) ~~and shall provide the applicant with an official admission notice which shall be required for admission to sit for the examination. Information contained on the official admission notice shall supersede any other information at the assigned examination location.~~

(2) ~~Examination Proctors.~~ All examinations shall be administered and supervised by proctors who are Office of Financial Regulation employees or its designees. During the examination the examinees shall abide by the instructions of the proctors.

Specific instructions for completion of the examination shall be communicated prior to the examination read by the proctor(s) and the examinees shall be permitted to ask reasonable questions relating to the instructions. The Office of Financial Regulation or its designee shall be responsible for determining that the student taking the examination is the actual person authorized to take the examination. Examinees shall not give or receive help from other examinees. There shall be no talking or communication between the examinees while the exam is in progress. Reference materials shall not be permitted in the examination room unless specifically authorized in the instructions.

(3) Cheating on an examination or violating test center or examination procedures published orally, in writing, or electronically at the test site by Office of Financial Regulation employees or its designees shall be grounds for denial of licensure by the Office of Financial Regulation. Admission after examination has commenced. Candidates arriving at the assigned examination location after the designated starting time shall be permitted to sit for the examination only after signing a statement clearly specifying the late arrival time and agreeing that they shall have only the time remaining in the examination period to complete the examination. Any candidate that refuses to sign such statement shall be disqualified from the examination and will be rescheduled for the next available examination date if that date is within the candidate's ninety (90) day application period. However, no candidate shall be admitted to the examination if any other candidate has completed the examination and left the examination room.

(4) Conduct which is grounds for exclusion. The following behavior(s) by any candidate is grounds for exclusion, anyone of which shall result in immediate removal from the examination room:

(a) Unnecessary noise or other disturbance that interferes with the examination process.

(b) Cheating or attempting to cheat.

(c) Observing the examination questions or answers of those candidates being tested.

(d) Removal of any examination materials from the examination room. Conduct from candidates resulting in the exclusion from an examination shall be grounds for ~~may result in~~ denial of licensure by the Office of Financial Regulation.

(5) ~~Review procedures.~~ Candidates failing the examination will be notified of the review procedures and will automatically be rescheduled for the next examination date provided that date is within their ninety (90) day application period. Candidates who fail the examination may review their examination one time, for a \$30 fee, and must do so at the time and place designated. Candidates reviewing shall have the right to have access to the examination questions booklet, a copy of their examination responses answer sheet, and the correct answers grading key. Rules of examinee conduct during the review are the same as those for the examination.

(6) ~~Examination content.~~ Examinations will be written and composed of 100 multiple choice questions. Examinations will be written according to the weight content area as provided in the candidate Study Guide. The following conditions shall apply:

(a) Candidates must use a number 2 lead pencil to mark their choices on the answer sheet provided.

(b) The examination will be scored on the basis of 100 points ~~for a perfect examination.~~

(c) An applicant who receives a grade of 75 points or higher shall be passed. A passing score will be valid for a period of 2 years ~~365 days~~ from the date of passing the examination.

(d) Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period.

(e) Candidates may use a non-programmable hand held or battery type calculator.

(f) Test scores will be derived from the number of correct responses. Only those answers indicated by the candidate on the answer sheet will be used in computing the examination score.

(g) Candidates will not be permitted to refer to any notes, books or memoranda.

(7) Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to

the time remaining in the original 3 hour period. Candidates will be permitted to may use a non-programmable hand held or battery type calculator.

~~(8)(7)~~ Notification of results. The applicant will be notified of the results of the examination by the Office of Financial Regulation or its designee. ~~Said notification will be sent via U.S. mail within 10 business days of the examination date.~~

Specific Authority 494.0011(2) FS. Law Implemented 494.0033(2)(b) FS. History—New 10-1-91, Amended 6-8-92, Formerly 3D-40.025, Amended.

69V-40.0271 Professional Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives.

(1) ~~Effective October 1, 2001, All~~ all persons licensed as a mortgage broker shall satisfactorily complete fourteen (14) hours of professional continuing education (~~“continuing education”~~) covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 69V-40, F.A.C.

(2) ~~Effective October 1, 2002, The~~ the principal representative, and each loan originators, and associates of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause shall satisfactorily complete fourteen (14) hours of professional continuing education covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 69V-40, F.A.C.

(3) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage Business School or an accredited college, university, community college, or area vocational-technical school in this State which offers the fourteen (14) hour professional continuing education course(s). Qualifying hours of at least 4 hours may be obtained by attending training courses covering the provisions of Chapter 494, F.S., and Chapter 69V-40, F.A.C., that are conducted by the Office of Financial Regulation or its Regional Offices.

(4) For the purpose of this rule, the following definitions will apply:

(a) “Hour” shall mean 60 minutes of class time, of which 50 minutes shall be instruction, with a maximum of 10 minutes of break per hour.

(b) “School” shall mean any duly permitted and accredited Mortgage Business School and any accredited college, university, community college, or area vocational-technical school in this State, which offers the fourteen (14) hour professional continuing education course.

(c) “Student” shall mean all persons licensed as a mortgage broker, the principal representative, and loan originators of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause.

(d) “Good Cause” means an incident or occurrence which is beyond the control of the student and which prevents attendance. Examples of good cause include, but are not limited to, disabling accident, illness, call to military duty, or declared national emergency.

(5) The fourteen (14) hours of professional continuing education can be taken in one or more courses at one or more schools.

(6) Schools shall not issue certificates of completion to students who do not attend or complete the scheduled hours for any professional continuing education course.

(a) Schools shall be responsible for determining that the student attending or completing the professional continuing education course is the actual person scheduled to complete the class or session.

(b) At the discretion of the school, students may miss a class or session and attend a make-up class or session to complete the attendance requirements upon showing good cause.

(c) The school may hold makeup classes or sessions to accommodate the student.

(7) An instructor of a school who teaches a professional continuing education course may use the course toward the satisfactory completion of the professional continuing education requirement.

(8) Neither students nor instructors may earn professional continuing education credit for attending or instructing at any subsequent offering of the same professional continuing education course during any two (2) year period.

~~(9) The continuing education requirements are waived for the license renewal of the mortgage broker, for the biennial license period in which the individual became licensed as a mortgage broker.~~

~~(10) The continuing education requirements for the principal representative are waived for the license renewal of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause, for the biennial license period in which the principal representative completes the 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and also passed a written test in accordance with Rule 69V-40.025, F.A.C., in order to qualify to be designated as a principal representative.~~

~~(9)(11)~~ The professional continuing education courses may be offered through classroom instruction, electronic transmission (“Internet”), or distance education (“correspondence course”).

~~(10)(12)~~ The professional continuing education courses taught by using the Internet and correspondence courses shall have:

(a) Course subject matter, assignment work, scholastic standards and other related requirements substantially similar to the course offered by classroom instruction, having due regard however, to the different methods of presentation.

(b) Shall provide students with instructions on how to contact an instructor to answer inquiries. The school shall also disclose to the student when the instructor will be available, however the instructor shall respond within 2 business days to the student's inquiries.

(c) When the course is in the form of a video tape or CD-Rom, the presentation must be of a quality that permits the student to view and listen to the presentation without interfering with the learning process.

~~(11)(13)~~ Within five (5) days of completion of each professional continuing education course, each permitted the school shall submit to the student a certificate of completion indicating successful completion of the course, and the number of hours that course consisted of. Within five (5) days of completion of each professional continuing education course, each permitted school shall submit to the Office of Financial Regulation the full name and mortgage broker license number or social security number of each student, the school's name and license number, the number of hours completed by the student, and the completion date for individuals licensed as mortgage brokers. Each permitted school shall submit the required information on the Office of Financial Regulation's website at www.flofr.com. The schools are not to submit copies of the continuing education requirement certificates to the Office of Financial Regulation. Each mortgage business school shall maintain all student course completion records for at least four (4) three (3) years from the completion dates.

Specific Authority 494.0011(2), 494.00295(4) ~~494.00295(3)~~ FS. Law Implemented 494.0016, 494.0029, 494.00295, 494.0034, 494.0064, 494.0067 FS. History-- New 12-9-01, Formerly 3D-40.027, Amended

69V-40.028 Permit for Mortgage Business School.

(1) Application Process. Each person, school, or institution desiring to obtain a permit for a Mortgage Business School shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Business School Permit, Form OFR-494-04MBS-101, ~~revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(b) A nonrefundable application fee of \$500 ~~which shall be the permit fee for the annual period beginning October 1 of each year or any part thereof.~~

(c) A \$400 nonrefundable accreditation fee ~~which shall be for the annual period beginning October 1 of each year or any part thereof.~~

(d) for schools teaching the 24-hour pre-licensing course, all training materials that the applicant plans to distribute to course participants including a copy of all teaching aids, such as flash cards, hand-outs, audio/video materials, computer disks/cd's, and any computer based training.

(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within thirty (30) days from the date of the request. Failure to respond to the request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application shall be denied pursuant to subsection 120.60(1), F.S.

(3) Amendments to Pending Applications. If the information contained in any application for a permit for a Mortgage Business School or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-04. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office. Refunds. If the application is withdrawn or denied, the application fee is nonrefundable. The accreditation fee shall be refunded when the application is withdrawn prior to a decision being rendered by the Office of Financial Regulation.

(4) 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.

(5) Valid Period of Permit. Upon approval of an application, a permit will be issued for the remainder of the annual license period, which ends each September 30th. The permit will be valid for this period unless the Office of Financial Regulation takes administrative action against it or unless the permit is terminated by the holder.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(5) Refunds. If the application is withdrawn or denied, all fees are non-refundable.

(6) Valid Period of Permit. Upon approval of an application, a permit will be issued for the remainder of the annual license period, which ends each September 30th. The

permit will be valid for this period unless the Office of Financial Regulation takes administrative action against it or unless the permit is terminated by the holder.

(7) Form OFR-494-04 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0029(1), (3)(b) FS. Law Implemented 120.60(1), 494.0029 FS. History--New 11-5-95, Amended 8-22-99, 12-9-01, Formerly 3D-40.028, Amended _____.

69V-40.029 Mortgage Business School Permit Renewal.

(1) Each active Mortgage Business School permit shall be renewed for the annual period beginning October 1 of each year upon submission of the following:

(a) A permit renewal fee of \$500, ~~and a completed renewal form, Form OFR MBS 202, Mortgage Business School Renewal Form, revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

(b) A recertification accreditation fee of \$400 for the school; ~~and~~

(c) ~~For schools teaching the 24-hour pre-licensing course, all training materials that the applicant plans to distribute to course participants including a copy of all teaching aids, such as flash cards, hand-outs, audio/video materials, computer disks/cd's, and any computer based training.~~

(2) Renewal fees shall be sent directly to the Office of Financial Regulation or may be paid electronically by the following the applicable instructions on the Office of Financial Regulation's website at www.flofr.com. The Office of Financial Regulation shall deem a renewal received upon receipt of the requisite fees and training materials at such time as it has been dated stamped by the Cashier's Office of the Department of Financial Services or the date the renewal process has been completed on the Office's website. All renewal fees and training materials must be received by September 30 of the year in which the permit expires. If September 30 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.

~~(3)(2) Failure to submit the fees and training materials renewal form required in subsection (1) prior to October 1 or each renewal year shall automatically result in the permit becoming expired. After the license has expired, there is no provision for reinstatement. A new application for a permit must be submitted as described in Rule 69V-40.028, F.A.C.~~

Specific Authority 494.0011(2), 494.0029(1), (3)(b) FS. Law Implemented 494.0029 FS. History--New 11-5-95, Amended 8-22-99, 12-9-01, Formerly 3D-40.029, Amended _____.

69V-40.031 Application Procedure for Mortgage Broker License.

(1) Each person desiring to obtain licensure as a mortgage broker shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Licensure as a Mortgage Broker, Form ~~OFR-494-03 OFR MB 101, revised 03/05, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. The application must be completed and signed within thirty (30) days prior to receipt by the Office;~~

(b) The statutory nonrefundable application fee required by Section 494.0033, F.S., which shall be the fee for the biennial period beginning September 1 of each odd-numbered year or any part thereof;

~~(c) A completed fingerprint card (FL921050Z) mailed to the Office of Financial Regulation, 200 East Gaines St., Tallahassee, Florida 32399-0376; accompanied by a \$23 nonrefundable processing fee; and~~

(d) A nonrefundable fingerprint card processing fee of \$42.25;

~~(e)(d) Evidence that the applicant has completed the mortgage broker education requirements of subsection 494.0033(3), F.S.; and~~

(f) Evidence that the applicant has passed the mortgage broker examination as defined in Rule 69V-40.025, F.A.C.

(2) Request for Additional Information. Any request for additional information, including a passing score on the Mortgage Broker Examination, will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

~~(3) Amendments to Pending Applications. Amendment of Application. If the information contained in an Application for Licensure as a Mortgage Broker or any amendment thereto becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall file an amendment be responsible for correcting the inaccurate such information within thirty (30) ten (10) days of the change on Form OFR-494-03 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office ~~is~~~~

~~receipt for filing.~~ Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application. Requests to make changes which are material to the application ~~will or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing ~~fee(s)~~ fee, ~~will~~ may be required. A material change means a change to a response to the disclosure questions listed in section 10 on Form OFR-494-03.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(5) Refunds. If the application is withdrawn or denied, the application fee and fingerprint processing fee are nonrefundable.

(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

(7) Restoration of Civil Rights:

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(7) All applications, fees, data and forms required, except the fingerprint card, to be filed under this rule shall be filed electronically at www.flofr.com. An application and fees submitted electronically on the Office's website shall be considered received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation is issued by the Office upon successful submission of an application and payment of all fees.

(8) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format.

(9) Form OFR-494-03 and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 120.60(1), 494.0033 FS. History—New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, 8-22-99, 12-12-99, 12-11-03, Formerly 3D-40.031, Amended 5-24-05, _____.

69V-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) Each person desiring to obtain licensure as a mortgage brokerage business shall apply to the Office of Financial Regulation by submitting the following:

~~(a) A completed Application for Licensure as a Mortgage Brokerage Business and Lender License, Form OFR-494-01 MB-201, revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

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

(2) Each ultimate equitable owner of 10% or greater interest, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, ~~the chief executive officer~~ and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from; Form OFR-494-01 MBB-BIO-1 (revised 10/99), to the Office of Financial Regulation along with a ~~\$42.25~~ 23 nonrefundable processing fee. ~~Form OFR-MBB-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(a) Any entity that is a wholly owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).~~

~~(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the operation of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.~~

~~(a)(e) If any ultimate equitable owner of 10% or greater interest, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, the individual owner, director, or chief executive officer, control person, member, partner, joint venturer, of the applicant holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).~~

~~(b)(d) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25 ~~50~~% or more of the~~

ownership interest or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c)(~~e~~) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. 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 to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending ~~of~~ Applications. If the information contained in an Application for Licensure as a Mortgage Brokerage Business or in any amendment thereto becomes inaccurate for any reason ~~before the applicant becomes licensed~~, the applicant shall file an amendment be responsible for correcting the inaccurate such information within thirty (30) ten (10) days of the change on Form OFR-494-01 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application. Requests to make changes which are material to the application will or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, will may be required. Material changes include:

1. A change to a response to the disclosure questions listed in section 8 on Form OFR-494-01.

2. A change to disclosure questions listed in section 3 on the biographical summary on Form OFR-494-01, or

3. The substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, a joint venturer, or principal broker.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation

by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

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

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

~~(8) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(8) Form OFR-494-01 and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 215.405, 494.0011(2), 494.0031(2) FS. Law Implemented 494.0031, 494.0035, 494.004(6) FS. History—New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-11-03, Formerly 3D-40.051, Amended.

69V-40.058 Application Procedure for Mortgage Brokerage Business Branch Office License.

(1) Every mortgage brokerage business which conducts mortgage brokerage business in this state from a branch office shall apply to the Office of Financial Regulation for a license to operate a branch office by submitting the following:

(a) A completed Application for Mortgage Brokerage Business Branch Office License, Form OFR-494-02MB-301, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) The statutory, nonrefundable license fee required by Section 494.0036, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year of any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. 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 to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending Applications of Application. If the information contained in an Application for Mortgage Brokerage Business Branch Office License or in any amendment thereto becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall file an amendment be responsible for correcting the inaccurate such information within thirty ten (30) (40) days of the change on Form OFR-494-02 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

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

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

(8) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0036(2) FS. Law Implemented 494.0036 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 8-22-99, 12-12-99, Formerly 3D-40.058, Amended _____.

69V-40.099 Amendments. Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed as a mortgage broker, mortgage brokerage business, mortgage lender, or correspondent mortgage lender, or permitted mortgage business school which proposes to change its name, form of business organization, or any other information contained in any initial application form or any amendment thereto, must file an amendment pursuant to Sections 494.004(6) and 494.0067(4), F.S., not later than thirty-days (30) after the effective date of the change on Form OFR-494-01 for Mortgage Brokerage Businesses and Lenders, Form OFR-494-02 for Branch Offices, Form OFR-494-03 for Mortgage Brokers, and Form OFR-494-04 for Mortgage Business Schools. changes her or his name of record, as filed with the initial application for licensure, or any subsequent change on file and acknowledged by the Office of Financial

Regulation thereafter, shall notify the Office of Financial Regulation, in writing, of the name change and shall provide documentation authorizing such name change within thirty (30) days of the date effecting such change. Any licensee pursuant to Sections 494.0061 or 494.0062, F.S., shall additionally provide a completed surety bond, on Form OFR-494-05ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, which is hereby incorporated by reference (effective 10/91), executed in the new name of the licensee as documented by the requirements of this subsection. The form is available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Name changes pursuant to this subsection shall not involve any change in controlling interest of the licensed entity.

(2) Each licensed mortgage brokerage business, mortgage lender, or correspondent mortgage lender which proposes to change any personnel described in Sections 494.004 and 494.0067, F.S., listed in any initial application form or any amendment thereto must file an amendment not later than thirty-days (30) prior to the effective date of the change or within two (2) business days after the date the licensee first received notice of the change on Form OFR-494-01 for Mortgage Brokerage Businesses and Lenders. In the event the change in personnel in Sections 494.004 and 494.0067, F. S., listed in any initial application or any amendment thereto results in the addition of anyone referenced in this subsection, such persons must comply with Subsections 494.0031(2)(c) & (d), 494.0061(2)(g) & (h), 494.0062(2)(g) & (h), or 494.0065(5)(e) & (f), F.S. unless such person has previously complied with an entity currently licensed under this chapter and the person is currently affiliated with such entity, the entity licensed with the Office of Financial Regulation shall file a new application for licensure pursuant to Section 494.0031, 494.0061, or 494.0062, F.S. Application forms are available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(3) Applications for licensure as Any person or persons, who directly or indirectly, seeks to own, control, or hold with power to vote, or holds proxies representing 50 percent or greater of any class of equity securities or ultimate equitable ownership of a mortgage brokerage business, mortgage lender or correspondent mortgage lender required as a result of an acquisition of a controlling interest in a licensee pursuant to Subsection 494.004(6) & 494.0067(4), F.S., must be filed in a timely manner as to allow the Office to complete its review of the application prior to the effective date of the acquisition, but no later than thirty (30) days prior to the date of such acquisition. Such applications must be filed in accordance with shall file a new application for licensure pursuant to Section 494.0031, 494.0061, or 494.0062, F.S., prior to the effective date of the change in ownership or control interest.

(4) Any person who is subjected to the requirements of subsection (2) or (3) herein, and who seeks to own, control, or hold power to vote of a mortgage lender licensed pursuant to the Saving Clause, Section 494.0065, F.S., is subjected to the net worth requirements as specified in subsection 494.0065(1)(a)2., F.S., when reapplying for licensure as required in subsections (2) and (3) above. An application for licensure under this subsection shall be submitted in accordance with Rule 69V-40.100, F.A.C.

(5) The office shall waive the requirement for a licensee to file a new application pursuant to Subsections 494.004(6) & 494.0067(4), F.S.:

(a) when a person or group of persons proposing to purchase or acquire a controlling interest in a licensee has previously filed the information with the Office required in Subsections 494.0031(2)(c) & (d), 494.0061(2)(g) & (h), 494.0062(2)(g) & (h), or 494.0065(5)(e) & (f), F.S., with a mortgage brokerage business or lender currently licensed to the office, provided that such person is currently affiliated with the mortgage brokerage business or lender licensee; or

(b) when the acquirer is currently licensed with the office as a mortgage broker, mortgage brokerage business or lender.

(6) If the requirement to file a new application for a change in controlling interest is waived pursuant to subsection 5 of this rule, the licensee must file an amendment as prescribed in subsection 2 of this rule to report the change in controlling interest.

(5) Restoration of Civil Rights.

(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.

(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

(6) Upon approval of an application, a letter informing the applicant of the Office of Financial Regulation's intent to approve the application will be sent to the applicant's mailing address as indicated on the application. Upon the Office of Financial Regulation's receipt of the original license issued to the former owners, notification that the change in ownership or control has been finalized and the effective date of closing, a license will be issued, effective the later of the date of closing or the date of notice of intent to approve, for the remainder of the biennial licensure period. Failure to respond to the Office of Financial Regulation's notice of intent to approve within thirty (30) days of the date of that letter will result in the application being withdrawn.

(6) Form OFR-494-01, Form OFR-494-02, Form OFR-494-03, Form 494-04, and Form 494-05 are incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 494.0029(1)(d), 494.0031, 494.0061, 494.0062, 494.0065 FS. History—New 1-10-93, Amended 5-14-95, 9-3-95, 12-12-99, 11-1-00, Formerly 3D-40.099, Amended _____.

69V-40.100 Application Procedure for Transfer Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person who seeks to obtain a controlling ownership or voting interest in a mortgage lender licensed pursuant to the saving clause shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed ~~application form~~ Application for Mortgage Brokerage Business and Lender License Change in Ownership or Control of Saving Clause Mortgage Lender, Form OFR-494-01 MLST, revised 9/02, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) A nonrefundable application fee of \$500, which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, then an audited statement from the previous fiscal year end is acceptable.

(d) Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.~~ Each mortgage lender applicant pursuant to the saving clause transfer shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, the chief executive officer and each director, control person, member, partner, or joint venturer of an entity applying for licensure as a mortgage lender licensed pursuant to the savings clause, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, Form OFR-ML-BIO-1 (revised 10/99); to the Office of Financial Regulation along with a

~~§42.25~~ ~~§23~~ nonrefundable processing fee. ~~Form ML-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(a) Any entity that is a wholly owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).~~

~~(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.~~

~~(a)(e) If the individual owner, director, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, principal representative, control person, member, partner, or joint venturer or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, he or she is exempt from the provisions of subsection (2).~~

~~(b)(d) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25 50% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.~~

~~(c)(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.~~

~~(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond to the request within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to subsection 120.60(1), F.S.~~

~~(4) Amendments to Pending of Applications. If the information contained in any application for a license for a Saving Clause Mortgage Lender or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-01. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office. The Office will grant permission to amend the application, unless the~~

amendment constitutes a material change to the application Requests to make changes which are material to the application will be deemed by the Office to be grounds for denial and a new application, accompanied by the appropriate filing fees, will be required. Material changes include:

1. A change to a response to the disclosure questions listed in section 8 on Form OFR-494-01.

2. A change to disclosure questions listed in section 3 on the biographical summary on Form OFR-494-01.

3. The substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, a joint venturer, or principal representative.

4. A change to the applicant's net worth.

~~(a) An applicant shall notify the Office of Financial Regulation within ten (10) days of the occurrence of any change in the information reported on the application.~~

~~(b) An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within (30) days from its receipt for filing. Otherwise the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.~~

~~(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.~~

~~(6) Refunds. If the application is withdrawn or denied, all the application fees are is nonrefundable.~~

~~(7) Upon approval of an application, a letter informing the applicant of the Office of Financial Regulation's intent to approve the application will be sent to the applicant's mailing address as indicated on the application. Upon the Office of Financial Regulation's receipt of the original MLS license issued to the former owners, notification that the change in ownership or control has been finalized and the effective date of closing, a license will be issued effective, the later of the date of closing or the date of notice of intent to approve, for the remainder of the biennial licensure period. Failure to respond to the Office of Financial Regulation's notice of intent to approve within thirty (30) days of the date of that letter will result in the application being withdrawn.~~

~~(7) Form OFR-494-01 and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

Specific Authority 494.0011(2), ~~494.0061(3), (8), (10), 494.0065(3), FS. Law Implemented 120.60, 494.001(30)(29), 494.0061(1), (3), (8), 494.0065, 494.0067(3), (4) FS. History—New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.100, Amended~~.

69V-40.105 Branch Office License for ~~Transfer Change~~ in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person applying for a ~~transfer change~~ in ownership or control of a saving clause mortgage lender, who also wishes to operate branch offices of that saving clause mortgage lender shall apply to the Office of Financial Regulation for a license to operate each branch office by submitting the following:

(a) ~~A completed Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License. Form OFR-494-02 ML-222B, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(b) The statutory, nonrefundable license fee required by Section 494.0066, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. 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 to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) ~~Amendments to Pending of Applications. If the information contained in any application for a license for a branch office of a Savings Clause Mortgage Lender or any amendment thereto, becomes inaccurate for any reason, the application shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-02. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within (30) days from receipt of the application by the Office its receipt for filing. Otherwise the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of~~

~~Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.~~

(5) ~~Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.~~

(6) through (7) No change.

(8) ~~Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

Specific Authority 494.0011(2) FS. Law Implemented 494.0065, 494.0066 FS. History—New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, Formerly 3D-40.105, Amended.

69V-40.160 Principal Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the principal broker and the individual designated shall accept responsibility by completing the Principal Broker/Representative Designation section of Form OFR-494-01MB-PB, effective 10/91, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) Upon any change of principal broker, the licensee and the newly designated principal broker shall amend complete the Principal Broker/Representative Designation section of Form OFR-494-01MB-PB pursuant to subsection 69V-40.099(1), F.A.C. Form OFR-494-01MB-PB shall be maintained at the principal office of the mortgage brokerage business, and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to the Office of Financial Regulation's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation. Anyone being designated as a principal broker on or after October 1, 2001, must have been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., for at least one year, or has demonstrated to the satisfaction of the Office of Financial Regulation that the designated principal broker has been actively engaged in a mortgage-related business for at least one year, as defined in Rule 69V-40.051, F.A.C.

(3) The penalty for failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01MB-PB shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01MB-PB is intentional, the penalty shall be a fine of \$5,000.

(4) Each ~~licensee principal broker~~ shall notify the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375 in writing, within thirty (30) days, of the termination or resignation of a principal broker status.

(5) ~~Form OFR-494-01 is incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

Specific Authority 494.0011(2), 494.0035 FS. Law Implemented 120.695, 494.0011(2), 494.0016, 494.0035, 494.0041(1)(e) FS. History--New 10-7-91, Amended 7-25-96, 12-12-99, 12-9-01, Formerly 3D-40.160, Amended.

69V-40.165 Branch Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the branch broker of the branch office, and the individual shall accept such responsibility by completing the Branch Broker/Employee in Charge Designation, section of Form OFR-494-02 MB-BB (effective 10/91), ~~which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) Upon any change of Branch Broker, the licensee and the newly designated branch broker shall complete the Branch Broker/Employee in Charge Designation, section of Form OFR-494-02 MB-BB pursuant to subsection 69V-40.099(1), F.A.C. Form OFR-494-02 MB-BB shall be maintained at the applicable branch office of the mortgage brokerage business; and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to the Office of Financial Regulation's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.

(3) The penalty for failure to maintain Form OFR-494-02 MB-BB shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation OFR-494-02 MB-BB is intentional, the penalty shall be a fine of \$5,000.

(4) Each ~~licensee branch broker~~ shall notify the Office of Financial Regulation in writing, within thirty (30) days, of termination or resignation of a branch broker status.

(5) ~~Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

Specific Authority 494.0011(2), 494.0035(2) FS. Law Implemented 120.695, 494.0011(2), 494.0016, 494.0035(2), 494.0041(1)(e) FS. History--New 10-7-91, Amended 7-25-96, 12-12-99, 12-9-01, Formerly 3D-40.165, Amended.

69V-40.200 Application Procedure for Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a mortgage lender shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Brokerage Business and Licensure as a Mortgage Lender License, Form OFR-494-01 ML-222, revised 09/02, ~~which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) The statutory, nonrefundable fee required by Section 494.0061, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$250,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form OFR-494-05 ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, ~~which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(e) Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24 hour classroom education and testing requirements of this section.~~ Each mortgage lender applicant shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, the chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from; Form OFR-494-01 ML-BIO-1 (revised 10/99), to the Office of Financial Regulation along with a \$42.25 23 nonrefundable processing fee. ~~Form OFR-ML-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(a) Any entity that is a wholly owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).~~

~~(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.~~

~~(a)(e) If any ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, or the individual owner, director of the applicant, or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).~~

~~(b)(d) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25 50% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.~~

~~(c)(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.~~

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond to the request within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to subsection 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in an Application for Licensure as a Mortgage Lender or in any amendment thereto becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall file an amendment be responsible for correcting the inaccurate such information within thirty ten (30) (10) days of the change on Form OFR-494-01ML-222 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application. Requests to make changes which are

material to the application will or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, will may be required. Material changes include:

1. A change to a response to the disclosure questions listed in section 8 on Form OFR-494-01.

2. A change to disclosure questions listed in section 3 on the biographical summary on Form OFR-494-01.

3. The substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, a joint venturer, or principal representative.

4. A change to the applicant's net worth.

5. Any change relating to the surety bond.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

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

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

~~(8) Restoration of Civil Rights:~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

~~(8) Form OFR-494-01, Form 494-05, and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

Specific Authority 215.405, 494.0011(2), 494.0061(3), (8), (10) FS. Law Implemented 120.60, 494.001(29), 494.0061, 494.0067(4) FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.200, Amended _____.

69V-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a correspondent mortgage lender shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Brokerage Business and Licensure as a Correspondent Mortgage Lender License, Form OFR-494-01CL-333, revised 09/02, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) The statutory, nonrefundable fee required by Section 494.0062, F.S., which shall be the fee for the biennial period beginning September 1 of each even numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form OFR-494-05 ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(e) Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.~~ Each correspondent mortgage lender applicant shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, each the chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary ~~from~~ Form OFR-494-01CL-BIO-1 (revised 10/99), to the Office of Financial Regulation along with a \$42.25 23 nonrefundable processing fee. ~~Form OFR-CL-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(a) Any entity that is a wholly owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).~~

~~(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.~~

~~(a)(e) If the individual principal representative, owner, director, or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).~~

~~(b)(d) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 2550% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.~~

~~(c)(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.~~

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to subsection 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in an Application for Licensure as a Correspondent Mortgage Lender or in any amendment thereto, becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall file an amendment be responsible for correcting the inaccurate such information within thirty (30) ten (10) days of the change on Form OFR-494-01 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application Requests to make changes which are material to the application will or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the

Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, will ~~may~~ be required. Material changes include:

1. A change to a response to the disclosure questions listed in section 8 on Form OFR-494-01.

2. A change to disclosure questions listed in section 3 on the biographical summary on Form OFR-494-01.

3. The substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, a joint venturer, or principal representative.

4. A change to the applicant's net worth.

5. Any change relating to the surety bond.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

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

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

~~(8) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(8) Form OFR-494-01, Form OFR-494-05, Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 215.405, 494.0011(2), 494.0062(3), (8), (11), (13) FS. Law Implemented 494.0062, 494.0067(4) FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.220, Amended _____.

69V-40.240 Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office License.

(1) Every mortgage lender or correspondent mortgage lender which conducts mortgage lending business in this state from a branch office shall apply to the Office of Financial Regulation for a license to operate a branch office by submitting the following:

(a) ~~A completed Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License, Form OFR-494-02ML-222B, revised 10/99, which is~~

~~hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) The statutory, nonrefundable license fee required by Section 494.0066, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. 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 to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in an Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License or in any amendment thereto, becomes inaccurate for any reason ~~before the applicant becomes licensed~~, the applicant shall file an amendment ~~be responsible for correcting the inaccurate~~ such information within thirty (30) ten (10) days of the change on Form OFR-494-02 occurring ~~by following the procedures set forth in this subsection.~~ An applicant may amend the application as to those factors ~~generally within the control or selection of the applicant~~ once, as a matter of course, at any time within thirty (30) days from its receipt for filing. Otherwise the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received ~~may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.~~

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) through (7) No change.

(8) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 494.0066 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 8-22-99, 12-12-99, Formerly 3D-40.240, Amended _____.

69V-40.242 Principal Representative.

(1) ~~Effective October 1, 2001, each~~ Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall designate a principal representative who operates and exercises control over the business and the individual so designated shall accept responsibility by completing the Principal Broker/Representative Designation section of; Form OFR-494-01~~ML/CL-PR, revised 09/02,~~ which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall maintain ~~the a~~ Principal Broker/Representative Designation section of Form; OFR-494-01~~ML/CL-PR, revised 09/02,~~ which includes a statement notifying the licensee that the principal representative is required by statute to operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(3) Upon any change of principal representative, the licensee and the newly designated principal representative shall amend complete the Principal Broker/Representative Designation section of; Form OFR-494-01~~ML/CL-PR, revised 09/02~~ pursuant to subsection 69V-40.099(1), F.A.C. Form OFR-494-01~~ML/CL-PR, revised 09/02,~~ shall be maintained at the principal office of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the saving clause, ~~and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to the Office of Financial Regulation's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.~~

(4) ~~Anyone being designated as a principal representative or any change in the principal representative after October 1, 2001, must submit evidence that he or she was originally licensed as a mortgage broker pursuant to Section 494.0033, F.S., on or after July 1, 1992, or has completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and has passed a written test in accordance with Rule 69V-40.025, F.A.C.~~

(4)(5) The penalty for failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01~~ML/CL-PR~~ shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01~~ML/CL-PR~~ is intentional, the penalty shall be a fine of \$5,000.

(5)(6) Each licensee principal representative shall notify the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375 in writing, within thirty (30) days, of the termination or resignation of its his or her principal representative ~~status~~.

(6) Form OFR-494-01 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0016(4), 494.0061(1), (3), (8), 494.0062(3), (11) FS. Law Implemented 120.60, 120.695, 494.001(31), ~~494.001(29),~~ 494.0016(1), 494.0061, 494.0062, 494.0067, 494.0072 FS. History--New 1-27-02, Amended 12-8-02, Formerly 3D-40.242, ~~Amended~~.

Section IV Emergency Rules

DEPARTMENT OF REVENUE

Miscellaneous Tax

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 12BER07-11 | Scope; Definitions; Index Price |
| 12BER07-12 | Imposition of the Gross Receipts Tax |
| 12BER07-13 | Registration for Gross Receipts Tax Purposes |
| 12BER07-14 | 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 Chapters 2005-148 and 2007-60, 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. Rule development workshops were held on November 16, 2005, and March 15, 2007, 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 12BER07-11 (Scope; Definitions; Index Price): (1) provides that Emergency Rules 12BER07-11 through 12BER07-14, 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 12BER07-11 through 12BER07-14; (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; (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; and (6) provides when the calculation of the tax 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.

Emergency Rule 12BER07-12 (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 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) that the gross receipts tax applies 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 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 are not subject to tax; (15) that

separately itemized charges for gross receipts tax on a customer's bill, invoice, statement, or other evidence of sale are a part of the gross receipts of a distribution company; (16) for the imposition of use tax on natural or manufactured gas imported into Florida for which the Florida gross receipts tax has not been paid; (17) the documentation requirements, including a suggested resale certificate for tax-exempt sales of utility services for purposes of resale; and (18) recordkeeping requirements for taxpayers who sell or deliver utility services.

Emergency Rule 12BER07-13. (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) how to register with the Department.

Emergency Rule 12BER07-14 (Payment of Gross Receipts Tax; Reports), provides: (1) how to report and remit to the Department the gross receipts tax imposed on utility services; (2) 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; (3) adopt, by reference, Form DR-133, Gross Receipts Tax Return; and (4) 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 RULES 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 RULES IS:

12BER07-11 Scope; Definitions; Index Price.

(1) SCOPE. Emergency Rules 12BER07-11 through 12BER07-14, 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 12BER07-11 through 12BER07-14, 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 12BER07-11 through 12BER07-14:

(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.S

(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, 2007, through June 30, 2008, have been announced by the Department in Tax Information Publication 07B06-01 and apply to any bill dated on or after July 1, 2007, until the new index prices become effective on July 1, 2008.

(b) The electricity index prices 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, 2008.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 203.012 FS. History--New 1-1-08.

12BER07-12 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: $(\text{number of cubic feet of gas sold or transported}) \div 1,000 \times (\text{the applicable gas index price}) \times (2.5 \text{ percent})$.

(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, certifying the purchaser's entitlement to the exclusion permitted by this paragraph, relieves the seller or person providing transportation or delivery from the responsibility of remitting tax on the nontaxable amounts. 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);

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.
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.

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;

3. The use of natural gas or manufactured gas by a public or private utility as fuel in the generation of electricity; or

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.

(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, 2008.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 203.012, 213.37 FS. History—New 1-1-08.

12BER07-13 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; or

(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 forms from the Department's Internet site at www.myflorida.com/dor; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; 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 or (850)922-1115.

This rule shall take effect on January 1, 2008.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01 FS. History—New 1-1-08.

12BER07-14 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 20th 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 20th 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 20th 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 20th 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. 07/07, 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) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; 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 or (850)922-1115.

(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 20th day of the month following the authorized reporting period and becomes delinquent on the next succeeding day that is not a Saturday, a Sunday, or a legal holiday.

(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 12BER07-12, 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 taxpayer's return in accordance with the timing provisions of Section 215.26(2), F.S.

3. Instead of taking 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 taxpayer'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, 2008.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 203.06, 213.235(1), (2), (3), 213.37, 213.755, 215.26 FS. History--New 1-1-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 17, 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."

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on December 13, 2007, the Agency for Health Care Administration has issued an order.

The Agency for Health Care Administration has issued a Final Order Partially Granting and Partially Denying JSA's Petition for Variance from Rule 59A-33.013, F.A.C.

The Order concerned the Petition for Waiver or Variance, filed on September 28, 2007, by JSA Healthcare Corporation. The Notice of Petition for Waiver or Variance was published on pp. 4820 of Vol. 33, No. 41, of the October 12, 2007, F.A.W. Petitioner sought a permanent variance from Rule 59A-33.013, F.A.C., entitled "Medical and Clinic Directorships Maximum Number of Clinics," which states that a medical or clinic director may serve in that capacity for no more than 5 licensed health care clinics. The petition sought a permanent waiver and permission to have one medical director serve in that capacity for a maximum of 15 licensed health care clinics operated by the petitioner. The Agency received favorable comments concerning the granting of the petition from the Florida Chapter of the American College of Physicians (FACP) and Florida Academy of Family Physicians (FAFP) through their attorney.

The Agency considered the Petition, the public comments and the petitioner's answers to the Agency's omission and clarification questions without hearing and granted the petitioner a renewable 3 year partial variance of the 5 clinic rule limitation to 7 clinics per medical director for each medical director engaged by the petitioner. The variance was further conditioned upon specific reasons put forth in the petition for the granting of the variance. The petition established that compliance with Rule 59A-33.013, F.A.C., would be a substantial hardship on the petitioner in its

particular circumstances. The petitioner did not claim that compliance with the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Bell, Unit Manager, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #53, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on December 11, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Bravisimo Restaurant located in Orlando. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 11, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Oceanway Crab House located in Jacksonville. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 13, 2007, the Florida Department of Business and Professional Regulation, 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 Caribbean Essence located in 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 for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 14, 2007, the Florida Department of Business and Professional Regulation, 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 Jett Catering located in Clearwater. 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 for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 4, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on November 19, 2007, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from China Crossings located in St. Petersburg. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (20) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 4, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on November 28, 2007, for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Elba Gonzalez Mobile Food Dispensing Vehicle located in Apopka. 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.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 4, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on November 27, 2007, for an Emergency Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from El Potro Catering, Inc. located in 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.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval

is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 4, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on November 16, 2007, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Mi Lindo Ecuador located in Doral. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of forty (40).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (40) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 4, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on November 16, 2007, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Roma Organic Gelato located in Miami. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees, and shall be located on the same floor of the premises served. They are requesting a variance to use bathroom facilities on the second floor of the mall.

This variance request was approved and is contingent upon Petitioner notifying guests to the location of bathroom facilities by directional signage, the bathrooms upstairs will have hot and cold running water at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands, and be accessible during all hours of operation. Petitioner will have no seats in the establishment for dining. Handwashing procedures for employees are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001 Food Code Section 2-301.14. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 6, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on November 9, 2007, for an Emergency Variance for subsection 61C-4.010(5), Florida Administrative Code, from Coffee Shop in Embassy Suites Hotel located in Jacksonville. The above referenced F.A.C. refers to Chapter four in the 2001 Federal Food and Drug Administration (FDA) Food Code. The chapters in the 2001 FDA Food Code refer to warewashing equipment in food service establishments. The Petitioner is requesting to share warewashing facilities and service sink equipment with a licensed food service establishment on the same premises.

This variance request was approved and is contingent upon the Petitioner ensuring a sufficient number of three-compartment sinks or mechanical warewashing machines for washing, rinsing, and sanitizing equipment and utensils for Coffee Shop in Embassy Suites Hotel and the licensed bar. Handwashing procedures are to be strictly adhered to as specified in the

Federal Food and Drug Administration 2001 Food Code Section 2-301.14. If the menu changes or expands in any manner or operating hours or accessibility for the licensed bar changes, this variance request will be re-evaluated. All provisos shall be met prior to final licensing. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 6, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on December 3, 2007, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from D'Lites Emporium located in The Villages. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (20) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 6, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on November 27, 2007, for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Jett Catering located in Clearwater. 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.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 6, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on November 15, 2007, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Juice and Java located in Boca Raton. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (20) which includes inside

and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 10, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on November 28, 2007, for subsection 61C-1.004(1), Florida Administrative Code, from Naples Bay Resort Yacht Club located in Naples. The above referenced F.A.C. refers to Chapter five in the 2001 Federal Food and Drug Administration (FDA) Food Code and service sink equipment in food service establishments. The Petitioner is requesting to share service sink equipment with a licensed food service establishment on the same premises.

This variance request was approved and is contingent upon the Petitioner ensuring a sufficient number of mopsinks for cleaning for Naples Bay Resort Yacht Club and the licensed main kitchen. The mopsink(s) must be available during all hours of operation. All provisos shall be met prior to final licensing. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 10, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on December 6, 2007, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Rick's Diner located in Port St. Lucie. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees... They are requesting a variance to use centrally located bathroom facilities.

This variance request was approved December 10, 2007, and is contingent upon the Petitioner ensuring the centrally located bathrooms are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. Seating shall not exceed forty-nine (49) which includes inside and outside seating. All provisos shall be met prior to

licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on November 21, 2007, the Board of Construction Industry Licensing, received a petition for a waiver or variance, filed by Daniel A. Mowrey, LLC. on behalf of Carl Martin Kinsey, with respect to the prior ruling by the Board of Section 112.011(1), F.S. denying licensure due to a felony conviction and civil rights having not been restored. Comments on this petition should be filed with Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750

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 December 12, 2007, the Department of Environmental Protection Northwest District, received a petition for a permanent waiver from International Paper Company, from subparagraphs 62-660.300(1)(a), (3) and (4), F.A.C., which prohibits use of recreational waters and prohibits public access to waters under consideration for use of an experimental use of wetlands for low energy water and wastewater recycling. The petitioner requests in the waiver that Tee and Wicker Lakes and the channels connecting them to Perdido Bay and Elevenmile Creek which are used for recreation be allowed to be used and that public access not be restricted from these waters for an experimental use of wetlands for low energy water and wastewater recycling. The petition has been assigned OGC File #07-2621. Public comment must be received by the person below no later than 14 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bill Evans, Department of Environmental Protection, Northwest District, 160 Governmental Center, Pensacola, FL 32502-5794, (850)595-8300, ext 1168, bill.evans@dep.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 12, 2007, the Florida Department of Environmental Protection, received a petition for a variance under Section 120.542, Florida Statutes, from the requirement that new above ground storage tanks be installed with an impervious dike field area under subparagraph 62-762.501(2)(c)1., Florida Administrative Code, from TransMontaigne Limited Partners for their facility at 1523 Port Avenue, Tampa, Florida. Petitioner requests to install overfill retention and tank shell monitoring systems in place of the impervious dike field areas on four new above ground storage tanks. The petition has been assigned OGC# 07-2643.

A copy of the Petition for Variance or Waiver may be obtained by contacting: John Svec, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 4525, Tallahassee, Florida 32399-2400, (850)245-8845, e-mail john.svec@dep.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on November 30, 2007, the Department of Environmental Protection has issued an order.

The order was for an emergency temporary variance for the Department of Transportation (DOT) to exceed the iron standard in Rule 62-520.420, F.A.C., for its dewatering project associated with the Miami Intermodal Center at the Miami International Airport. The notice of receipt was published on November 21, 2007, and a corrected notice of receipt is published in this edition. DOT demonstrated that an emergency variance was appropriate because of the magnitude of the costs involving project construction delays if the variance were processed as a non-emergency petition. Substantial hardship was demonstrated by DOT because of the high cost of treatment to meet the iron standard, a non-health based standard. An alternate iron level is established in the order to be protective of public health, with ground water monitoring.

A copy of the Order may be obtained by contacting: Donnie McClaugherty, DEP, 2600 Blair Stone Rd., MS 3530, Tallahassee, FL 32399-2400, (850)245-8645.

NOTICE IS HEREBY GIVEN THAT on November 2, 2007, the Department of Environmental Protection, received a petition for an emergency temporary variance from the Department of Transportation (DOT) from the ground water standard for iron in Rule 62-520.420, F.A.C. The rule requires discharges to meet all of the ground water standards, and DOT petitioned to allow an exceedance of the iron standard for the dewatering project associated with construction of the Miami Intermodal Center at the Miami International Airport. The petition was assigned OGC File number 07-2022. This is a corrected notice of receipt and the original notice was published herein on November 21, 2007. If any person wishes

to submit public comments on this petition, the comments must be submitted to the person listed below within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Donnie McClaugherty, DEP 2600 Blair Stone Rd., MS 3530, Tallahassee, FL 32399-2400, (850)245-8645.

NOTICE IS HEREBY GIVEN THAT on February 15, 2006, the Bureau of Beaches and Coastal Systems, received a petition for variance (File No. 0128852-026-EV) to U.S. Army Corps of Engineers, Mobile District, and the Bay County Tourist Development Council, from paragraph 62-4.244(5)(c), Florida Administrative Code (F.A.C.), to allow a temporary mixing zone of 1,000 meters from the limits of Borrow Areas 5c and 11, which are within an area of Class III Waters of the Gulf of Mexico, and from Rule 62-302.700, F.A.C., to establish a maximum allowable turbidity level of 2 NTUs above background for work within the St. Andrews Bay Aquatic Preserve. The variance is associated with the Bay County Beach Restoration project (File No. 0128852-001-JC). The activity is located in Bay County, Sections 21, 22, 23, Township 4 South, Range 15 West, Gulf of Mexico Class III Waters, St. Andrews Aquatic Preserve, and Outstanding Florida Waters. A person whose substantial interests are affected by the Department's proposed action may petition for an administrative hearing in accordance with sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the variance or even a denial of the application. Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)1., F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

In accordance with Rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice

of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399 3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Matthew Mask, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201, (850)414-7731 or by e-mail at matthew.mask@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on November 1, 2007, the Board of Massage Therapy, received a petition for Declaratory Statement filed by Bunnell, Woulfe, Kirschbaum, Keller, McIntyre, Gregoire & Klien. The petition seeks the Board's interpretation of Section 480.033(3), Florida Statutes, and whether Muscle Activation Techniques (MAT) falls within the definition and scope of massage therapy, or if it is in fact separate and distinct from massage therapy for licensing purposes.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

NOTICE OF WITHDRAWAL

Notice is hereby given that the Petition for Waiver and/or Variance filed by Lisa Francis-Smith, on October 30, 2007, seeking a waiver or variance from subsection 64B8-30.003(2), F.A.C., has been withdrawn. The Notice was published in Vol. 33, No. 45, of the November 9, 2007, F.A.W.

The person to be contacted with regard to this notice is: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on December 13, 2007, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Hector R. Colon-Colon, M.D., on October 31, 2007, seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to the requirement for official transcripts from Petitioner's medical school. The Notice was published in Vol. 33, No. 45, of the F.A.W., on November 9, 2007. The Credentials Committee, at its meeting held on November 29, 2007, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on December 1, 2007, accepted the Committee's recommendation and voted to grant the Petition

for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that Petitioner has met the purpose of the underlying statute.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on December 13, 2007, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed on behalf of Gerald Pierre, M.D., on October 25, 2007, seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the requirement for the passing score on the FLEX examination to be obtained in one administration of the examination. The Notice was published in Vol. 33, No. 45, of the F.A.W., on November 9, 2007. The Credentials Committee, at its meeting held on November 29, 2007, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on December 1, 2007, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that Petitioner has met the purpose of the underlying statute.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on December 14, 2007, the Board of Medicine, Council on Physician Assistants has issued an order.

The Petition for Waiver and/or Variance was filed by Lisa Celeste Abchee, on November 6, 2007, seeking a waiver or variance from subsection 64B8-30.003(1), F.A.C., with regard to the requirement for letters of recommendation for physician assistant applicants. The Notice was published in Vol. 33, No. 46, of the F.A.W., on November 16, 2007. The Physician Assistant Council, at its meeting held on November 29, 2007, granted the request for waiver or variance, finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that Petitioner has met the purpose of the underlying statute.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE OF WITHDRAWAL

The Board of Psychology hereby gives that the petition filed by Delight Thompson, Ph.D., on September 7, 2007, seeking a variance or waiver from subparagraph 64B19-11.005(2)(c)3.,

F.A.C., has been withdrawn. The Notice of Petition published in Vol. 33, No. 38 of the September 21, 2007 issue of the F.A.W.

The person to be contacted regarding this petition is: Susan Love, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT on December 5, 2007, the Florida Department of Health, Bureau of Emergency Medical Services, received a petition for Variance or Waiver from Peter Gianas, MD.

Nature of Rule: Requires a medical director shall be board certified and active in a broad-based clinical medical specialty with demonstrated experience in prehospital care and hold an ACLS certificate or equivalent as determined in Section 64E-2.032, F.A.C. Prehospital care experience shall be documented by the provider.

All comments and requests for copies of the petitions must be received in writing by January 11, 2008.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

NOTICE IS HEREBY GIVEN THAT on December 13, 2007, the Department of Health, received a petition for a Petition for Variance from subparagraphs 64E-13.004(6)(a)1. and 5., Florida Administrative Code, from Charlotte Academy, located at 365 Orlando Blvd., Port Charlotte, Florida. This rule requires schools to have toilet and handwashing facilities for preschool grades through grade three located within or adjoining their classrooms. In addition, this rule requires group toilet rooms to have a floor drain and hose bib. The Charlotte Academy is a private school which has built a new building that does not meet the standards in Chapter 64E-13, F.A.C., in Port Charlotte, Florida. Comments on this petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida, 32399-1703, within 14 days of this notice.

A copy of the Petition may be obtained from: Lucy Schneider, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida, 32399-1703 or by calling (850)245-4024.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on November 15, 2007, the Department of Children and Family Services, received a petition for Waiver of subsection Rule 65C-15.010, F.A.C. The petition was received by Caring Heart Adoption Services, Inc., assigned Case No. 07-017W. Subsection 65C-15.010, F.A.C.

states that an agency shall have its financial records audited annually and a report of this audit shall be available to the Department at the licensed location during normal business hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk Office, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on December 3, 2007, the Department of Children and Family Services has issued an order.

On September 10, 2007, Petitioner Tania Armenta, assigned Case No. 07-017W, filed a request for waiver of subsection 65C-15.017(3), F.A.C. Subsection 65C-15.017(3), F.A.C., states staff of a licensed child-placing agency responsible for performing casework services possess at least a bachelor's degree in social work or a related field. Petitioner's request for waiver of subsection 65C-15.017(3), F.A.C. is denied. Petitioner has not demonstrated that she possess the requisite knowledge, skills and abilities of a fully qualified caseworker, given her lack of an appropriate degree.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2 Room, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on December 3, 2007, the The Department of Children and Family Services has issued an order.

On September 7, 2007, Petitioner (Victoria Gonzalez) assigned Case No. 07-015W, filed an amended petition for a waiver of subsection 65C-15.017(2), F.A.C., that supervisory staff in a licensed child-placing agency possess either a master degree in social work or a related field plus two years of relevant experience, or a bachelor's degree in social work or a related filed plus four years of related experience.

The documentation that was presented by petitioner demonstrates that she possess the knowledge, skills and abilities that the subject rule is intended to address.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-2949.

NOTICE IS HEREBY GIVEN that on December 3, 2007, the Department of Children and Family Services has issued an order.

On September 10, 2007, Petitioners, CDS Family and Behavioral Health Services, Inc., and Sabriena Williams, assigned Case NO. 07-018W, filed a request for waiver of subsection 65C-14.055(3), F.A.C., relating to staff qualifications requirements for direct counseling staff in a

licensed child-caring agency. The rule requires such staff to have a master's degree in social work, counseling, or a related field of study.

Petitioner has completed the coursework component of a masters degree that would satisfy the rule requirement and has received the classroom instruction the rule requires. Petitioner's request for waiver of subsection 65C-14.055(3), F.A.C. is granted.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on December 7, 2007, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: 350 NW LLC

DATE PETITION WAS FILED: September 25, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsections 67-48.002(3), (32), 67-48.010(5) and 67-48.0072(10), Florida Administrative Code.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION:

F.A.W., October 5, 2007, Vol. 33, No. 40

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE FOR THE VARIANCE OR WAIVER:

December 7, 2007

THE GENERAL BASIS FOR THE DECISION: The Petitioner, 350 NW LLC, withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. or the order may be viewed online at floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 7, 2007, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Frenchtown Community Development Corporation

DATE PETITION WAS FILED: September 25, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 67-38.002, 67-38.007, Florida Administrative Code.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., October 5, 2007, Vol. 33, No. 40.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE FOR THE VARIANCE OR WAIVER: December 7, 2007

THE GENERAL BASIS FOR THE DECISION: The Petitioner, Frenchtown Community Development Corporation, withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. or the order may be viewed online at floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 7, 2007, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
NAME OF THE PETITIONER: Housing and Education Alliance

DATE PETITION WAS FILED: November 5, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-38.0026(4)(a), Florida Administrative Code (2005) and Section 111(B) of the 2005 PLP Application

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., November 16, 2007, Vol. 33, No. 46

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 7, 2007

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. or the order may be viewed online at floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 7, 2007, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
NAME OF THE PETITIONER: Harding Village, Ltd.

DATE PETITION WAS FILED: November 6, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-48.004(14), Florida Administrative Code (2003)

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., November 16, 2007, Vol. 33, No. 46

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 7, 2007

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. or the order may be viewed online at floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 7, 2007, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
NAME OF THE PETITIONER: McCurdy Center, Ltd.

DATE PETITION WAS FILED: November 6, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-48.004(14), paragraph 67-48.004(1)(a), and Part II.A.2.A.(1) and (2) of the 2005 Instructions, Florida Administrative Code (2006)

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., November 16, 2007, Vol. 33, No. 46

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 7, 2007

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. or the order may be viewed online at floridahousing.org.

NOTICE IS HEREBY GIVEN that on December 7, 2007, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
NAME OF THE PETITIONER: Silurian Pond, Ltd.

DATE PETITION WAS FILED: November 8, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraphs 67ER06-27.003(14)(e) and 67-21.003(14)(e), Florida Administrative Code (2006)

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., November 21, 2007, Vol. 33, No. 47

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 7, 2007

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. or the order may be viewed online at floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 7, 2007, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
NAME OF THE PETITIONER: Spanish Trace, Ltd.

DATE PETITION WAS FILED: September 25, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-21.008(1)(b), Florida Administrative Code (2005)

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., October 12, 2007, 2007, Vol. 33, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 7, 2007

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. or the order may be viewed online at floridahousing.org.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue

Department of Education
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection
DATE AND TIME: January 15, 2008, 9:00 a.m.
PLACE: Cabinet Meeting Room, Lower Level, The Capitol,
Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative

procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 24, 2008, 6:00 p.m.

PLACE: Mission San Luis, Archaeology Lab, 2021 W. Mission Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will include fundraising and endowment activities, upcoming special events and other board business.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

If you have questions or would like a copy of the agenda, please feel free to contact Ms. Nicole Belanger at (850)487-1666.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs, Council on the Social Status of Black Men and Boys** announces the following Council telephone conference meeting which all persons are invited to attend.

DATE AND TIME: January 7, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 8733623109

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by contacting Michael Coard via telephone at (850)414-3300 or via email at Michael.Coard@myfloridalegal.com.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact the Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Agricultural Horse Park and Agricultural Center Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2008, 5:30 p.m.

PLACE: Wachovia Bank, 2001 Southwest 17th Street Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the planning, construction and operation of the Florida Horse Park and to elect officers for 2008.

A copy of the agenda may be obtained by contacting Richard Gunnels at (850)488-3022.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NOTICE OF CHANGE – The Consumer Fertilizer Task Force announces a public meeting to which all persons are invited.

DATES AND TIMES: January 10, 2008, 1:00 p.m. – 5:00 p.m.; January 11, 2008, 8:00 a.m. – 5:00 p.m.

PLACE: Homewood Suites Tallahassee, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting was originally published in Vol. 33, No. 50, December 14, 2007 of the F.A.W. Please note that an additional meeting day has been added and the meeting place has changed.

A copy of the agenda may be obtained by contacting: Mr. Anderson H. "Andy" Rackley, 3125 Conner Blvd., Tallahassee, Florida.

The **Pest Control Enforcement Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 15, 2008, 9:00 a.m.

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Room 185, Apopka, Florida, (407)884-2034.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This meeting has been cancelled.
evard, Suite F, Tallahassee, Florida 32399, (850)488-3731.

The Florida **Citrus Production Research Advisory Council** announces a public meeting to which all persons are invited.
DATE AND TIME: Wednesday, January 9, 2008, 2:30 p.m.
PLACE: Sebring Agri-Civic Center, 4509 George Blvd., Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General meeting to discuss council issues, and meet with Dr. Steven Lindow.

For more information, you may contact Marshall Wiseheart at (850)488-4366, if you need special accommodations due to disability or for directions.

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2008, 8:30 a.m.
PLACE: Mid-Florida Research & Education Center, 2725 S. Binion Road, Room 185, Apopka, Florida 32703

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Organizational meeting of the Consumer Fireworks Task Force.

A copy of the agenda may be obtained by contacting: Jeff Vowell, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399, (850)414-0843.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Jeff Vowell, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399, (850)414-0843. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jeff Vowell, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399, (850)414-0843.

The **Forestry Arson Alert Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 25, 2008, 12:00 Noon – 3:00 p.m.

PLACE: Prime Osborn Convention Center, Fire Rescue East, Jacksonville Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to consider the following agenda items:

- 1) Arson Rewards;
- 2) Budget;
- 3) Prevention Items;
- 4) New Business.

A copy of the agenda may be obtained by contacting: Mr. Mike Long, Division of Forestry, 3125 Conner Blvd, Tallahassee FL 32399-1650.

DEPARTMENT OF EDUCATION

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, January 19, 2008, 9:00 a.m.

PLACE: Center for Leadership and Development, Moore Hall, FSDB campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2000.

Pursuant to the provisions of 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: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2000. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATE AND TIME: January 16, 2008, 9:00 a.m.

PLACE: Holiday Inn Hotel & Suites, 5905 S. Kirkman Road, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission for Independent Education will consider: All Degree Granting Institutions and Non-Degree granting institutions on January 16, 2008 for the following: Disciplinary Matters, Informal Hearings, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, Institutional Applications for Program Modifications and Additional Programs, Application for Annual License, Motions for Extension of License, Motions for Request for Extension of Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent, Licenses Sent, Closed Schools, Agent Training Programs, Annual Renewals, Extension of Annual License, Licenses by

Means of Accreditation, Annual Reviews of License By Means of Accreditation, Substantive Change Applications, Name Change Applications, Attorney and Executive Director Reports, Applications for Exemption for Religious Colleges.

A copy of the agenda may be obtained by contacting: Commission Office, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Area of Critical State concern at (850)488-4925. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Commission Office, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

The **Florida Community College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION

DATE AND TIME: January 8, 2008, 12:00 Noon – 2:00 p.m.
 PLACE: Advanced Technology Center, Room T-140, 401 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mid-Year Review of 2007-08 Priorities.

REGULAR MONTHLY BOARD MEETING

DATE AND TIME: January 8, 2008, 2:00 p.m. – 3:00 p.m.
 PLACE: Donald T. Martin Center for College Services, Boardroom 451, 501 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING

DATE AND TIME: January 8, 2008, 3:00 p.m. – 5:00 p.m.
 PLACE: Donald T. Martin Center for College Services, Room 462, 501 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Wednesday, January 2, 2008, and copies will be provided upon written request and the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with the College President, Florida

Community College at Jacksonville, on or before January 8, 2008. All legal issues should be brought to the College’s attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. Through the months of January and February, 2008, the Board will hold informal meetings each Thursday from 12:00 Noon to 4:00 p.m. at the Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF CHANGE – The Century Commission for a Sustainable Florida announces a public meeting to which all persons are invited.

DATE AND TIME: ** NOTE: Meeting is one day only. ** January 14, 2008, 8:30 a.m. – 4:00 p.m.

PLACE: ** NOTE: Change in Meeting Location ** Room 117, **Knott Building, The Capitol**, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Guest David Walker, Auditor General of the United States of America, will address the Commission. In addition, the Commission will receive a regional visioning update by Dr. Tim Chapin.

Century Commission members will continue to discuss the Commission’s statutory role, including how to address the impacts of population growth during the next 25-50 years.

All information regarding this meeting and the Century Commission may be obtained at the Internet address www.centurycommission.org.

A copy of the agenda may be obtained by calling (850)219-0082, ext. 5, or by visiting the web site.

The **Florida Building Commission**, “the Commission” announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 8, 2008, 10:00 a.m.
 PLACE: 2555 Shumard Oak Boulevard, Room 210L, Tallahassee, Florida 32399-2100, 1(888)808-6959

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the call is to review and decide on proposed settlement agreement for administrative rule challenges to Rule 9B-3.0475 Wind Mitigation Retrofits.

A copy of the agenda may be obtained by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call (850)487-1824.

NOTICE OF CHANGE – The Florida Building Commission, “the Commission” announces a public meeting to which all persons are invited.

DATE AND TIME: January 16, 2008, 9:00 a.m.

PLACE: Notice amended to change the location of the meeting to the DoubleTree Hotel at the Entrance to Universal Orlando, 5780 Major Boulevard, Orlando, Florida 32819, (407)351-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Green Building Workgroup (1) to develop recommendations for a model efficiency ordinance for residential development and (2) to develop recommendations for a public awareness campaign promoting energy efficiency and the benefits of green building.

A copy of the agenda may be obtained by contacting: Mr. Jeff Blair at (850)644-6320, or go to the following web site: <http://consensus.fsu.edu/FBC/GBW.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 10 days before the workshop/meeting by contacting: Ms. JoAnn Stirling, Florida Solar Energy Center, UCF at (321)638-1014 or Ms. Sherri Shields, Florida Solar Energy Center, UCF at (321)638-1019. If you are hearing or

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. JoAnn Stirling, Florida Solar Energy Center, UCF at (321)638-1014 or Ms. Sherri Shields, Florida Solar Energy Center, UCF at (321)638-1019.

The Training Task Force of the **State Emergency Response Commission (SERC)** for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: January 10, 2008, 9:30 a.m.

PLACE: Courtyard by Marriott, 3435 North Atlantic Avenue, Cocoa Beach, Florida 32931

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Training Task Force and other hazardous materials training issues.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Bureau of Preparedness at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Local Emergency Planning Committees Chairpersons and Staff Contacts of the **State Emergency Response Commission (SERC)** for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: January 10, 2008, 1:30 p.m.

PLACE: Courtyard by Marriott, 3435 North Atlantic Avenue, Cocoa Beach, Florida 32931

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency

Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Bureau of Preparedness at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: January 11, 2008, 10:00 a.m.

PLACE: Courtyard by Marriott, 3435 North Atlantic Avenue, Cocoa Beach, Florida 32931

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970, or by website; www.hazmat.floridadisaster.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Bureau of Preparedness at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF TRANSPORTATION

The **Strategic Aggregates Review Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2008, 9:00 p.m. – 5:00 p.m.

PLACE: Embassy Suites Miami International Airport, 3974 N. W. South River Drive, Miami, FL 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Strategic Aggregates Review Task Force, recently formed by the Florida Legislature under CS/HB 985, will hold the second in a series of public meetings to discuss improvements in policy and public investment as it relates to the availability of construction aggregate materials and related mining/land use practices in the State of Florida. Verbal and written comments may be provided at the informational meeting or sent by mail to: Christine McDonald, Public Information Officer, 5007 N. E. 39th Avenue, Gainesville, FL 32609 or via the web at <http://www.dot.state.fl.us/statematerialsoffice/administration/resources/library/issues-trends/aggtaskforce/contactus.html>.

A copy of the agenda may be obtained by contacting: Christine McDonald, Public Information Officer, at (352)955-6624 or by e-mail at christine.mcdonald@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Christine McDonald, Public Information Officer, at (352)955-6624 or by e-mail at christine.mcdonald@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Christine McDonald, Public Information Officer at (352)955-6624 or by e-mail at christine.mcdonald@dot.state.fl.us.

The **Strategic Aggregates Review Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Embassy Suites Miami International Airport, 3974 N. W. South River Drive, Miami, FL 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Strategic Aggregates Review Task Force, recently formed by the Florida Legislature under CS/HB 985, will hold the second in a series of public meetings to discuss improvements in policy and public investment as it relates to the availability of construction aggregate materials and related mining/land use practices in the State of Florida. Verbal and written comments

may be provided at the informational meeting or sent by mail to: Christine McDonald, Public Information Officer, 5007 N. E. 39th Avenue, Gainesville, FL 32609 or via the web at <http://www.dot.state.fl.us/statematerialsoffice/administration/resources/library/issues-trends/aggtaskforce/contactus.html>.

A copy of the agenda may be obtained by contacting: Christine McDonald, Public Information Officer at (352)955-6624 or by e-mail at christine.mcdonald@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Christine McDonald, Public Information Officer at (352)955-6624 or by e-mail at christine.mcdonald@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Christine McDonald, Public Information Officer at (352)955-6624 or by e-mail at christine.mcdonald@dot.state.fl.us.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: January 10, 2008, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

The **Survey Champions Team** announces a public meeting to which all persons are invited.

DATE AND TIME: January 15, 2008, 9:00 a.m.

PLACE: Department of Transportation, Haydon Burns Building, Executive Conference Room, Fifth Floor, 605 Suwannee Street, Tallahassee, Florida

PLACE: A Video Bridge telephone number for those who will dial in is: Local (850)414-4978, Toll-Free 1(866)374-3368, ext. 4978

GENERAL SUBJECT MATTER TO BE CONSIDERED: Survey Champions Meeting to review recommendations adopted by the Executive Board and select team members for sub-team that will work with a consultant to design a new survey instrument.

A copy of the agenda may be obtained by contacting: Larry Ferguson, III, CPM, Department of Transportation Performance Management Office, (850)414-4382, e-mail lawrence.ferguson@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Ferguson, III, CPM, Department of Transportation Performance Management Office, (850)414-4382, e-mail: lawrence.ferguson@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Larry Ferguson, III, CPM, Department of Transportation, Performance Management Office, (850)414-4382, e-mail lawrence.ferguson@dot.state.fl.us.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, acting as staff to the **Board of Trustees of the Internal Improvement Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 24, 2008, 11:00 a.m.

PLACE: Rookery Bay Reserve, 300 Tower Road, Naples, FL 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is for the members of the Advisory Committee to discuss the revision of the Rookery Bay National Estuarine Research Reserve Management Plan.

A copy of the agenda may be obtained by contacting Brenda Varnes at (239)417-6310.

Pursuant to the provisions of 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 Brenda Varnes at (239)417-6310. If you are 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

The **Florida Hurricane Catastrophe Fund Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 11, 2008, 9:00 a.m. – 1:00 p.m. (ET)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will review suggestions provided by the public at the rule workshop held on January 9, 2008. The rules addressed at the workshop are as follows: Rules 19-8.010, 19-8.012, 19-8.013, 19-8.028, 19-8.029 and 19-8.030, F.A.C. The Council will consider public comments made at the workshop and determine which rules will be filed for Notice of Proposed Rulemaking. In addition, other general business will be discussed.

A copy of the agenda may be obtained by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, Florida 32317, or donna.sirmons@sbafla.com or (850)413-1349.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Donna Sirmons at the address given above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **State Board of Administration** (SBA) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 17, 2008, 9:30 a.m.

PLACE: The Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council (IAC). The IAC is a six-member advisory council, which reviews the investments made by the staff of the State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444 of the Florida Statutes.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, or call (850)413-1253.

Pursuant to the provisions of 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: James Linn at (850)413-1166. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 16, 2008, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

Pursuant to the provisions of 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: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a public hearing to which all persons are invited.

DATES AND TIMES: Wednesday, January 16, 2008, 10:00 a.m. and 6:00 p.m.; Thursday, January 17, 2008, 10:00 a.m. and 6:00 p.m.

PLACE: Cultural Center of Charlotte County, Conference Room C, 2280 Aaron Street, Port Charlotte, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: HEARING: DOCKET NO. 070109-WS – Application for amendment of Certificates 611-W and 527-S to extend water

and wastewater service areas to include certain land in Charlotte County by Sun River Utilities, Inc. (f/k/a MSM Utilities, LLC). The purpose of the meeting is to take testimony, to include customer testimony, on the proposed amendment of Sun River Utilities, Inc.'s Certificates No. 611-W and 527-S.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topic link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

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

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 31, 2008, 10:00 a.m.

PLACE: Commission Chambers, Lakeland City Hall, 228 South Massachusetts Ave., Lakeland, FL 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: **DOCKET NO. 070417-WS** – Application for staff-assisted rate case in Polk County by Anglers Cove West, Ltd. The purpose of this customer meeting is to give customers and other interested persons an opportunity to provide comments to the Florida Public Service Commission regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the workshop.

Emergency cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Agency for Enterprise Information Technology** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 7, 2008, 1:30 p.m.; January 8, 2008, 1:30 p.m.; January 9, 2008, 3:00 p.m.; January 10, 2008, 3:00 p.m.

PLACE: Cabinet Meeting Room, Floor LL, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Interview for the position of CIO for the Agency for Enterprise Information Technology.

A copy of the agenda may be obtained by contacting: Carolyn Will, carolyn.will@myflorida.com, (850)488-4505.

The **Governor's Commission on Volunteerism and Community Service** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, January 14, 2008, 9:30 a.m. – 6:00 p.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission Committee Meetings.

A copy of the agenda may be obtained by contacting Kristin Mullikin.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kristin Mullikin at (850)414-0092.

The **Office of Drug Control** announces a public meeting to which all persons are invited.

DATE AND TIME: January 15, 2008, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Memorial University, Smith Conference Center, 15800 N. W. 42 Avenue, Miami Gardens, Florida 33054

GENERAL SUBJECT MATTER TO BE CONSIDERED: Drug Paraphernalia Abatement Task Force.

A copy of the agenda may be obtained by contacting: Gil Barnes at (850)922-0867.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Gil Barnes at (850)922-0867. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gil Barnes at (850)922-0867.

The **Governor's Commission on Volunteerism and Community Service** (Volunteer Florida) announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, January 28, 2008, 8:00 a.m. – ending when all business is complete on Tuesday, January 29, 2008

PLACE: The Marriott at Hutchinson Island, 555 N. E. Ocean Boulevard, Hutchinson Island, Stuart, Florida 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business at the quarterly meeting.

A copy of the agenda may be obtained by contacting: Kristin Mullikin at (850)414-0092.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting Kristin Mullikin. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

REGIONAL PLANNING COUNCILS

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 7, 2008, 8:30 a.m.

PLACE: ECFRPC Offices, 631 N. Wymore Road, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the ECFRPC Executive Committee to discuss the agenda of the upcoming January 16, 2008 Council Meeting.

A copy of the agenda may be obtained by contacting: Ruth Little, 631 N. Wymore Road, Maitland, FL 32751 or by email at rlittle@ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 1 day before the workshop/meeting by contacting Ruth Little. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 7, 2008, 10:00 a.m.

PLACE: 631 N. Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the ECFRPC Strategic Regional Policy Plan Task Force to discuss updating the SRPP document.

A copy of the agenda may be obtained by contacting: Ruth Little, 631 N. Wymore Road, Maitland, FL 32751 or by email at rlittle@ecfrpc.org.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2008, 9:00 a.m.

PLACE: Bob Crawford Agriculture Center, 605 East Main Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Council and/or its Executive Committee, followed by a tour of a phosphate mining facility.

A copy of the agenda may be obtained by contacting Patricia M. Steed, Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Central Florida Regional Planning Council**, Local Emergency Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 16, 2008, 9:30 a.m.

PLACE: American Compliance Technologies, Inc., 1875 West Main Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC and its Sub-Committees, to discuss the provisions of the Emergency Planning and Community Right to Know.

A copy of the agenda may be obtained by contacting Chuck Carter, Program Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Tampa Bay Local Emergency Planning Committee** (LEPC) District VIII, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 23, 2008, 10:30 a.m.

PLACE: 4000 Gateway Centre Blvd, #100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, ext. 33.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Bill Lofgren at (727)570-5151, ext 33. If you are 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 **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 11, 2008, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

For more information, you may contact: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 11, 2008, 11:30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

A copy of the agenda may be obtained by contacting: Wren Krahl at (727)570-5151, ext. 22.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 14, 2008, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Suzanne Cooper at (727)570-5151, ext 32. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Suzanne Cooper at (727)570-5151, ext. 32.

The **Tampa Bay Regional Planning Council**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 25, 2008, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wren Krahl at (727)570-5151, ext. 22.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 18, 2008, 9:30 a.m.

PLACE: Wolf High Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060.

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

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 18, 2008, after the regular Council meeting

PLACE: Wolf High Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Treasure Coast Regional Planning Council will have a joint meeting with the Executive Committee of the South Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060.

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

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

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2008, 10:00 a.m.

PLACE: Wolf High Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060.

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

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch Inc.**, a Florida non-profit corporation, announces a public meeting to which all persons are invited.

DATE AND TIME: January 3, 2008, 6:30 p.m.

PLACE: The Chateau Restaurant, Mayo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Construction of equestrian facilities on Suwannee River Water Management District lands.

A copy of the agenda may be obtained by contacting: Gwen Lord, Administrative Assistant at (386)362-1001.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Gwen Lord, Administrative Assistant at (386)362-1001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Brian Kauffman, Facilities Manager at (386)362-1001 or bck@srwmd.org.

The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2008, 9:00 a.m.
PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060
GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.
A copy of the agenda may be obtained by contacting: Lisa Cheshire at 1(800)226-1066 or (386)362-1001.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Lisa Cheshire. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.
For more information, you may contact: Lisa Cheshire at 1(800)226-1066 or (386)362-1001.

The **Suwannee River Water Management District**, Governing Board announces a public meeting to which all persons are invited.

DATE AND TIME: January 15, 2008, 8:30 a.m. – 5:00 p.m.
PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060
GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct interviews for and selection of Executive Director.
A copy of the agenda may be obtained by contacting: Lisa Cheshire, Adm. Board Coordinator at 1(800)226-1066 or (386)362-1001.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Lisa M. Cheshire. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
For more information, you may contact: Carolyn Purdy, Executive Office Coordinator at 1(800)226-1066 or (386)362-1001.

NOTICE OF AMENDMENT – The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.
Projects and Land Committee Public Meeting
DATE AND TIME: Thursday, January 3, 2008, 6:00 p.m.

PLACE: Hampton Inn & Suites, Egmont/Strathmore Meeting Room, 19 South Second Street, Fernandina Beach, FL 32034
GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of St. Marys and Nassau river basins.
THIS AMENDS PREVIOUS NOTICE
Projects and Land Committee Business Meeting
DATE AND TIME: Friday, January 4, 2008, 8:00 a.m.
PLACE: Hampton Inn & Suites, Egmont/Strathmore Meeting Room, 19 South Second Street, Fernandina Beach, FL 32034
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board. Simultaneous tours of Ralph E. Simmons Memorial State Forest and White Oak Conservation Center will follow the Business meeting.
NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time, and place set forth above, the Committee shall meet on Tuesday, January 8, 2008 8:00 a.m. at District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Hazel Hinton, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4347, or by visiting the District's website at www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Hazel Hinton at (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).
If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.
DATE AND TIME: Monday, January 7, 2008, 3:30 p.m.
PLACE: Southwest Florida Water Management District, Governing Board Room, 2379 Broad Street, Brooksville, Florida 34604
GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of task force business for the Hernando County Task Force of the Citrus/Hernando Waterways Restoration Council.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4227.

Pursuant to the provisions of 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 calling 1(800)423-1476 (Florida) or (352)796-7211, extension 4226, Fax: (352)797-5806, TDD ONLY 1(800)231-6103 (Florida). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District**, Industrial Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 8, 2008, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Industrial Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899 or 1(800)423-1476 (FL only) or (352)796-7211, ext. 4400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Paula McCleery at the above address.

The **Southwest Florida Water Management District**, Public Supply Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 8, 2008, 1:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Public Supply Advisory Committee to discuss committee business and issues.

A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899 or 1(800)423-1476 (FL only) or (352)796-7211, ext. 4400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Paula McCleery at the above address.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: January 23, 2008, 1:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Well Drillers Advisory Committee (WDAC) consideration of Committee Business. Some members of the District's Governing and Basin Boards may attend the meeting.

A copy of the agenda may be obtained by contacting: Patty McLeod, Regulation Performance Management Department, SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lori Manuel at 1(800)423-1476 or (352)796-7211, ext. 4341. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Governing Board Meeting

DATE AND TIME: January 8, 2008, 9:00 a.m.

PLACE: Grand Bay Miami Hotel, Ballroom A, B and C, 2669 South Bayshore Drive, Miami, Florida 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters and may include an amendment to the District's Fiscal Year 2008 budget to revise revenues and expenditures.

All or part of the meeting may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the

agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087, https://my.sfwmd.gov/portal/page?_pageid=382,935058&_dad=portal&_schema=PORTAL.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: January 8, 2008, 9:00 a.m. – completed

PLACE: Grand Bay Miami Hotel, Ballroom A, B and C, 2669 South Bayshore Drive, Miami, Florida 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2006), Florida Statutes, to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, K. Rizzardi, C. Kowalsky, R. Panse, J. Nutt. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: January 8, 2008, 9:00 a.m. – completed

PLACE: Grand Bay Miami Hotel, Ballroom A, B and C, 2669 South Bayshore Drive, Miami, Florida 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2006), F.S., to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, K. Rizzardi, C. Kowalsky, J. Nutt. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: January 8, 2008, 9:00 a.m. – completed

PLACE: Grand Bay Miami Hotel, Ballroom A, B and C, 2669 South Bayshore Drive, Miami, Florida 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2006), Florida Statutes, to discuss strategy related to litigation expenditures in *United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno*. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, K. Burns, K. Rizzardi, C. Kowalsky, R. Panse.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, January 4, 2008, 10:00 a.m. – completion

PLACE: Commission Office Building, Rhyne Building, 2740 Centerview Drive, Room 330, Tallahassee, FL 32301, (850)410-5700. Conference Call Number: 1(888)808-6959, Conference Code: 34767

GENERAL SUBJECT MATTER TO BE CONSIDERED: Declare an emergency in Volusia County regarding Medicaid Non-Emergency Transportation Services and to designate an emergency provider in Volusia County.

A copy of the agenda may be obtained by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

Pursuant to the provisions of 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: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 15, 2008, 12:30 p.m.

PLACE: 2575 Enterprise Road, Clearwater, Florida 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Tampa Bay Water Board of Directors will interview candidates for the position of General Manager for Tampa Bay Water.

A copy of the agenda may be obtained by contacting: Tampa Bay Water at (727)796-2355 or can be accessed on the Web at www.tampabaywater.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Holly Wells at (727)796-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the Records Department at (727)796-2355.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs, Office of the General Counsel** announces a workshop on Rules 58A-5.0191, Staff Training Requirements and Competency Test; 58A-5.0192, Core Training Provider Requirements; 58A-5.0193, Core Training Minimum Curriculum, F.A.C., to which all persons are invited.

DATE AND TIME: January 16, 2008, 9:00 a.m. – 12:00 p.m. Noon (EST)

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: These rules involve ASSISTED LIVING FACILITIES and include the adoption of a core training curriculum to be used as the minimum core training requirements; core training provider registration requirements; and core training provider qualifications in addition to those included in Section 429.52(10)(a) through (c), F.S. AMENDMENTS TO THESE RULES AND FORMS INCORPORATED BY REFERENCE SINCE THE LAST RULE DEVELOPMENT WORKSHOP MAY BE OBTAINED FROM THE DEPARTMENT'S WEB SITE AT <http://elderaffairs.state.fl.us>, UNDER THE HEADING "DOEA RULEMAKING, ASSISTED LIVING FACILITIES."

A copy of the agenda may be obtained by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, E-mail Address: crochetj@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, E-mail Address: crochetj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, E-mail Address: crochetj@elderaffairs.org.

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, January 24, 2008, 2:00 p.m. – 5:00 p.m. (EST); Friday, January 25, 2008, 8:30 a.m. – 4:30 p.m. (EST)

PLACE: Sheraton Suites Orlando Airport, 7550 Augusta National Drive, Orlando, Florida 32822, (407)240-5555

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of various issues regarding the Alzheimer's Disease Initiative.

A copy of the agenda may be obtained by contacting: Rosa Pena, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Suncom 994-2000, e-mail address: penar@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Rosa Pena, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Suncom 994-2000, e-mail address: penar@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rosa Pena, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Suncom 994-2000, e-mail address: penar@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2008, 12:30 p.m.

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Initial meeting of Renal Advisory Committee for Freestanding Dialysis Clinics.

Agenda will be available after January 4, 2008 from: Jamie Simpson, 2727 Mahan Drive, Tallahassee, FL 32309, (850)922-7308, simpsonj@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 2 days before the workshop/meeting by contacting: Jamie Simpson, 2727 Mahan Drive, Tallahassee, FL 32309, (850)922-7308, simpsonj@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jamie Simpson, 2727 Mahan Drive, Tallahassee, FL 32309, (850)922-7308, simpsonj@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Architecture and Interior Design** announces a public meeting to which all persons are invited.

PLACE: Hampton Inn & Suites, Amelia Island, 19 South Second Street, Fernandina Beach, Florida 32034, (904)491-4911

DATE AND TIME: January 29, 2008, 9:00 a.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business including disciplinary cases, if time allows to be followed by General Business discussion items - architecture profession, interior design profession, rules, and reports.

DATE AND TIME: January 30, 2008, 9:00 a.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Architecture profession, interior design profession, rules, reports, and review of applications.

A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751, (850)487-8304. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751, (850)487-8304.

The Florida **Board of Professional Engineers** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, January 22, 2008, 1:00 p.m.

PLACE: Sheraton Suites Cypress Creek, 555 N. W. 62nd Street, Fort Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop on proposed changes to Chapter 61G15-30, Responsibility Rules Common to All Engineers; Chapter 61G15-32, Responsibility Rules of Professional Engineers Concerning the Design of Fire Protection Systems; Chapter 61G15-33, Responsibility Rules of Professional Engineers Concerning the Design of Electrical Systems and Chapter 61G15-34, Mechanical Systems. To seek input, exchange ideas and gather information that can be utilized in the rule development process.

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Carrie A. Flynn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 10, 2008, 6:00 p.m.

PLACE: St. Paul's AME Church, 85 M.L. King Street, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting to discuss DEP's Consent Order (OGC File No. 06-2179) with the City of St. Augustine addressing the City's Riberia Street dump and Holmes Boulevard property. The Consent Order requires the City of St. Augustine to remove unauthorized solid waste from Holmes Boulevard and allows the City to return it to the Riberia Street dump. The Consent Order also requires the City to install a protective soil

cover and implement a groundwater monitoring program at the Riberia Street dump and to assess potential contamination at the Holmes Boulevard property.

A copy of the agenda may be obtained by contacting: Mike Fitzsimmons, Northeast District Waste Program Administrator, (904)807-3354, e-mail Michael.Fitzsimmons@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 Mike Fitzsimmons. If you are 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, Office of Coastal and Aquatic Managed Areas** announces a workshop to which all persons are invited.

DATES AND TIMES: January 15, 2008, 12:30 p.m. – 5:00 p.m. or until business completed; January 16, 2008, 7:30 a.m. – 5:00 p.m. or until business completed; January 17, 2008, 7:30 a.m. – 12:00 Noon or until business completed

PLACE: Florida Department of Environmental Protection, Room 609 Bob Martinez Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Draft metadata standards will be developed for the Laboratory Analytical scientific discipline. This is one of a series of workshops carried out by the Florida Water Resources Monitoring Council in support of the Florida Oceans and Coastal Council's 'Integrated Data Management' (IDM) program. The goal of the IDM program is improved storage, sharing, and assessment of research and monitoring data.

A copy of the agenda may be obtained by contacting: Becky Panebianco at (850)245-2096, Becky.Panebianco@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Becky Panebianco at (850)245-2096, Becky.Panebianco@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 16, 2008, 1:00 p.m.

PLACE: Northeast District Office, Conference Room A, 7825 Baymeadows Way, Suite B200, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Lower St. Johns River (LSJR) TMDL Technical Working Group, which is working on the development of a draft Basin Management Action Plan

(BMAP) for presentation to the LSJR TMDL Executive Committee. The primary topic for this meeting will be review of the BMAP document content to date.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters at (850)245-8449.

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

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 17, 2008, 9:00 a.m.

PLACE: Northeast District Office, Conference Rooms A & B, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Lower St. Johns River (LSJR) TMDL Executive Committee and Stakeholders Group, which were formed to provide a forum for stakeholders to discuss issues related to the LSJR Total Maximum Daily Load (TMDL) for nutrients, including development, allocation, and implementation of the TMDL. The primary topic for this meeting will be review of the Basin Management Action Plan (BMAP) document content to date.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters at (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Ms. Waters. If you are 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, Office of Coastal and Aquatic Managed Areas** announces a workshop to which all persons are invited.

DATES AND TIMES: January 22, 2008, 12:30 p.m. – 5:00 p.m. or until business completed; January 23, 2008, 7:30 a.m. – 5:00 p.m. or until business completed; January 24, 2008, 7:30 a.m. – 12:00 p.m. Noon – or until business completed

PLACE: Florida Department of Environmental Protection, Conference Room B, 1st Floor, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Draft metadata standards will be developed for the Geospatial scientific discipline. This is one of a series of workshops carried out by the Florida Water Resources Monitoring Council in support of the Florida Oceans and Coastal Council's

'Integrated Data Management' (IDM) program. The goal of the IDM program is improved storage, sharing, and assessment of research and monitoring data.

A copy of the agenda may be obtained by contacting: Becky Panebianco at (850)245-2096, Becky.Panebianco@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Becky Panebianco at (850)245-2096, Becky.Panebianco@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 30, 2008, 12:30 p.m. – 5:00 p.m. or until business completed; January 31, 2008, 7:30 a.m. – 5:00 p.m. or until business completed; February 1, 2008, 7:30 a.m. – 12:00 p.m. Noon – or until business completed

PLACE: Florida Fish and Wildlife Research Institute, Room 4001, 100 Eight Avenue, S.E., St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Draft metadata standards will be developed for that metadata common to all types of research and monitoring data (the "Common" metadata; e.g., who, what, when, where). This is one of a series of workshops carried out by the Florida Water Resources Monitoring Council in support of the Florida Oceans and Coastal Council's 'Integrated Data Management' (IDM) program. The goal of the IDM program is improved storage, sharing, and assessment of research and monitoring data.

A copy of the agenda may be obtained by contacting: Becky Panebianco at (850)245-2096, Becky.Panebianco@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Becky Panebianco at (850)245-2096, Becky.Panebianco@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Siting Coordination Office announces a hearing to which all persons are invited.

DATES AND TIME: March 4 through March 7, 2008; March 10 through March 14, 2008, 9:00 a.m.

PLACE: Embassy Suites in Tampa, 10220 Palm River Road, Tampa, 33619

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administrative Law Judge J. Lawrence Johnston will take testimony and evidence concerning the environmental effects and any other appropriate matters regarding the site certification of the proposed Tampa Electric Company, Willow Oak-Wheeler-Davis 230 Kilovolt Transmission Line Project, Transmission Line Siting Application No. TA07-15, DOAH Case No. 07-4745TL, DEP-OGC Case No. 07-1858, pursuant to the Transmission Line Siting Act, Sections 403.52-5365, Florida Statutes. Judge Johnston will prepare a Recommended Order for submission to, and final action by, the Governor and Cabinet acting as the Siting Board, based on the hearing.

In regards to parties and rights to intervene, Section 403.527, F.S., states:

(2)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The commission.
4. The Department of Community Affairs.
5. The Fish and Wildlife Conservation Commission.
6. The Department of Transportation.
7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.
8. The local government.
9. The regional planning council.

(b) Any party listed in paragraph (a) other than the department or the applicant may waive its right to participate in these proceedings. If such listed party fails to file a notice of its intent to be a party on or before the 30th day prior to the certification hearing, such party shall be deemed to have waived its right to be a party unless its participation would not prejudice the rights of any party to the proceeding.

(c) Notwithstanding the provisions of Chapter 120, F.S. to the contrary, upon the filing with the administrative law judge of a notice of intent to be a party by an agency, corporation, or association described in subparagraphs 1. and 2. or a petition for intervention by a person described in subparagraph 3. no later than 30 days before the date set for the certification hearing, the following shall also be parties to the proceeding:

1. Any agency not listed in paragraph (a) as to matters within its jurisdiction.
2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed transmission line or corridor is to be located.
3. Any person whose substantial interests are affected and being determined by the proceeding.

(d) Any agency whose properties or works may be affected shall be made a party upon the request of the agency or any party to this proceeding.

Pursuant to the provisions of 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: Landa Korokous, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

A copy of the agenda may be obtained by contacting: Mr. Michael P. Halpin, P.E., Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

Pursuant to the provisions of 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: Landa Korokous at (850)245-8002. If you are 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 Florida **Board of Massage Therapy** announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday, January 24, 2008; Friday, January 25, 2008, 9:00 a.m. or shortly thereafter

PLACE: Double Tree Hotel, 4500 W. Cypress Street, Tampa, FL 33607, (813)879-4800

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. 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.

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.

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 **Department of Health**, Dietetics and Nutrition Council announces a telephone conference call to which all persons are invited.

DATES AND TIME: January 11, 2008; June 27, 2008, 9:30 a.m. or soon thereafter

PLACE: The Meet Me Number is 1(888)808-6959. After dialing the number, please enter conference code 1022351047#

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the council office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Nursing**, North Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 7, 2008, 5:30 p.m. – 7:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code (2454640)

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, 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.

The **Board of Pharmacy**, Probable Cause Panel meetings that are closed to the public.

DATES AND TIME: January 29, 2008; February 26, 2008; March 25, 2008; April 29, 2008; May 27, 2008; June 24, 2008; July 29, 2008; August 26, 2008; September 30, 2008; October 28, 2008; November 25, 2008; December 30, 2008, TBA

PLACE: 4042 Bald Cypress Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cases will be heard.

For more information, you may contact the Board of Pharmacy at (850)245-4292.

The **Board of Pharmacy** announces a telephone conference call to which all persons are invited.

DATES AND TIME: January 29, 2008; February 26, 2008; March 25, 2008; April 29, 2008; May 27, 2008; June 24, 2008; July 29, 2008; August 26, 2008; September 30, 2008; October 28, 2008; November 25, 2008; December 30, 2008, 9:00 a.m.

PLACE: Conference Call Number 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration cases will be heard.

Individuals on agenda will receive written notice of the conference call.

For more information, you may contact the Board of Pharmacy at (850)245-4292.

The **Board of Podiatric Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, January 7, 2008, 8:00 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, then #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/podiatry/index.html.

The **Council of Licensed Midwifery** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, January 18, 2008, 9:00 a.m. or soon thereafter

PLACE: Meet Me Number: Contact the Council of Licensed Midwifery at (850)245-4161 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: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he 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 special accommodations at this meeting due to disability or physical impairment should contact the Council of Licensed Midwifery, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Respiratory Care** announces a public meeting to which all persons are invited.

DATE AND TIME: January 11, 2008, 8:30 a.m. or soon thereafter

PLACE: Hilton Tampa Airport Westshore, 2225 Lois Avenue, Tampa, FL 33607

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health** announces the following meetings of the Variance Review and Advisory Committee for Onsite Sewage Treatment and Disposal Systems to examine variance

applications received by the 15th of the previous month and to provide input regarding any Rule issues requested by the Technical Review and Advisory Panel.

DATE AND TIME: Thursday, January 10, 2008, 10:00 a.m.

PLACE: Volusia County Health Department, Conference Room 516A, 1845 Holsonback Drive, Daytona Beach, Florida

DATE AND TIME: Thursday, February 7, 2008, 10:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Conference Room 170, 3800 Commonwealth Boulevard, Tallahassee, Florida

DATE AND TIME: Thursday, March 6, 2008, 10:00 a.m.

PLACE: Lecanto Governmental Complex, Conference Room, 3700 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, April 3, 2008, 10:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Conference Room 153, 3800 Commonwealth Boulevard, Tallahassee, Florida

DATE AND TIME: Thursday, May 1, 2008, 10:00 a.m.

PLACE: Volusia County Health Department, Conference Room 516A, 1845 Holsonback Drive, Daytona Beach, Florida

DATE AND TIME: Thursday, June 5, 2008, 10:00 a.m.

PLACE: Department of Environmental Protection; Carr Building, Conference Room 153, 3800 Commonwealth Boulevard, Tallahassee, Florida

DATE AND TIME: Thursday, July 10, 2008, 10:00 a.m.

PLACE: Lecanto Extension/Environmental Health Bldg., Conference Room A, 3650 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, August 7, 2008, 10:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Conference Room 170, 3800 Commonwealth Boulevard, Tallahassee, Florida

DATE AND TIME: Thursday, September 4, 2008, 10:00 a.m.

PLACE: Volusia County Health Department, Conference Room 516A, 1845 Holsonback Drive, Daytona Beach, Florida

DATE AND TIME: Thursday, October 2, 2008, 10:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Conference Room 170, 3800 Commonwealth Boulevard, Tallahassee, Florida

DATE AND TIME: Thursday, November 6, 2008, 10:00 a.m.

PLACE: Lecanto Extension/Environmental Health Bldg., Conference Room A, 3650 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, December 4, 2008, 10:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Conference Room 170, 3800 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To examine applications for variance from the requirements of Chapter 64E-6, Florida Administrative Code, entitled "Standards for Onsite Sewage Treatment and Disposal Systems" pursuant to Section 381.0065(3)(d), Florida Statutes

and to provide input on any rule issues requested by the Technical Review and Advisory Panel pursuant to Section 381.0068(2), Florida Statutes.

A copy of the agenda may be obtained seven days prior to each meeting date by writing to Gerald R. Briggs, Chief, Bureau of Onsite Sewage Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the meeting by contacting Shirley Kugler at (850)245-4070. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the Department with respect to any matter considered at one of these meetings, 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 includes the testimony and evidence upon which the appeal is based.

The **Department of Health** announces a meeting of the Research Review and Advisory Committee of the Bureau of Onsite Sewage Programs to which all persons are invited.

DATE AND TIME: January 23, 2008, 9:30 a.m.

PLACE: Polk County Health Department, Environmental Health Support Building, Hearing Rooms A & B, 2090 East Clover Street, Bartow, FL 33830-6741

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and guide current, proposed, and potential future onsite sewage research projects. Specifically this meeting will be to discuss and rank priorities for future research projects, discuss the research budget, and elect new officers.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, or by e-mail at Susan_Polangin@doh.state.fl.us. Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Susan Polangin at the address above at least one week prior to the meeting.

The Florida **Department of Health, Division of Health Access and Tobacco** announces a public meeting to which all persons are invited.

DATE AND TIME: January 14, 2008, 9:00 a.m. – 2:30 p.m.

PLACE: The Grand Ballroom of the Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the second meeting of an Advisory Council required by Section 381.84, F.S. The council meets four times per year to provide advice to the Department of Health relating to the

Comprehensive Tobacco Education and Use Prevention Program. The meeting will provide updates for the council about media, tobacco cessation, and community program contracts which have been awarded since the last meeting. In addition, there will be breakouts to discuss action items for the council members in the coming year.

A copy of the agenda is posted on http://www.doh.state.fl.us/Tobacco/tobacco_home.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 3 days before the workshop/meeting by contacting: Carlos Martinez at (850)245-4144, ext. 2473. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Carlos Martinez at (850)245-4144, ext. 2473 for more information.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Orange County Community Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2008, 12:15 p.m.

PLACE: Facilities Management Training Room, 2010 E. Michigan Street, Orlando, FL 32806

GENERAL SUBJECT MATTER TO BE CONSIDERED: DCF & FSMO Current Snapshot & Agency Issues, Steering Committee update.

A copy of the agenda may be obtained by contacting: Traci_Klinkbeil@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 11, 2008, 10:00 a.m. – until adjourned

PLACE: Telephonic Meeting Call In Number: 1(888)808-6959, Conference Code: 4884197

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.

2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the January 11, 2008, Telephonic Board Meeting.

A copy of the agenda may be obtained approximately two days prior to the meeting by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North

Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website at www.floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Sheila Freaney at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF FINANCIAL SERVICES

The **Fire and Emergency Incident Information System**, Technical Advisory Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 24, 2008, 8:00 a.m.

PLACE: Prime Osborn Convention Center, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Emergency Incident Information system Technical Advisory Panel.

A copy of the agenda may be obtained by contacting: Mary Ann Benson at MaryAnn.Benson@fldfs.com.

The **Firefighters Employment, Standards and Training Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 24, 2008, 10:00 a.m.

PLACE: Prime Osborn Convention Center, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Firefighters Employment, Standards & Training Council.

A copy of the agenda may be obtained by contacting: Mary Ann Benson at MaryAnn.Benson@fldfs.com.

The **Board of Funeral, Cemetery and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: February 6, 2008, 10:00 a.m. – 5:00 p.m.

PLACE: Betty Easley Conference Center, Department of Management Services, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above date relates to the next meeting of the Board of Funeral, Cemetery and Consumer Services.

The public is advised to check with Department of Financial Services staff (Ms. LaTonya Bryant at (850)413-3039), before traveling to a scheduled meeting on the date above, to ascertain

whether the meeting has been cancelled. Notice of such cancellations will be posted on the home page of the Division of Funeral, Cemetery and Consumer Services, which is on the website of the Department of Financial Services (www.fldfs.com), as soon as known.

A copy of the agenda may be obtained by contacting: Division of Funeral, Cemetery and Consumer Services, on the website of the Department of Financial Services www.fldfs.com/funeralcemetery, by writing to: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee, FL 32399-0361, or by calling Ms. Bryant at (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: LaTonya Bryant at (850)413-3039. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: January 15, 2008, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-186.017, Florida Administrative Code, published on October, 12, 2007 in Vol. 33, No. 41, of the F.A.W. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Peter Rice at E-mail peter.rice@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 FULL TEXT OF THE PROPOSED RULE IS:

690-186.017 Certificate of Mortgage Release.

Specific Authority Section 701.041(9) FS. Law Implemented Section 701.041(9) FS. History–New 3-22-07, Repealed.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a hearing on Rules 69V-40.001, Definitions; 69V-40.002, Adoption of Forms; 69V-40.008, Fees and Commissions; 69V-40.015, Payment of Guaranty Fund Claims; 69V-40.020, Changes of Address; 69V-40.021, Fictitious Name Registration; 69V-40.022, Quarterly Report Filing Requirements; 69V-40.025, Mortgage Broker Examination; 69V-40.027, Mortgage Broker Pre-licensing Education Requirement; 69V-40.0271, Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives; 69V-40.028, Permit for Mortgage Business School; 69V-40.0281, Mortgage Business Schools Prohibited Practices and Advertising/Publicity; 69V-40.029, Mortgage Business School Permit Renewal; 69V-40.031, Application Procedure for Mortgage Broker License; 69V-40.043, Mortgage Broker License Renewal and Reactivation; 69V-40.051, Application Procedure for Mortgage Brokerage Business License; 69V-40.053, Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation; 69V-40.058, Application Procedure for Mortgage Brokerage Business Branch Office License; 69V-40.099, Change of Name, Change of Entity and Change in Control or Ownership; 69V-40.100, Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender; 69V-40.105, Branch Office License for Change in Ownership or Control of Saving Clause Mortgage Lender; 69V-40.156, Third-party Fee Accounts; 69V-40.160, Principal Brokers; 69V-40.165, Branch Brokers; 69V-40.170, Books and Records; 69V-40.177, Mortgage Brokerage and Lending Transaction Journal; 69V-40.200, Application Procedure for Mortgage Lender License; 69V-40.205, Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation; 69V-40.220, Application Procedure for Correspondent Mortgage Lender License; 69V-40.225, Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation; 69V-40.240, Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office License; 69V-40.242, Principal Representative; 69V-40.265, Mortgage Brokerage and Lending Transaction Journal; 69V-40.270, Financial Guaranty in Lieu of Uniform Single Audit; 69V-40.285, Noninstitutional Investor Funds Account, F.A.C., to which all persons are invited.

DATES AND TIMES: January 31, 2008, 9:00 a.m., during a regular meeting of the Financial Services Commission. The corresponding meeting of the Cabinet Aides will take place on January 23, 2008, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule Chapter 69V-40, Florida Administrative Code, published on October 5, 2007, Vol. 33, No. 40, of the F.A.W. A Notice of Change for these rules is published in this edition of the F.A.W.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at: <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Andrea Moreland, e-mail andrea.moreland@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Andrea Moreland at andrea.moreland@fldfs.com or (850)410-9601.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-40.001 Definitions.

The definitions provided in Section 494.001, F.S., and the following defined terms, shall apply to this rule chapter and shall serve as the Office of Financial Regulation's interpretation unless the language of the rule indicates to the contrary:

(1) through (10) No change.

~~(11) "Moral Turpitude" shall be defined as follows: "Moral turpitude involves duties owed by persons to society as well as acts contrary to justice, honesty, principle or good morals." This includes, but is not limited to, theft, extortion, use of the mail to obtain property under false pretenses, tax evasion, and the sale of (or intent to sell) controlled substances.~~

~~(11)(12) For purposes of Rules 69V-40.100, 69V-40.200, 69V-40.220, and 69V-40.242, F.A.C.:~~

(a) "Operate" shall mean to exercise power or influence over the business operations.

(b) "Exercise" shall mean the discharge of an official duty or function.

(c) "Control" shall mean to have the influence and power to make decisions for the business.

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.001, 494.004(1), 494.0041(2)(a), (i), 494.0043, 494.0061(2), (8), 494.0062(2), (11), 494.0067(5), 494.0072(2)(i) FS. History—Revised 9-23-65, Renumbered from 3-3.01 to 3D-40.01 on 9-8-75, Formerly 3D-40.01, Amended 12-7-89, 6-23-91, 8-24-92, 2-11-93, 11-17-93, 4-14-94, 9-7-94, 5-14-95, 7-25-96, 12-12-99, 12-8-02, Formerly 3D-40.001, Amended _____.

69V-40.002 Adoption of Forms.

(1) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapter 69V-40.001-.290, Florida Administrative Code:

(a) Application for Mortgage Brokerage Business and Lender License, Form OFR-494-01, effective XX/XX/2007;

(b) Application for Branch Office License, Form OFR-494-02, effective XX/XX/2007;

(c) Application for Licensure as a Mortgage Broker, Form OFR-494-03, effective XX/XX/2007;

(d) Application for a Mortgage Business School Permit, Form OFR-494-04, effective XX/XX/2007;

(e) Mortgage Brokerage and Mortgage Lending Act Surety Bond, Form OFR-494-05, effective XX/XX/2007;

(f) Mortgage Lender License Renewal and Reactivation Form, Form OFR-494-06, effective XX/XX/2007;

(g) Mortgage Broker License Renewal and Reactivation Form, Form OFR-494-07, effective XX/XX/2007;

(h) Quarterly Report Form, Form OFR-494-08, effective XX/XX/2007;

(i) Mortgage Brokerage Deposit Account Form, Form OFR-494-09, effective XX/XX/2007;

(j) Mortgage Brokerage Transaction and Lending Journal, Form OFR-494-10, effective XX/XX/2007;

(k) Calculation of Aggregate Value of Mortgage Loans Serviced, Form OFR-494-11, effective XX/XX/2007;

(l) Non-Institutional Investor's Funds Account Form, Form OFR-494-12, effective XX/XX/2007.

(m) FL921050Z, Florida Fingerprint Card, effective XX/XX/2007.

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

Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0041, 494.0042 FS. History—New _____.

69V-40.008 Fees and Commissions.

(1) No change.

(2)(a) In determining the total mortgage brokerage fee, all compensation for the following services, by whatever name called, shall be included:

1. Arranging for a conditional mortgage loan commitment between a borrower and a lender;

2. Taking an application, assembling information and preparing all paperwork and documentation necessary for a conditional mortgage loan commitment;

3. Reviewing, analyzing, and evaluating a borrower's financial statements, income, and credit history; and

4. Incidental services utilized in arranging for and procuring a conditional loan commitment, such as, courier services, express mailings, and long distance telephone charges, except as provided in subparagraph (3)(a)12., below.

5. Premiums and other charges for insurance written in connection with a loan, except as provided in subparagraph (3)(a)5. paragraph (5) below.

(b) The total mortgage brokerage fee shall include all compensation for the services described in paragraph (2)(a), whether or not the compensation is to be received by the licensee, a co-broker, an affiliate, or an independent third party.

(c) A good faith estimate does not supplant or substitute for the agreement required by Section 494.0038(1), Florida Statutes.

(3)(a) In addition to stating the total mortgage brokerage fee, the licensee shall provide a good faith estimate of costs for services or products that may be incurred or expended on behalf of the borrower in arranging for the loan. Services or products for which costs shall be estimated, but which are not required to be included in the mortgage brokerage fee include the following:

1. through 4. No change.

5. Charges for title insurance as defined in Section 624.608, F.S., abstract of title, title search fee, and fees for an attorney's title opinion. A licensee may not receive or accept any monetary consideration or inducement in connection with the issuance of a title insurance policy in a transaction in which he was involved;

6. through 11. No change.

12. Incidental fees, such as, courier services and express mailings if pre-authorized in writing by the borrower;

13. through 17. No change.

(b) The costs enumerated in paragraph (3)(a) may be charged and collected provided they are itemized and supported by an actual expenditure.

(4) through (10) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0041, 494.0042 FS. History—Revised 9-23-65, Amended 9-1-67, 5-8-68, Renumbered from 3-3.08 to 3D-40.08 on 9-8-75, Amended 9-29-75, 4-27-77, Joint Administrative Procedures Committee Objection Filed – See F.A.W. Vol. 2, No. 19, May 7, 1976, Joint Administrative Procedures Committee Objection Withdrawn – See F.A.W. Vol. 3, No. 30, July 29, 1977, Amended 7-6-78, 2-5-80, 8-17-83, Formerly 3D-40.08, Amended 1-5-87, 5-24-89, 8-24-92, Formerly 3D-40.008, Amended _____.

69V-40.015 Payment of Guaranty Fund Claims.

~~(1)(a) Subsequent to the expiration of two (2) years from the date the first complete and valid notice was received by the Office of Financial Regulation, the Office of Financial Regulation shall determine which claims have met the conditions prescribed in former subsection 494.042(2) and Section 494.043, F.S.~~

~~(b)1. The Office of Financial Regulation shall use the following formula for claims that have satisfied the requirements of former Sections 494.042 and 494.043, F.S., prior to the expiration of two years from the date the first complete and valid notice was received by certified mail by the Office of Financial Regulation:~~

~~2. The ratio of the Aggregate Amount to the Total Claim Amount shall never exceed one hundred (100) percent.~~

~~(2)(a) After taking into account claims that have satisfied the requirements of former subsection 494.042(2) and Section 494.043, F.S., prior to the expiration of two years from the date the first complete and valid notice was received by certified mail by the Office of Financial Regulation, the Office of Financial Regulation shall pay Individual Claim Amounts which have satisfied former subsection 494.042(2) and Section 494.043, F.S., in the order that certified mail notices required by former subsection 494.043(1)(c) or 494.043(2), F.S., were filed with the Office of Financial Regulation.~~

~~(b) The total amount of all claims paid shall not exceed the applicable Aggregate Amount.~~

~~(3) Claims filed by persons as tenants by the entirety shall be treated as the claim of one eligible claimant with respect to payment from the fund.~~

~~(4) Obtaining a lien pursuant to the Florida Enforcement of Foreign Judgments Act, Sections 55.501 -509, F.S., shall be deemed to satisfy the requirements of obtaining a judgment from a Florida court of competent jurisdiction codified in former subsection 494.042(2), F.S., and former subsection 494.043(1)(a), F.S.~~

~~(5)(a) In the event that the licensee or registrant is subject to bankruptcy proceedings, in order to obtain payment from the fund, all claimants file with the Office of Financial Regulation a copy of such claimant's proof of claim by certified mail as required by former subsection 494.043(2), F.S.~~

~~(b) In the event that a claimant complies with former subsection 494.043(1)(c), F.S., and thereafter the licensee or registrant becomes subject to the provisions of the bankruptcy code, the former subsection 494.043(1)(c), F.S., notice shall be used to determine:~~

~~1. The date the two-year period referred in former subsection 494.044(1), F.S., expires; and~~

| | | |
|-----------------------------|-----------------------|--------------------|
| Aggregate Amount | Individual | Amount |
| Total Claim | x Claim | = of |
| Amount | Amount | Payment |

~~2. The priority of payments with respect to such claimant should such claimant fail to satisfy the statutory requirements for payments prior to the expiration of the two-year period referred in former subsection 494.044(1), F.S.~~

~~(6) Any person who has met all requirements of former Section 494.042, F.S., and former Section 494.043, F.S., shall assign such right, title, and interest in the judgment, to the extent of their recovery from the fund to the Office of Financial Regulation using the Mortgage Brokerage Guaranty Fund Assignment, Form OFR-MBGF-002, effective 6-23-91, which is hereby incorporated by reference, available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(7) Payment or disbursement from the fund shall be in accordance with Section 216.331, F.S., and shall be paid by warrant to any person who has been determined by a Florida court of competent jurisdiction to have suffered monetary damages as a result of any violation of this chapter by a licensee or registrant.~~

~~(8) In the event that sufficient funds are not available to pay claims which have been approved for payment, guaranty fund payments shall be made in the order that such claims were filed with the Office of Financial Regulation; provided that, claims approved by final order which have been appealed or are otherwise subject to further pending proceedings shall not be considered until such appeal or other proceedings have been completed.~~

Specific Authority 494.0011(2) FS. Law Implemented 494.0017 FS. History-New 6-23-91, Amended 11-17-93, 7-25-96, Formerly 3D-40.015, Repealed _____.

69V-40.020 Changes of Address.

~~All licensees shall notify the Office of Financial Regulation of any change of address in writing to the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

Specific Authority 494.0011(2) FS. Law Implemented 494.0031, 494.0032, 494.0033, 494.0034, 494.0036, 494.0039, 494.0061, 494.0062, 494.0064, 494.0065, 494.0066, 494.0067 FS. History-New 10-1-91, Amended 8-24-93, 7-25-96, 12-12-99, Formerly 3D-40.020, Repealed _____.

69V-40.021 Fictitious Name Registration.

~~No mortgage business school, mortgage brokerage business or lender person having a license or permit pursuant to Chapter 494, F.S., will be permitted to use a fictitious name unless they have provided evidence to the Office of Financial Regulation that such fictitious name is duly registered with the Florida Secretary of State, pursuant to Section 865.09, F.S.~~

Specific Authority 494.0011(2) FS. Law Implemented ~~494.0029(2)(e), 494.00311(3)(e), 494.0041(2)(q), 494.0072(2)(q), 865-09~~ FS. History-New 8-7-97, Formerly 3D-40.021, Amended _____.

69V-40.022 Quarterly Report Filing Requirements.

(1) through (2) No change.

(3) The report ~~shall~~ ~~may~~ be filed electronically on Form ~~OFR-494-08~~ ~~OFR-MX-QR-E~~ by accessing the Office of Financial Regulation's website at ~~www.dbf.state.fl.us/lofr.com~~ ~~or the report may be filed on Form OFR-MX-QR in a typed format. Forms OFR-MX-QR and OFR-MX-QR-E are hereby incorporated by reference and are available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) Any person may petition for a waiver of the requirement of electronic filing of quarterly reports by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the quarterly report in a paper format. Such petitions are timely filed if received by the office by the quarterly report filing deadline.

(b) Any person granted a waiver pursuant to paragraph (3)(a) above will be provided a copy of Form OFR-494-08.

(4) All reports, ~~written or electronic~~, shall be filed with received by the Office of Financial Regulation ~~in Tallahassee~~ within thirty (30) days after the last day of each calendar quarter. If the 30th day falls on a weekend or official holiday such reports will be considered timely filed received on the next business day.

(5) No change.

(6) Form OFR-494-08 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority ~~494.0011(2), 494.004(7)(6), 494.0067(9) FS. Law Implemented 494.0011(2), 494.004(7)(6), 494.0067(9) FS. History—New 11-7-00, Formerly 3D-40.022, Amended _____.~~

69V-40.025 Mortgage Broker Examination.

(1) ~~Form and Grading.~~ The Office of Financial Regulation or its designee shall be responsible for the administration and grade notification of the Mortgage Broker Examination. The Office of Financial Regulation or its designee shall notify each applicant of the time, place and date of the examination(s) ~~and shall provide the applicant with an official admission notice which shall be required for admission to sit for the examination. Information contained on the official admission notice shall supersede any other information at the assigned examination location.~~

(2) ~~Examination Proctors.~~ All examinations shall be administered and supervised by proctors who are Office of Financial Regulation employees or its designees. During the examination the examinees shall abide by the instructions of the proctors.

Specific instructions for completion of the examination shall be communicated prior to the examination read by the proctor(s) and the examinees shall be permitted to ask reasonable questions relating to the instructions. The Office of Financial Regulation or its designee shall be responsible for

determining that the student taking the examination is the actual person authorized to take the examination. Examinees shall not give or receive help from other examinees. There shall be no talking or communication between the examinees while the exam is in progress. Reference materials shall not be permitted in the examination room unless specifically authorized in the instructions.

(3) Cheating on an examination or violating test center or examination procedures published orally, in writing, or electronically at the test site by Office of Financial Regulation employees or its designees shall be grounds for denial of licensure by the Office of Financial Regulation. Admission after examination has commenced. Candidates arriving at the assigned examination location after the designated starting time shall be permitted to sit for the examination only after signing a statement clearly specifying the late arrival time and agreeing that they shall have only the time remaining in the examination period to complete the examination. Any candidate that refuses to sign such statement shall be disqualified from the examination and will be rescheduled for the next available examination date if that date is within the candidate's ninety (90) day application period. However, no candidate shall be admitted to the examination if any other candidate has completed the examination and left the examination room.

(4) Conduct which is grounds for exclusion. The following behavior(s) by any candidate is grounds for exclusion, anyone of which shall result in immediate removal from the examination room:

- (a) Unnecessary noise or other disturbance that interferes with the examination process.
- (b) Cheating or attempting to cheat.
- (c) Observing the examination questions or answers of those candidates being tested.
- (d) Removal of any examination materials from the examination room.

Conduct from candidates resulting in the exclusion from an examination shall be grounds for ~~may result in~~ denial of licensure by the Office of Financial Regulation.

(5) ~~Review procedures.~~ Candidates failing the examination will be notified of the review procedures and will automatically be rescheduled for the next examination date provided that date is within their ninety (90) day application period. Candidates who fail the examination may review their examination one time, for a \$30 fee, and must do so at the time and place designated. Candidates reviewing shall have the right to have access to the examination questions booklet, a copy of their answer sheet examination responses, and the correct answers grading key. Rules of examinee conduct during the review are the same as those for the examination.

(6) ~~Examination content.~~ Examinations will be written and composed of 100 multiple choice questions. Examinations will be written according to the weight content area as provided in the candidate Study Guide. The following conditions shall apply:

(a) Candidates must use a number 2 lead pencil to mark their choices on the answer sheet provided.

(b) The examination will be scored on the basis of 100 points ~~for a perfect examination.~~

(c) An applicant who receives a grade of 75 points or higher shall be passed. A passing score will be valid for a period of 2 years ~~365 days~~ from the date of passing the examination.

(d) Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period.

(e) Candidates may use a non-programmable hand held or battery type calculator.

(f) ~~Test scores will be derived from the number of correct responses. Only those answers indicated by the candidate on the answer sheet will be used in computing the examination score.~~

(g) Candidates will not be permitted to refer to any notes, books or memoranda.

(7) Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period. Candidates will be permitted to may use a non-programmable hand held or battery type calculator.

~~(8)(7)~~ Notification of results. The applicant will be notified of the results of the examination by the Office of Financial Regulation or its designee. ~~Said notification will be sent via U.S. mail within 10 business days of the examination date.~~

Specific Authority 494.0011(2) FS. Law Implemented 494.0033(2)(b) FS. History–New 10-1-91, Amended 6-8-92, Formerly 3D-40.025, Amended.

69V-40.027 Mortgage Broker Pre-licensing Education Requirement.

(1) through (3) No change.

(4) Within five (5) days of completion of each twenty-four (24) hour mortgage broker course, ~~each~~ the school shall submit to the Office of Financial Regulation the full name of the student, the social security number of each student, the school's name, the school's license number, if applicable, and the completion date ~~a typed list~~ of all students who successfully completed the course. ~~Each~~ ~~In lieu of the typed list,~~ the school shall ~~may~~ submit the required information on list on a 3.5" diskette, by e-mail, or by accessing the Office of

Financial Regulation's website at www.flofr.com ~~www.dbf.state.fl.us.~~ ~~The list shall include the full name of the student, the social security number of each student, the school's name, the school's license number, and the completion date.~~ Each mortgage business school shall maintain student completion records for at least three (3) years from the completion dates.

(5) An instructor of a school who teaches a pre-licensing course ~~that teaches the 24 hours of pre-licensing education~~ may use the course toward the satisfactory completion of the pre-licensing education requirement.

Specific Authority 494.0011(2), 494.0016 FS. Law Implemented 494.0016, 494.00295, 494.0033 FS. History–New 7-5-92, Amended 11-5-95, 11-24-97, 8-22-99, 12-9-01, Formerly 3D-40.027, Amended.

69V-40.0271 Professional Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives.

(1) ~~Effective October 1, 2001,~~ All all persons licensed as a mortgage broker shall satisfactorily complete fourteen (14) hours of professional continuing education (~~"continuing education"~~) covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 69V-40, F.A.C.

(2) ~~Effective October 1, 2002,~~ The the principal representative; and each loan originators, ~~and associates~~ of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause shall satisfactorily complete fourteen (14) hours of professional continuing education covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 69V-40, F.A.C.

(3) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage Business School or an accredited college, university, community college, or area vocational-technical school in this State which offers the fourteen (14) hour professional continuing education course(s). Qualifying hours of at least 4 hours may be obtained by attending training courses covering the provisions of Chapter 494, F.S., and Chapter 69V-40, F.A.C., that are conducted by the Office of Financial Regulation or its Regional Offices.

(4) For the purpose of this rule, the following definitions will apply:

(a) "Hour" shall mean 60 minutes of class time, of which 50 minutes shall be instruction, with a maximum of 10 minutes of break per hour.

(b) "School" shall mean any duly permitted and accredited Mortgage Business School and any accredited college, university, community college, or area vocational-technical school in this State, which offers the fourteen (14) hour professional continuing education course.

(c) "Student" shall mean all persons licensed as a mortgage broker, the principal representative, and loan originators of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause.

(d) "Good Cause" means an incident or occurrence which is beyond the control of the student and which prevents attendance. Examples of good cause include, but are not limited to, disabling accident, illness, call to military duty, or declared national emergency.

(5) The fourteen (14) hours of professional continuing education can be taken in one or more courses at one or more schools.

(6) Schools shall not issue certificates of completion to students who do not attend or complete the scheduled hours for any professional continuing education course.

(a) Schools shall be responsible for determining that the student attending or completing the professional continuing education course is the actual person scheduled to complete the class or session.

(b) At the discretion of the school, students may miss a class or session and attend a make-up class or session to complete the attendance requirements upon showing good cause.

(c) The school may hold makeup classes or sessions to accommodate the student.

(7) An instructor of a school who teaches a professional continuing education course may use the course toward the satisfactory completion of the professional continuing education requirement.

(8) Neither students nor instructors may earn professional continuing education credit for attending or instructing at any subsequent offering of the same professional continuing education course during any two (2) year period.

~~(9) The continuing education requirements are waived for the license renewal of the mortgage broker, for the biennial license period in which the individual became licensed as a mortgage broker.~~

~~(10) The continuing education requirements for the principal representative are waived for the license renewal of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause, for the biennial license period in which the principal representative completes the 24 hours of classroom education in accordance with Rule 69V 40.027, F.A.C., and also passed a written test in accordance with Rule 69V 40.025, F.A.C., in order to qualify to be designated as a principal representative.~~

~~(9)(14)~~ The professional continuing education courses may be offered through classroom instruction, electronic transmission ("Internet"), or distance education ("correspondence course").

~~(10)(12)~~ The professional continuing education courses taught by using the Internet and correspondence courses shall have:

(a) Course subject matter, assignment work, scholastic standards and other related requirements substantially similar to the course offered by classroom instruction, having due regard however, to the different methods of presentation.

(b) Shall provide students with instructions on how to contact an instructor to answer inquiries. The school shall also disclose to the student when the instructor will be available, however the instructor shall respond within 2 business days to the student's inquiries.

(c) When the course is in the form of a video tape or CD-Rom, the presentation must be of a quality that permits the student to view and listen to the presentation without interfering with the learning process.

~~(11)(13)~~ Within five (5) days of completion of each professional continuing education course, ~~the each permitted~~ school shall submit to the student a certificate of completion indicating successful completion of the course, and the number of hours that course consisted of. Within five (5) days of completion of each professional continuing education course, each permitted school shall submit to the Office of Financial Regulation the full name and mortgage broker license number or social security number of each student, the school's name and license number, the number of hours completed by the student, and the completion date for individuals licensed as mortgage brokers. Each permitted school shall submit the required information on the Office of Financial Regulation's website at www.flofr.com. The schools are not to submit copies of the continuing education requirement certificates to the Office of Financial Regulation. Each mortgage business school shall maintain all student course completion records for at least ~~four (4)~~ three (3) years from the completion dates.

Specific Authority 494.0011(2), ~~494.00295(4)~~ ~~494.00295(3)~~ FS. Law Implemented 494.0016, 494.0029, 494.00295, 494.0034, 494.0064, 494.0067 FS. History--New 12-9-01, Formerly 3D-40.027, Amended_____.

69V-40.028 Permit for Mortgage Business School.

(1) Application Process. Each person, school, or institution desiring to obtain a permit for a Mortgage Business School shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Business School Permit, Form OFR-494-04MBS-101, revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(b) A nonrefundable application fee of \$500 ~~which shall be the permit fee for the annual period beginning October 1 of each year or any part thereof.~~

(c) A \$400 nonrefundable accreditation fee ~~which shall be for the annual period beginning October 1 of each year or any part thereof.~~

(d) For schools teaching the 24-hour pre-licensing course, all training materials that the applicant plans to distribute to course participants including a copy of all teaching aids, such as flash cards, hand-outs, audio/video materials, computer disks/cd's, and any computer based training.

(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within thirty (30) days from the date of the request. Failure to respond to the request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application shall be denied pursuant to subsection 120.60(1), F.S.

(3) Amendments to Pending Applications. If the information contained in any application for a permit for a Mortgage Business School or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-04. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office. Refunds. If the application is withdrawn or denied, the application fee is nonrefundable. The accreditation fee shall be refunded when the application is withdrawn prior to a decision being rendered by the Office of Financial Regulation.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office. 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.

(5) Refunds. If the application is withdrawn or denied, all fees are non-refundable. Valid Period of Permit. Upon approval of an application, a permit will be issued for the remainder of the annual license period, which ends each September 30th. The permit will be valid for this period unless the Office of Financial Regulation takes administrative action against it or unless the permit is terminated by the holder.

(6) Valid Period of Permit. Upon approval of an application, a permit will be issued for the remainder of the annual license period, which ends each September 30th. The permit will be valid for this period unless the Office of Financial Regulation takes administrative action against it or unless the permit is terminated by the holder.

(7) Form OFR-494-04 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0029(1), (3) ~~(b)~~ FS. Law Implemented 120.60(1), 494.0029, FS. History—New 11-5-95, Amended 8-22-99, 12-9-01, Formerly 3D-40.028, Amended_____.

69V-40.0281 Mortgage Business Schools Prohibited Practices and Advertising/Publicity.

(1) The following practices are prohibited from being used in any publicity or advertising done by mortgage business schools and will be considered a violation of subsections 494.0029(2)(3)(c) and (d), F.S.:

(a) Making any reference or comparison to another school (named or unnamed).

(b) Any type of guarantee of non-measurable outcomes, such as, but not limited to, “satisfaction guaranteed.”

(c) Any claim to being the only, largest, best, less expensive, or other such comparison.

(d) Any claim or reference as to a school’s knowledge of the State of Florida Mortgage Broker Test questions and answers.

(2) No change.

(3) Pass/Fail Ratio as used in subsection 494.0029(2)(3)(f), F.S., shall be defined as any reference to how a student or any group of students performed on the State Mortgage Broker Examination. No reference shall be made to any comparative superlatives such as, but not limited to, “excellent passing ratio” or “better than average results.”

(4) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0029, 494.00295 FS. History—New 8-14-97, Amended 12-9-01, Formerly 3D-40.0281, Amended_____.

69V-40.029 Mortgage Business School Permit Renewal.

(1) Each active Mortgage Business School permit shall be renewed for the annual period beginning October 1 of each year upon submission of the following:

(a) A permit renewal fee of \$500, ~~and a completed renewal form, Form OFR-MBS-202, Mortgage Business School Renewal Form, revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

(b) A recertification accreditation fee of \$400 for the school; and

(c) For schools teaching the 24-hour pre-licensing course, all training materials that the applicant plans to distribute to course participants including a copy of all teaching aids, such as flash cards, hand-outs, audio/video materials, computer disks/cd's, and any computer based training.

(2) Renewal fees shall be sent directly to the Office of Financial Regulation or may be paid electronically by the following the applicable instructions on the Office of Financial Regulation's website at www.flofr.com. The Office of Financial Regulation shall deem a renewal received upon receipt of the requisite fees and training materials at such time as it has been dated stamped by the Cashier's Office of the Department of Financial Services or the date the renewal process has been completed on the Office's website. All renewal fees and training materials must be received by September 30 of the year in which the permit expires. If September 30 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.

(3)(2) Failure to submit the fees and training materials ~~renewal form~~ required in subsection (1) prior to October 1 or each renewal year shall automatically result in the permit becoming expired. After the license has expired, there is no provision for reinstatement. A new application for a permit must be submitted as described in Rule 69V-40.028, F.A.C.

Specific Authority 494.0011(2), 494.0029(1), (3)(b) FS. Law Implemented 494.0029 FS. History--New 11-5-95, Amended 8-22-99, 12-9-01, Formerly 3D-40.029, Amended.

69V-40.031 Application Procedure for Mortgage Broker License.

(1) Each person desiring to obtain licensure as a mortgage broker shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Licensure as a Mortgage Broker, Form OFR-494-03 ~~OFR MB 101, revised 03/05, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. The application must be completed and signed within thirty (30) days prior to receipt by the Office;~~

(b) The statutory nonrefundable application fee required by Section 494.0033, F.S., which shall be the fee for the biennial period beginning September 1 of each odd-numbered year or any part thereof;

(c) A completed fingerprint card (FL921050Z) mailed to the Office of Financial Regulation, 200 East Gaines St., Tallahassee, Florida 32399-0376; ~~accompanied by a \$23 nonrefundable processing fee; and~~

(d) A nonrefundable fingerprint card processing fee of \$42.25;

(e)(4) Evidence that the applicant has completed the mortgage broker education requirements of subsection 494.0033(3), F.S.; and

(f) Evidence that the applicant has passed the mortgage broker examination as defined in Rule 69V-40.025, F.A.C.

(2) Request for Additional Information. Any request for additional information, including a passing score on the Mortgage Broker Examination, will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(3) Amendments to Pending Applications. Amendment of Application. If the information contained in an Application for Licensure as a Mortgage Broker or any amendment thereto becomes inaccurate for any reason ~~before the applicant becomes licensed~~, the applicant shall file an amendment be responsible for correcting such the inaccurate information within thirty (30) ten (10) days of the change on Form OFR-494-03 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application. Requests to make changes which are material to the application will or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee(s) fee, will may be required. A material change means a change to a response to the disclosure questions listed in section 10 on Form OFR-494-03.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(5) Refunds. If the application is withdrawn or denied, the application fee and fingerprint processing fee are nonrefundable.

(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

(7) Restoration of Civil Rights.

(a) ~~If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(7) All applications, fees, data and forms required, except the fingerprint card, to be filed under this rule shall be filed electronically at www.flofr.com. An application and fees submitted electronically on the Office's website shall be considered received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation is issued by the Office upon successful submission of an application and payment of all fees.

(8) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format.

(9) Form OFR-494-03 and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 120.60(1), 494.0033 FS. History—New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, 8-22-99, 12-12-99, 12-11-03, Formerly 3D-40.031, Amended 5-24-05,_____.

69V-40.043 Mortgage Broker License Renewal and Reactivation.

(1) Each active mortgage broker license shall be renewed for the biennial period beginning September 1 of each odd-numbered year upon submission of the statutory renewal fee required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and a completed renewal form, Form OFR-494-07~~MB-103~~, Mortgage Broker License Renewal and Reactivation Form, revised 10/01, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) through (5) No change.

(6) All applications, fees, data and forms required to be filed under this rule shall be filed electronically at www.flofr.com.

(7) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format. If the payment is received in a paper format, the received date shall

be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

(8) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment.

(9) Form OFR-494-07 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.001(3), 494.00295, 494.00331(1), 494.0034 FS. History—New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, 12-12-99, 2-5-01, 12-9-01, Formerly 3D-40.043, Amended_____.

69V-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) Each person desiring to obtain licensure as a mortgage brokerage business shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for ~~Licensure as a Mortgage Brokerage Business and Lender License, Form OFR-494-01 MB-201, revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) and (c) No change.

(2) Each ultimate equitable owner of 10% or greater interest, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer ~~the chief executive officer, control person, member, partner, joint venturer,~~ and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary ~~from~~ Form OFR-494-01~~MBB-BIO-1 (revised 10/99)~~, to the Office of Financial Regulation along with a \$42.25 ~~23~~ nonrefundable processing fee. ~~Form OFR-MBB-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the operation of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(a)(e) If any ultimate equitable owner of 10% or greater interest, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, the individual owner, director, or chief executive officer, control person, member, partner, joint venturer, of the applicant

holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).

~~(b)(4)~~ If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of ~~25~~ 50% or more of the ownership interest or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

~~(c)(e)~~ Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. 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 to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) ~~Amendments to Pending of Applications.~~ If the information contained in an Application for Licensure as a Mortgage Brokerage Business or in any amendment thereto becomes inaccurate for any reason ~~before the applicant becomes licensed~~, the applicant shall file an amendment ~~be responsible for~~ correcting the inaccurate such information within ~~thirty ten (30) (40)~~ thirty (30) days of the change on Form OFR-494-01 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application. Requests to make changes which are material to the application will ~~or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, will ~~may~~ be required. Material changes include:

1. A change to a response to the disclosure questions listed in section 8 on Form OFR-494-01.
2. A change to disclosure questions listed in section 3 on the biographical summary on Form OFR-494-01, or

3. The substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, a joint venturer, or principal broker.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

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

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

(8) Form OFR-494-01 and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.

~~(8) Restoration of Civil Rights:~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 215.405, 494.0011(2), 494.0031(2) FS. Law Implemented 494.0031, 494.0035, 494.004(6) FS. History—New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-11-03, Formerly 3D-40.051, Amended _____.

69V-40.053 Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation.

(1) Each active mortgage brokerage business license shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0032, F.S., ~~and a completed renewal form. Form OFR-MB-707, Mortgage Brokerage Business License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) A mortgage brokerage business license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0032, F.S., ~~and submission of a completed reactivation form.~~ If August 31 of

the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) Each active mortgage brokerage business branch office license shall be renewed in conjunction with the mortgage brokerage business license renewal upon submission of the statutory renewal fee required by Section 494.0032, F.S., ~~and a completed renewal form. Form OFR MB 708, Mortgage Brokerage Business Branch Office License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399 0375.~~

(4) A mortgage brokerage business branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive branch office license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0032, F.S., ~~and submission of a completed reactivation form.~~ If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) A mortgage brokerage business license and branch office license that is not renewed within six months after the end of the biennial period automatically expires.

(6) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment. Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the internet.

(7) All applications, fees, data and forms required to be filed under this rule shall be filed electronically at www.flofr.com.

(8) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format. In the event the renewal payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

Specific Authority 494.0011(2), 494.0032(2),~~(3)~~, 494.0036(2) FS. Law Implemented ~~494.001(7)~~, 494.0011(2), 494.0031(1), 494.0032, 494.0036 FS. History—New 11-2-86, Amended 2-8-90, 10-1-91, 12-12-99, 11-1-00, 2-5-01, Formerly 3D-40.053, Amended _____.

69V-40.058 Application Procedure for Mortgage Brokerage Business Branch Office License.

(1) Every mortgage brokerage business which conducts mortgage brokerage business in this state from a branch office shall apply to the Office of Financial Regulation for a license to operate a branch office by submitting the following:

(a) A completed Application for ~~Mortgage Brokerage Business Branch Office License, Form OFR-494-02MB-301, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399 0375;~~

(b) The statutory, nonrefundable license fee required by Section 494.0036, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year of any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. 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 to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending Applications of Application. If the information contained in an Application for Mortgage Brokerage Business Branch Office License or in any amendment thereto becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall file an amendment be responsible for correcting the inaccurate such information within thirty (30) ten (10) days of the change on Form OFR-494-02 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. ~~Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the~~

~~Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.~~

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

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

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

(8) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0036(2) FS. Law Implemented 494.0036 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 8-22-99, 12-12-99, Formerly 3D-40.058, Amended _____.

69V-40.099 Amendments. Change of Name, Change of Entity and Change in Control or Ownership.

(1) ~~Each person licensed as a mortgage broker, mortgage brokerage business, mortgage lender, or correspondent mortgage lender, or permitted mortgage business school which proposes to change its name, form of business organization, or any other information contained in any initial application form or any amendment thereto, must file an amendment pursuant to Sections 494.004(6) and 494.0067(4), F.S., not later than thirty-days (30) after the effective date of the change on Form OFR-494-01 for Mortgage Brokerage Businesses and Lenders, Form OFR-494-02 for Branch Offices, Form OFR-494-03 for Mortgage Brokers, and Form OFR-494-04 for Mortgage Business Schools, changes her or his name of record, as filed with the initial application for licensure, or any subsequent change on file and acknowledged by the Office of Financial Regulation thereafter, shall notify the Office of Financial Regulation, in writing, of the name change and shall provide documentation authorizing such name change within thirty (30) days of the date effecting such change. Any licensee pursuant to Sections 494.0061 or 494.0062, F.S., shall additionally provide a completed surety bond, on Form OFR-494-05ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, which is hereby incorporated by reference (effective 10/91), executed in the new name of the licensee as documented by the requirements of this subsection. The form is available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Name changes pursuant to this subsection shall not involve any change in controlling interest of the licensed entity.~~

(2) Each licensed mortgage brokerage business, mortgage lender, or correspondent mortgage lender which proposes to change any personnel described in Sections 494.004 and

494.0067, F.S., listed in any initial application form or any amendment thereto must file an amendment not later than thirty-days (30) prior to the effective date of the change or within two (2) business days after the date the licensee first received notice of the change on Form OFR-494-01 for Mortgage Brokerage Businesses and Lenders. In the event the change in personnel in Sections 494.004 and 494.0067, F.S., listed in any initial application or any amendment thereto results in the addition of anyone referenced in this subsection, such persons must comply with subsections 494.0031(2)(c) & (d), 494.0061(2)(g) & (h), 494.0062(2)(g) & (h), or 494.0065(5)(e) & (f), F.S. unless such person has previously complied with an entity currently licensed under this chapter and the person is currently affiliated with such entity the entity licensed with the Office of Financial Regulation shall file a new application for licensure pursuant to Section 494.0031, 494.0061, or 494.0062, F.S. Application forms are available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(3) ~~Applications for licensure as Any person or persons, who directly or indirectly, seeks to own, control, or hold with power to vote, or holds proxies representing 50 percent or greater of any class of equity securities or ultimate equitable ownership of a mortgage brokerage business, mortgage lender or correspondent mortgage lender required as a result of an acquisition of a controlling interest in a licensee pursuant to subsection 494.004(6) & 494.0067(4), F.S., must be filed in a timely manner as to allow the Office to complete its review of the application prior to the effective date of the acquisition, but no later than thirty (30) days prior to the date of such acquisition. Such applications must be filed in accordance with shall file a new application for licensure pursuant to Section 494.0031, 494.0061, or 494.0062, F.S., prior to the effective date of the change in ownership or control interest.~~

(4) Any person who is subjected to the requirements of subsection (2) or (3) herein, and who seeks to own, control, or hold power to vote of a mortgage lender licensed pursuant to the Saving Clause, Section 494.0065, F.S., is subjected to the net worth requirements as specified in subsection 494.0065(1)(a)2., F.S., when reapplying for licensure as required in subsections (2) and (3) above. An application for licensure under this subsection shall be submitted in accordance with Rule 69V-40.100, F.A.C.

(5) The office shall waive the requirement for a licensee to file a new application pursuant to subsections 494.004(6) & 494.0067(4), F.S.:

(a) When a person or group of persons proposing to purchase or acquire a controlling interest in a licensee has previously filed the information with the Office required in subsections 494.0031(2)(c) & (d), 494.0061(2)(g) & (h), 494.0062(2)(g) & (h), or 494.0065(5)(e) & (f), F.S., with a

~~mortgage brokerage business or lender currently licensed to the office, provided that such person is currently affiliated with the mortgage brokerage business or lender licensee; or~~

~~(b) When the acquirer is currently licensed with the office as a mortgage broker, mortgage brokerage business or lender.~~

~~(6) If the requirement to file a new application for a change in controlling interest is waived pursuant to subsection 5 of this rule, the licensee must file an amendment as prescribed in subsection 2 of this rule to report the change in controlling interest.~~

~~(5) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

~~(6) Upon approval of an application, a letter informing the applicant of the Office of Financial Regulation's intent to approve the application will be sent to the applicant's mailing address as indicated on the application. Upon the Office of Financial Regulation's receipt of the original license issued to the former owners, notification that the change in ownership or control has been finalized and the effective date of closing, a license will be issued, effective the later of the date of closing or the date of notice of intent to approve, for the remainder of the biennial licensure period. Failure to respond to the Office of Financial Regulation's notice of intent to approve within thirty (30) days of the date of that letter will result in the application being withdrawn.~~

~~(6) Form OFR-494-01, Form OFR-494-02, Form OFR-494-03, Form 494-04, and Form 494-05 are incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

Specific Authority 494.0011(2) FS. Law Implemented ~~494.0029(1)(d)~~, 494.0031, 494.0061, 494.0062, 494.0065 FS. History—New 1-10-93, Amended 5-14-95, 9-3-95, 12-12-99, 11-1-00, Formerly 3D-40.099, Amended _____.

69V-40.100 Application Procedure for Transfer Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person who seeks to obtain a controlling ownership or voting interest in a mortgage lender licensed pursuant to the saving clause shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed application form Application for Mortgage Brokerage Business and Lender License Change in Ownership or Control of Saving Clause Mortgage Lender, Form OFR-494-01 MLST, revised 9/02, which is hereby

~~incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) A nonrefundable application fee of \$500, which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, then an audited statement from the previous fiscal year end is acceptable.

(d) Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.~~ Each mortgage lender applicant pursuant to the saving clause transfer shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, the chief executive officer and each director, control person, member, partner, or joint venturer of an entity applying for licensure as a mortgage lender licensed pursuant to the savings clause, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, Form OFR ML BIO 1 (revised 10/99), to the Office of Financial Regulation along with a ~~\$42.25~~ \$23 nonrefundable processing fee. ~~Form ML BIO 1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(a) Any entity that is a wholly owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).~~

~~(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.~~

~~(a)(e)~~ If the individual owner, director, ~~or chief executive officer~~ principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, principal representative, control person, member, partner, or joint venturer holds an active mortgage broker's license with the Office of Financial Regulation, he or she is exempt from the provisions of subsection (2).

~~(b)(d)~~ If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25 50% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

~~(c)(e)~~ Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond to the request within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to subsection 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in any application for a license for a Saving Clause Mortgage Lender or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-01. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office. The Office will grant permission to amend the application , unless the amendment constitutes a material change to the application Requests to make changes which are material to the application will be deemed by the Office to be grounds for denial and a new application, accompanied by the appropriate filing fees, will be required. Material changes include:

1. A change to a response to the disclosure questions listed in section 8 on Form OFR-494-01.
2. A change to disclosure questions listed in section 3 on the biographical summary on Form OFR-494-01.

3. The substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, a joint venturer, or principal representative.

4. A change to the applicant's net worth.
~~(a) An applicant shall notify the Office of Financial Regulation within ten (10) days of the occurrence of any change in the information reported on the application.~~

~~(b) An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within (30) days from its receipt for filing. Otherwise the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.~~

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

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

(7) Form OFR-494-01 and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.

~~(7) Upon approval of an application, a letter informing the applicant of the Office of Financial Regulation's intent to approve the application will be sent to the applicant's mailing address as indicated on the application. Upon the Office of Financial Regulation's receipt of the original MLS license issued to the former owners, notification that the change in ownership or control has been finalized and the effective date of closing, a license will be issued effective, the later of the date of closing or the date of notice of intent to approve, for the remainder of the biennial licensure period. Failure to respond to the Office of Financial Regulation's notice of intent to approve within thirty (30) days of the date of that letter will result in the application being withdrawn.~~

Specific Authority 494.0011(2), ~~494.0061(3), (8), (10),~~ 494.0065(3), FS. Law Implemented 120.60, ~~494.001(30)(29),~~ 494.0061(1), (3), (8), 494.0065, ~~494.0067(3),~~ (4) FS. History- New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.100 , Amended .

69V-40.105 Branch Office License for Transfer Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person applying for a ~~transfer change~~ in ownership or control of a saving clause mortgage lender, who also wishes to operate branch offices of that saving clause mortgage lender shall apply to the Office of Financial Regulation for a license to operate each branch office by submitting the following:

(a) A completed Application for ~~Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office~~ License. Form OFR-494-02 ~~ML-222B, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(b) The statutory, nonrefundable license fee required by Section 494.0066, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. 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 to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) ~~Amendments to Pending of Applications. If the information contained in any application for a license for a branch office of a Savings Clause Mortgage Lender or any amendment thereto, becomes inaccurate for any reason, the application shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-02. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within (30) days from receipt of the application by the Office its receipt for filing. Otherwise the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.~~

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation

by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) and (7) No change.

(8) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 494.0065, 494.0066 FS. History—New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, Formerly 3D-40.105, Amended.

69V-40.156 Third-party Fee Accounts.

(1) All third-party fees and refundable application fees received by a mortgage brokerage business shall immediately be deposited in a segregated account in a federally insured financial institution located in Florida. The account shall be in the name of the mortgage brokerage business and shall provide for withdrawal of funds without notice. The account shall be used exclusively for third-party fees and refundable application fees. The licensee shall maintain an updated and accurate record of account activity on Form OFR-494-09 ~~MX-999, Mortgage Brokerage Deposit Account Form (effective 12/91), which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375,~~ or on a format which is substantially similar to Form OFR-494-09 ~~MX-999.~~

(2) through (3) No change.

(4) Form OFR-494-09 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.695, 494.0038(5), 494.0041(2)(e), 494.0068(3), 494.0072(2)(e) FS. History—New 12-3-91, Amended 7-25-96, 12-12-99, Formerly 3D-40.156, Amended.

69V-40.160 Principal Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the principal broker and the individual designated shall accept responsibility by completing the Principal Broker/Representative Designation section of Form OFR-494-01 ~~MB-PB, effective 10/91, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) Upon any change of principal broker, the licensee and the newly designated principal broker shall amend complete the Principal Broker/Representative Designation section of Form OFR-494-01 ~~MB-PB pursuant to subsection 69V-40.099(1), F.A.C.~~ Form OFR-494-01 ~~MB-PB~~ shall be maintained at the principal office of the mortgage brokerage business, and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to the Office of Financial Regulation's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation. Anyone being

designated as a principal broker ~~on or after October 1, 2001,~~ must have been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., for at least one year, or has demonstrated to the satisfaction of the Office of Financial Regulation that the designated principal broker has been actively engaged in a mortgage-related business for at least one year, as defined in Rule 69V-40.051, F.A.C.

(3) The penalty for failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01~~MB-PB~~ shall be the issuance of a “notice of noncompliance” for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01~~MB-PB~~ is intentional, the penalty shall be a fine of \$5,000.

(4) Each licensee ~~principal broker~~ shall notify the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-03765 in writing, within thirty (30) days, of the termination or resignation of a principal broker ~~status~~.

(5) Form OFR-494-01 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0035 FS. Law Implemented 120.695, 494.0011(2), 494.0016, 494.0035, 494.0041(1)(e) FS. History–New 10-7-91, Amended 7-25-96, 12-12-99, 12-9-01, Formerly 3D-40.160, Amended.

69V-40.165 Branch Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the branch broker of the branch office, and the individual shall accept such responsibility by completing the Branch Broker/Employee in Charge Designation, section of Form OFR-494-02 ~~MB-BB (effective 10/91), which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) Upon any change of Branch Broker, the licensee and the newly designated branch broker shall complete the Branch Broker/Employee in Charge Designation, section of Form OFR-494-02~~MB-BB~~ pursuant to subsection 69V-40.099(1), F.A.C. Form OFR-494-02~~MB-BB~~ shall be maintained at the applicable branch office of the mortgage brokerage business; ~~and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to the Office of Financial Regulation’s website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.~~

(3) The penalty for failure to maintain Form OFR-494-02~~MB-BB~~ shall be the issuance of a “notice of noncompliance” for a first offense. Any subsequent finding of a violation OFR-494-02~~MB-BB~~ is intentional, the penalty shall be a fine of \$5,000.

(4) Each licensee ~~branch broker~~ shall notify the Office of Financial Regulation in writing, within thirty (30) days, of termination or resignation of a branch broker ~~status~~.

(5) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0035(2) FS. Law Implemented 120.695, 494.0011(2), 494.0016, 494.0035(2), 494.0041(1)(e) FS. History–New 10-7-91, Amended 7-25-96, 12-12-99, 12-9-01, Formerly 3D-40.165, Amended.

69V-40.170 Books and Records.

(1) No change.

(2)(a) A licensee may maintain required books, accounts, and records at a location other than the principal place of business. The licensee must notify the Office of Financial Regulation in writing prior to said books, accounts, and records being maintained in any place other than the designated principal place of business. Such notification shall be submitted to the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-03765.

(b) No change.

(3) through (6) No change.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.595, 494.0016, 494.0041(2) FS. History–New 2-16-92, Amended 7-25-96, 12-12-99, 1-16-03, Formerly 3D-40.170, Amended.

69V-40.177 Mortgage Brokerage and Lending Transaction Journal.

(1) Each mortgage brokerage business and lender acting in the capacity of a mortgage brokerage business shall maintain a journal of mortgage brokerage transactions, which shall include, at least, the following information:

(a) Name of applicant;

(b) Date applicant applied for the mortgage loan;

(c) Disposition of the mortgage loan application. The Mortgage Brokerage and Lending Transaction Journal shall indicate the result of the brokerage transaction. The disposition of the case shall be categorized as one of the following: loan funded, loan denied, application withdrawn, or other (with explanation);

(d) Name of lender, if applicable.

(2) The journal shall be maintained in a format which is substantially similar to Form OFR-494-10~~MX-888~~, Mortgage Brokerage and Lending Transaction Journal, ~~revised 7-25-96, which is hereby incorporated by reference and is available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(3) through (4) No change.

(5) Form OFR-494-10 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.695, 494.0016, 494.0041 FS. History—New 2-16-92, Amended 7-25-96, 12-12-99, Formerly 3D-40.177, Amended _____.

69V-40.200 Application Procedure for Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a mortgage lender shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Brokerage Business and Licensure as a Mortgage Lender License, Form OFR-494-01ML-222, revised 09/02, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) The statutory, nonrefundable fee required by Section 494.0061, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$250,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form OFR-494-05ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(e) Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.~~ Each mortgage lender applicant shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, ~~the principal representative,~~ chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member,

partner, joint venturer, and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from: Form OFR-494-01ML-BIO-1 (revised 10/99), to the Office of Financial Regulation along with a \$42.25 ~~23~~ nonrefundable processing fee. ~~Form OFR-ML-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(a)(e) If any ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, the individual owner, or director of the applicant, or ~~chief executive officer~~ holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).

(b)(d) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25 ~~50~~% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c)(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond to the request within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to subsection 120.60(1), F.S.

(4) Amendments to Pending ~~of~~ Applications. If the information contained in an Application for Licensure as a Mortgage Lender or in any amendment thereto becomes inaccurate for any reason ~~before the applicant becomes licensed,~~ the applicant shall file an amendment ~~be responsible for correcting the inaccurate~~ such information within thirty ten ~~(30)(40)~~ days of the change on Form OFR-494-01ML-222

~~occurring by following the procedures set forth in this subsection.~~ An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office ~~its receipt for filing.~~ Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application. Requests to make changes which are material to the application ~~will or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, ~~will~~ may be required. Material changes include:

1. A change to a response to the disclosure questions listed in section 8 on Form OFR-494-01.

2. A change to disclosure questions listed in section 3 on the biographical summary on Form OFR-494-01.

3. The substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, a joint venturer, or principal representative.

4. A change to the applicant's net worth.

5. Any change relating to the surety bond.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

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

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

(8) Form OFR-494-01, Form 494-05, and Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.

~~(8) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 215.405, 494.0011(2), 494.0061(3), (8), (10) FS. Law Implemented 120.60, 494.001(29), 494.0061, 494.0067(4) FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.200, Amended _____.

69V-40.205 Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation.

(1)(a) Each active mortgage lender license and mortgage lender license pursuant to the saving clause shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed renewal form. ~~Form OFR-494-06ML-R, Mortgage Lender License Renewal and Reactivation Form, revised 7/1/2004, and Form OFR-ML-RS, Mortgage Lender License Pursuant to Saving Clause Renewal and Reactivation Form, revised 7/1/2004, are hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(b) In lieu of submitting audited financial statements, the licensee shall certify that it has continuously maintained the net worth requirements of:

1. \$25,000 or more imposed by Section 494.0065, F.S.; or

2. \$250,000 or more imposed by Section 494.0061, F.S.

Upon request of the Office, the licensee shall provide a copy of its most recent audited financial statements that substantiate its net worth.

(2) A license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) Each active mortgage lender branch office license shall be renewed in conjunction with the mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., ~~and a completed branch office license renewal form. Form OFR-ML-RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 7/1/2004, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(4) A mortgage lender branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after

becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., ~~and submission of a completed license reactivation form.~~ If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) A mortgage lender license and branch office license that is not renewed within six months after the end of the biennial period automatically expires.

~~(6) All applications, fees, data and forms required to be filed under this rule shall be filed electronically at www.flofr.com. Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet. The licensee shall certify that it has continuously maintained the net worth requirements of Section 494.0061 or 494.0065, F.S.~~

~~(7) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the applications, fees, data and form in paper format. In the event the payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.~~

~~(8) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment.~~

~~(9) Form OFR-494-06 is incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

Specific Authority 494.0011(2), 494.0064(2), ~~494.0065(3)~~ FS. Law Implemented ~~494.001(4), 494.0011(2), 494.0061(1), 494.0064, 494.0065~~ FS. History—New 10-1-91, Amended 9-3-95, 8-5-96, 12-12-99, 11-1-00, 2-5-01, Formerly 3D-40.205, Amended 11-9-04, _____.

69V-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a correspondent mortgage lender shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Licensure as a Mortgage Brokerage Business and Correspondent Mortgage Lender License, Form OFR-494-01CL-333, revised 09/02, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) The statutory, nonrefundable fee required by Section 494.0062, F.S., which shall be the fee for the biennial period beginning September 1 of each even numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form OFR-494-05 ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(e) Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24 hour classroom education and testing requirements of this section.~~ Each correspondent mortgage lender applicant shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, each the chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary ~~from~~; Form OFR-494-01CL-BIO-1 (~~revised 10/99~~), to the Office of Financial Regulation along with a \$~~42.25~~ ~~23~~ nonrefundable processing fee. ~~Form OFR-CL-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(a)(e) If the individual principal representative, owner, director, or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).

(b)(d) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 2550% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c)(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to subsection 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in an Application for Licensure as a Correspondent Mortgage Lender or in any amendment thereto, becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall file an amendment be responsible for correcting the inaccurate such information within thirty (30) ten (10) days of the change on Form OFR-494-01 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application. Requests to make changes which are material to the application will or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, will may be required. Material changes include:

1. A change to a response to the disclosure questions listed in section 8 on Form OFR-494-01.
2. A change to disclosure questions listed in section 3 on the biographical summary on Form OFR-494-01.

3. The substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, a joint venturer, or principal representative.

4. A change to the applicant's net worth.
5. Any change relating to the surety bond.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

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

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

(8) Form OFR-494-01, Form OFR-494-05, Form FL921050Z are incorporated by reference in subsection 69V-40.002(1), F.A.C.

~~(8) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 215.405, 494.0011(2), 494.0062(3), (8), (11), (13) FS. Law Implemented 494.0062, 494.0067(4) FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.220, Amended _____.

69V-40.225 Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation.

(1)(a) Each active correspondent mortgage lender license shall be renewed for the biennial period beginning September 1 of each even numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed renewal form. Form OFR-494-06CL-R, Correspondent Mortgage Lender License Renewal and Reactivation Form, revised 7/1/2004, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(b) In lieu of submitting audited financial statements, the licensee shall certify that it has continuously maintained the net worth requirements of \$25,000 or more imposed by Section

494.0062, F.S. Upon request of the Office, the licensee shall provide a copy of its most recent audited financial statements that substantiate its net worth.

(2) A correspondent mortgage lender license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) Each active correspondent mortgage lender branch office license shall be renewed in conjunction with the correspondent mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., ~~and a completed branch office license renewal form. Form OFR ML RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 7/1/2004, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(4) A correspondence mortgage lender branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation late fees required by Section 494.0064, F.S., ~~and submission of a completed license reactivation form.~~ If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) A correspondent mortgage lender license and branch office license that is not renewed within six (6) months after the end of the biennial period automatically expires.

(6) ~~All applications, fees, data and forms required to be filed under this rule shall be filed electronically at www.flofr.com. Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet. The licensee shall certify that it has continuously maintained the net worth requirements of Section 494.0062, F.S.~~

(7) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the applications, fees, data and form in paper format. In the event the payment is received in a paper format, the received

date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

(8) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment.

(9) Form OFR-494-06 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0064(2) FS. Law Implemented 494.001(7), 494.0011(2), 494.0062(1), 494.0064 FS. History—New 10-1-91, Amended 9-3-95, 7-25-96, 12-12-99, 11-1-00, 2-5-01, Formerly 3D-40.225, Amended 11-9-04,_____.

69V-40.240 Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office License.

(1) Every mortgage lender or correspondent mortgage lender which conducts mortgage lending business in this state from a branch office shall apply to the Office of Financial Regulation for a license to operate a branch office by submitting the following:

(a) ~~A completed Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License, Form OFR-494-02ML-222B, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) The statutory, nonrefundable license fee required by Section 494.0066, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. 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 to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in an Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License or in any amendment thereto, becomes inaccurate for any reason ~~before the applicant becomes licensed~~, the applicant shall file an amendment ~~be responsible for correcting such the inaccurate information within thirty (30) ten (10) days of the change on Form OFR-494-02~~

~~occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from its receipt for filing. Otherwise the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.~~

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) through (7) No change.

(8) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 494.0066 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 8-22-99, 12-12-99, Formerly 3D-40.240, Amended _____.

69V-40.242 Principal Representative.

~~(1) Effective October 1, 2001, each Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall designate a principal representative who operates and exercises control over the business and the individual so designated shall accept responsibility by completing the Principal Broker/Representative Designation section of; Form OFR-494-01~~ML/CL-PR~~, ~~revised 09/02~~, ~~which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~~~

(2) Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall maintain the a Principal Broker/Representative Designation section of Form; OFR-494-01~~ML/CL-PR~~, ~~revised 09/02~~, which includes a statement notifying the licensee that the principal representative is required by statute to operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(3) Upon any change of principal representative, the licensee and the newly designated principal representative shall amend complete the Principal Broker/Representative Designation section of; Form OFR-494-01~~ML/CL-PR~~, ~~revised 09/02~~ pursuant to subsection 69V-40.099(1), F.A.C. Form OFR-494-01~~ML/CL-PR~~, ~~revised 09/02~~, shall be maintained at the principal office of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the saving

~~clause, and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to the Office of Financial Regulation's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.~~

(4) ~~Anyone being designated as a principal representative or any change in the principal representative after October 1, 2001, must submit evidence that he or she was originally licensed as a mortgage broker pursuant to Section 494.0033, F.S., on or after July 1, 1992, or has completed 24 hours of classroom education in accordance with Rule 69V 40.027, F.A.C., and has passed a written test in accordance with Rule 69V 40.025, F.A.C.~~

~~(4)(5)~~ The penalty for failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01~~ML/CL-PR~~ shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01~~ML/CL-PR~~ is intentional, the penalty shall be a fine of \$5,000.

~~(5)(6)~~ Each licensee principal representative shall notify the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399- 03765 in writing, within thirty (30) days, of the termination or resignation of its his or her principal representative status.

(6) Form OFR-494-01 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0016(4), 494.0061(1), (3), (8), 494.0062(3), (11) FS. Law Implemented 120.60, 120.695, 494.001(31), 494.001(29), 494.0016(1), 494.0061, 494.0062, 494.0067, 494.0072 FS. History—New 1-27-02, Amended 12-8-02, Formerly 3D-40.242, Amended _____.

69V-40.265 Mortgage Brokerage and Lending Transaction Journal.

(1) Each mortgage lender or correspondent mortgage lender shall maintain a Mortgage Brokerage and Lending Transaction Journal, which shall include, at least, the following information:

(a) Name of applicant;

(b) Date applicant applied for the mortgage loan;

(c) Disposition of the mortgage loan application. The journal shall indicate the result of the lending transaction. The disposition of the transaction shall be categorized as one of the following: loan funded, loan denied, or application withdrawn.

(d) Name of lender, if applicable.

(2) The journal shall be maintained on Form OFR-494-10~~MX~~ 888, Mortgage Brokerage and Lending Transaction Journal, or a form substantially similar. ~~Form OFR-MX-888 (revised 7-25-96) is hereby incorporated by~~

~~reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(3) In lieu of maintaining Form OFR-494-10MX-888, each mortgage lender or correspondent mortgage lender may maintain the Home Mortgage Disclosure Act loan/application register, Form FR HMDA-LAR, found at 12 C.F.R., part 203, Appendix A, if all lending transactions are recorded on this form. The form is hereby incorporated by reference. The effective date of the form is 1-10-93.

(4) through (5) No change.

(6) Form OFR-494-10 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.695, 494.0016, 494.0072(2) FS. History--New 1-10-93, Amended 7-25-96, 12-12-99, Formerly 3D-40.265, Amended _____.

69V-40.270 Financial Guaranty in Lieu of Uniform Single Audit.

(1) No change.

(2) A mortgage lender electing to provide a financial guaranty in lieu of the single line audit shall document (monthly) the aggregate value of mortgage loans serviced on Form OFR-494-11MX-887, Calculation of Aggregate Value of Mortgage Loans Serviced or a form substantially the same. ~~Form OFR-MX-887, Calculation of Aggregate Value of Mortgage Loans Serviced, effective 2-16-92, is incorporated by reference and available by writing, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~ The lender shall maintain work-papers substantiating the aggregate value documented.

(3) The minimum amount of the financial guaranty for each fiscal year shall be determined by calculating the amount of payments (including payoffs) received monthly by the servicer for the previous twelve (12) month period, then averaging the three (3) highest months. A lender electing to provide a financial guaranty in lieu of the single line audit shall document (monthly) the amount serviced on Form OFR-494-11MX-887.

(4) through (5) No change.

(6) Form OFR-494-11 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0076(2)(b) FS. Law Implemented 120.695, 494.0072, 494.0076 FS. History--New 2-16-92, Amended 7-25-96, 12-12-99, Formerly 3D-40.270, Amended _____.

69V-40.285 Noninstitutional Investor Funds Account.

(1) All money received by a mortgage lender or correspondent mortgage lender from a noninstitutional investor for disbursement at a mortgage loan closing shall be deposited in a trust account in a federally insured financial institution within seven business days of receipt of the funds unless

otherwise directed, in writing, by the noninstitutional investor. Such trust account may be used for more than one noninstitutional investor's funds. Noninstitutional funds may not be commingled with the licensee's operating account or funds. The account shall be in the name of the mortgage lender or correspondent mortgage lender and shall provide for withdrawal of funds without notice. The licensee shall maintain an updated and accurate record of account activity on Form OFR-494-12 MX-555, ~~(effective 8/92), which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375,~~ or on a format which is substantially similar to Form OFR-MX-555.

(2) through (4) No change.

(5) Form OFR-494-12 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.0043, 494.0073 FS. History--New 8-24-92, Amended 7-25-96, 12-12-99, Formerly 3D-40.285, Amended _____.

GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities** announces an Ad Hoc Committee for Civil Rights telephone conference call to which all persons are invited.

DATE AND TIME: January 3, 2008, 1:00 p.m. – 3:00 p.m.

PLACE: The dial-in number is: 1(888)808-6959, Conference Code: 9214170#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The focus of this meeting is to establish the Ad Hoc Committee for Civil Rights, as discussed at the Commission meeting on December 4 and 5, 2007.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 toll free (Voice/TTY).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 toll free (Voice/TTY). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners.

The **Governor's Commission on Disabilities' Transportation Committee** announces a telephone conference call to which all persons are invited.

DATES AND TIME: January 8, 22, 2008, 1:30 p.m. – 3:30 p.m.

PLACE: Call In Number is: 1(888)808-6959, Conference Code: 9214170#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is meeting to fulfill the mandate of Executive Order 07-148.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners.

SUNSHINE STATE ONE-CALL OF FLORIDA, INC.

The **Sunshine State One Call of Florida, Inc.** (SSOCOF) announces its Board and Committee meetings to which all interested persons are invited. Dress is business casual.

PLACE: SSOCOF Call Center, 11 Plantation Road, DeBary, FL 32713

Committee Meetings

DATE AND TIME: January 10, 2008

- 8:00 a.m. Operations Committee – Jake Swaninger
Call Center Statistics
Attrition Report
Review Positive Response Codes
Open Discussion
- 10:00 a.m. Break
- 10:15 a.m. Damage Prevention Committee – Lynn Irvin
Noncompliance Statistics
Damage Prevention Progress Report
Customer Satisfaction Survey Results
IRTH Awareness System Update
Florida Virtual Private DIRT Update
New Member Recruitment
Open Discussion
- 12:00 Noon Lunch – provided at call center for meeting participants and SSOCOF employees
- 1:00 p.m. Legislative Ad Hoc Committee – Patrick Foster
Review 2008 Legislative Agenda
Open Discussion
- 2:00 p.m. Enforcement Ad Hoc Committee – Lorenzo Jones

- 2:45 p.m. Enforcement Awareness Plan Progress Report
Low Impact Marking Ad Hoc Committee – Lynn Irvin
Review Comments Received on Miami Legislation Resolution
Follow up on November 27, 2007 action items
- 4:00 p.m. Finance Committee – Harold Concepcion
FY 2007/08 Financial Reports
Delinquent Accounts Report
Contracts Approved Report
Renewal of Long Distance Telephone Agreement
FY 2008/09 First Budget Draft
Open Discussion
- 5:00 p.m. Adjourn

Note: All committees should be prepared to commence if the previous committee finishes before allotted time. If a committee needs additional time, that time will be allotted after the last scheduled committee has met.

January 11, 2008 Board Meeting

- 8:00 a.m. Secretary’s Report – Lorenzo Jones
- 8:15 a.m. Election to fill Director Seat (See SSOCOF website www.callsunshine.com, or <http://www.callsunshine.com/corp/about/board/index.html> for qualification requirements)
- 8:30 a.m. Consent Agenda – Ed Misicka
- 8:45 a.m. Executive Director’s Report – Mark Sweet, Executive Director
- 9:00 a.m. Trip Reports
- 9:15 a.m. Legal Report – Dave Erwin, General Counsel
- 9:45 a.m. Break
- 10:00 a.m. Committee Reports
Operations Committee – Jake Swaninger
Damage Prevention Committee – Lynn Irvin
Legislative Ad Hoc Committee – Patrick Foster
Enforcement Ad Hoc Committee – Lorenzo Jones
Low Impact Marking Ad Hoc Committee – Lynn Irvin
Finance Committee – Harold Concepcion
- 12:00 Noon Lunch – provided at call center for meeting participants and SSOCOF employees
- 1:00 p.m. Resume Committee Reports
- 3:00 p.m. Break
- 3:15 p.m. Open Discussion
- 4:00 p.m. Problem Resolution
- 5:00 p.m. Adjourn

Attention: Please deliver this to the primary contact for Sunshine State One-Call of Florida and/or someone who plays an active role in underground facility damage prevention. Persons requiring some accommodation at this meeting because of a physical impairment should call the one-call

notification center at (386)575-2000 at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the one-call notification center through the Florida Relay Center at 1(800)955-8771.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: January 10, 2008, 9:00 a.m. (EDT)

PLACE: Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Citizens Actuarial and Underwriting Committee Meeting.

Citizens Property Insurance Corporation announces an Actuarial and Underwriting Committee Meeting to begin at 9:00 a.m. (EDT) on Thursday, January 10, 2008 to be held via teleconference. Items of discussion include, but are not limited to, proposed changes to Citizens' rating algorithms, and a 2007 Year in Review and 2008 Preview for both Commercial and Personal Lines Underwriting.

A copy of the agenda may be obtained by contacting Rachel Miller.

Pursuant to the provisions of 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: Rachel Miller. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Rachel Miller at 1(800)807-7647, extension 3773.

The **Citizens Property Insurance Corporation**, Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 24, 2008, 9:00 a.m. (EDT)

PLACE: 8301 Cypress Plaza Drive, Suite 108, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, financial statements and committee reports.

A copy of the agenda may be obtained by contacting: <http://www.citizensfla.com/>.

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

For more information, you may contact: Barbara Walker at 1(800)807-7647, extension 3744.

SOIL AND WATER CONSERVATION DISTRICTS

The **South Dade Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 10, 2008, 9:30 a.m.

PLACE: USDA Florida City Service Center, 1450 N. Krome Ave., Suite 102, Conference Room, Florida City, FL 33034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Board of Supervisors to review the District's financial report, Mobile Irrigation and Nursery BMP labs, composting project and AA sales and production.

A copy of the agenda may be obtained by contacting Linda Meeder at (305)242-1288.

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.

CHIEF INFORMATION OFFICERS

The State of Florida announces a **Chief Information Officers** (CIO) Council meeting to which all persons are invited.

DATE AND TIME: Monday, January 14, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center Room 180 4075 Esplanade Way Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Jeff Griffin at griffij@doacs.state.fl.us, (850)922-2931.

REGION I CRIMINAL JUSTICE TRAINING COUNCIL

The **Region I Criminal Justice Training Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 15, 2008, 1:00 p.m.

PLACE: George Stone Criminal Justice Training Center, Room 104, 2400 Longleaf Drive, Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

A. George Stone/Okaloosa Walton Criminal Justice Training Issues.

B. Approve Trust Fund Budget for Year 2008-09.

A copy of the agenda may be obtained by contacting: John Wall, Chairman, Region I Training Council, 2400 Longleaf Drive, Pensacola, FL 32526.

CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT

The William W. "Bill" Hinkley **Center for Solid and Hazardous Waste Management**, Advisory Board will hold a meeting to which all interested persons are invited.

DATE AND TIME: January 17, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: TBD, Orlando, FL

For more information about meeting location or meeting details, please contact the Center at (352)392-6264 or visit the web site: www.hinkleycenter.org.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: February 13, 2008, 9:00 a.m.

PLACE: Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FIGA Board of Directors' will meet for the Annual Meeting of the Association.

A copy of the agenda may be obtained by contacting Cathy Irvin at (850)386-9200.

Pursuant to the provisions of 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 Cathy Irvin at (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The **Florida Atlantic Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 14, 2008, 8:00 a.m.

PLACE: Technology Incubator Conference Room, 3701 FAU Blvd., Boca Raton, Florida 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Matters.

A copy of the agenda may be obtained by contacting: Scott Ellington, (561)416-6092, or Scott@research-park.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by

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

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Mark P. Trolice, M.D., on August 31, 2007. The Petitioner seeks the Board's interpretation with regard to whether the proposed arrangement outlined in the Petition violates the Florida Patient Self-Referral Act, as set forth in Section 456.053, F.S. The Board will consider this petition at its meeting scheduled for February 2, 2008, in Jacksonville, Florida.

A copy of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed by Richard G. Mayer, M.D., on December 18, 2007. The Petitioner seeks the Board's opinion as to whether providing patients with the option of participating in the home delivery program of a bottled natural mineral water (Sanfaustino) that is especially high in calcium will violate Sections 456.054 and 817.505, Florida Statutes. According to the Petition, patients would be instructed that they could obtain Sanfaustino mineral water in supermarkets and other stores that sell the product, or via the internet for home delivery. If patients choose the home delivery program, Petitioner's practice would be entitled to remuneration by Sanfaustino (distributed exclusively in the U.S., by CCW

Holdings, Inc.). The Board will consider this petition at its meeting scheduled for February 2, 2008, in Jacksonville, Florida.

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

Notice of Bid/Request for Proposal
 Thermal Mapping Moisture Study

The Florida State University Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University

Facilities Maintenance, Purchasing
 114F Mendenhall Building A
 Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: FAC116-07
 Purchasing Agent: B. J. Lewis, Facilities
 Public Bid Opening: January 22, 2008, 3:00 p.m.
 FSU-Facilities Maintenance
 114 Mendenhall Hall, Building A
 Tallahassee, Florida 32306-4150
 Facilities Maintenance Purchasing

Bid Documents: Thermal Mapping Moisture Study on Buildings on Florida State University. All questions need to be emailed/faxed.

Contact Person: B. J. Lewis, Purchasing Agent
 Florida State University, Facilities
 Phone: (850)644-5071
 Email: blewis@admin.fsu.edu.

Notice of Bid/Request for Proposal
 A/E ADVERTISEMENT – BT-678
 College of Arts & Letters General Classroom Facility
 Boca Raton Campus
 Florida Atlantic University

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of its Board of Trustees, announces that Professional Services in the discipline of Architecture, will be required for the project listed below:

Project No. BT- 678

Project and Location: Located on Florida Atlantic University’s Boca Raton Campus, the College of Arts & Letters General Classroom Facility consists of a 90,000 square foot facility and consist primarily of classroom, study and office space. Phase I of this project will be approximately 55,000 square feet. This building will be a shared facility; therefore, will be designed and built to at least the U.S. Green Building Council’s LEED Silver standard or equivalent. The total Construction Budget for Phase I is approximately \$17,103,000.00. The selected firm will provide schematic design, design development, construction documents and construction administration for the referenced project. Schematic design will include the design of the full 90,000 square foot facility with consideration for a Phase I and Phase II construction. Phase II design and construction will be contingent upon additional funding. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.00, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Florida Atlantic University Professional Qualifications Supplement" (FAUPQS Revised January 2004). Applications on any other form may not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 (five) sets of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for the State of Florida University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. FAU Professional Qualifications Supplement, the Project Fact Sheet, and the approved Facilities Program are available online at <http://www.fau.edu/facilities/uavp/AE-CM-advertise-home.php> or by contacting: Carla C. Capeletti, Office of the University Architect and Vice President for Facilities, Florida Atlantic University, 777 Glades Road, Campus Operations Building 69, Room 101, Boca Raton, Florida 33431, Telephone (561)297-2663, Fax (561)297-0224, or e-mail ccapelet@fau.edu.

Five (5) bound sets of the required proposal data shall be submitted to: Mr. Tom Donaudy, University Architect and Vice President for Facilities, at the above address, by 5:00 p.m. (Local Time), on February 7, 2008. Facsimile (FAX) submittals are not acceptable and will not be considered.

PROJECT FACT SHEET

College of Arts & Letters
 General Classroom Facility
 BT-678
 Florida Atlantic University

PROJECT DESCRIPTION

The project consists of site development and construction of a 90,000 square foot shared facility and consists primarily of classroom, study and office space. Phase I of this project will be approximately 55,000 sf. The useable life of the facility shall be extended by incorporating features for remodeling and expansion designed to reduce future renovation costs. In addition, the new facility will be compatible with the existing fabric of the campus, and in the case of the west campus, compatible with the master plan. The building will be designed and built to at least the U.S. Green Building Council's LEED Silver standard or equivalent.

This facility will be constructed using the construction management delivery process.

The Construction budget is approximately \$17,103,000.00.

SELECTION CRITERIA

Firms will be evaluated in the following areas: current workload, location, past performance, volume of state work, design ability, and experience and ability. Experience and ability scores will be based on the following criteria:

1. Experience of firm and individual members of the design team with project of similar size and program.
2. Experience of firm and individual members of the design team in planning, designing, estimating, and construction administration of projects similar in size and budget. Site examples of projects within the past five-year, including the ability to meet aggressive time and budget constraints.
3. Experience in campus planning, educational facilities and working with committees.

SELECTION COMMITTEE

Tom Donaudy, University Architect & VP for Facilities
 Raymond Nelson, Director, Facilities Planning
 James Baker, Director, Engineering & Utilities
 Norman Kaufman, Associate Provost, Academic Affairs.
 Sandra Norman, Dean, College of Arts & Letters – or designee

SELECTION SCHEDULE:

The anticipated schedule for selection, award, and negotiation is as follows:

| | |
|-----------------------|-------------------|
| Submittal Due: | February 7, 2008 |
| Shortlist Meeting: | February 27, 2008 |
| Final Interviews: | TBD |
| Contract Negotiation: | TBD |

GENERAL INFORMATION

1. All applicants will be notified of the results of the shortlist in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.

2. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
3. Professional liability insurance is required for this project in the amount of \$1,000,000.00.
4. A copy of the building program is available on our website at: <http://www.fau.edu/facilities/uavp>

NOTICE OF AMENDMENT
 NOTICE TO CONSTRUCTION MANAGEMENT FIRMS
 Duval County Public Schools
 Request for Qualifications (RFQ)
 AND PRE-QUALIFICATION OF BIDDERS FOR Annual
 Contract for Construction Management Services

The Office of Facilities Design and Construction announces that Construction Management services are required for Annual Contracts for Construction Management Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs not exceeding the threshold amount of \$1,000,000 (construction), provided for in §287.055 Florida Statutes. This will be a multiple year contract to one or more firms for an initial period of one year with an option to renew for two additional one-year periods.

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids and proposals for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. All firms submitting proposals shall be required to submit both a Pre-Qualification Application and a separate proposal package. Duval County Public Schools will evaluate both pre-qualification applications and proposals.

Firms who are not approved as a pre-qualified bidder will not be considered for award of an annual contract.

Prequalification forms and information may be obtained at www.dreamsbeginhere.org under About DCPS, DCPS Departments, Facilities Design and Construction Services, Forms and Standards, General Documents.

Proposal information for Award Selection may be obtained at www.dreamsbeginhere.org under About DCPS, DCPS Departments, Facilities Design and Construction Services, Selection Booklets, Selection of the Construction Manager.

Applications are to be sent to:

James L. Womack
 Facilities Design and Construction
 1701 Prudential Drive – 5th Floor
 Jacksonville, FL 32207-8182

PROJECT MANAGER: James L. Womack
 PHONE NO.: (904)390-2279

RESPONSE DUE DATE:RFQ'S ARE DUE ON OR BEFORE
 JANUARY 29, 2008, AND WILL
 BE ACCEPTED UNTIL 4:30 P.M.

MBE GOALS: If multiple contracts are awarded, one out of every four of them should be sheltered. The remaining should have an overall participation goals of 10%; based on the availability of MBEs for this project.

**BOARD OF TRUSTEES OF THE INTERNAL
 IMPROVEMENT TRUST FUND**

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

DEPARTMENT OF CORRECTIONS

NOTICE TO PROFESSIONAL CONSULTANTS
 FOR PROFESSIONAL ARCHITECTURAL/ENGINEERING
 SERVICES / RFQ AE033

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from Architectural/Engineering firms for the project listed below. Applications from qualified firms are to be sent to the attention of Julyn Hussey, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)410-4049. The selected firm may be required to perform its services on an accelerated schedule.

INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm's specific abilities respective to the particular project's requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at the following website address: http://vbs.dms.state.fl.us/vbs/search.criteria_form.
2. A reproduction of the firm's current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.
3. Attach a current copy of the SF330 for the office(s) that will be performing the work. This form may be found at the following website address: <http://www.gsa.gov>.

4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe scope of work to be assigned to any sub-consultant and include a SF330 for each sub-consultant.
6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).
7. Names, addresses and phone numbers of at least five (5) other agencies for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm's project manager and specific services provided in each case.
8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references (none from current or former Department of Corrections personnel) and any other supporting information.

Submit one original letter of interest and five (5) copies of the required data. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, ("Consultants' Competitive Negotiation Act").

The awarded firm shall not knowingly engage in this project, on a full time, part time or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, Florida Statutes.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request For Qualifications (RFQ). Interviews of all ranked respondents may or may not be required, at the direction of the Committee. If interviews are required they will be held during the week beginning February 25, 2008, ending February 29, 2008. Under the authority delegated to the Secretary of the Department of Corrections by Florida Statute 287.055, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting, after approval by the Secretary, through the following website address: http://vbs.dms.state.fl.us/vbs/search.criteria_form. It is the firm's responsibility to check the website for updated information.

Response Date: January 30, 2008 by 4:00 p.m. Eastern Standard Time (EST) Late submittals will not be opened or considered.

PROJECT: Provide Professional Architectural/Engineering Services for the sitework and utilities design and environmental permitting for a prototypical institution and a future Annex in Gainesville. Scope of work includes Design, Environmental Permitting and Construction Administration of the associated Sitework and Utilities. Work may entail some architectural/engineering support, to assist the Department in adapting prototype building designs to site conditions and design of new buildings for Gainesville CI II; repairs/renovations/additions to buildings at the existing Gainesville CI and providing contract administration services. Partial funding is available for the initial site design. Completion of the design phase and construction will require additional funding, over a number of years and is contingent upon Legislative appropriation of funds.

EXPERIENCE: Candidate firms need to provide information regarding their experience and expertise in design of site work and utilities for large correctional institutions and all associated environmental permitting.

PROJECT LOCATION: Gainesville Correctional Institution, 2845 N.E. 39th Avenue, Gainesville, Florida is the project site for purposes of the selection process.

PROJECT NUMBER: FL-70 (ST)

ESTIMATED CONSTRUCTION COST: \$22,000,000.00

PROJECT ADMINISTRATOR: Brant Chaisson, Senior Architect, (850)410-4210

DEPARTMENT OF MANAGEMENT SERVICES

Notice of Bid/Request for Proposal
**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION
 CONTRACTORS TO PROVIDE CONSTRUCTION
 MANAGEMENT AT RISK SERVICES**

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: FDVA-27028000

PROJECT NAME: Phase II Renovations, Emory L. Bennett Veterans Nursing Home

LOCATION: Daytona Beach, Florida

ESTIMATED CONSTRUCTION BUDGET: \$4,000,000.00

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisement – Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs_www.main_menu.

PUBLIC ANNOUNCEMENT

FOR ROOFING AND/OR GENERAL CONTRACTORS PROPOSALS ARE REQUESTED FROM QUALIFIED ROOFING AND/OR GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: MSFM-26005015

PROJECT NAME: Thermograph Roof Scan, Repairs, and Roof Replacements, FDLE Buildings A, B, and C

PROJECT LOCATION: Tallahassee, Florida

ESTIMATED CONSTRUCTION BUDGET: \$800,000.00

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Department's Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisement – Division of Real Estate Development and Management." http://fnc.state.fl.us/owa/vbs/owa/vbs_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."

DEPARTMENT OF HEALTH

NOTICE TO PROFESSIONAL CONSULTANTS FOR PROFESSIONAL SERVICES FOR ARCHITECTURE – ENGINEERING CONTINUING CONTRACT

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that professional services are required for the project listed below. Applications are to be sent to Mr. Jim Chandonia, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, Phone (850)245-4444, ext. 3168.

PROJECT NUMBER: TO BE ANNOUNCED

PROJECT NAME: Architectural/Engineering Continuing Contract, South West Florida Catchment Area

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budgets not to exceed \$1,000,000. Depending on development of projects and funding, the possibility exists that the contract might expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite County Health Department Facilities, support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code

compliance modifications, reconfiguration of spaces, replacement of finishes, and minor Studies (Study fee not to exceed \$25,000). Service Area shall be the South West Florida Catchment area and other locations as determined to be in the best interests of the Department of Health. The South West Florida Catchment area shall include the following counties: Pasco, Pinellas, Hillsborough, Polk, Manatee, Sarasota, Hardee, DeSoto, Highlands, Charlotte, Glades, Lee and Hendry Counties. For selection, Tampa will be the point used to calculate distance from Firm to site. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of the Department of Health. The Department reserves the right to contract with one or more of the selected firms as the Department deems is in its best interest.

RESPONSE DUE DATE: By Close of Business, January 18, 2008 (Local Time)

INSTRUCTIONS: Submit three (3) bound copies with a Table of Contents and tabbed sections of the following:

1. Letter of interest.
2. A modified copy of Department of Management Services Professional Qualifications Supplement [October 1997 Edition of the Professional Qualifications Supplement (PQS)]. A copy can be obtained from the Department of Health by calling (850)245-4066. All forms provided are mandatory for qualification. Substitutions and attachments are not acceptable.
3. A copy of the firm's Florida Professional License renewal. (Proper registration at the time of application is required.)
4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed new GSA Standard Form 330.
 - In Section F, list only projects designed, under construction, and/or completed within the past five (5) years.
6. A stamped self-addressed envelope if you desire notice of selection results.

* Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

The selected firm or firms will be required to be registered with MyFloridaMarketPlace before a contract can be executed. However, they will be exempt from the one percent fee.

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES CONTINUING CONTRACT
 The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that Construction Management services are required for the project listed below. Applications are to be sent to Mr. Jim Chandonia, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, Phone (850)245-4444, extension 3168.

PROJECT NUMBER: TO BE ANNOUNCED
PROJECT NAME: Construction Management Continuing Contract, South and South West Florida Catchment Areas.
SERVICES TO BE PROVIDED: Construction Management Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budgets not to exceed \$1,000,000. Depending on development of projects and funding, the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of construction projects to provide for construction of new facilities (satellite County Health Department facilities, support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and other minor works. Service Area shall be the South and South West Florida Catchment area and other locations as determined to be in the best interests of the Department of Health. The South Florida Catchment area shall include the following counties: Broward, Collier, Dade, Monroe and Palm Beach counties. The South West Florida Catchment area shall include the following counties: Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk and Sarasota counties. For selection, Ft. Lauderdale will be the point used to calculate distance from Firm to site. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of the Department of Health. The Department reserves the right to contract with one or more of the selected firms as the Department deems is in its best interest.

RESPONSE DUE DATE: By Close of Business, January 18, 2008, local time.

INSTRUCTIONS: Submit four (4) bound copies with a Table of Contents and tabbed sections in the following order:

1. Letter of Interest detailing the firm's qualification to meet the above referenced selection criteria.

2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085, a copy of which may be obtained by calling (850)245-4066.
3. Résumés of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. Reference from prior clients received within the last five years.
7. A stamped self-addressed envelope if you desire notice of selection results.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications which do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Selections will be made in accordance with Chapter 60-2, Florida Administrative Code, and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES CONTINUING CONTRACT
 The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that Construction Management services are required for the project listed below. Applications are to be sent to Mr. Ken Tilbury, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, Phone (850)245-4444, extension 3164.

PROJECT NUMBER: TO BE ANNOUNCED
PROJECT NAME: Construction Management Continuing Contract, West and North Central Florida Catchment Areas.
SERVICES TO BE PROVIDED: Construction Management Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budgets not to exceed \$1,000,000. Depending on development of projects and funding, the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of construction projects to provide for construction of new facilities (satellite County Health Department facilities, support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and other minor works. Service Area shall be the West Florida and North Central Florida Catchment area and other locations as determined to be

in the best interests of the Department of Health. The West Florida Catchment Area shall include the following counties: Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington counties. The North Central Florida Catchment Area shall include the following counties: Alachua, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Suwannee, Taylor and Wakulla counties. For selection, Tallahassee will be the point used to calculate distance from Firm to site. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of the Department of Health. The Department reserves the right to contract with one or more of the selected firms as the Department deems is in its best interest.

RESPONSE DUE DATE: By Close of Business, January 18, 2008, local time.

INSTRUCTIONS: Submit four (4) bound copies with a Table of Contents and tabbed sections in the following order:

1. Letter of Interest detailing the firm's qualification to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085, a copy of which may be obtained by calling (850)245-4066.
3. Résumés of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. Reference from prior clients received within the last five years.
7. A stamped self-addressed envelope if you desire notice of selection results.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications which do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Selections will be made in accordance with Chapter 60-2, Florida Administrative Code, and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INVITATION TO BID

Sealed bids are being received from qualified contractors, by the State of Florida, Department of Children and Family Services, for the following project:

PROJECT NAME: Emergency Generator Upgrade, Winewood Office Complex (Tallahassee).

BID DATE AND TIME: Tuesday, January 22, 2008, until 2:00 p.m. (Eastern Standard Time)

PLACE OF BID OPENING: Building #3 Conference Room (Room 202), Winewood Office Complex, 1317 Winewood Boulevard, Tallahassee, FL 32301, Telephone: (850)921-4922.

BID REQUIREMENTS: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be obtained from: Ooten & Associates, P.A., 6700 Treasure Oaks Circle, Tallahassee, FL 32309-2055. Telephone: (850)906-9501, FAX: (850)906-9502. Direct e-mail inquiries to: ooteny@aol.com

ADDITIONAL INFORMATION: A non-mandatory pre-bid meeting will be held on January 10, 2008 at 10:00 a.m. (EST) at the Building #3 Conference Room.

CONTRACTOR QUALIFICATIONS: Bidders shall be state-certified in accordance with Chapter 489, Florida Statutes, as an electrical unlimited (Type EC) contractor. Bidders not able to furnish proof of required certification are subject to disqualification.

CORPORATE REGISTRATION: No bid shall be accepted from any corporation which is not able to demonstrate current corporate charter registration (for a domestic corporation) or authority to transact business within the State of Florida (for a foreign corporation).

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: On any construction contract for which the award amount is greater than \$100,000, a Public Construction Bond shall be required.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 4:00 p.m. on the date and at the location where the bids are opened. The Department of Children and Family Services reserves the right to reject any and all bids in the best interest of the State of Florida.

MINORITY PARTICIPATION: In accordance with Florida Statutes, the Department of Children and Family Services is encouraged to target certified minority business enterprises (MBEs) for 21 percent of total awarded construction contract dollar value (4% for African-American, 6% for Hispanic-American, and 11% for women-owned). The Department of Children and Family Services encourages minority businesses to participate in the bidding process, including any bidders conferences or pre-bid meetings which are scheduled. The Department of Children and Family Services further encourages contractors to utilize certified MBEs as subcontractors or subvendors whenever possible. An online directory of certified MBEs, available on the website of the Office of Supplier Diversity <http://osd.dms.state.fl.us/dirhome.htm>, may be searched by county for construction-related products and services.

INVITATION TO REBID

The State of Florida, Agency for Persons with Disabilities, hereinafter called the Owner, C/o State of Florida Department of Children and Family Services, Office of General Services, on behalf of the Owner announces that proposals are requested from qualified General Contractors for the construction of:

PROJECT NUMBER: APD 07240000

PROJECT: WILLIAM J. (BILLY JOE) RISH
PARK
RENOVATIONS AND ADDITIONS
CAPE SAN BLAS, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those firms which demonstrate current relevant licensure with the Florida Department of Business and Professional Registration by submittal of a copy of that license or certificate with their bid and compliance with the pre-qualification requirements as stated hereinbefore and in the project specifications.

The work includes but is not limited to the demolition and removal of existing elevated boardwalks. Installation of new boardwalks with composite material and 6' wide concrete sidewalks, installation of sanitary sewer grinder pumps at each existing cabin, new cabins, and dining lodge kitchen. Existing Group Cabins to have existing rusted floor beam joist hangers, bolts and fasteners replaced. Renovate Group Cabins to meet ADA standards and finishes, install new fire alarms, install new intercom systems, install new fire sprinkler systems, provide new cement board siding and paint. Replace HVAC equipment and ductwork. Existing Family Cabins to have existing rusted floor beam joist hangers, bolts and fasteners replaced. Install new emergency generator, completely new water, sewer, and electrical site utilities. Renovation of Dining Lodge Kitchen and equipment, renovate bathrooms to meet ADA accessibly, and new finishes. There will be several add alternates included in the bid package. The estimated construction cost for this project is \$2,500,000.00.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: If the construction award is \$100,000.00 or more, a Performance Bond and Labor and Material Payment Bond are required.

BID DATE AND TIME: Sealed bids will be received at the architect's office, 1223 Airport Road, Destin, Florida 32541, on Monday, January 28, 2008 until 11:00 a.m. (Local Time), at which time they will be publicly opened and read aloud.

PRE-BID INSPECTION: The pre-bid inspection will be gathering at the Dining Lodge Building, William Joe Rish Park, Cape San Blas, Florida, on Tuesday, January 15, 2008, 10:00 a.m. (Local Time). An informative meeting will take place at this location followed by a visit to each building location and tour of the site. All others visiting after this time shall be by appointment only. Bidders setting up an appointment after November 21st must contact Mr. Billy C.

Quinn, Jr., Resident Park Manager at (850)227-1876, William J. Rish Park. All questions pertaining to this project must be addressed to the architect in writing.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained for \$300.00 refundable from the architect:

DAG ARCHITECTS INC.
1223 AIRPORT ROAD
DESTIN, FLORIDA 32541
TELEPHONE: (850)837-8152

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted by 2:00 p.m. (Local Time), on January 28, 2008, at the Architects Office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be otherwise notified. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures: the Owner will award the contract to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C.

FLORIDA HEALTH INSURANCE ADVISORY BOARD

Notice of Bid/Request for Proposal

The Florida Small Employer Health Reinsurance Program and the Florida Individual Health Reinsurance Program wish to solicit proposals from CPA firms for their 2007 annual audit. The Programs are created in Sections 627.6699(11) and 627.6475, F.S., respectively. Please fax your notice of interest to (850)422-3737, no later than 5:00 p.m., January 7, 2008. Your response should include the name and email of a contact person. A conference call will be held to provide further information and to answer questions.

DEPARTMENT OF MILITARY AFFAIRS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE

State of Florida, Department of Military Affairs
HEREINAFTER REFERRED TO AS OWNER, FOR THE
CONSTRUCTION OF:

PROJECT NO: 120187

ACCOUNTING CODE: MILCON FY08 2085

PROJECT NAME & LOCATION: REGIONAL TRAINING
INSTITUTE, PHASE 3, CAMP BLANDING JOINT
TRAINING CENTER, STARKE, FLORIDA 32091

PROJECT DESCRIPTION: Phase 3 for this project consisted of South Billeting Building #3404, South Educational Building # 3402, and related site work as defined by the Architect/Engineers plans and specifications. South Billeting Building # 3404 has three wings: approximately 34,157 gross square feet in the two story center wing with an additive bid item consisting of 20,480 gross square feet in the two story east wing and 41,579 gross square feet in the three story west wing. South Educational Building # 3402 is a single story structure, approximately 27,291 gross square feet. These buildings will have reinforced concrete pad foundation, concrete slab at the first floor, 8" hollow core slab at the second and third floor (only at the South Billeting Building) , 8"/12" reinforced CMU wall with cavity wall insulation and 4" split face CMU veneer, metal accent panels, insulated low E glass in aluminum storefront/curtain wall with operable windows, hollow metal doors, pre-engineered metal trusses, R-19 rigid insulation under 1-1/2 inch corrugated metal roof deck and standing seam metal roofing. The site work will consisted of clearing / grubbing approximately 16 acres, demolition of existing old foundations and utilities, installing approximately 20,000 square yards of asphalt for parking lots/driveways, sidewalks from the parking lot to the main entry points of the building, all water, sewer, electrical, chiller, data, and telephone lines from the road to the building.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility with their bid or prior to the bid opening. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the requirements is included in the Non-Technical Specifications Level IV/V, Instructions to Bidders under Section B-2 "Bidder Qualification Requirements and Procedures". Note: A completed experience questionnaire and financial statement form number DBC 5085 (Exhibit 3) must be submitted with bid.

BID SECURITY: Bids/Proposals in total excess of \$100,000.00, the bidder must provide with bid, a good faith deposit in the amount of 5% of the bid by way of a bid bond from a surety insurer authorized to do business in the STATE OF FLORIDA as surety or a certified check or cashier's check accompanying the bid.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND'S are required from any persons or parties entering into a formal contract with the STATE OF FLORIDA for contracts in total excess of \$100,000.00 for construction, additions, renovations, repairs, or demolition of any public building pursuant to Florida Statute 255.05(1)(a).

Any questions from proposers concerning this solicitation shall be submitted in writing, identifying the submitter, to the Architectural-Engineering Firm listed below, attention: Mr. Scott Herlitzka, Project Manager at e-mail scott.herlitzka

@jacobs.com. No questions will be accepted after January 25, 2008, 4:00 p.m. Only e-mail inquiries acceptable. The last day for posting the last addenda is February 4, 2008.

All questions and answers/changes to the solicitation will be provided in writing by addenda via e-mail or fax to each registered plan holder and posted on the DMS Vendor Bid System (VBS). It is the prospective contractor's responsibility to check periodically for any information updates to the solicitation which is posted to the VBS. The Department of Military Affairs bears no responsibility for any delays, or resulting impacts, associated with a prospective contractor's failure to obtain information made available through the DMS Vendor Bid System.

MANDATORY PRE-BID MEETING

DATE AND TIME: January 16, 2008, 10:00 a.m. local time

PLACE: RTI North Education Building, #3408, Camp Blanding Joint Training Center, Starke, Florida 32091

All interested parties should call Mrs. Bobbie Smith at (904)823-0256 to be placed on the access list by 4:30 p.m. January 15, 2008. All General Contractors interested in bidding on this project are required to attend this pre-bid meeting.

Sealed bids will be received, publicly opened and read aloud on: **(BIDS MUST BE SUBMITTED PRIOR TO BID OPENING NO LATE BIDS WILL BE ACCEPTED):**

DATE AND TIME: February 12, 2008, 3:00 p.m. Local time

PLACE: Robert F. Ensslin National Guard Armory, 2305 State Road 207, St. Augustine, FL 32086

MARK ENVELOPES: ATTN: SEALED BIDS for: Project No. 120187, REGIONAL TRAINING INSTITUTE, PHASE III, CBJTC, ATTN: Michele Dobbs 0255/Bobbie Smith 0256.

BID/PROPOSAL: All responses must be submitted in a sealed package and shall be clearly marked on the outside of package with the above information. Department of Military Affairs is not responsible for the opening of any solicitation package which is not properly marked. It is the respondent's responsibility to assure its response is submitted to the place and time indicated in this solicitation. Also, all responses must be in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, and Non-Technical Specifications, which have been prepared by the Engineer as listed, and may be obtained as follows:

Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained on January 4, 2008 after 3:00 p.m. local time from the:

ARCHITECT-ENGINEER: JACOBS FACILITIES INC. – MR. JEFF VARITEK

Jacobs Facilities, Inc.

5750 Major Boulevard, Suite 400

Orlando, Florida 32819-7962

TELEPHONE: (407)903-5285

DEPOSIT: \$250.00 per set of Drawings and Specifications is required with a limit of (2) sets per General Contractor or Prime Bidder and one set per mechanical subcontractor and/or electrical subcontractor. Make checks payable to: Jacobs Facilities Inc.". The deposit shall only be returned to those General Contractors, or Prime Bidders, mechanical subcontractors and/or electrical subcontractors, who, after having examined the Drawings and Specifications submit a bid (in the case of mechanical and/or electrical subcontractor's submission of a bid to a prime bidder), and return the Drawings and Specifications in good condition within fifteen (15) days of the date of receipt of bids.

All technical questions shall be directed to the A/E Mr. Scott Herlitzka until close of business January 25, 2008 at e-mail scott.herlitzka@jacobs.com. No questions will be accepted after January 25, 2008 4:00 p.m. Only e-mail inquiries acceptable. The last day for posting the last addenda is February 4, 2008.

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE State of Florida, Department of Military Affairs HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: 120187

ACCOUNTING CODE: MILCON FY08 2085

PROJECT NAME & LOCATION: JOINT OPERATIONS TRAINING FACILITY, CAMP BLANDING JOINT TRAINING CENTER, STARKE, FLORIDA 32091

PROJECT DESCRIPTION: Construction services for new Joint Operations Training Facility, the new facility is a single story approx. 11,571 sf of Masonry construction with standing seam metal roof system. Project will include sidewalks and additional parking spaces attached to the existing RTI sidewalks and parking lots, some of which will be included as ABI's.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility with their bid or prior to the bid opening. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the requirements is included in the Non-Technical Specifications Level IV/V, Instructions to Bidders under Section B-2 "Bidder Qualification Requirements and Procedures". Note: A completed experience questionnaire and financial statement form number DBC 5085 (Exhibit 3) must be submitted with bid.

BID SECURITY: Bids/Proposals in total excess of \$100,000.00, the bidder must provide with bid, a good faith deposit in the amount of 5% of the bid by way of a bid bond

from a surety insurer authorized to do business in the STATE OF FLORIDA as surety or a certified check or cashier's check accompanying the bid.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND'S are required from any persons or parties entering into a formal contract with the STATE OF FLORIDA for contracts in total excess of \$100,000.00 for construction, additions, renovations, repairs, or demolition of any public building pursuant to Florida Statute 255.05(1)(a).

INFORMATION WILL NOT BE AVAILABLE BY TELEPHONE. All information received through any oral communication shall not be binding on the Department of Military Affairs and shall not be relied upon by an offeror.

Any questions from proposers concerning this solicitation shall be submitted in writing, identifying the submitter, to the Architectural-Engineering Firm listed below. No questions will be accepted after January 21, 2008, 4:00 p.m.. Only e-mail inquiries acceptable. The last day for posting the last addenda is January 25, 2008.

MANDATORY PRE-BID MEETING

DATE AND TIME: January 16, 2008, 2:00 p.m. local time

PLACE: RTI North Education Building, #3408, Camp Blanding Joint Training Center, Starke, Florida 32091

All interested parties should call Mrs. Bobbie Smith at (904) 823-0256 to be placed on the access list by 4:30 p.m., January 15, 2008. All General Contractors interested in bidding on this project are required to attend this pre-bid meeting.

Sealed bids will be received, publicly opened and read aloud on: (BIDS MUST BE SUBMITTED PRIOR TO BID OPENING NO LATE BIDS WILL BE ACCEPTED):

DATE AND TIME: February 12, 2008, 4:00 p.m. Local time

PLACE: Robert F. Ensslin National Guard Armory, 2305 State Road 207, St. Augustine, FL 32086

MARK ENVELOPES: ATTN: SEALED BIDS for: Project No. 120187, JOINT OPERATIONS TRAINING FACILITY, CBJTC, ATTN: Michele Dobbs 0255/Bobbie Smith 0256.

BID/PROPOSAL: All responses must be submitted in a sealed package and shall be clearly marked on the outside of package with the above information. Department of Military Affairs is not responsible for the opening of any solicitation package which is not properly marked. It is the respondent's responsibility to assure its response is submitted to the place and time indicated in this solicitation. Also, all responses must be in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, and Non-Technical Specifications, which have been prepared by the Engineer as listed, and may be obtained as follows:

Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained on January 4, 2008 after 3:00 p.m. local time from the:

ARCHITECT-ENGINEER: Bhide & Hall Architects, P.A.

1329-C Kingsley Avenue
 Orange Park, Florida 32073
 TELEPHONE: (904)264-1919
 FAX: (904)264-3100

Make all checks or money orders payable to: Bhide & Hall Architects, PA NO CREDIT CARDS ACCEPTED.

FULL SETS of drawings and specifications may be purchased by payment of the printing and handling cost at the rate of \$225.00 per set.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-10-2007-013
 DATE RECEIVED: December 13, 2007
 DEVELOPMENT NAME: POINTE WEST
 DEVELOPER/AGENT: Pointe West of Vero Beach, Ltd./Charles R. Mechling
 DEVELOPMENT TYPE: 28-24.020, 28-24-023, F.A.C.
 LOCAL GOVERNMENT: Indian River County

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Vectrix Electric Vehicle Sales, intends to allow the establishment of Foreign Affairs Auto, Inc., as a dealership for the sale of Vectrix motorcycles (VCTX) at 1681 North Military Trail, West Palm Beach (Palm Beach County), Florida 33409, on or after December 7, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Foreign Affairs Auto, Inc. are dealer operator(s): Jonathan Ortiz, 1681 North Military Trail, West Palm Beach, Florida 33409; principal investor(s): Jonathan Ortiz, 1681 North Military Trail, West Palm Beach, Florida 33409.

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: Jeaneen Sullivan, Vectrix Corporation, 76 Hammarlund Way, Tech III, Suite 250, Middletown, Rhode Island 02842.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of Less
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that APC Holdings Group, LLC d/b/a American Performance Cycle, intends to allow the establishment of American Performance Cycle of North Florida, LLC, as a dealership for the sale of motorcycles manufactured by American Performance Cycle (AMPF) at 392 Southeast James Avenue, Lake City (Columbia County), Florida 32025, on or after December 11, 2007.

The name and address of the dealer operator(s) and principal investor(s) of American Performance Cycle of North Florida, LLC are dealer operator(s): Sherman Stanley, 392 Southeast James Avenue, Lake City, Florida 32025; principal investor(s): Sherman Stanley, 392 Southeast James Avenue, Lake City, Florida 32025.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, 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: Michael E. Sample, President, American Performance Cycle, 6895 Speedway Boulevard, Z101, Las Vegas, Nevada 89115.

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 Smart USA Distributor, LLC, intends to allow the establishment of Brumos Motor Cars, Inc., as a dealership for the sale of Smart Cars (SMRT) at 7018 Blanding Boulevard, Jacksonville (Duval County), Florida 32244, on or after January 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Brumos Motor Cars, Inc. are dealer operator(s): Greg Scott, 7018 Blanding Boulevard, Jacksonville, Florida 32244; principal investor(s): Dano Davis, 10231 Atlantic Boulevard, Jacksonville, Florida 32225.

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: Maggie Feher, Smart USA Distributor, LLC, 1765 South Telegraph Road, Bloomfield Hills, Michigan 48302.

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 Smart USA Distributor, LLC, intends to allow the establishment of Jacasa, Inc., as a dealership for the sale of Smart Cars (SMRT) at 4821 Clark Road, Sarasota (Sarasota County), Florida 34233, on or after January 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Jacasa, Inc. are dealer operator(s): Dean Palmer, 4821 Clark Road, Sarasota, Florida 34233; principal investor(s): Mary Ann Wilde, 7021 South Tamiami Trail, Suite D, 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: Maggie Feher, Smart USA Distributor, LLC, 1765 South Telegraph Road, Bloomfield Hills, Michigan 48302.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Scooters Zoom Corp., as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR (JMST) at 2503 Sheridan Street, Hollywood (Broward County), Florida 33020, on or after December 17, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Scooters Zoom Corp. are dealer operator(s): Eduardo Cabrera, 2503 Sheridan Street, Hollywood, Florida 33020; principal investor(s): Eduardo Cabrera, 2503 Sheridan Street, Hollywood, Florida 33020.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, 400 Northwest 141 Avenue, #207, Pembroke Pines, Florida 33028.

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 Smart USA Distributor, LLC, intends to allow the establishment of Silver Arrow Citicars, LLC, as a dealership for the sale of Smart Cars (SMRT) at 2701 Salzedo Street, Coral Gables (Dade County), Florida 33134, on or after January 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Silver Arrow Citicars, LLC are dealer operator(s): C. L. Blackwell, 2701 Salzedo Street, Coral Gables, Florida 33134; principal investor(s): Robert Brockway, 3300 Almeria Avenue, Coral Gables, Florida 33134.

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: Maggie Feher, Smart USA Distributor, LLC, 1765 South Telegraph Road, Bloomfield Hills, Michigan 48302.

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 Hidria USA, Inc., intends to allow the establishment of Superior Engineering Corp. of America, Inc., as a dealership for the sale of Tomos motorcycles (TOMO) at 4520 North Tamiami Trail, Naples (Collier County), Florida 34103, on or after December 17, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Superior Engineering Corp. of America, Inc. are dealer operator(s): George Burt, 830 Cassena Road, Naples, Florida 34108; principal investor(s): George Burt, 830 Cassena Road, Naples, Florida 34108.

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: Douglas V. Joseph, Tomos USA, a Division of Hidria USA, Inc., 202 Beechtree Boulevard, Greenville, South Carolina 29605.

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 Smart USA Distributor, LLC, intends to allow the establishment of TT of I4, Inc., as a dealership for the sale of Smart Cars (SMRT) at 4253 Millenia Boulevard, Orlando (Orange County), Florida 32839, on or after January 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of TT of I4, Inc. are dealer operator(s): Steve Perry, 4253 Millenia Boulevard, Orlando, Florida 32839; principal investor(s): Terry Taylor, 515 North Flagler Drive, West Palm Beach, Florida 33401.

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: Maggie Feher, Smart USA Distributor, LLC, 1765 South Telegraph Road, Bloomfield Hills, Michigan 48302.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Carter Brothers Manufacturing, intends to allow the establishment of BAJ, Inc. d/b/a Unique Motorsports, as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (SANY) at 4800 North Highway 19A, Mount Dora (Lake County), Florida 32757, on or after December 14, 2007.

The name and address of the dealer operator(s) and principal investor(s) of BAJ, Inc. d/b/a Unique Motorsports are dealer operator(s): Brad Brown, 18640 Willis V. McCall Road, Umatilla, Florida 32784; principal investor(s): Brad Brown, 18640 Willis V. McCall Road, Umatilla, Florida 32784.

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: Jack Mullinax, Carter Brothers Manufacturing Co., Inc., 1871 Highway 231, Brundidge, Alabama 36010.

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 Hidria USA, Inc., intends to allow the establishment of DK Cycle, Inc., as a dealership for the sale of Tomos motorcycles (TOMO) at 1333 Washington Avenue, Miami Beach (Dade County), Florida 33139, on or after December 14, 2007.

The name and address of the dealer operator(s) and principal investor(s) of DK Cycle, Inc. are dealer operator(s): David Buzaglo, 1341 Washington Avenue, Miami Beach, Florida 33139; principal investor(s): David Buzaglo, 1341 Washington Avenue, Miami Beach, Florida 33139.

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: Douglas V. Joseph, Tomos USA, a Division of Hidria USA, Inc., 202 Beechtree Boulevard, Greenville, South Carolina 29605.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hidria USA, Inc., intends to allow the establishment of KOAA, Inc. d/b/a Florida Keys Cycle, as a dealership for the sale of Tomos motorcycles (TOMO) at 2222 Roosevelt Boulevard, Key West (Monroe County), Florida 33040, on or after December 13, 2007.

The name and address of the dealer operator(s) and principal investor(s) of KOAA, Inc. d/b/a Florida Keys Cycle are dealer operator(s): Alvin B. Crockett, Jr., 3320 Riviera Drive, Key West, Florida 33040; principal investor(s): Alvin B. Crockett, Jr., 3320 Riviera Drive, Key West, Florida 33040.

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: Douglas V. Joseph, Tomos USA, a Division of Hidria USA, Inc., 202 Beechtree Boulevard, Greenville, South Carolina 29605.

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 Smart USA Distributor, LLC, intends to allow the establishment of New Country Motor Cars of Palm Beach, LLC, as a dealership for the sale of Smart Cars (SMRT) at 4000 Okeechobee Boulevard, West Palm Beach (Palm Beach County), Florida 33409, on or after January 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of New Country Motor Cars of Palm Beach, LLC are dealer operator(s): Brain Sattar, 4000 Okeechobee Boulevard, West Palm Beach, Florida 33409 and Chris Mackey, 4000 Okeechobee Boulevard, West Palm Beach, Florida 33409; principal investor(s): Michael Cantanucci, 358 Broadway, Suite 403, Sarasota Springs, New York 12866.

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: Maggie Feher, Smart USA Distributor, LLC, 1765 South Telegraph Road, Bloomfield Hills, Michigan 48302.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Pampa Motors, Inc., as a dealership for the sale of motorcycles manufactured by Kaitong Manufacture Co. Ltd. (KAIT) at 3148 Southwest 8th Street, Miami (Dade County), Florida 33135, on or after December 10, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Pampa Motors, Inc. are dealer operator(s): Pablo A. Foreiter, 3148 Southwest 8th Street, Miami, Florida 33135; principal investor(s): Pablo Foreiter, 3148 Southwest 8th Street, Miami, Florida 33135.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, 400 Northwest 141 Avenue, #207, Pembroke Pines, Florida 33028.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Pampa Motors, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR (JMST) at 3148 Southwest 8th Street, Miami (Dade County), Florida 33135, on or after December 10, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Pampa Motors, Inc. are dealer operator(s): Pablo A. Foreiter, 3148 Southwest 8th Street, Miami, Florida 33135; principal investor(s): Pablo Foreiter, 3148 Southwest 8th Street, Miami, Florida 33135.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, 400 Northwest 141 Avenue, #207, Pembroke Pines, Florida 33028.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Pampa Motors, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 3148 Southwest 8th Street, Miami (Dade County), Florida 33135, on or after December 10, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Pampa Motors, Inc. are dealer operator(s): Pablo A. Foreiter, 3148 Southwest 8th Street, Miami, Florida 33135; principal investor(s): Pablo Foreiter, 3148 Southwest 8th Street, Miami, Florida 33135.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, 400 Northwest 141 Avenue, #207, Pembroke Pines, Florida 33028.

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 JH Global Services, Inc., intends to allow the establishment of Richard C. Fetter d/b/a Rich Fetter Enterprises, as a dealership for the sale of Star Neighborhood electric vehicles (STAR) at 7332 Omega Street, Winter Park (Orange County), Florida 32792, on or after December 11, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Richard C. Fetter d/b/a Fetter Enterprises are dealer operator(s): Richard C. Fetter, 7332 Omega Street, Winter Park, Florida 32972; principal investor(s): Richard C. Fetter, 7332 Omega Street, Winter Park, Florida 32972.

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: Jane Zhang, CEO, JH Global Services, Inc., 52 Pelham Davis Circle, Greenville, South Carolina 29615.

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 Italica Motors, Inc., intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of motorcycles manufactured by

Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 2300 North 23rd Avenue, Hollywood (Broward County), Florida 33020, on or after December 6, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 2300 North 23rd Avenue, Hollywood, Florida 33020; principal investor(s): Peter Warrick, 2300 North 23rd Avenue, Hollywood, Florida 33020.

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: Adriana De Lima, President, Italica Motors, Inc., 5001 Southwest 135th Avenue, Miramar, Florida 33027.

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 Hidria USA, Inc., intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of Tomos motorcycles (TOMO) at 2300 North 23rd Avenue, Hollywood (Broward County), Florida 33020, on or after December 17, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 4360 Peters Road, Fort Lauderdale, Florida 33317; principal investor(s): Peter Warrick, 4360 Peters Road, Fort Lauderdale, Florida 33317.

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: Douglas V. Joseph, Tomos USA, a Division of Hidria USA, Inc., 202 Beechtree Boulevard, Greenville, South Carolina 29605.

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 Hidria USA, Inc., intends to allow the establishment of West Coast Cycle, Inc., as a dealership for the sale of Tomos motorcycles (TOMO) at 4511 Causeway Boulevard, Tampa (Hillsborough County), Florida 33619, on or after December 19, 2007.

The name and address of the dealer operator(s) and principal investor(s) of West Coast Cycle, Inc. are dealer operator(s): William E. Ford, 3302 South 54th Street, Tampa, Florida 33619; principal investor(s): William E. Ford, 3302 South 54th Street, Tampa, Florida 33619.

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 US Mail to: Douglas V. Joseph, Tomos USA, a Division of Hidria USA, Inc., 202 Beechtree Boulevard, Greenville, South Carolina 29605.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

DECISIONS ON BATCHED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for the Hospital Beds and Facilities batching cycle with an application due date of September 12, 2007:

- | | |
|--|---------------------|
| County: Pinellas | Service District: 5 |
| CON # 9990 Decision Date: 12/14/2007 Decision: D | |
| Facility/Project: Tampa Bay Long Term Acute Care Hospital, LLC | |
| Applicant: Tampa Bay Long Term Acute Care Hospital, LLC | |
| Project Description: Establish a 20 bed long-term care hospital within Edward White Hospital | |
| Approved Cost: \$0 | |
| County: Hillsborough | Service District: 6 |
| CON # 9991 Decision Date: 12/14/2007 Decision: A | |
| Facility/Project: St. Joseph's Hospital, Inc. | |
| Applicant: St. Joseph's Hospital, Inc. | |
| Project Description: Establish a 40 bed adult psychiatric hospital | |
| Approved Cost: \$8,608,860.00 | |
| County: Hillsborough | Service District: 6 |
| CON # 9992 Decision Date: 12/14/2007 Decision: A | |
| Facility/Project: South Bay Hospital | |
| Applicant: Sun City Hospital, Inc. | |
| Project Description: Establish a 112 acute bed replacement hospital | |
| Approved Cost: \$215,641,934.00 | |
| County: Hillsborough | Service District: 6 |

CON # 9993 Decision Date: 12/14/2007 Decision: D
 Facility/Project: St. Joseph’s Hospital, Inc.
 Applicant: St. Joseph’s Hospital, Inc.
 Project Description: Establish a 90 bed acute care hospital
 Approved Cost: \$0

County: Osceola Service District: 7

CON # 9994 Decision Date: 12/14/2007 Decision: A
 Facility/Project: Poinciana Hospital and Medical Center
 Applicant: Osceola Regional Hospital, Inc.
 Project Description: Establish a 60 bed acute care hospital
 Approved Cost: \$113,960,509.00

County: Broward Service District: 10

CON # 9996 Decision Date: 12/14/2007 Decision: A
 Facility/Project: Memorial Regional Hospital South
 Applicant: South Broward Hospital District

Project Description: Add 36 comprehensive medical rehabilitation beds at Memorial Regional Hospital South through the transfer of 36 comprehensive medical rehabilitation beds at Memorial Regional Hospital
 Approved Cost: \$8,266,660.00

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the F.A.W., pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

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 RECEIPT OF APPLICATIONS FOR PERMIT COVERAGE UNDER THE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM PHASE II MUNICIPAL SEPARATE STORM SEWER SYSTEMS

The Department announces the receipt of the below listed applications for permit coverage under the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (MS4). The applications are being processed and are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Science Applications International Corporation (SAIC), 2343 Hansen Lane, Tallahassee, Florida 32301, (850)523-1449. Any comments related to the noticed applications or objections to the use of the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice.

Phase II MS4 applications received December 3rd-11th 2007
 Town of Indialantic –FLR04E030
 City of Cape Canaveral – FLR04E003
 City of Mary Esther- FLR04E081
 Charlotte County – FLR04E043
 City of Punta Gorda- FLR04E039
 Comments may be mailed to the following address:
 Steven Kelly
 NPDES Stormwater Section
 2600 Blair Stone Road, MS #2500
 Tallahassee, Florida 32399-2400

NOTICE OF FILING OF APPLICATION FOR POWER PLANT CERTIFICATION

On December 13, 2007, the Department of Environmental Protection received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501 et seq., Florida Statutes, concerning Florida Power & Light’s, St. Lucie Plant, Power Plant Siting Application No. 74-02A2, OGC Case No. 07-2624. The Department is reviewing the application to allow a 206 megawatt expansion of its existing St. Lucie nuclear power plant located in St. Lucie County. A copy of the application for certification is available for review in the office of Mike Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. Pursuant to Section 403.507, F.S., and Chapter 62-17, Florida Administrative Code, statutory parties to the site certification proceeding should review the application and submit their reports and recommendations. In the future, a proposed certification hearing date will be announced. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the Water Management District, the Department of Environmental Protection, the Regional Planning Council, the local government, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, F.S., upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S. as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural

beauty, to protect the environment, personal health, or other biological values, to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups, or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with the Administrative Law Judge assigned to the case by the Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, prior to 30 days before the date of the certification hearing. Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a party upon the request of the department or the applicant. Pursuant to Section 403.508(6), F.S., if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, the certification hearing may be cancelled.

**NOTICE OF RECEIPT OF APPLICATION FOR
TRANSMISSION LINE CERTIFICATION**

The Department has received an application for certification of a transmission line pursuant to the Transmission Line Siting Act, Section 403.52 et seq., Florida Statutes, concerning:
Progress Energy and Tampa Electric Company
Lake Agnes – Gifford
Transmission Line Siting Application No. TA07-16
OGC Case No. 07-2216
DOAH Case No. 07-569ITL

The Department is reviewing the application to allow construction and operation of a 230 Kilovolt (KV) transmission line connecting Tampa Electric Company's Lake Agnes Substation in Polk County to Progress Energy Florida's planned Gifford Substation in Orange County. The total length of the proposed transmission line corridor to be certified is approximately 27.5 miles. A copy of the application for certification is available for review in the office of Michael P. Halpin, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

Pursuant to Chapter 403.526, F.S., statutory parties to the site certification proceeding should review the application and submit their reports and recommendations.

POINT OF ENTRY

This notice does not serve as a point of entry for any person. However, In the future, a public certification hearing will be announced. The certification hearing will address environmental impacts. Pursuant to Section 403.527(4)(c), F.S., the following shall become parties to the proceeding upon the filing with the administrative law judge of a notice on intent to be a party no later than 30 days prior to the certification hearing: 1) Any agency not listed in Section 403.527(4)(a), F.S., as to matters within its jurisdiction, and 2) Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation of natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed transmission line or corridor is to be located. Additionally, any person who is not a statutory party to the certification proceeding and whose substantial interest is affected and being determined by the proceeding may file a motion to intervene in the proceeding at least 30 days before the date of the certification hearing. Failure to act within the time frame constitutes a waiver of the right to become a party. The petition must be filed (received) with T. Kent Wetherell II, Administrative Law Judge, Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearing/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted two revised policies for review and comment on MyFlorida.com at: http://www.djj.state.fl.us/policies_procedures/policyreview.html. Development and Review of Policies (FDJJ 1000 - revised, department-wide policy type B) establishes that it is the policy of the Department of Juvenile Justice to formally review and approve all new or revised policies. Mobile Devices (FDJJ 1230 - revised, department-wide policy type B) addresses the fact that the use of mobile computing and storage

devices poses increases risks to the devices themselves, the information they contain and to all Department of Juvenile Justice Information Technology Resources. The confidentiality, integrity, and availability of those resources must be protected. Appropriate security controls must be in place to mitigate security risks presented by the use of mobile devices. Each of these policies is posted for a single 20 working day review and comment period, with the closure date for submission of comments on each policy of January 28, 2008. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

DEPARTMENT OF HEALTH

On December 11, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Jemina Jemmy Pereira, R.N., license number RN 9266175. 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 11, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Debra Suzann White, R.N., license number RN 9228930. 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 11, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Heather Rochelle Willis, L.P.N., license number PN 5131223.

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.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation (Florida Housing) announces a funding cycle (Cycle XX) for the Elderly Housing Community Loan (EHCL) Program, pursuant to Section 420.5087 (3)(d), Florida Statutes, and Rule Chapter 67-32, Florida Administrative Code (F.A.C.). The application period will begin on January 28, 2008 and will close at 5:00 p.m. (Eastern Time), forty days later on March 10, 2008.

Ten percent (10%) of the twenty-four percent (24%) of SAIL Program funds are reserved for the EHCL Program. The anticipated amount for the EHCL Program is \$1,200,000. Funding within the EHCL Program is available to provide life-safety, building preservation, health, sanitation or security-related repairs or improvements made to Elderly housing facilities.

All applications must be submitted to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 in accordance with the provisions of all applicable Florida Statutes, Rule Chapter 67-32, F.A.C., and the application package.

To obtain the application package or other materials and information, please access Florida Housing's web site at www.floridahousing.org or contact Jody Bedgood at (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 and 1(800)955-8771.

DEPARTMENT OF FINANCIAL SERVICES

STATUTORY INTEREST RATES

PURSUANT TO SECTION 55.03, FLORIDA STATUTES INTEREST RATE FOR YEAR 2008

Section 55.03(1), Florida Statutes, requires the Chief Financial Officer, on December 1 of each year beginning in 1994, to set the rate of interest that shall be payable on judgments and decrees for the year beginning the following January 1.

Effective January 1, 2008, the interest rate established pursuant to Section 55.03, Florida Statutes, has been set at 11.0% per annum or .0003014 per day.

| PRIOR YEAR RATES | | |
|------------------------|-----------|------------|
| YEAR | PER ANNUM | DAILY RATE |
| 2007 | 11% | .0003014 |
| 2006 | 9% | .0002466 |
| 2005 | 7% | .0001918 |
| 2004 | 7% | .0001918 |
| 2003 | 6% | .0001644 |
| 2002 | 9% | .0002466 |
| 2001 | 11% | .0003014 |
| 2000 | 10% | .0002740 |
| 1999 | 10% | .0002740 |
| 1998 | 10% | .0002740 |
| 1997 | 10% | .0002740 |
| 1996 | 10% | .0002740 |
| 1995 | 8% | .0002192 |
| 10/01/81 thru 12/31/94 | 12% | .0003333 |

For additional information contact the Bureau of Accounting at (850)413-5511, Suncom 293-5511. The above information can be found on the Department of Financial Services' Website at www.myfloridacfo.com/aadir/interest.htm.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 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 18, 2008):

APPLICATION TO ACQUIRE CONTROL

Proposed Purchaser: Royal Bank of Canada, Toronto, Ontario, and RBC Centura Banks, Inc., Raleigh, North Carolina
 Financial Institutions to be Acquired: Alabama National BanCorporation, Birmingham, Alabama and its subsidiary Banks which are CypressCoquina Bank, Ormond Beach, Florida, Florida Choice Bank, Mount Dora, Florida and Millennium Bank, Gainesville, Florida

Received: December 11, 2007

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN December 10, 2007
 and December 14, 2007

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

DEPARTMENT OF LEGAL AFFAIRS

| | | | | |
|----------|----------|--------|-------|--|
| 2-40.005 | 12/13/07 | 1/2/08 | 33/44 | |
|----------|----------|--------|-------|--|

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

| | | | | |
|----------|----------|--------|-------|-------|
| 5N-1.116 | 12/12/07 | 1/1/08 | 33/37 | |
| 5N-1.140 | 12/12/07 | 1/1/08 | 33/37 | 33/43 |

DEPARTMENT OF REVENUE

Sales and Use Tax

| | | | | |
|------------|----------|--------|-------|--|
| 12A-1.097 | 12/12/07 | 1/1/08 | 33/38 | |
| 12A-16.008 | 12/12/07 | 1/1/08 | 33/38 | |

Miscellaneous Tax

| | | | | |
|-----------|----------|--------|-------|--|
| 12B-4.003 | 12/12/07 | 1/1/08 | 33/38 | |
| 12B-5.150 | 12/12/07 | 1/1/08 | 33/38 | |
| 12B-8.003 | 12/12/07 | 1/1/08 | 33/38 | |

Corporate, Estate and Intangible Tax

| | | | | |
|-----------|----------|--------|-------|--|
| 12C-1.051 | 12/12/07 | 1/1/08 | 33/38 | |
|-----------|----------|--------|-------|--|

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Cost Containment Board

| | | | | |
|-----------|----------|--------|-------|--|
| 59E-8.001 | 12/14/07 | 1/3/08 | 33/38 | |
| 59E-8.002 | 12/14/07 | 1/3/08 | 33/38 | |

Medicaid Program Office

| | | | | |
|-----------|----------|--------|-------|-------|
| 59G-4.199 | 12/13/07 | 1/2/08 | 33/36 | 33/45 |
|-----------|----------|--------|-------|-------|

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
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DEPARTMENT OF JUVENILE JUSTICE

Division of Commitment

| | | | | |
|-----------|----------|--------|-------|-------|
| 63E-7.012 | 12/14/07 | 1/3/08 | 33/33 | 33/46 |
| 63E-7.014 | 12/14/07 | 1/3/08 | 33/33 | 33/46 |

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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|-----------|----------|--------|-------|-------|
| 64B-5.003 | 12/14/07 | 1/3/08 | 31/21 | 32/21 |
|-----------|----------|--------|-------|-------|

Board of Medicine

| | | | | |
|-------------|----------|--------|-------|--|
| 64B8-50.005 | 12/13/07 | 1/2/08 | 33/45 | |
| 64B8-50.006 | 12/13/07 | 1/2/08 | 33/45 | |
| 64B8-51.005 | 12/13/07 | 1/2/08 | 33/45 | |

Board of Pharmacy

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|--------------|----------|----------|-------|--|
| 64B16-28.141 | 12/10/07 | 12/30/07 | 33/45 | |
| 64B16-28.501 | 12/10/07 | 12/30/07 | 33/45 | |

Division of Environmental Health

| | | | | |
|-----------|----------|----------|-------|--|
| 64E-7.001 | 12/10/07 | 12/30/07 | 33/37 | |
| 64E-7.002 | 12/10/07 | 12/30/07 | 33/37 | |
| 64E-7.003 | 12/10/07 | 12/30/07 | 33/37 | |
| 64E-7.004 | 12/10/07 | 12/30/07 | 33/37 | |
| 64E-7.005 | 12/10/07 | 12/30/07 | 33/37 | |
| 64E-7.006 | 12/10/07 | 12/30/07 | 33/37 | |

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

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|-----------|----------|----------|-------|--|
| 69L-6.012 | 12/11/07 | 12/31/07 | 33/38 | |
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