

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-30.001	Rule Numbering and Rule Title
1B-30.0015	Definitions
1B-30.002	Style and Form for Filing Rules; Certification Accompanying Materials
1B-30.003	Florida Administrative Weekly
1B-30.004	Legal Citations and History Notes
1B-30.005	Materials Incorporated by Reference
1B-30.007	Uniform Indexing Procedures

PURPOSE AND EFFECT: The purpose for amending the rules is to clarify agency rulemaking and make the rules compatible with changes to Chapter 120, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Submitting notices for publication in the Florida Administrative Weekly, proper coding of rule text, filing rules for adoption and materials incorporated by reference.

SPECIFIC AUTHORITY: 120.54(1)(j), 120.55(1)(c) FS.

LAW IMPLEMENTED: 120.54(1)-(3), (6), 120.55(1), (3), 403.8055 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: October 13, 2008, 2:00 p.m.

PLACE: R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Kevin Gotfredson, Florida Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Gotfredson, Florida Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6536

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

RULE NOS.:	RULE TITLES:
5G-6.007	Annual Food Permit Requirements of Tomato Packers and Repackers
5G-6.009	Tomato Best Practices Manual

PURPOSE AND EFFECT: The purpose of this rule development is to change references from “Annual Food Permit Application, DACS-14306, (Rev. 06/03),” to reference the tomato packinghouse annual operating permit in development and to update the references to the best practices documents to their latest revisions. The effect will be a rule that addresses a change in the form to be used to apply for a permit to operate a tomato packinghouse and changes to the best practices manuals.

SUBJECT AREA TO BE ADDRESSED: Permitting and inspection of Tomato Packinghouses.

SPECIFIC AUTHORITY: 500.09(1)(b), (3), (4), 500.12(1)(b), (f), 570.07(6), 570.07(23) FS.

LAW IMPLEMENTED: 487.041, 500.03(1)(n), 500.09(1)(b), (4), 500.12(1)(a), (b), (f), 570.48(2)(e), 570.481(1)(a), (b) 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: Ms. Shannon Shepp, Director, Division of Fruit and Vegetables, 500 3rd St. N. W., Winter Haven, FL 33881

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.:	RULE TITLE:
9B-70.002	Commission Approval and Accreditation of Advanced Building Code Training Courses

PURPOSE AND EFFECT: To include within the forms adopted by reference space for additional information required by previous amendment, add features to the forms to accommodate users, correct form numbers and more specifically identify internet location of forms.

SUBJECT AREA TO BE ADDRESSED: Forms relating to Building Code Education.

SPECIFIC AUTHORITY: 553.841(8) FS.

LAW IMPLEMENTED: 553.841(8) FS.

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

DATE AND TIME: October 15, 2008, 8:30 a.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-4.003	Public Use Forms
12B-4.007	Recordation of Documents
12B-4.014	Conveyances Not Subject to Tax

PURPOSE AND EFFECT: Chapter 2008-24, Laws of Florida (L.O.F.), repealed the requirement to file a form with the clerk of the court when recording a document transferring an interest in real property previously provided in Section 201.022, Florida Statutes (F.S.). The purpose of these proposed rule changes is to: (1) remove the requirements for filing Form DR-219, Transfers of Interest in Real Property, rendered obsolete by this law, with the clerk of the court; (2) provide a new form to document the exemption provided under Section 201.02(6), F.S.; and (3) update the information on how to obtain a copy of a form from the Department.

When in effect, the proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), Rule 12B-4.007, F.A.C. (Recordation of Documents), and Rule 12B-4.014, F.A.C. (Conveyances Not Subject to Tax), will: (1) remove the requirements regarding the filing of Form DR-219 (Return for Transfers of Interest in Real Property) with the clerk of the court and the provisions regarding the collection allowance previously provided to the clerk of the court for receiving and processing the forms; (2) adopt new Form DR-229 (Documentary Stamp Tax – Subsection 201.02(6), Florida Statutes, Exemption), to be used to document the exemption for the transfer of real property from certain nonprofit

organizations to the Board of Trustees of the Internal Improvement Trust Fund, to any state agency, to any water management district, or to any local government; and (3) update the information on how to obtain a copy of a form from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed removal of Form DR-219 (Transfers of Interest in Real Property) and the addition of new Form Form DR-229 (Documentary Stamp Tax – Subsection 201.02(6), Florida Statutes, Exemption), in Rule Chapter 12B-4, F.A.C., Documentary Stamp Tax, necessary to implement the provisions of Chapter 2008-24, L.O.F.

SPECIFIC AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.01, 201.02, 201.022, 201.031(1), 201.07, 201.08(1)(a), 201.12, 201.133 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: October 13, 2008, 2:00 p.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Phillips, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT’S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.:	RULE TITLE:
12B-5.150	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants; and (2) update the information on how to obtain copies of forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the taxes imposed on fuels and pollutants.

SPECIFIC AUTHORITY: 206.14(1), 206.59(1), 213.06(1) FS.
LAW IMPLEMENTED: 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.016
RULE TITLE: Retaliatory Provisions

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.016, F.A.C. (Retaliatory Provisions), is to update the computation of the portion of the Florida Insurance Guaranty Association Assessment that should be included on the Florida side of the retaliatory tax computation.

SUBJECT AREA TO BE ADDRESSED: The subject area of the rule development workshop is the proposed update to the computation of the portion of the Florida Insurance Guaranty Association Assessment to be included in the retaliatory tax computation.

SPECIFIC AUTHORITY: 213.06(1) FS.
LAW IMPLEMENTED: 213.05, 624.509, 624.5091, 624.5092 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: October 13, 2008, 2:00 p.m.
PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.013
RULE TITLE: Adjusted Federal Income Defined

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.013, F.A.C. (Adjusted Federal Income Defined), is to remove those paragraphs of this rule that provide for a Florida separate return limitation year. These provisions were held invalid by the First District Court of Appeal in Golden West Financial Corp., et al. v. Fla. Dept. of Revenue, 975 So. 2d 567 (1st Fla. DCA Feb. 19, 2008).

SUBJECT AREA TO BE ADDRESSED: The subject of the rule development workshop is the removal of those paragraphs that provide for a Florida separate return limitation year.

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.
LAW IMPLEMENTED: 220.02(3), 220.03(5), 220.13, 220.131(1), 220.43(1), (3) 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: October 13, 2008, 2:00 p.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gary Moreland, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4831

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-3.0015	Documents, Extensions, and Due Dates for Filing
12C-3.007	Interest on Overpayment of Taxes
12C-3.008	Public Use Forms
12C-3.009	Penalties and Interest
12C-3.010	Final Certificate and Nontaxable Certificate Mailing Procedure
12C-3.013	Protest Procedures

PURPOSE AND EFFECT: Florida's estate tax is based on the federal credit for state death taxes. Effective January 1, 2005, the effective rate for the federal credit was reduced to zero, and a deduction was enacted. Since, the effective rate for the federal credit is now zero, the Florida estate tax is zero. This federal provision is scheduled to sunset on December 31, 2010. In the event that no further action is taken by the United States Congress and President regarding the federal credit, the Florida estate tax will be applicable for the estate of a decedent whose date of death is after December 31, 2010.

Florida continues to impose an automatic lien on a decedent's Florida real property. To remove the lien, the estate must file certain forms regarding Florida estate tax with the clerk of the court. These proposed changes are necessary to update the Florida estate tax rules and forms while simplifying and easing the filing burden on estates.

Specifically, the proposed amendments to Rule 12C-3.0015, F.A.C.: (1) remove the requirement to file Form DR-301, Preliminary Notice and Report, which lists the assets of the estate; (2) update the provisions regarding when an estate is required to file a Florida estate tax return and what

documentation must be filed with that return; and (3) provide what documents will be issued by the Department to remove the automatic Florida estate tax lien on the decedent's real property when a Florida estate tax return is required, including when a federal return is required and when no federal return is required.

The proposed repeal of Rule 12C-3.007, F.A.C. (Interest on Overpayments of Taxes) removes the obsolete provision that no interest will be paid on refunded estate tax or interest. Section 213.255, F.S., and Rule 12-3.0015, F.A.C., provide for the payment of interest on overpayments of taxes administered by the Department.

The proposed amendments to Rule 12C-3.008, F.A.C. (Public Use Forms): (1) update information on how to obtain forms from the Department; (2) remove Form DR-301, Preliminary Notice and Report, which is no longer used by the Department; (3) adopt, by reference, changes to Form DR-308, Request and Certificate for Waiver and Release of Florida Estate Tax Lien, to include the social security number of the decedent as an identifying number to administer the removal of Florida's automatic lien on the decedent's real property and to remove the social security number from the portion of the form that is filed with the clerk of the circuit court; (4) adopt, by reference, new Form DR-313, Affidavit of No Florida Estate Tax Due When Federal Return is Required; and (5) adopt, by reference, updates to Form F-706, Florida Estate Tax Return for Residents, Nonresidents, and Nonresident Aliens.

The proposed repeal of Rule 12C-3.009, F.A.C. (Penalties and Interest), removes obsolete or unnecessary provisions regarding the imposition of penalties and interest imposed on a deficiency in filing a Florida estate tax return or paying the amount of estate tax due with a return that are provided in Sections 198.15, 198.18, and 198.37-198.40, F.S.

The proposed amendments to Rule 12C-3.010, F.A.C. (Final Certificate and Nontaxable Certificate Mailing Procedure), provide that the Department will no longer issue a Final Certificate or Nontaxable Certificate to the personal representative of an estate for a decedent who died after December 31, 2004, and before January 1, 2011, and which affidavits may be filed by the person representative to evidence that no Florida estate tax liability is due for decedents who died during that period.

The proposed repeal of Rule 12C-3.013, F.A.C. (Protest Procedures), removes the unnecessary referral to Rule 12-6.0033, F.A.C., to protest any billing issued to an estate by the Department.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the Department's proposed changes to the rules and forms used by the Department in the administration of the Florida estate tax. This rule development workshop provides an opportunity to discuss these proposed changes with interested parties.

SPECIFIC AUTHORITY: 72.011, 198.08, 198.32(2), 213.06(1), 213.21 FS.

LAW IMPLEMENTED: 72.011, 92.525(1)(b), 198.02, 198.03, 198.04, 198.05, 198.08, 198.12, 198.13, 198.14, 198.15, 198.16, 198.18, 198.19, 198.22, 198.26, 198.29, 198.32, 198.33(1), 198.37, 198.38, 198.39, 198.40, 213.21, 231.235, 213.37, 837.06 FS.

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DATE AND TIME: October 13, 2008, 2:00 p.m.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/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."

FLORIDA PAROLE COMMISSION

RULE NO.: 23-21.007
 RULE TITLE: Salient Factor Scoring
 PURPOSE AND EFFECT: The Commission proposes to amend a current rule to clarify current practices.
 SUBJECT AREA TO BE ADDRESSED: Salient Factor Score determination for the age of the offender at the time of the first incarceration.

SPECIFIC AUTHORITY: 947.07, 947.071, 947.20 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sarah J. Rumph, Assistant General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.002	Application and Scope
25-4.0185	Periodic Reports
25-4.019	Records and Reports in General
25-4.020	Location and Preservation of Records
25-4.0201	Audit Access to Records
25-4.022	Complaint – Trouble Reports, Etc
25-4.023	Report of Interruptions
25-4.034	Tariffs
25-4.046	Incremental Cost Data Submitted by Local Exchange Companies
25-4.066	Availability of Service
25-4.067	Extension of Facilities – Contributions in Aid of Construction
25-4.069	Maintenance of Plant and Equipment
25-4.070	Customer Trouble Reports
25-4.071	Adequacy of Service
25-4.072	Transmission Requirements
25-4.073	Answering Time
25-4.074	Intercept Service
25-4.083	Preferred Carrier Freeze
25-4.085	Service Guarantee Program
25-4.107	Information to Customers
25-4.108	Initiation of Service
25-4.109	Customer Deposits
25-4.110	Customer Billing for Local Exchange Telecommunications Companies

- 25-4.112 Termination of Service by Customer
- 25-4.113 Refusal or Discontinuance of Service by Company
- 25-4.115 Directory Assistance
- 25-4.117 800 Service
- 25-4.200 Application and Scope
- 25-4.202 Construction
- 25-4.210 Service Evaluations and Investigations

PURPOSE AND EFFECT: Rule 25-4.002, F.A.C., would be amended to delete language which states that Parts II and V of Chapter 25-4, F.A.C., apply to residential service only. This language is outdated and does not correctly reflect that only certain rules in Parts II and V apply to residential service only; Rules 25-4.0185, 25-4.066, 25-4.070, and 25-4.073, F.A.C., would be amended to specifically identify which rule provisions apply to residential service only; Rules 25-4.112, 25-4.200, 25-4.202, and 25-4.069, F.A.C., would be repealed because they are unnecessary; Rule 25-4.019, F.A.C., would be repealed because it is unnecessary, with subsection 25-4.019(3), F.A.C., reworded and Rule 25-4.020 amended to include that reworded requirement; Rule 25-4.115 would be amended to delete paragraphs (1)(a)&(b) and (2)(b), (c) & (d) because they are unnecessary; Rule 25-4.022 would be amended to eliminate requirements which are redundant of other rules; Rule 25-4.023, F.A.C., would be amended to require reports only during times of named tropical systems; Rule 25-4.034, F.A.C., would be amended to incorporate the revised twenty-two rules currently in Chapter 25-9 which apply to ILECs; Rule 25-4.046, F.A.C., would be amended to clarify the circumstances and time frames related to filing the cost data; Rule 25-4.117, F.A.C., would be amended to include other toll free numbers which have been implemented since the time the rule was first adopted; Rules 25-4.0201, 25-4.067, 25-4.071, 25-4.072, 25-4.074, 25-4.083, 25-4.085, 25-4.107, 25-4.108, 25-4.109, 25-4.110, 25-4.113, and 25-4.210, F.A.C., would be revised or repealed based upon an evaluation of whether each rule is consistent with expressed legislative intent and is necessary to accomplish the apparent or expressed objectives of the specific provisions of law which it implements. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications regulation.

SPECIFIC AUTHORITY: 350.127(2), 364.016, 364.17, 364.18, 364.183, 364.185 FS.

LAW IMPLEMENTED: 364.01, 364.02, 364.025, 364.03, 364.04, 364.016, 364.051, 364.052, 364.07, 364.08, 364.14, 364.15, 364.163, 364.17, 364.18, 364.183, 364.185, 364.19, 364.335, 364.337, 364.3375, 364.3376, 364.3381, 364.386, 365.171 FS.

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

DATE AND TIME: Friday, October 10, 2008, 9:30 a.m.

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

One or more Commissioners may be in attendance and participate in the workshop.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathryn Cowdery, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us. The agenda for the workshop will be available after October 3, 2008

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

PUBLIC SERVICE COMMISSION

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

PURPOSE AND EFFECT: Amended Rule 25-9.001, F.A.C., would exclude ILECs and CLECs from Chapter 25-9, F.A.C. The applicable Chapter 25-9, F.A.C., tariff and tariff filing requirements related to ILECs would be amended to be included in Rule 25-4.034, F.A.C. The amendment would clarify that Chapter 25-9, F.A.C., does not currently apply to CLECs. Amended Rules 25-9.002, 25-9.005, 25-9.009, 25-9.022, 25-9.027, and 25-9.029, F.A.C., would remove all references to telephone companies. Rules 25-9.008 and 25-9.032, F.A.C., would be repealed because Chapter 25-9, F.A.C., would no longer apply to telephone companies. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications regulation.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1), 367.12 FS.
 LAW IMPLEMENTED: 364.03, 364.04, 364.05, 364.08, 364.337, 364.3381, 366.04(2)(b), 366.05(1), 366.06, 367.021, 367.041, 367.081, 367.091, 367.10 FS.

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

DATE AND TIME: Friday, October 10, 2008, 9:30 a.m.
 PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

One or more Commissioners may be in attendance and participate in the workshop.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathryn Cowdery, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us. The agenda for the workshop will be available after October 3, 2008

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The rulemaking is intended to develop District-wide water use permitting rules that include water conservation standards and criteria consistent with those adopted for the Southern Water Use Caution Area for public supply, recreation and aesthetic water uses and to enhance and add conservation measures District-wide for public supply, recreation and aesthetic water uses.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to the District water use permitting rules in Chapter 40D-2, F.A.C., and Part B, Basis of Review For Water Use Permit Applications, of the Water Use Permit Information Manual regarding additional and enhanced conservation requirements for public supply, recreation and aesthetic water use permits. Some of the requirements for public supply permits within the Southern Water Use Caution Area (SWUCA) are proposed to apply also

in areas not within the SWUCA. These include conservation rate structures, water billing requirements, water audits, wholesale permits and annual reports for public supply utilities. Some of the other District-wide proposed additions and enhancements include, limiting unaccounted water to a maximum of ten percent of production, requiring utilities to report conservation programs and initiatives within their service areas, information regarding reclaimed water generation, use and rate structure information, landscape codes, efficient irrigation of common areas and water conservation projects/programs. Also proposed are amendments to apply District-wide the SWUCA conservation requirements for recreation and aesthetic water use permits, including a phased elimination of irrigation of golf course roughs and adding identification and repair of system water losses. Other requirements may be developed during rulemaking.

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.

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

DATE AND TIME: October 13, 2008, 1:00 p.m.
 PLACE: Southwest Florida Water Management District Office, Governing Board Room, 2379 Broad Street, Brooksville, FL 34604-6899

DATE AND TIME: November 12, 2008, 10:00 a.m.
 PLACE: Southwest Florida Water Management District, Tampa Service Office, Governing Board Room, 7601 U.S. Highway 301, Tampa, FL 33637-6759

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Charlotte Edwards, Sr., Administrative Assistant, 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

LAND AND WATER ADJUDICATORY COMMISSION

Wiregrass Community Development District

RULE NOS.:	RULE TITLES:
42MMM-1.001	Establishment
42MMM-1.002	Boundary
42MMM-1.003	Supervisors

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Wiregrass Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by Locust Branch, LLC, requests the Commission establish a community development district located entirely within the unincorporated limits of Pasco County, Florida. A Notice of Receipt of Petition for the Wiregrass Community Development District was published in the June 25,2008, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 3,974.216 acres. A general location map is contained as Exhibit A to the petition to establish the District. There are no parcels within the proposed external boundaries of the District which are to be excluded. The Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the proposed District. The Petitioner seeks authorization for the District “to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems, facilities and basic infrastructures that may include, without limitation: water management and control, water supply, sewer, wastewater management, reclamation and reuse or any combination thereof, bridges or culverts, District roads and street lights, transportation facilities, parking improvements, environmental remediation and cleanup, conservation areas, mitigation areas and wildlife habitat, parks and facilities for indoor and outdoor recreational, cultural and educational uses, fire prevention and control, schools, security, mosquito control, waste collection and disposal, or any other project, within or without the boundaries of the District as required by a development order issued by a local government or subject of an agreement between the District and a governmental entity.”

SUBJECT AREA TO BE ADDRESSED: Establishment of the Wiregrass Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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: Friday, October 17, 2008, 10:00 a.m.

PLACE: Room 2103, The Capitol, 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 two days before the workshop/meeting by

contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark K. Straley, Straley & Robin, 100 East Madison Street, Suite 300, Tampa, Florida 33602, Telephone (813)223-9400; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

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

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

SUBJECT AREA TO BE ADDRESSED: The proposed rules are updated to reflect statutory changes to the hospital application procedures currently defined in the listed rules in 59C.

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

LAW IMPLEMENTED: 408.035, 408.037, 408.039 FS.

IF REQUESTED 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: October 15, 2008, Wednesday, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Calvin J. Vice, Sr., PhD, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida or call (850)488-8672

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.044 RULE TITLE: Organ Transplantation

PURPOSE AND EFFECT: The agency is proposing to update the rule that defines organ transplantation reporting requirements found in Chapter 59C-1, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule is updated to reduce and clarify reporting requirements for organ transplants currently defined in subsection 59C-1.044(5), F.A.C.

SPECIFIC AUTHORITY: 408.034(3), (5), 408.15(8) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(h), (m) FS.

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

DATE AND TIME: Tuesday, October 14, 2008, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Calvin J. Vice, Sr., PhD, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida or call (850)488-8672
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: 60L-32.007 RULE TITLE: Selected Exempt Service
Extraordinary Payment Plan

PURPOSE AND EFFECT: To allow excluded Selected Exempt employees to be eligible to receive extraordinary compensation; sets forth the eligibility requirements and procedures for such payments; allows the agency/department head the discretion to create and activate an agency-wide extraordinary payment plan.

SUBJECT AREA TO BE ADDRESSED: Rules for the compensation of Selected Exempt Employees who are directed to work hours in excess of their contracted hours during extraordinary circumstances.

SPECIFIC AUTHORITY: 110.1055, 110.201(1) 110.602, 110.605(1), (2) FS.

LAW IMPLEMENTED: 110.201, 110.603 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: Friday, October 10, 2008, 10:00 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Phil Spooner at phil.spooner@dms.myflorida.com or (850)488-2445. If you are 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: Phil Spooner, Workforce Design and Compensation Manager, Department of Management Services, 4050 Esplanade Way, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60L-32.007 Selected Exempt Service Extraordinary Payment Plan.

Notwithstanding the provisions of subsection 60L-34.0031(3), F.A.C., an agency/department may propose, for Department approval, an agency-wide plan to compensate excluded Selected Exempt Service employees who are directed to work hours in excess of the contracted hours in the regular work period due to extraordinary circumstances or critical agency/department need subject to the following:

(1) The plan must be activated in writing by the agency/department head or designee and must document the critical agency/department need, or extraordinary circumstances which include danger or potential danger to life, physical or mental health of employees, clients, the public or other recipients of services provided by the agency which justify activation.

(2) Plan activation shall be contingent upon the availability of budget and revenue to fund the payments and shall include a beginning and ending date.

(3) Payment shall be made at the employee's straight time hourly regular rate of pay on an hour-for-hour basis for any hours worked in excess of the contracted hours during the regular work period.

(4) A record must be maintained of all hours worked and payments made in connection with each plan activation.

Specific Authority 110.1055, 110.201(1), 110.602, 110.605(1), (2) FS. Law Implemented 110.201, 110.603 FS. History—New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-8.301 RULE TITLE: Statewide Provider Agreement for the VPK Program

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend the current rule to incorporate updated forms by reference.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments incorporate by reference the revised Form AWI-VPK 20A (Statewide Provider Agreement) and Form AWI-VPK 20B (Statewide Public School Provider Agreement).

SPECIFIC AUTHORITY: 1002.79(2) FS.

LAW IMPLEMENTED: 1002.55(3)(h), 1002.61(8)(a), 1002.63(9)(a), 1002.75 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: Kristin Harden, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-8.301 Statewide Provider Agreement for the VPK Program.

(1) An early learning coalition may not pay a VPK provider for the VPK program, except under a provider agreement with the coalition. A coalition must be a party to a provider agreement, even if a qualified contractor signs on behalf of the coalition. A school district may sign a provider agreement on behalf of a public school in the district.

(2) A coalition shall keep a signed copy of a provider agreement in the coalition's records on the VPK provider.

(3) A provider agreement shall contain identical terms and conditions as Form AWI-VPK 20A (Statewide Provider Agreement) or Form AWI-VPK 20B (Statewide Public School Provider Agreement), dated July 14, 2008 ~~February 14, 2007~~, which ~~are~~ is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C. A provider agreement may not omit, supplement, or amend the terms and conditions of Form AWI-VPK 20A or Form AWI-VPK 20B, unless:

(a) The coalition submits the agreement to the Office of Early Learning of the Agency for Workforce Innovation in writing, dated, and signed by the coalition and the VPK provider; and

(b) The Deputy Director for Early Learning approves the agreement.

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(h), 1002.61(8)(a), 1002.63(9)(a), 1002.75 FS. History--New 8-17-06, Amended 5-24-07, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-16.001 RULE TITLE: Written Certification Examination Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify certification examination for solar contractors.

SUBJECT AREA TO BE ADDRESSED: Written certification examinations requirements.

SPECIFIC AUTHORITY: 455.217, 489.108 FS.

LAW IMPLEMENTED: 455.217, 489.113 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, P. O. Box 5257, Tallahassee, Florida 32314-5257

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.011 RULE TITLE: Continuing Education for School Instructors

PURPOSE AND EFFECT: To add language to address individuals who hold an active and current Florida Bar license. SUBJECT AREA TO BE ADDRESSED: Continuing Education for School Instructors.

SPECIFIC AUTHORITY: 455.2123, 475.05 FS.

LAW IMPLEMENTED: 455.2123, 475.451(2)(c) FS.

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

DATE AND TIME: Tuesday, October 14, 2008, 8:30 a.m.

PLACE: Hilton Fort Lauderdale Beach Resort, 505 N. Ft. Lauderdale Beach Resort, Ft. Lauderdale, FL 33304

Pursuant to the provisions of 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 Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NOS.:	RULE TITLES:
64B17-3.001	Licensure as a Physical Therapist by Examination
64B17-3.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-3.003	Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendments for incorporation of forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of forms.

SPECIFIC AUTHORITY: 456.017, 486.025, 486.031(3), 486.051, 486.081 FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051, 486.081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NOS.:	RULE TITLES:
64B17-4.001	Licensure as a Physical Therapist Assistant by Examination
64B17-4.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-4.003	Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendments for incorporation of forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of forms.

SPECIFIC AUTHORITY: 456.017(1)(b), 486.025, 486.102, 486.104 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104, 486.107(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NOS.:	RULE TITLES:
64B17-7.001	Disciplinary Guidelines
64B17-7.0027	Procedure for Compliance with Board Ordered Laws and Rules Exam

PURPOSE AND EFFECT: The Board proposes the rule amendment for Rule 64B17-7.001, F.A.C. and promulgation of Rule 64B17-7.0027, F.A.C., for incorporation of forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of forms.

SPECIFIC AUTHORITY: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Allen Hall, 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-9.001 Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment for incorporation of a form.

SUBJECT AREA TO BE ADDRESSED: Incorporation of a form.

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) 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: Allen Hall, 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.: RULE TITLES:

64I-1.001 Definitions

64I-1.002 Services

64I-1.003 Order of Selection

64I-1.004 Scope of Services

PURPOSE AND EFFECT: To develop standards for Brain and Spinal Cord Injury Program (BSCIP) designation of transitional living facilities and for appropriate compliance by transitional living facilities with Section 381.75, F.S., and, in particular, subsections (5)-(7).

SUBJECT AREA TO BE ADDRESSED: Transitional Living Facilities for Brain and Spinal Cord Injury.

SPECIFIC AUTHORITY: 381.0011 FS.

LAW IMPLEMENTED: 381.7395, 381.745, 381.75, 381.79, FS.

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

DATE AND TIME: November 19, 2008, 1:00 p.m.

PLACE: Hyatt Regency Jacksonville-Riverfront Hotel, 225 E Coastline Drive, Jacksonville, FL 32202

Pursuant to the provisions of 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: Suzanne Kelly, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4110. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Suzanne Kelly, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4110

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:

69A-3.012 Standards of the National Fire

Protection Association and Other

Standards Adopted

PURPOSE AND EFFECT: To require the owner of any commercial, industrial or multiunit residential structure of three units or more constructed of light-frame trusses, to install a symbol approved by the State Fire Marshal on a location near the main entry of the structure.

SUBJECT AREA TO BE ADDRESSED: Identification of buildings constructed of light-frame trusses for firefighter safety.

SPECIFIC AUTHORITY: 633.01(1), 633.022, 633.0215 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215 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: October 21, 2008, 10:00 a.m.

PLACE: Assembly Hall, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482

Pursuant to the provisions of 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: Belinda Chukes, (850)413-3619. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342. Phone: (850)413-3171; Fax: (850)414-6119. A copy of the rule may be obtained from the same person and may be accessed electronically on the State Fire Marshal Website http://www.fldfs.com/SFM/SFM_Rules_FAC.htm

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-60.008
RULE TITLE: Notice required for buildings with light-frame truss-type construction

PURPOSE AND EFFECT: To require the owner of any commercial, industrial or multiunit residential structure of three units or more constructed of light-frame trusses, to install a symbol approved by the State Fire Marshal on a location near the main entry of the structure.

SUBJECT AREA TO BE ADDRESSED: Identification of buildings constructed of light-frame trusses for firefighter safety.

SPECIFIC AUTHORITY: 633.01(1), 633.022, 633.0215 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215 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: October 21, 2008, 10:00 a.m.

PLACE: Assembly Hall, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482

Pursuant to the provisions of 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: Belinda Chukes, (850)413-3619. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342. Phone: (850)413-3171; Fax: (850)414-6119. A copy of the rule may be obtained from the same person and may be accessed electronically on the State Fire Marshal Website http://www.fldfs.com/SFM/SFM_Rules_FAC.htm

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NOS.:	RULE TITLES:
69L-3.0046	Wage Statement: Employer's and Claims-handling Entity's Responsibility to Record and Report Wages
69L-3.025	Forms

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

SUBJECT AREA TO BE ADDRESSED: Eliminate collection of social security numbers.

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

LAW IMPLEMENTED: 440.12(2), 440.14(3), 440.15(1), (4), (9), (10), 440.185(4), (5), (9), (10), 440.20(2), (3), 440.345, 440.35, 440.51(6), (9) FS.

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

DATE AND TIME: Tuesday, October 21, 2008, 10:00 a.m.

PLACE: 104J, Hartman Bldg., 2012 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Robin Ippolito at (850)413-1775. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robin Ippolito, Bureau Chief, Bureau of Monitoring & Audit, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4225, (850)413-1775

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

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

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

69L-3.025 Forms.

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

(a)	Form DFS-F2-DWC-1	___8/04	First Report of Injury or Illness
(b)	Form IA-1	1/1/02	Workers' Compensation First Report of Injury or Illness For use only by entities approved to transmit electronic First Reports of Injury to the Division
(c)	Form DFS-F2-DWC-1a	___8/04	Wage Statement
(d)	Form DFS-F2-DWC-3	___8/04	Request for Wage Loss/Temporary Partial Benefits
(e)	Form DFS-F2-DWC-4	___8/04	Notice of Action/Change
(f)	Form DFS-F2-DWC-12	___8/04	Notice of Denial
(g)	Form DFS-F2-DWC-13	___8/04	Claim Cost Report

(h)	Form DFS-F2-DWC-14	___8/04	Request for Social Security Disability Benefit Information
(i)	Form DFS-F2-DWC-19	___8/04	Employee Earnings Report
(j)	Form DFS-F2-DWC-30	___8/04	Authorization and Request for Unemployment Compensation Information
(k)	Form DFS-F2-DWC-33	___8/04	Permanent Total Off-Set Worksheet
(l)	Form DFS-F2-DWC-35	___8/04	Permanent Total Supplemental Worksheet
(m)	Form DFS-F2-DWC-40	___8/04	Statement of Quarterly Earnings for Supplemental Income Benefits
(n)	Form DFS-F2-DWC-49	___8/04	Aggregate Claims Administration Change Report
(o)	Form DFS-F2-DWC-60	8/04	Important Workers' Compensation Information for Florida's Workers
(p)	Form DFS-F2-DWC-61	8/04	Informacion Importante De Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Trabajadores De La Florida
(q)	Form DFS-F2-DWC-65	8/04	Important Workers' Compensation Information for Florida's Employers
(r)	Form DFS-F2-DWC-66	8/04	Informacion Importante Del Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Empleadores De La Florida

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

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

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

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.:
69V-560.1021

RULE TITLE:
Effect of Law Enforcement Records
on Applications for Money Services
Business Licensure

PURPOSE AND EFFECT: The rules will set forth the policies of the Office of Financial Regulation with respect to processing license applications for persons who have been

found guilty of, or who have pled guilty or nolo contendere to, certain crimes. The policies will address applications for licensure as money services businesses, which include money transmitters, payment instrument sellers, foreign currency exchangers, check cashers, and deferred presentment providers.

SUBJECT AREA TO BE ADDRESSED: Money Services Businesses – Licensure.

SPECIFIC AUTHORITY: 560.105 FS.

LAW IMPLEMENTED: 112.011, 560.114, 560.140, 560.141 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: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com

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

1A-31.020	Inspection by Permitting Agency
1A-31.025	Assignment and Subcontracting
1A-31.030	Project Archaeologist Qualifications
1A-31.035	Project Archaeologist Responsibilities
1A-31.040	Application Procedures
1A-31.045	Criteria for Issuing a Permit
1A-31.050	Permit Issuance
1A-31.055	Notice of Approval or Denial
1A-31.060	Requirements for All Permits
1A-31.065	Additional Requirements for Exploration Permits
1A-31.070	Additional Requirements for Recovery Permits
1A-31.075	Permit Modification
1A-31.080	Permittee Required to Give Notice of Change
1A-31.085	Permit Suspension and Revocation
1A-31.090	Disposition of Archaeological Materials, Title to Archaeological Materials Conveyed

PURPOSE AND EFFECT: The purpose of this rule is to provide guidance and information regarding issuance of permits by the division for exploration and salvage of historic shipwreck sites by commercial salvors on state-owned sovereignty submerged lands. The rule also provides guidelines for transferring objects recovered by commercial salvors under permit in exchange for recovery services provided to the state.

The rule amendment is also in response to suggestions from JAPC.

SUMMARY: This rule is to provide guidance and information regarding issuance of permits by the division for exploration and salvage of historic shipwreck sites by commercial salvors on state-owned sovereignty submerged lands. The rule also provides guidelines for transferring objects recovered by commercial salvors under permit in exchange for recovery services provided to the state.

The rule amendment is also in response to suggestions from JAPC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Estimated regulatory costs should not be significantly impacted.

Any person wishing to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing within 21 days after publication of this notice to: Dr. Ryan Wheeler, Bureau of Archaeological Research, 500 S. Bronough Street, MS 8B, Tallahassee, FL 32399-0250.”

SPECIFIC AUTHORITY: 267.031(1), (2), 267.115(6) FS.

LAW IMPLEMENTED: 267.031(2), 267.031(5)(i), (k), (o), 267.061(1), 267.115, 267.13 FS.

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Historical Resources

RULE NOS.:	RULE TITLES:
1A-31.0012	Purpose
1A-31.0015	Definitions
1A-31.0022	Prior Agreements
1A-31.0027	No Interest Conveyed
1A-31.0032	Notice Address and Form of Communication
1A-31.0035	Form of Consent, Other Laws
1A-31.0042	Exempted Areas and Sites
1A-31.0045	Excluded Areas and Sites
1A-31.0052	Security
1A-31.0055	Exploration Agreements
1A-31.0062	Types of Permit
1A-31.0065	Salvage Agreements
1A-31.0072	Number of Permits Limited to Agency Ability
1A-31.0082	Duration of Permit
1A-31.0092	Permit Area
1A-31.010	Supervision
1A-31.011	Boats to Carry Identification

DATE AND TIME: October 21, 2008, 12:00 Noon
 PLACE: Guana Tolomato Matanzas Auditorium, National Estuarine Research Reserve, 505 Guana River Road, Ponte Vedra Beach, FL 32082

Pursuant to the provisions of 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: Charlotte Wheeler, (850)245-6536. If you are 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: Stephen S. Mathues, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULES IS:

PROCEDURES FOR CONDUCTING EXPLORATION AND RECOVERY SALVAGE OF HISTORIC SHIPWRECK SITES

1A-31.0012 Purpose.

It is the public policy of the state to preserve and protect archaeological sites and objects of antiquity for the public benefit and to limit exploration, excavation, and collection of such materials to qualified persons, businesses, and educational institutions possessing the requisite skills and purpose to add to the general store of knowledge concerning history, archaeology, and anthropology. The purpose of this rule is to provide guidance and information to the public regarding issuance of permits by the division for exploration and salvage of historic shipwreck sites by commercial salvors on state-owned sovereignty submerged lands and for transferring objects recovered by commercial salvors under permit in exchange for recovery services provided to the state.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(i), (k), (o), 267.031(2), 267.061(1), 267.115, 267.14 FS. History—New _____.

1A-31.0015 Definitions.

(1) “Applicant” means any corporation, individual, partnership or other legal entity making application to the division for an Exploration Permit or a Recovery Permit person to enter into a contractual agreement with the division to conduct exploration or salvage activities for archaeological materials on state owned sovereignty submerged lands.

(2) “Application” means a formal written request on the Application for Exploration Permit or the Application for Recovery Permit Historic Shipwreck Exploration or Salvage in Florida Waters and all other documentation required by this chapter to be submitted as part of such application enter into a contract with the division to conduct exploration or salvage activities for archaeological materials on state-owned sovereignty submerged lands.

(3) “Archaeological materials” means artifacts and remains of historic shipwreck sites including but not limited to ships’ structure and rigging, hardware, tools, utensils, cargo, and personal items of crew and passengers, and treasure trove.

(4) “Permittee” “Contractor” means an applicant that has been issued an Exploration Permit or a Recovery Permit in accordance with this chapter any person who enters into an exploration or salvage agreement with the division.

(5) “Division” means the Division of Historical Resources of the Department of State.

(6) “Historic Shipwreck Site” means the remains of a sunken or abandoned ship or other watercraft on or below the seabed including but not limited to ships’ structure and rigging, hardware, tools, utensils, cargo, personal items of crew and passengers, and treasure trove, which is generally at least fifty years old “Exploration agreement” means a contractual agreement between any person and the division that authorizes the conduct of certain exploration activities for archaeological materials on state-owned sovereignty submerged lands, imposes conditions on the conduct of those activities and does not create any interest in real property or in any state-owned sovereignty submerged lands.

(7) “Historical resource” means a building, structure, site, object or collection thereof (a prehistoric or historic district) which is generally at least fifty years old and of historical, architectural, or archaeological value “Person” means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or governmental entity or officer.

(8) “Exploration Permit” means the form of permission issued in accordance with this chapter to search for historic shipwreck sites on state-owned sovereignty submerged lands “Salvage agreement” means a contractual agreement between any person and the division that authorizes the conduct of certain excavation or removal activities for archaeological materials on state-owned sovereignty submerged lands, imposes conditions on the conduct of these activities and does not create any interest in real property or in any state-owned sovereignty submerged lands.

(9) “Recovery Permit” means the form of permission issued in accordance with this chapter to recover archaeological materials from a historic shipwreck site on state-owned sovereignty submerged lands.

(10) “Project Archaeologist” means the professional underwater archaeologist who meets both the Secretary of Interior’s minimum Standards for Professional Qualifications and the specific standards set forth in Rule 1A-31.030, F.A.C.

(11)(9) “Sovereignty submerged lands” means those lands including but not limited to tidal flats, sand bars, shallow banks, and lands waterward of the ordinary or mean high water

line, under navigable fresh and salt waters to which the State of Florida acquired title on March 3, 1845 by virtue of statehood, and which have not been heretofore conveyed or alienated.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History–New 4-13-87, Amended _____.

1A-31.0022 Prior Agreements.

Any existing agreements or contracts concerning shipwreck exploration or salvage in effect as of the date of enactment of this rule are unaffected by this rule for their stated term and for as long as they shall be renewed by the division. Once such existing agreements or contracts expire, are not renewed or are terminated, this rule shall apply for any future permits.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History–New _____.

1A-31.0027 No Interest Conveyed.

A permit issued under this rule conveys no present or future interest, right or ownership in state-owned historic shipwreck sites or archaeological materials, and grants no permission beyond that stated in the permit.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1) FS. History–New _____.

1A-31.0032 Notice Address and Form of Communication.

All communication to the division regarding applications, forms, information, permits and all reports required under the terms of a permit shall be submitted in written form to the division at:

Florida Division of Historical Resources
Bureau of Archaeological Research
1001 de Soto Park Drive
Tallahassee, FL 32301

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1) FS. History–New _____.

1A-31.0035 Form of Consent, Other Laws Agreements for Exploration or Salvage of Archaeological Materials.

(1) The division is authorized to enter into agreements for the exploration or salvage of archaeological materials on state-owned sovereignty submerged lands.

(2) Any person desiring to conduct activities or operations to explore for, excavate or salvage archaeological materials from sovereignty submerged lands may do so only if authorized by the division by an exploration or salvage agreement. Any person desiring to enter into such an agreement shall submit an application to the division before conducting any exploration, excavation or removal activities. This application, which is entitled Application for Historic Shipwreck Exploration or Salvage in Florida Waters (dated 3-86), is incorporated by reference, is available free of charge,

~~and can be obtained by writing the Division of Historical Resources, R. A. Gray Building, Tallahassee, Florida 32399-0250. The division shall require the applicant to provide additional information to correct any error, omission or incompleteness in the application or that is required by the division to meet its responsibilities under this chapter.~~

~~(3) Within 30 days of the receipt of an application, the division shall, in writing, notify the Executive Director of Department of Environmental Protection Natural Resources and the applicant that a form of consent may be required from the Board of Trustees of the Internal Improvement Trust Fund to conduct the exploration or recovery salvage activities. No exploration or recovery salvage activities for archaeological materials may commence until the applicant has received necessary consent from the Board of Trustees of the Internal Improvement Trust Fund and any other permits that may be required by local, state or federal laws.~~

Specific Authority 267.031(1) FS. Law Implemented 253.77, 267.031(2), 267.031(5)(i), 267.061(1) FS. History–New 4-13-87, Amended _____.

1A-31.0042 Exempted Areas and Sites.

(1) Diving on historic shipwreck sites in Florida waters does not require a permit.

(2) This chapter does not apply to:

(a) Any abandoned shipwreck in or on the public lands of the United States or in or on Indian lands as set forth in the Abandoned Shipwreck Act of 1987, 43 U.S.C. sec. 2105(d), herein incorporated by reference;

(b) Any vessel for which a federal admiralty court has awarded title as against the State of Florida prior to April 28, 1988, the effective date of the Abandoned Shipwreck Act of 1987 (herein incorporated by reference), while such title remains valid; or

(c) Vessels entitled to sovereign immunity under federal law or international law, treaty, or agreement, including without limitation, United States or foreign military vessels as defined in the Sunken Military Craft Act (Public Law Number 108-375, Div. A, Title XIV, Sections 1401-1408, Oct. 28, 2004, 118 Stat. 2094), herein incorporated by reference.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1), 267.11 FS. History–New _____.

1A-31.0045 Excluded Areas and Sites.

(1) The following categories of state-owned sovereignty submerged lands are not eligible for permits under this chapter:

(a) Inland fresh and brackish waters;

(b) Areas of federal jurisdiction including but not limited to areas of the National Park System, National Marine Sanctuaries, National Wildlife Refuges, National Estuarine Research Reserves and US Military Reservations;

(c) Areas of state jurisdiction including but not limited to State Parks, State Aquatic Preserves, Coastal and Aquatic Managed Areas, State Archaeological Landmarks, State Archaeological Landmark Zones, Underwater Archaeological Preserves, Underwater Archaeological Research Reserves; and

(d) Areas of legally defined and authorized local jurisdiction including but not limited to such uses as public recreation, resource conservation and resource management.

(e) Areas of submerged lands conveyed to public or private entities.

(2) The following categories of shipwrecks are not eligible for permits under this chapter:

(a) Vessels that are or have been under the jurisdiction of a federal admiralty court, except where the applicant provides proof that the federal court's jurisdiction and any rights it may have awarded are permanently terminated; and

(b) Historic shipwreck sites that are of historical or archaeological significance that permitted activities would be incompatible with the division's responsibility to administer state-owned and state-controlled historic resources in a spirit of stewardship and trusteeship and to preserve archaeological sites and objects of antiquity for the public benefit.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1), 267.11 FS. History–New _____.

1A-31.0052 Security.

The permittee is responsible for securing the permit area including any historic resources within or recovered from the permit area. When the division determines that state-owned historic resources are at risk, the division may require that the permittee institute specific security measures. The division may assist in securing the permit area and historic resources, to protect the public interest.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1)(b), 267.14 FS. History–New _____.

1A-31.0055 Exploration Agreements.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.13 FS. History–New 4-13-87, Repealed _____.

1A-31.0062 Types of Permit.

(1) The division may issue two types of permits:

(a) An exploration permit allows the permittee to collect remote sensing and visual information on potential historic shipwreck sites without excavation or bottom disturbance. The exploration permit may be modified in a later stage to allow limited disturbance and excavation for purposes of determining the presence or absence and the nature of potential historic shipwreck sites. The number, location, extent and type of such test excavations shall be specified in the permit modification.

(b) A recovery permit may be issued only after the existence and nature of a historic shipwreck site has been documented by exploration permit activities and confirmed by

the division. A recovery permit allows the permittee to conduct more extensive excavations and recover archaeological materials. The number, location, extent and type of such excavation and recovery operations shall be specified in the permit.

(2) The division shall not issue multiple permits for any active permit area or historic shipwreck site that is within an active permit area, including its buffer area.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1) FS. History–New _____.

1A-31.0065 Salvage Agreements.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.13 FS. History–New 4-13-87, Repealed _____.

1A-31.0072 Number of Permits Limited to Agency Ability.

The division shall not issue more permits than it can properly supervise, monitor and administer. The maximum allowable number of concurrent permits shall be determined by the division based on:

(1) Number and types of permits already in effect;

(2) The anticipated termination date of permits already in effect;

(3) The number of applications under review or anticipated to result in permits;

(4) The number of staff assigned to supervise, monitor and administer permits; and

(5) The availability of funds necessary for the division to conduct all office and field activities under this chapter.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History–New _____.

1A-31.0082 Duration of Permit.

A permit shall have a term of one year.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History–New _____.

1A-31.0092 Permit Area.

(1) The maximum size of an exploration permit area is one square statute mile.

(2) The maximum size of a recovery permit area is limited to the size required to encompass the archaeological remains from which recovery is permitted.

(3) Permit areas shall be separated by a buffer zone of 500 yards width from:

(a) Other permit areas;

(b) Recognized admiralty arrest areas;

(c) Established navigation channels;

(d) Exempted areas and sites as defined in this chapter; and

(e) Excluded areas and sites as defined in this chapter.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History–New _____.

1A-31.010 Supervision.

Specific Authority 267.031(1), (2) FS. Law Implemented 263.061(3)(i), (k), 267.031 FS. History–New 5-7-68, Amended 1-1-75, 9-6-78, Formerly 1A-31.10, Amended 4-13-87, Repealed _____.

1A-31.011 Boats to Carry Identification.

(1) In advance of initial exploration or recovery salvage activities or operations, the permittee contractor shall furnish the division with a list of all vessels to be used in the search or recovery salvage operation, including a description and the registration number of each vessel. No vessel shall engage in exploration or recovery salvage operations if it has not been reported to the division.

(2) All vessels used in exploration or recovery salvage activities or operations shall be marked with identifying exploration or recovery salvage agreement numbers supplied by the division in a form visible from air and sea.

(3) Written identification provided the permittee salvor by the division shall be carried at all times by the vessel engaged in the search or recovery salvage operations.

Specific Authority 267.031(1) FS. Law Implemented 267.061(3)(i), (k) FS. History–New 5-7-68, Amended 1-1-75, 9-6-78, Formerly 1A-31.11, Amended 4-13-87, _____.

1A-31.020 Inspection by Permitting Agency.

Prior to or after issuance of any permit, the division may, without notice, inspect the permit area to perform any or all of the following:

(1) Evaluate statements made in the application;

(2) Determine the nature of any historical resources present;

(3) Determine the state of the submerged lands as a baseline for cleanup and restoration;

(4) Determine whether any areas or sites within the proposed permit area are exempted from permitting;

(5) Examine all work already done or being done under the terms of the permit;

(6) Make a determination of compliance with the terms of the permit, this rule, and all other applicable laws and rules;

(7) Determine the status of historical resources and submerged lands in order to require protection or restoration of such resources.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History–New _____.

1A-31.025 Assignment and Subcontracting.

No permit may be assigned or transferred. Subcontract agreements are allowed and require the prior written approval of the division. Compliance with all terms and conditions of the permit is the sole responsibility of the permittee whether or not permitted activities are subcontracted.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History–New _____.

1A-31.030 Project Archaeologist Qualifications.

Any permit issued under this rule shall require the participation of a professional underwater archaeologist who shall serve as the project archaeologist. The project archaeologist must meet, at a minimum, the Secretary of Interior's Standards for Professional Qualifications, as set forth in Federal Register Vol. 48, No. 190, p. 44739, or subsequent official version, herein incorporated by reference, and the following minimum qualifications of training, knowledge, experience and skills with an emphasis on underwater sites, water-saturated archaeological materials, and preservation methods, as evidenced by the project archaeologist's resume submitted with the permit application:

(1) At least 24 weeks of supervised underwater archaeological fieldwork and 20 weeks of supervisory underwater archaeological fieldwork;

(2) at least two weeks field experience and training in underwater survey technique and familiarity with the general theory and application of varied remote sensing technology;

(3) Experience or training in the recovery and interpretation of both archaeological and archival data and familiarity with the history and technology of navigation and ship building;

(4) Design and execution of an underwater archaeological study as evidenced by an M.A. thesis or a published report of equivalent scope and quality;

(5) For exploration permits, at least three months of experience in the operation of remote sensing devices in a marine environment for the purpose of discovery and evaluation of archaeological resources supervised by a specialist in the use of such devices;

(6) For exploration permits, at least three months of experience in a supervisory or independent role; and

(7) For recovery permits and exploration permits involving recovery of archaeological materials, at least eight weeks of supervised training in the general theory and application of stabilization and conservation methods as they pertain to waterlogged materials.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), 267.061(1) FS. History–New _____.

1A-31.035 Project Archaeologist Responsibilities.

The project archaeologist shall:

(1) Ensure that professional archaeological standards are maintained throughout the course of the project;

(2) develop a research design and appropriate procedures for its implementation;

(3) Review remote sensing data and provide a written interpretation of the results to the division;

(4) Be present when excavation work is conducted;

(5) Personally visually inspect the excavation;

(6) Personally supervise excavation work and all recoveries in the permit area;

(7) Ensure that adequate records are maintained during all testing, excavation, recovery and laboratory procedures; and

(8) Maintain regular contact with the division, providing electronic, facsimile or paper copy reports of all significant developments, including discoveries of historic shipwreck sites and historical resources.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History—New _____.

1A-31.040 Application Procedures.

(1) Applications for permits issued under this chapter shall be made on forms prescribed by the division. Application forms may be requested in writing at the division’s address in Rule 1A-31.0032, F.A.C. Application for Exploration Permit (Form HR6E9001-08), is herein incorporated by reference. Application for Recovery Permit (Form HR6E9002-08), is herein incorporated by reference.

(2) One copy of the completed application bearing an original signature of the applicant shall be submitted to the division at the address specified in Rule 1A-31.0032, F.A.C.

(3) The permittee may apply for a permit renewal in accordance with procedures in this rule. The application form shall specifically explain any differences from the previous application. Any sections that are unchanged may be answered “No Change.”

(4) The division may request additional information or clarification on any application that is submitted. Such request shall be made to the applicant in writing and shall indicate the date by which the information or clarification is needed.

(5) Requests for renewal must be received prior to the termination date of the permit. Requests for renewal will be considered sufficient when all requirements of the permit have been satisfied, any errors or omissions have been corrected, and any additional information requested by the division has been received.

(6) Renewals shall have a term of one year.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History—New _____.

1A-31.045 Criteria for Issuing a Permit.

The division shall consider the following criteria in its decision to approve or deny a permit application, and may consider other relevant information:

(1) The public policy of the state to preserve and protect archaeological sites and objects of antiquity for the public benefit and to limit exploration, excavation, and collection of such matters to qualified persons and educational institutions possessing the requisite skills and purpose to add to the general store of knowledge concerning history, archaeology, and anthropology;

(2) Conflicts with other permit areas, exempted areas, exempted sites, excluded areas, excluded sites or navigation channels;

(3) Date of receiving the application in relation to other applications for the same location;

(4) Experience, ability and plans to comply with safety and security requirements as demonstrated in the application;

(5) Experience, ability and plans to restore submerged lands as demonstrated in the application;

(5) Experience, ability and plans to collect and supply data and records as demonstrated in the application;

(7) Ability of the division to supervise and administer the permit in addition to permits already issued;

(8) Results of the inspection of the requested permit area, if any;

(9) Financial ability to complete the permit activities as demonstrated in the application;

(10) Aualifications, experience and ability of the project archaeologist;

(11) Suitability of proposed research design and methodology;

(12) Experience, ability and plans for security, inventory, and curation of archaeological materials and records as demonstrated in the application;

(13) Qualifications, experience and ability of the applicant to complete the proposed activities;

(14) Access to necessary equipment and qualified operators;

(15) Size of permit area;

(16) Compliance with requirements of any previous permits or agreements issued under Chapter 1A-31, F.A.C., from the date of its adoption.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History—New _____.

1A-31.050 Permit Issuance.

The division shall only issue a permit when:

(1) The applicant has supplied evidence of sufficient financial ability to complete the operation as permitted;

(2) The applicant has demonstrated that project participants including subcontractors possess sufficient qualifications, resources, and abilities to successfully complete the permitted activities;

(3) The applicant has supplied a letter of intent from a professional underwater archaeologist who has agreed to serve as project archaeologist;

(4) The applicant has demonstrated that proposed project activities will utilize professionally accepted techniques for identification, reconnaissance, recovery, recording, conservation, preservation, and analysis of archaeological materials;

(5) The applicant has supplied an adequate plan for the conservation, analysis, and curation of all archaeological materials, records, and other materials resulting from the proposed operation, including facilities if appropriate; and

(6) The division has determined that activities allowed under the permit are not inconsistent with the requirements of this rule.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History--New _____.

1A-31.055 Notice of Approval or Denial.

(1) The division shall notify the applicant of approval or intended denial of the application at the address provided in the application or as specified in any notice of change, per Rule 1A-31.080, F.A.C. If the application is approved, the division shall furnish a permit document for signature by the applicant certifying agreement with its terms and conditions. The applicant shall return the signed permit to the division for signature by the division's authorized representative. The permit is effective when it is signed by the applicant and the division.

(2) If the division intends to deny the application, the division shall list those criteria from Rule 1A-31.045, F.A.C., on which the intended denial is based and inform the applicant of the options available.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History--New _____.

1A-31.060 Requirements for All Permits.

Each permit must include:

(1) Name and contact information for division staff administering the permit;

(2) Name and contact information for the permittee or agent;

(3) Name and contact information for the project archaeologist;

(4) Name and contact information for key project personnel;

(5) Registration numbers of all boats participating in the permitted activities;

(6) Duration of the permit;

(7) Boundaries of the area covered by the permit;

(8) Description of the scope of work to be undertaken, which may include archaeological guidelines;

(9) Description of the expected types of activity which must be undertaken by the permittee to restore the submerged lands following completion of the permitted activities;

(10) Minimum standards of diligence, expressed as a schedule of specific work activities and dates by which such activities shall be initiated or completed;

(11) Notice that the permit requires submittal of an annual report meeting the guidelines established in subsection 1A-46.001(3), F.A.C. National Oceanic and Atmospheric Administration 1:80,000 nautical charts should be substituted for U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle maps as required in subsection 1A-46.001(3), F.A.C. as appropriate;

(12) Notice that Daily Field Note and Activity Logs (Form HR6E067, Revised 06/08), herein incorporated by reference, must be completed and submitted monthly.

(13) Notice that no guarantee of being granted a renewal or new permit is stated or implied;

(14) Notice that the permittee must notify the division in writing and immediately of any change affecting the ability or plans to complete permit activities as set forth in the application and the permit, including changes in boats and boat registration numbers used in the permitted activities;

(15) Notice that the use of clamshell dredges, cutterhead dredges, explosives and suction dredges greater than 6 inches in diameter is prohibited; and

(16) Notice that the use of propwash deflectors is prohibited unless specifically authorized in the permit.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History--New _____.

1A-31.065 Additional Requirements for Exploration Permits.

(1) No excavation or displacement of archaeological materials shall be conducted unless approved in writing by the division in the form of an amendment to the Exploration Permit. No archaeological materials shall be recovered unless approved in writing by the division in the form of an amendment to the Exploration Permit. All archaeological materials recovered under an Exploration Permit shall remain state property.

(2) With a minimum of disturbance to the permit area the permittee shall:

(a) Conduct remote sensing of the entire permit area;

(b) Identify the source of any anomalies;

(c) Delineate the extent of historic shipwreck sites; and

(d) Evaluate the potential characteristics and significance of any historic shipwreck site in consultation with the division.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History--New _____.

1A-31.070 Additional Requirements for Recovery Permits.

A research design and description of proposed excavation activities prepared by the applicant's project archaeologist, and approved by the division, shall be included in the recovery

permit. The division shall require the permittee to secure the use of a conservation and curation facility, as well as relevant conservation expertise, to be approved by the division, if the permittee is responsible for conserving archaeological materials under the terms of the permit. The permittee is solely responsible for transporting, storing, insuring, and conserving all archaeological materials recovered under the permit and for the costs associated with these activities. The division may assist in these activities.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i),(k),(o), 267.061(1) FS. History–New _____.

1A-31.075 Permit Modification.

Permit modifications may be requested in writing by the permittee. The division will respond in writing to requests for modification within 30 days.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History–New _____.

1A-31.080 Permittee Required to Give Notice of Change.

The permittee shall notify the division in writing, in such form and detail as required by the division, of changes or proposed changes in financial support, contact information, key personnel or equipment from that noted in the permit application. If the division determines that changes or proposed changes decrease materially the permittee’s ability to carry out and complete the project in accordance with the permit, the division may require a permit modification or may suspend or revoke the permit.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History–New _____.

1A-31.085 Permit Suspension and Revocation.

(1) The division may suspend operations under a permit at any time for reasons, including but not limited to:

- (a) Violation of the law or of this chapter;
- (b) Violation of terms or conditions of the permit;
- (c) Obtaining the permit by misrepresentation or failure to disclose all relevant facts;
- (d) Making false statements in an application, report or other document submitted to the division under this chapter;
- (e) Failure to meet minimum standards of diligence as specified in the permit; or
- (f) Activity that jeopardizes archaeological materials.

(2) If the division intends to revoke the permit, then the permit shall remain suspended until the matter is resolved. The division may revoke a permit for any or all of the following:

- (a) Making false statements in an application, report or other document submitted to the division under this rule;
- (b) Failure to meet minimum standards of diligence as specified in the permit;

(c) Violation of any of the terms or conditions of the permit;

(d) Violation of this chapter or any other applicable law or regulation;

(e) Obtaining the permit by misrepresentation or failure to disclose all relevant facts;

(f) Issuance based upon incorrect information, mistaken belief, or clerical error, or any other just cause as provided by this chapter.

(3) Suspension or revocation of a permit does not relieve the permittee of any obligations concerning restoration of submerged lands, protecting exposed archaeological remains or providing reports and information to the division.

(4) The division shall serve written notice of intent to revoke a permit, specifying the criteria from rule 1A-31.045 on which the intended revocation is based and inform the applicant of the available options.

Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History–New _____.

1A-31.090 Disposition of Archaeological Materials. Title to Archaeological Materials Conveyed.

The division may transfer archaeological materials to which it holds title to the permittee in consideration of recovery services provided to the state under the terms of a recovery permit. Provisions for transfer of archaeological materials will be specified in each recovery permit.

Specific Authority 267.031(1), 267.115(6) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Ryan Wheeler

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NOS.: 5K-1.003 5K-1.0051	RULE TITLES: Application for Inspection, Fees, Rejection of Application, Updates, Renewal, Official Numbers and Withdrawal of Inspection Schedule of Operations, Water Supply for Cleaning, Application of Pesticides, Vehicles Transporting
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- 5K-1.019 Animal Products, Permission for Release of Stop-Sale Product, and Retention Tags
- 5K-1.020 United States Federal Regulations for Mandatory Meat Inspection and Mandatory Poultry Product Inspection, U.S.D.A. Directives, and Parts XI and XII of the State Performance Plan Adopted
- 5K-1.021 Approved Methods of Humane Slaughter
- 5K-1.021 Inspection of Nontraditional Livestock – Requirements, Scheduling, Inspection Marks, Fees

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule is to repeal a set of obsolete rules that are based on statutory language repealed by the Florida Legislature in 2000. The Florida Department of Agriculture and Consumer Services previously had statutory authority for the regulation and inspection of operations engaged in the slaughter of animals or the preparation of animal products for human consumption. Chapter 585, Part III, Animal and Animal Product Inspection and Labeling (ss. 585.70 – 585.96) was repealed during the 2000 Legislative Session (Chapter 2000-308, Section 38, L.O.F.). Those duties and the impacted firms were administratively transferred back to the U. S. Department of Agriculture (USDA). The remaining rules have not been used by this agency since that time and to repeal such will have no impact on the Department or its regulated entities.

SUMMARY: This rule amendment addresses the repeal of obsolete rules relative to the regulation of animal slaughter operations and meat processing plants. This program is no longer a function performed by the Department.

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

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

SPECIFIC AUTHORITY: 585.002(4), 585.715(2), 585.93, 828.25(1) FS.

LAW IMPLEMENTED: 570.07(2), 585.71, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86, 585.87, 585.89, 585.90, 585.93, 585.902, 585.903, 585.904, 585.905, 585.91, 828.22, 828.24 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: October 17, 2008, 11:00 a.m. – 12:00 Noon

PLACE: Eyster Auditorium, The Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; telephone: (850)488-0295. If you are 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: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)488-0295

THE FULL TEXT OF THE PROPOSED RULES IS:

5K-1.003 Application for Inspection, Fees, Rejection of Application, Updates, Renewal, Official Numbers and Withdrawal of Inspection.

Specific Authority 585.002(4), 585.715(2) FS. Law Implemented 585.74(1), (2), (4), (5), (7), 585.72(2), 585.75(2), 585.79, 585.84, 585.91(1), (2), (4), (6), (7) FS. History–New 6-29-62, Formerly 5C-1.03, Amended 1-5-94, Formerly 5C-1.003, Amended 7-5-95, 1-17-96, Repealed.

5K-1.0051 Schedule of Operations, Water Supply for Cleaning, Application of Pesticides, Vehicles Transporting Animal Products, Permission for Release of Stop-Sale Product, and Retention Tags.

Specific Authority 585.002(4), 585.715(2) FS. Law Implemented 585.71, 585.74(2), 585.78, 585.80(3), 585.90, 585.83, 585.91 FS. History–New 1-5-94, Formerly 5C-1.0051, Amended 7-5-95, 1-17-96, Repealed.

5K-1.019 United States Federal Regulations for Mandatory Meat Inspection and Mandatory Poultry Product Inspection, U.S.D.A. Directives, and Parts XI and XII of the State Performance Plan Adopted.

Specific Authority 585.002(4), 585.715(2) FS. Law Implemented 570.07(2), 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86, 585.87, 585.89, 585.90, 585.902, 585.903, 585.904, 585.905, 585.91, 585.93 FS. History–New 3-20-71, Formerly 5C-1.19, Amended 1-5-94, Formerly 5C-1.019, Amended 10-30-95, 1-17-96, 9-3-96, 4-10-97, Repealed.

5K-1.020 Approved Methods of Humane Slaughter.

Specific Authority 828.25(1) FS. Law Implemented 828.22, 828.24 FS. History–New 7-5-95, Repealed.

5K-1.021 Inspection of Nontraditional Livestock – Requirements, Scheduling, Inspection Marks, Fees.

Specific Authority 585.002(4), 585.715(2), 585.93 FS. Law Implemented 585.93 FS. History–New 1-17-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Marion Aller, Director, Division of Food Safety, Department of Agriculture and Consumer Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2008, Vol. 34/30

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

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-4.001
 RULE TITLE: Application

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application Form and the Florida Prepaid College Plan Master Covenant.

SUMMARY: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application Form and the updated form for the Florida Prepaid College Plan Master Covenant.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 19, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2008-10~~ ~~2007-10~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan ~~Program~~ Master Covenant, Form No. FPCB ~~2008-02~~ ~~2007-02~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2008

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.002
 RULE TITLE: Application for Participation in the Program

PURPOSE AND EFFECT: To update the Florida College Investment Plan application for participation.

SUMMARY: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 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: October 19, 2008, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2008-10~~ ~~2007-10~~, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2008

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.003	Definitions
25-4.006	Issuance of Certificate in the Event of Failure to Furnish Adequate Service
25-4.007	Reference to Commission
25-4.017	Uniform System of Accounts for Rate-of-Return Regulated Local Exchange Companies
25-4.0174	Depreciation Accounts for Rate-of-Return Regulated Local Exchange Companies
25-4.0175	Depreciation for Rate-of-Return Regulated Local Exchange Companies
25-4.0178	Retirement Units for Rate-of-Return Regulated Local Exchange Companies
25-4.021	System Maps and Records

25-4.024	Held Applications for Service
25-4.039	Traffic
25-4.040	Telephone Directories; Directory Assistance
25-4.077	Metering and Recording Equipment
25-4.079	Hearing/Speech Impaired Persons
25-4.116	Telephone Number Assignment Procedure
25-4.215	Limited Scope Proceedings

PURPOSE AND EFFECT: The purposes of the rule amendments are to delete any provisions that are obsolete; to clarify when the rule applies only to rate-of-return regulated local exchange telecommunication companies; to eliminate redundant rules. Docket No. 080159-TP.

SUMMARY: In Rule 25-4.003, F.A.C., on Definitions, language is added to the rule to define “price regulated local exchange telecommunications company” and “rate of return regulated local exchange telecommunications company.” This is intended to reflect the statute and clarify which rules only apply to rate-of-return regulated companies; Rule 25-4.017, F.A.C., on Uniform System of Accounts – the title of the rule should be amended to refer to "Uniform Systems of Accounts for Rate-of-Return Regulated Local Exchange Companies"; Rule 25-4.0174, F.A.C., Uniform System and Classification of Accounts – the title of the rule is amended to refer to “Depreciation Accounts for Rate-of-Return Regulated Local Exchange Companies”; Rule 25-4.0175, F.A.C., Depreciation – the title of the rule is amended to refer to “Depreciation for Rate-of-Return Regulated Local Exchange Companies”; Rule 25-4.0178, , F.A.C., Retirement Units – the title of the rule is amended to refer to “Retirement Units for Rate-of-Return Regulated Local Exchange Companies”; Rule 25-4.215, F.A.C., Limited Scope Proceedings – language is added to the rule to clarify that it only applies to rate-of-return regulated companies; Rule 25-4.040, F.A.C., Telephone Directories; Directory Assistance is revised. Dates are removed that are no longer relevant. Also, obsolete provisions relating to 911 service are removed. A sentence is added allowing companies to identify customer payment locations by listing a website and toll-free number; Rule 25-4.079, F.A.C., Hearing/Speech Impaired Persons is revised to reflect the current practice of the Florida Telecommunications Relay, Inc., providing equipment for hearing/speech impaired persons; Rule 25-4.006, F.A.C., Issuance of Certificate in the Event of Failure to Furnish Adequate Service is deleted because it is obsolete; Rule 25-4.007, F.A.C., Reference to Commission is deleted because a declaratory statement already fulfills this purpose of applying for Commission interpretation; Rule 25-4.021, F.A.C., System Maps and Records is repealed because another rule requires similar information; Rule 25-4.024, F.A.C., Held Applications for Service is repealed because another rule requires similar information; Rule 25-4.039, F.A.C., Traffic, is repealed. It is redundant of Section 364.24, Florida Statutes; Rule 25-4.077, F.A.C., Metering and Recording Equipment, is repealed

because it is outdated and refers to mechanical and electronic equipment which is not used by the companies; Rule 25-4.116, F.A.C., Telephone Number Assignment Procedure is repealed because it adds little to the requirements of the North American Numbering Plan Administrator. None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed amendments allow for a simpler approach to identifying rate-of-return LECs. They eliminate ambiguous language. There is no negative impact or direct benefit to the Commission. The costs of the rule amendments are likely negligible. However, they should make it simpler for companies to identify which rules apply. The rule amendments will likely have no impact on ratepayers. There will likely be no impact on small businesses, small cities, or small counties. However, the elimination of ambiguous language will likely lower the transaction cost to provide telecommunications. The proposed repeal of several rules will likely have no impact on ratepayers; no negative impacts on small businesses, small cities or small counties. The proposed repeals may have a positive impact on telecommunications companies by lowering the transactional cost.

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

SPECIFIC AUTHORITY: 350.127(2), 364.17 FS.

LAW IMPLEMENTED: 350.115, 364.01, 364.02, 364.025, 364.0251, 364.03, 364.04, 364.051, 364.14, 364.16, 364.163, 364.17, 364.183, 364.20, 364.28, 364.335, 364.385, 365.171, 395.1027 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: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082

THE FULL TEXT OF THE PROPOSED RULES IS:

25-4.003 Definitions.

For the purpose of Chapter 25-4, F.A.C., the definitions of the following terms apply:

(1) through (43) No change.

(44) “ Price regulated local exchange telecommunications company.” Any local exchange telecommunications company certificated by the Commission prior to July 1, 1995 that has elected to become subject to price regulation pursuant to Section 364.051, F.S.

~~(45)(44)~~ No change.

(46) “Rate-of-return regulated local exchange telecommunications company.” Any local exchange telecommunications company certificated by the Commission prior to July 1, 1995 that has not elected to become subject to price regulation pursuant to Section 364.051, F.S.

(45) through (58) renumbered (47) through (60) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.603, 364.604 FS. History–Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 12-28-98, 7-5-00, 4-3-05, Repromulgated 5-8-05, Amended _____.

25-4.006 Issuance of Certificate in the Event of Failure to Furnish Adequate Service.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.025, 364.335 FS. History–Revised 12-1-68, Formerly 25-4.06, Repealed _____.

25-4.007 Reference to Commission.

Specific Authority 364.20 FS. Law Implemented 364.28 FS. History–New 12-1-68, Formerly 25-4.07, Repealed _____.

25-4.017 Uniform System of Accounts for Rate-of-Return Regulated Local Exchange Companies.

(1) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 350.115, 364.17 FS. History–Revised 12-1-68, Amended 3-31-76, 8-21-79, 1-2-80, 12-13-82, 12-13-83, 9-30-85, Formerly 25-4.17, Amended 11-30-86, 4-25-88, 2-10-92, 8-11-92, 3-10-96, 9-15-03.

25-4.0174 ~~Uniform System and Classification of Accounts – Depreciation~~ Accounts for Rate-of-Return Regulated Local Exchange Companies.

(1) through (6) No change.

Specific Authority 350.127(2) FS. Law Implemented 350.115, 364.17 FS. History–New 4-25-88, Amended 9-11-96.

25-4.0175 Depreciation for Rate-of-Return Regulated Local Exchange Companies.

(1) through (16) No change.

Specific Authority 350.127(2) FS. Law Implemented 350.115, 364.03 FS. History–New 9-8-81, Amended 4-28-83, 1-6-85, Formerly 25-4.175, Amended 4-27-88, 12-12-91, 9-11-96.

25-4.0178 Retirement Units for Rate-of-Return Regulated Local Exchange Companies.

(1) through (7) No change.

Specific Authority 350.127(2) FS. Law Implemented 350.115, 364.17 FS. History–New 4-25-88.

25-4.021 System Maps and Records.

Specific Authority 350.127(2), 364.17 FS. Law Implemented 364.17, 364.183 FS. History–Revised 12-1-68, Formerly 25-4.21, Repealed _____.

25-4.024 Held Applications for Service.

Specific Authority 350.127(2), 364.17 FS. Law Implemented 364.025, 364.163, 364.17 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.24, 3-10-96, Repealed.

25-4.039 Traffic.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.39, Amended 3-10-96, Repealed.

25-4.040 Telephone Directories; Directory Assistance.

(1) No change.

(2) Each subscriber served by a directory shall be furnished one copy of that directory for each access line. Subject to availability, additional directories shall be provided by the local exchange telecommunications company, which may charge a reasonable fee therefor. ~~Within 30 days after the effective date of this rule~~ Each exchange company shall file with the Commission a tariff setting forth the fee, if any, and the conditions under which it will apply. Copies of each directory shall be furnished to the Bureau of Service Quality. When expanded calling scopes are involved, as with Extended Area Service, each subscriber shall be provided with directory listings for all published telephone numbers within the local service area.

(3)(a) No change.

(b) ~~Beginning with directories issued on or after January 1, 1995,~~ The following information shall be listed on the inside of the front cover of the directory:

1. “911” instructions for exchanges with “911” service. Such “911” instructions shall be at the top of the inside front cover and shall be outlined in order to be separate from other information on the inside front cover. “911” shall be the only listed emergency number; all other numbers on the inside front cover shall be listed as “nonemergency” or “other important numbers.”

~~2. For exchanges where “911” emergency service is not provided, emergency calling instructions and numbers including those of the police, sheriff, fire departments and ambulance services used by local government in case of emergency. Such emergency calling instructions shall be listed at the top of the inside front cover and shall be outlined and separate from other information. All other numbers on the inside front cover shall be listed as “nonemergency” or “other important numbers.”~~

~~2.3-~~ The information required by Section 395.1027, F.S.

(c) through (4)d. No change.

(e) Identification of customer payment locations and an explanation of discontinuance of service procedures for local service. Identification of customer payment locations may be accomplished by listing a website and toll-free number.

(f) through (9) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.02(2), 364.025, 364.0251, 364.03, 364.385, 365.171, 395.1027 FS. History— New 12-1-68, Amended 3-31-76, 1-4-78, 12-10-84, Formerly 25-4.40, Amended 11-28-89, 3-31-91, 2-11-92, 12-16-94, _____.

25-4.077 Metering and Recording Equipment.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.051, 364.19, FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.77, Amended 6-24-90, 3-10-96, Repealed.

25-4.079 Hearing/Speech Impaired Persons.

(1) through (4) No change.

(5) Each LEC shall inform persons inquiring about specialized customer premises equipment for hearing/speech impaired persons of Florida Telecommunications Relay, Inc., which provides such equipment at no cost, pursuant to tariff, provide specialized customer premises equipment (CPE), for lease or sale, to hearing/speech impaired persons. This specialized CPE shall be priced to cover fully allocated costs without inclusion of a rate of return on investment component. ~~Each LEC shall provide at least one type of each of the following categories of specialized CPE:~~

(a) Audible ring signalers;

(b) Visual ring signalers;

(c) TDDs;

(d) Volume control handsets.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.02, 364.025, 364.03, 364.04 FS. History—New 4-5-88, Amended 6-3-90, 5-8-05, _____.

25-4.116 Telephone Number Assignment Procedure.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.14, 364.16 FS. History—New 2-9-87, Repealed.

25-4.215 Limited Scope Proceedings.

A rate-of-return regulated small local exchange company may seek to change its existing overall rate relationships without affecting its total revenues by filing a petition for a limited scope proceeding pursuant to Sections 364.05 and 364.058, F.S., and submitting Schedule E-2 (the priceout schedule) in Form PSC/ECR 20-T (3/96), entitled “Minimum Filing Requirements,” which is incorporated herein by reference in Rule 25-4.141, F.A.C., and may be obtained from the Commission’s Division of Economic Regulation. The required MFR Schedule E-2 must show that the revenues generated under the proposed rate relationships shall not exceed the revenues generated under the small local exchange company’s existing rate relationships, based on data for units and revenues for the last full calendar year available.

Specific Authority 350.127(2) FS. Law Implemented 364.05, 364.052, 364.058 FS. History—New 3-10-96, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Incumbent local exchange companies. Also, Dale Mailhot, Division of Regulatory Compliance
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008, Vol. 34, No. 17

PUBLIC SERVICE COMMISSION

RULE NO.: 25-14.001
 RULE TITLE: In General
 PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify that Chapter 14 does not apply to Competitive Local Exchange Companies or Price Regulated Local Exchange Companies. Docket No. 080159-TP

SUMMARY: The revision would clarify that Chapter 14 does not apply to certain telecommunications companies. The rule amendment is not intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments or the type of data that must be collected and analyzed for purposes of the SEEM plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There is no regulatory cost from this rule revision.

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

SPECIFIC AUTHORITY: 350.127(2), 366.05(1), 367.121 FS.
 LAW IMPLEMENTED: 364.03, 364.05, 364.337, 366.04, 366.041, 366.05, 367.121 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: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082

THE FULL TEXT OF THE PROPOSED RULE IS:

25-14.001 In General.

The Commission is responsible for the setting of reasonable rates and charges of numerous utility companies. In determining reasonable charges to be paid by the customers of these companies, the Commission promulgates policy determinations affecting all companies subject to its jurisdiction. This chapter has been established to identify policy determinations affecting the rates, charges and tariffs of

all companies subject to our rate-setting jurisdiction. ~~Except as provided by Parts X through XIV, Chapter 25-24, F.A.C.,~~ The provisions of this chapter shall not apply to Interexchange Companies, Pay Telephone Service Companies, Shared Tenant Service Companies, Operator Service Provider Companies, ~~or~~ Alternative Access Vendor Service Providers, Competitive Local Exchange Companies or Price Regulated Local Exchange Companies.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented 364.03, 364.05, 364.337, 366.04, 366.041, 366.05, 367.121 FS. History—New 7-25-73, Formerly 25-14.01, Amended 2-23-87, 1-8-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008, Vol. 34, No. 17

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Water and Wastewater Treatment Plant Operators

- | | |
|--------------|---|
| RULE NOS.: | RULE TITLES: |
| 61E12-41.002 | Definitions |
| 61E12-41.003 | Qualifications for Operator Certification |
| 61E12-41.004 | Applications for Certification from Persons with Actual Experience |
| 61E12-41.005 | Examinations; Forms for Certification |
| 61E12-41.006 | Operator Certification |
| 61E12-41.007 | Renewal of Operator Certificates |
| 61E12-41.009 | Denial of Application or Renewal of Certificates; Notice of Denial or Renewal |
| 61E12-41.010 | Duties of Operators |
| 61E12-41.011 | Fees |
| 61E12-41.013 | Grounds for Disciplinary Proceedings |
| 61E12-41.014 | Citations |
| 61E12-41.016 | Suspension and Revocation of Operator Certificates |
| 61E12-41.017 | Disciplinary Guidelines; Aggravating and Mitigating Circumstances |
| 61E12-41.018 | Actual Experience for Operator Certification |

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules the Department no longer has authority to enforce.

SUMMARY: Repeal outdated rules governing water and wastewater treatment plant operators.

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: 455.213, 468.545 FS.

LAW IMPLEMENTED: 455.217, 468.542, .543, .545, .547, .548, .549, .550, .552 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: Patricia Nelson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULES IS:

61E12-41.002 Definitions.

Specific Authority 455.213, 468.545 FS. Law Implemented 120.52(9), 468.542, 468.545, 468.548 FS., Section 4, Chapter 92-75, Laws of Florida. History–New 11-2-93, Amended 7-5-94, 7-12-95, Repealed.

61E12-41.003 Qualifications for Operator Certification.

Specific Authority 468.545, 468.548 FS. Law Implemented 468.543, 468.548 FS., Section 4, Chapter 92-75, Laws of Florida. History–New 11-2-93, Amended 7-5-94, 7-15-96, Repealed.

61E12-41.004 Applications for Certification from Persons with Actual Experience.

Specific Authority 468.545 FS. Law Implemented 468.545, 468.548 FS., Section 4, Chapter 92-75, Laws of Florida. History–New 11-2-93, Amended 7-5-94, Repealed.

61E12-41.005 Examinations; Forms for Certification.

Specific Authority 468.545 FS. Law Implemented 455.217(2), 468.545, 468.547, 468.548 FS. History–New 11-2-93, Amended 5-29-96, Repealed.

61E12-41.006 Operator Certification.

Specific Authority 468.545 FS. Law Implemented 468.545, 468.548 FS., Section 4, Chapter 92-75, Laws of Florida. History–New 11-2-93, Repealed.

61E12-41.007 Renewal of Operator Certificates.

Specific Authority 468.545, 468.549 FS. Law Implemented 468.545, 468.547, 468.549 FS. History–New 11-2-93, Amended 7-15-96, Repealed.

61E12-41.009 Denial of Application or Renewal of Certificates; Notice of Denial or Renewal.

Specific Authority 468.545, 468.548, 468.549 FS. Law Implemented 455.227, 468.545, 468.548, 468.549, 468.550, 468.552 FS. History–New 11-2-93, Repealed.

61E12-41.010 Duties of Operators.

Specific Authority 468.545, 468.552 FS. Law Implemented 468.541, 468.543, 468.545, 468.552 FS., Section 4, Chapter 92-75, Laws of Florida. History–New 11-2-93, Repealed.

61E12-41.011 Fees.

Specific Authority 468.545, 468.547 FS. Law Implemented 119.07(1)(a), (b), 455.203(5), 455.217(2), 455.219(6), 455.225(4), 468.547, 468.548, 468.549, 468.550, 468.552 FS. History–New 11-2-93, Amended 7-5-94, 7-12-95, 7-15-96, Repealed.

61E12-41.013 Grounds for Disciplinary Proceedings.

Specific Authority 455.224, 468.552 FS. Law Implemented 455.227, 468.541, 468.543, 468.545, 468.551 FS. History–New 11-2-93, Amended 7-5-94, Repealed.

61E12-41.014 Citations.

Specific Authority 455.224, 455.225, 468.541, 468.543 FS. Law Implemented 455.224 FS. History–New 11-2-93, Repealed.

61E12-41.016 Suspension and Revocation of Operator Certificates.

Specific Authority 468.552 FS. Law Implemented 468.541, 468.551, 468.552 FS. History–New 11-2-93, Repealed.

61E12-41.017 Disciplinary Guidelines; Aggravating and Mitigating Circumstances.

Specific Authority 468.545 FS. Law Implemented 468.551, 468.552 FS. History–New 11-2-93, Repealed.

61E12-41.018 Actual Experience for Operator Certification.

Specific Authority 468.545, 468.548 FS. Law Implemented 468.548 FS. History–New 11-2-93, Amended 7-15-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia Nelson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0151
RULE TITLE: Review Procedures, Standards and Methodology for Certification of Foreign Education Institutions

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt rule language to specify the review procedures and methodology for certification of foreign dental education programs.

SUMMARY: The promulgation and adoption of the new rule will specify the review procedures and methodology for certification of foreign dental education programs.

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: 466.004, 466.008 FS.

LAW IMPLEMENTED: 466.004, 466.008 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0151 Review Procedures, Standards and Methodology for Certification of Foreign Education Institutions.

(1) Purpose. The purpose of this rule is to provide the review procedures, standards and methodology to be applied by the Florida Department of Health in surveying and evaluating a foreign dental school which has applied to the Department for certification pursuant to Section 466.008, Florida Statutes.

(2) A foreign dental school which seeks certification pursuant to Section 466.008, Florida Statutes, shall submit the following to the Department:

- (a) A completed application form;
- (b) A registration fee as prescribed by the Department;
- (c) A survey fee as prescribed by the Department;

(d) A completed data base questionnaire. A current catalog and student and faculty handbook should be submitted with the completed data base questionnaire;

(e) A Preliminary Accreditation Consultation Visit (PACV) site visit report prepared by the Commission on Dental Accreditation (CODA); and

(f) A CODA accreditation site visit report.

(3) After items (2)(a) through (f) are provided to the Department, the application form, data base questionnaire, CODA's PACV site visit report and CODA accreditation site visit report will be presented to a Technical Advisory Committee appointed by the Department in accordance with Section 466.008(3), Florida Statutes. The committee will review the applicant school's submissions and issue a report to the Department based on an evaluation of the following:

- (a) Institutional effectiveness/outcomes assessment.
- (b) Curriculum content and scope.
- (c) Faculty and staff qualifications and numbers.
- (d) Type and adequacy of facilities.
- (e) Student attendance.
- (f) Patient care services and policies.
- (g) Student polices and services.
- (h) Research for both faculty and staff.
- (i) Quality assurance.
- (j) Comprehensive patient care.
- (k) Relationship of the school to the university and government; and

(l) Standards of care.

(4) Upon receipt of the report by the Technical Advisory Committee, the Department will notify the applicant school of its intent to grant or deny either provisional or full certification. Certification must be denied if deficiencies found are of such magnitude as to prevent the students in the school from receiving an educational base suitable for the practice of dentistry.

(5) Any school granted either provisional or full certification shall submit to the Department evidence of continued compliance annually. Any material change in the elements listed in (3)(a) through (l) above shall be reported to the Department in writing within fifteen (15) days of the change.

Specific Authority 466.004, 466.008 FS. Law Implemented 466.004, 466.008 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-7.002
 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment for clarification of citation requirements.

SUMMARY: Citation requirements will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Allen Hall, Executive Director, Board of Physical Therapy Practice, at the address listed below.

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: 456.077, 486.025 FS.

LAW IMPLEMENTED: 456.077 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.002 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations:

(a) Advertising for discounted services (Section 456.062, F.S.) – A fine of \$250.

(b) Failure to turn over patient records (Section 456.057, F.S.) – A fine of \$100.

(c) Obtaining a license by issuing a bad check (Section 456.072(1)(h), F.S.) – A fine of \$100.

(d) Failure to report in writing to the Board after criminal conviction of licensee (Section 456.072(1)(w), F.S.) – A fine of \$250.

(e) Failure of the licensee to satisfy continuing education requirements established by the Board (Rule 64B17-9.001, F.A.C.):

1. Fines:

~~a.1.~~ Failure to complete less than 9 hours, a fine of \$300.

~~b.2.~~ Failure to complete between 9 and 16 hours, a fine of \$600.

~~c.3.~~ Failure to complete between 17 and 24 hours, a fine of \$1,000.

2. Licensee must provide proof of completion of the deficient hours within 90 days of the date the citation was filed.

(f) Failure to notify the Board office in writing of a change of address (Rule 64B17-6.004, F.A.C.) – A fine of \$250.

(g) Failure to comply with a continuing education audit request (Section 486.109(4) and 486.125(1)(k), F.S.) – A fine of \$250, and licensee must provide proof of compliance with continuing education requirements within 30 days of the date the citation was filed.

(h) Failure to pay required fees and/or fines in a timely manner (Rule 64B17-7.0025, F.A.C.) – A fine of \$150.

(4) through (5) No change.

Specific Authority 456.077, 486.025 FS. Law Implemented 456.077 FS. History–New 1-19-92, Formerly 21MM-7.003, Amended 10-28-93, Formerly 61F11-7.003, 59Y-7.003, Amended 1-6-99, 1-6-02, 4-18-04, 7-13-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2008

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-204.010	Purpose and Scope
690-204.020	Definitions
690-204.030	Forms Incorporated By Reference
690-204.040	Prohibited Practices and Conflicts of Interest
690-204.050	Anti-Fraud

PURPOSE AND EFFECT: Pursuant to the Viatical Settlement Act, Part X of Chapter 626, F.S., the Office regulates viatical settlement providers, companies that purchase life insurance policies from the owners (the viators). The policies are purchased at a discount off the face value for the purposes of investment. The viatical settlement providers in turn sell the viaticated policies to institutional investors. When the insured dies the investors receive the full face amount, less costs, thereby recouping their initial purchase price, plus interest.

SUMMARY: Section 626.9925, F.S., gives the Financial Service Commission the authority to adopt rules to administer the Viatical Settlement Act.

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: 624.308(1), 626.9925 FS.
 LAW IMPLEMENTED: 624.307(1), 626.9911, 626.9912, 626.9913, 626.9914, 626.9916, 626.9928 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: October 29, 2008, 1:30 p.m.
 PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Bernie Stoffel, Office of Insurance Regulation, E-mail bernie.stoffel@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bernie Stoffel, Office of Insurance Regulation, E-mail bernie.stoffel@flor.com

THE FULL TEXT OF THE PROPOSED RULES IS:

VIATICAL SETTLEMENT PROVIDERS

69O-204.010 Purpose and Scope.

The purpose of this Rule Chapter is to implement the provisions of Chapter 626, Part X, Florida Statutes.

Specific Authority 626.9925 FS. Law Implemented 626.991 FS. History–New _____.

69O-204.020 Definitions.

In addition to the definitions in Section 626.9911, Florida Statutes, the following definitions apply to this regulation:

(1) “Control” or “effective control” as used in the Viatical Settlement Act and this rule chapter means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person.

(2) “Secondary market” means the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of a viaticated life insurance policy or viaticated certificate of insurance.

Specific Authority 626.9925 FS. Law Implemented 626.9911(2), 626.9912(4), 626.9913(2), 626.9922(2), 626.9924, 626.9913(2) FS. History–New _____.

69O-204.030 Forms Incorporated By Reference.

(1) The following forms are incorporated by reference to implement the provisions of Chapter 626, Part X, Florida Statutes.

(a) Form OIR-A3-1288, Viatical Settlement Provider Annual Report (REV 3/08).

(b) Form OIR-C1-1294, Notice of Intent to Use a Related Provider Trust (REV 10/05).

(2) All of the above referenced forms are available from the Office’s website, <http://www.flor.com>, by clicking on “search” and entering the form number.

(3) All applications, annual report filings, forms submitted by licensees for approval and associated documentation shall be submitted electronically to <http://portal.fldfs.com>.

Specific Authority 626.9925 FS. Law Implemented 626.9912(2), 626.9912(3), 626.9913(2), 626.9921(3), 626.9921(4), 626.9928 FS. History–New _____.

69O-204.040 Prohibited Practices and Conflicts of Interest.

With respect to any viatical settlement contract or insurance policy, no viatical settlement provider knowingly may enter into a viatical settlement contract with a viator, if, in connection with such viatical settlement contract, anything of value will be paid to a viatical settlement broker that is controlling, controlled by, or under common control with such viatical settlement provider, financing entity or related provider trust that is involved in such viatical settlement contract.

Specific Authority 626.9925 FS. Law Implemented 626.9911(9), 626.9916(1), 626.9916(5) FS. History–New _____.

69O-204.050 Anti-Fraud.

Every licensed viatical settlement provider shall establish and maintain in accordance with the provisions of Section 626.9922, F.S.:

(1) Documentation of compliance with its anti-fraud plan and procedures filed in accordance with Section 626.99278, F.S.

(2) All documentation pertaining to resolved and unresolved material inconsistencies between medical records and insurance applications.

(3) Documentation pertaining to the mandatory reporting of possible fraudulent acts and prohibited practices set forth in Section 626.99275, F.S., to the Division of Insurance Fraud of the department.

Specific Authority 626.9925 FS. Law Implemented 626.99278, 626.9922, 626.99275 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bernie Stoffel, Specialty Product Administration,
Bernie.stoffel@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.: 69V-40.002 69V-40.031 69V-40.051 69V-40.100 69V-40.200 69V-40.220	RULE TITLES: Adoption of Forms Application Procedure for Mortgage Broker License Application Procedure for Mortgage Brokerage Business License Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender Application Procedure for Mortgage Lender License Application Procedure for Correspondent Mortgage Lender License
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PURPOSE AND EFFECT: The rules are being amended to increase fingerprint processing fees from \$42.25 to \$43.25. The current fee of \$42.25 represents \$23 charged by the Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check. During the 2008 regular session, the Florida Legislature passed Senate Bill 1792. This bill was signed into law (Chapter 2008-112, Laws of Florida) by Governor Crist on June 10, 2008. Effective July 1, 2008, the Florida Department of Law Enforcement will be increasing its fingerprint processing fee to \$24 as required by Section 1 of Chapter 2008-112, Laws of Florida, which amends Section 943.053(3)(b), Florida Statutes. Also during the regular 2008 legislative session, the Florida Legislature passed House Bill 5049, which amended Section 494.0033, F.S., to reduce the mortgage broker license application fee from \$200 to \$195. This bill was signed into law (Chapter 2008-135, Laws of Florida) by Governor Crist. Form OFR-494-03, Application for Licensure as a Mortgage Broker, which is incorporated by reference in Rule 69V-40.002, F.A.C., is amended to reflect the reduction in the license application fee.

SUMMARY: Increases fingerprint processing fees for persons subject to Chapter 494, F.S., relating to Mortgage Brokering and Mortgage Lending. Reduces the mortgage broker license application fee.

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: 215.405, 494.0011(2), 494.0031(2), 494.0061(3), 494.0062, 494.0065(3) FS.

LAW IMPLEMENTED: 120.60, 494.001(30), 494.0025, 494.0031, 494.0033, 494.0035, 494.004(6), 494.0041, 494.0042, 494.0061, 494.0062, 494.0065, 494.0067, 943.053 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: Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, greg.oaks@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

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 Rules 69V-40.001-290, Florida Administrative Code:

(a) Application for Mortgage Brokerage Business and Lender License, Form OFR-494-01, effective ~~March 23, 2008~~;

(b) No change.

(c) Application for Licensure as a Mortgage Broker, Form OFR-494-03, effective ~~March 23, 2008~~;

(d) through (m) No change.

(2) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 494.0025, 494.0033, 494.0041, 494.0042, 943.053 FS. History–New 3-23-08, 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) through (c) No change.

(d) A nonrefundable fingerprint card processing fee of ~~\$43.25~~ \$42.25;

(e) through (f) No change.

(2) through (9) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 120.60(1), 494.0033, 943.053 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, 3-23-08, _____.

69V-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) 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, 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, to the Office of Financial Regulation along with a ~~\$42.25~~ \$43.25 nonrefundable processing fee.

(a) 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, director, 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) 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% 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) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0031(2) FS. Law Implemented 494.0031, 494.0035, 494.004(6), 943.053 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 3-23-08,_____.

69V-40.100 Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender.

(1) No change.

(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, 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, to the Office of Financial Regulation along with a ~~\$42.25~~ \$43.25 nonrefundable processing fee.

(a) If the individual owner, director, 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) 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% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (7) No change.

Specific Authority 215.405, 494.0011(2), 494.0065(3) FS. Law Implemented 120.60, 494.001(30), 494.0061(1), (3), (8), 494.0065, 494.0067(3), (4), 943.053 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 3-23-08,_____.

69V-40.200 Application Procedure for Mortgage Lender License.

(1) No change.

(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, 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, to the Office of Financial Regulation along with a ~~\$42.25~~ \$43.25 nonrefundable processing fee.

(a) 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 director 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) 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% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0061(3) FS. Law Implemented 494.0061, 494.0067(4), 943.053 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 3-23-08,_____.

69V-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, each 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-494-01, to the Office of Financial Regulation along with a ~~\$43.25~~ ~~\$42.25~~ nonrefundable processing fee.

(a) 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) 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% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0062(3), (8), (11), (13) FS. Law Implemented 494.0062, 494.0067(4), ~~943.053~~ 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 3-23-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, greg.oaks@flofr.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008, September 5, 2008

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-40.0311	Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure
69V-40.0511	Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure

69V-40.201 Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure

PURPOSE AND EFFECT: The rules set forth the policies of the Office of Financial Regulation with respect to processing license applications for persons who have been found guilty of, or who have pled guilty or nolo contendere to, certain crimes. The policies address applications for licensure as mortgage brokers, mortgage lenders, correspondent lenders, and mortgage brokerage businesses.

The rules provide that a person who has been found guilty of, or who has pled guilty or nolo contendere to, a felony involving fraud, dishonesty, breach of trust or money laundering is not eligible for licensure as a mortgage broker. These crimes are classified as Class “A” crimes under the rules. A person who has been found guilty of, or who has pled guilty or nolo contendere to, certain other felonies constituting moral turpitude, including but not limited to specified serious violent crimes (e.g. murder, rape, armed robbery, etc.) is not eligible for licensure as a mortgage broker until 15 years have passed. These crimes are classified as Class “B” crimes. A person who has been found guilty of, or who has pled guilty or nolo contendere to, a felony constituting an act of moral turpitude that is not addressed under Class “A” or “B” crimes is not eligible for licensure as mortgage broker until seven years have elapsed. These crimes are classified as Class “C” crimes. A person who has been found guilty of, or who has pled guilty or nolo contendere to, a misdemeanor involving fraud, dishonest dealing or moral turpitude, is not eligible for licensure as a mortgage broker until five years have elapsed. These crimes are classified as Class “D” crimes.

For applicants applying for licensure as a mortgage lender, correspondent lender, or mortgage brokerage business, the applicant is not eligible for licensure until 15 years have elapsed, if a “relevant person” of the applicant has been found guilty of, or has pled guilty or nolo contendere to, a felony involving fraud, dishonesty, breach of trust or money laundering or certain other specified crimes constituting moral turpitude (e.g. murder, rape, armed robbery, etc.) These crimes are classified as Class “A” crimes under the rules. For applicants seeking licensure as a mortgage lender, correspondent lender, or mortgage brokerage business, the applicant is not eligible for licensure until seven years have elapsed, if a “relevant person” of the applicant has been found guilty of, or has pled guilty or nolo contendere to, any felony constituting moral turpitude that is not addressed under Class A crimes. These crimes are classified as Class “B” crimes. For “relevant persons” of the applicant who have been found guilty of, or who have pled guilty or nolo contendere to, a misdemeanor involving fraud, dishonest dealing or moral turpitude, the applicant is not eligible for licensure as a

mortgage broker business, correspondent lender or mortgage lender until five years have elapsed. These crimes are classified as Class "C" crimes.

"Relevant persons" include each officer, director, control person, member, partner, or joint venturer of a mortgage brokerage business license applicant or of a mortgage lender or correspondent lender license applicant. The term also includes each ultimate equitable owner with a 10-percent or greater interest in the license applicant.

The rules provide for factors that may lengthen or shorten the time periods discussed above for applicants for licensure as a mortgage broker, mortgage brokerage business, mortgage lender or correspondent mortgage lender.

SUMMARY: The rules set forth the policies of the Office of Financial Regulation with respect to processing license applications for persons who have been found guilty of, or who have pled guilty or nolo contendere to, certain crimes. The policies address applications for licensure as mortgage brokers, mortgage lenders, correspondent lenders, and mortgage brokerage businesses.

The rules provide that a person who has been found guilty of, or who has pled guilty or nolo contendere to, a felony involving fraud, dishonesty, breach of trust or money laundering is not eligible for licensure as a mortgage broker. These crimes are classified as Class "A" crimes under the rules. A person who has been found guilty of, or who has pled guilty or nolo contendere to, certain other felonies constituting moral turpitude, including but not limited to specified serious violent crimes (e.g. murder, rape, armed robbery, etc.) is not eligible for licensure as a mortgage broker until 15 years have passed. These crimes are classified as Class "B" crimes. A person who has been found guilty of, or who has pled guilty or nolo contendere to, a felony constituting an act of moral turpitude that is not addressed under Class "A" or "B" crimes is not eligible for licensure as mortgage broker until seven years have elapsed. These crimes are classified as Class "C" crimes. A person who has been found guilty of, or who has pled guilty or nolo contendere to, a misdemeanor involving fraud, dishonest dealing or moral turpitude, is not eligible for licensure as a mortgage broker until five years have elapsed. These crimes are classified as Class "D" crimes.

For applicants applying for licensure as a mortgage lender, correspondent lender, or mortgage brokerage business, the applicant is not eligible for licensure until 15 years have elapsed, if a "relevant person" of the applicant has been found guilty of, or has pled guilty or nolo contendere to, a felony involving fraud, dishonesty, breach of trust or money laundering or certain other specified crimes constituting moral turpitude (e.g. murder, rape, armed robbery, etc.) These crimes are classified as Class "A" crimes under the rules. For applicants seeking licensure as a mortgage lender, correspondent lender, or mortgage brokerage business, the applicant is not eligible for licensure until seven years have elapsed, if a "relevant person" of the applicant has been found

guilty of, or has pled guilty or nolo contendere to, any felony constituting moral turpitude that is not addressed under Class A crimes. These crimes are classified as Class "B" crimes. For "relevant persons" of the applicant who have been found guilty of, or who have pled guilty or nolo contendere to, a misdemeanor involving fraud, dishonest dealing or moral turpitude, the applicant is not eligible for licensure as a mortgage broker business, correspondent lender or mortgage lender until five years have elapsed. These crimes are classified as Class "C" crimes.

"Relevant persons" include each officer, director, control person, member, partner, or joint venturer of a mortgage brokerage business license applicant or of a mortgage lender or correspondent lender license applicant. The term also includes each ultimate equitable owner with a 10-percent or greater interest in the license applicant.

The rules provide for factors that may lengthen or shorten the time periods discussed above for applicants for licensure as a mortgage broker, mortgage brokerage business, mortgage lender or correspondent mortgage lender.

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: 494.0011 FS.

LAW IMPLEMENTED: 112.011, 494.0031, 494.0033, 494.0041, 494.0061, 494.0062, 494.0072 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: Terry Straub, Director, Division of Finance, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, terry.straub@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-40.0311 Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure.

(1) General Procedure Regarding Law Enforcement Records. At the time of submitting a mortgage broker application, an applicant for a mortgage broker license shall disclose on the application form any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation, as specified in this rule, relating to: 1) all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless

of whether adjudication was withheld, of a class "A", "B", "C", or "D" crime as described in this rule, 2) any pending criminal charges relating to a class "A", "B", "C", or "D" crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed pursuant to subsection (1) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class "A", "B", "C" or "D" crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) Classification of Crimes.

(a) The Office makes a general classification of crimes into four classes: A, B, C, and D as listed in subsections (15), (16), (17), and (18) of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude and the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(4) Effect on Licensure of Commitment of Single Crime. The Office finds it necessary to implement the following standards for applicants whose law enforcement record includes a single crime, subject to the mitigating factors set forth in this rule before licensure. All periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant is not eligible for licensure.

(b) Class B Crime. The applicant will not be granted a license until 15 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 7 years have passed since the trigger date.

(d) Class D Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(5) Applicants With Multiple Crimes.

(a) The Office construes Section 494.0041, Florida Statutes, to require that an applicant whose law enforcement record includes multiple crimes wait longer than those whose law enforcement record includes only a single crime before becoming eligible for licensure in order to assure that such applicant's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances, before licensure can safely be granted. Accordingly, where the applicant has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as "Single Crime" versus "Multiple Crimes." For purposes of this rule, two (2) or more offenses are considered a single crime if they are triable in the same court and are based on the same act or transaction or on two (2) or more connected acts or transactions.

(6) Mitigating Factors.

(a) The disqualifying period for a crime or crimes shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as a mortgage broker.

2. One year is deducted if restitution or settlement has been made for all crimes in which restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year will be deducted if the applicant was under age 21 when the crime was committed and there is only one crime in the applicant's law enforcement record.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before licensure is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the licensure decision.

(b) In no event shall the aggregate mitigation result in less than a seven (7) year disqualifying period where the underlying crime committed was a felony.

(c) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(7) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of plea, i.e., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results wherein the applicant was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(8) Effect of Pending Appeal in Criminal Proceedings: Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Office's adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of license.

(9) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant licensure to any person who at time of application is participating in a pre-trial intervention program. The Office finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before licensure may be considered.

(10) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally an applicant will have a matter sealed or expunged after submitting his or her application. In such situations the Office policy is as follows:

1. If the applicant properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a

material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(11) Effect of Restoration of Civil Rights.

(a) An applicant must disclose crimes even where civil rights have been restored.

(b) If a person's civil rights have been restored, the crimes will be evaluated in the application process consistent with Section 112.011 and Chapter 494, Florida Statutes, and the rules promulgated thereunder.

(c) The burden is upon the applicant to prove the restoration of their civil rights.

(12) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequere; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(13) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not license any applicant under Chapter 494, Florida Statutes, while the applicant is imprisoned, under arrest, or serving a sentence for any crime. Further, the Office shall not license any applicant who has been released from imprisonment until the later of the period otherwise set out in these rules or five (5) years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least five (5) years on good behavior, before licensure can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving term on community supervision for any felony crime, or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude. The Office shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

(14) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give a licensee a right to licensure after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to licensure remains on the applicant.

(15) Class "A" Crimes include all felonies involving an act of fraud, dishonesty, or a breach of trust, or money laundering, and the Office finds that such crimes constitute crimes of moral turpitude. The Office finds the following list of crimes are Class "A" crimes. This list is representative only and shall not be construed to constitute a complete or exclusive list all crimes that are Class "A" crimes. No inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but not limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

(b) Perjury.

(c) Armed robbery.

(d) Robbery.

(e) Extortion.

(f) Bribery.

(g) Embezzlement.

(h) Grand theft.

(i) Larceny.

(j) Burglary.

(k) Breaking and entering.

(l) Identity Theft.

(m) Any type of forgery or uttering a forged instrument.

(n) Misuse of public office.

(o) Racketeering.

(p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.

(q) Treason against the United States, or a state, district, or territory thereof.

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

(u) Impersonating or attempting to impersonate a law enforcement officer.

(v) Money laundering.

(16) Class "B" Crimes include the following list of felonies, or similar felonies, and the Office finds that such crimes constitute crimes of moral turpitude.

(a) Murder in all degrees.

(b) Arson.

(c) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.

(d) Aggravated Assault (e.g., as with a deadly weapon).

(e) Aggravated Battery (e.g., as with a deadly weapon).

(f) Rape.

(g) Sexually molesting any minor.

(h) Sexual battery.

(i) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.

(j) Kidnapping.

(17) Class "C" Crimes include all felonies that involve any other act of moral turpitude and are not Class "A" or Class "B" crimes.

(18) Class "D" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.

(19) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0033, 494.0041 FS. History—New _____.

69V-40.0511 Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each officer, director, control person, member, partner, or joint venturer of a Mortgage Brokerage Business License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as "relevant persons." If the applicant is a natural person, he or she is a relevant person under this rule. At the time of submitting a Mortgage Brokerage Business Application, the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class "A", "B", or "C" crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class "A", "B", or "C" crime as described in this

rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed pursuant to subsection (2) herein is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class "A", "B", or "C" crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) Classification of Crimes.

(a) The Office makes a general classification of crimes into three classes: A, B and C, as listed in subsections (15), (16) and (17) of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude and the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(4) Effect on Licensure of Commitment of Single Crime. The Office finds it necessary to implement the following standards for applicants with relevant persons whose law enforcement record includes a single crime, subject to the mitigating factors set forth in this rule before licensure. All disqualifying periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant will not be granted a license until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted a license until 7 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(5) Relevant Persons With Multiple Crimes.

(a) The Office construes Section 494.0041, Florida Statutes, to require that an applicant with relevant persons whose law enforcement record includes multiple Class B or Class C crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for licensure in order to assure that such relevant person's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances, before licensure can safely be granted. Accordingly, where the relevant person has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as "Single Crime" versus "Multiple Crimes." For purposes of this rule, two (2) or more offenses are considered a single crime if they are triable in the same court and are based on the same act or transaction or on two (2) or more connected acts or transactions.

(6) Mitigating Factors.

(a) The disqualifying period based on a crime pursuant to this rule shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as a mortgage broker.

2. One year is deducted if restitution or settlement has been made for all crimes in which restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year will be deducted if the applicant was under age 21 when the crime was committed and there is only one crime in the applicant's law enforcement record.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before licensure is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the licensure decision.

(b) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(7) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of pleas, i.e., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or

their results in which the applicant was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(8) Effect of Pending Appeal in Criminal Proceedings: Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Office's adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of license.

(9) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant licensure to any applicant with a relevant person who at time of application is participating in a pre-trial intervention program. The Office finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before licensure may be considered.

(10) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding for a relevant person, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally a relevant person will have a matter sealed or expunged after the applicant submits an application, but before a licensing decision is made by the Office. In such situations the Office policy is as follows:

1. If the applicant's relevant person properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant's relevant person did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(11) Effect of Restoration of Civil Rights.

(a) An applicant's relevant person must disclose crimes even where civil rights have been restored.

(b) If a relevant person's civil rights have been restored, the crimes will be evaluated in the application process consistent with Section 112.011 and Chapter 494, Florida Statutes, and the rules promulgated thereunder.

(c) The burden is upon the applicant to prove the restoration of their civil rights.

(12) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used. 6. Nolle prosequere; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(13) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not license any applicant under Chapter 494, Florida Statutes, while any relevant person of the applicant is imprisoned or serving a sentence for any crime. Further, the Office shall not license any applicant with a relevant person who has been released from imprisonment until the later of the period otherwise set out in these rules or 5 years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least 5 years on good behavior, before licensure can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving term on community supervision for any felony crime, or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude. The Office shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

(14) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give a applicant a right to licensure after any set period of time. Regardless of the

expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to licensure remains on the applicant.

(15) Class "A" Crimes include the following felonies which involve fraud, dishonest dealing, or moral turpitude. This list is representative only and shall not be construed to constitute a complete or exclusive list all of crimes that are Class "A" crimes. Crimes similar to the crimes on this list may also be considered Class "A" crimes, and no inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but not limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

(b) Perjury.

(c) Armed robbery.

(d) Robbery.

(e) Extortion.

(f) Bribery.

(g) Embezzlement.

(h) Grand theft.

(i) Larceny.

(j) Burglary.

(k) Breaking and entering.

(l) Identity Theft.

(m) Any type of forgery or uttering a forged instrument.

(n) Misuse of public office.

(o) Racketeering.

(p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.

(q) Treason against the United States, or a state, district, or territory thereof.

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

(u) Impersonating or attempting to impersonate a law enforcement officer.

(v) Money laundering.

(w) Murder in all degrees.

(x) Arson.

(y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.

(z) Aggravated Assault (e.g., as with a deadly weapon).

(aa) Aggravated Battery (e.g., as with a deadly weapon).

(bb) Rape.

(cc) Sexually molesting any minor.

(dd) Sexual battery.

(ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.

(ff) Kidnapping.

(16) Class "B" Crimes include all felonies that involve any other act of moral turpitude and are not Class "A" crimes.

(17) Class "C" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.

(18) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0031, 494.0041 FS. History—New _____.

69V-40.201 Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each designated principal representative and each officer, director, control person, member, partner, or joint venturer of a Mortgage Lender or Correspondent Lender License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as "relevant persons." At the time of submitting a Mortgage Lender or Correspondent Lender Application, the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class "A", "B", or "C" crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class "A", "B", or "C" crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise

stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed pursuant to subsection (1) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0072(2)(c), Florida Statutes.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class "A", "B", or "C" crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) Classification of Crimes.

(a) The Office makes a general classification of crimes into three classes: A, B and C, as listed in subsections (15), (16) and (17) of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude and the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(4) Effect on Licensure of Commitment of Single Crime. The Office finds it necessary to implement the following standards for applicants with relevant persons whose law enforcement record includes a single crime, subject to the mitigating factors set forth elsewhere in this rule before licensure. All disqualifying periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant will not be granted a license until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted a license until 7 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(5) Relevant Persons With Multiple Crimes.

(a) The Office construes Section 494.0072, Florida Statutes, to require that an applicant with relevant persons whose law enforcement record includes multiple Class B or Class C crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for licensure in order to assure that such relevant person's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances, before licensure can safely be granted. Accordingly, where the relevant person has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as "Single Crime" versus "Multiple Crimes." For purposes of this rule, two (2) or more offenses are considered a single crime if they are triable in the same court and are based on the same act or transaction or on two (2) or more connected acts or transactions.

(6) Mitigating Factors for Class "C" Crimes.

(a) The disqualifying period for a Class "C" crime shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as a mortgage broker.

2. One year is deducted if restitution or settlement has been made for all crimes in which restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year will be deducted if the applicant was under age 21 when the crime was committed and there is only one crime in the applicant's law enforcement record.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before licensure is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the licensure decision.

(b) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(7) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of pleas, i.e., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results in which the applicant was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(8) Effect of Pending Appeal in Criminal Proceedings: Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Office's adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of license.

(9) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant licensure to any applicant with a relevant person who at time of application is participating in a pre-trial intervention program. The Office finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before licensure may be considered.

(10) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding for a relevant person, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally a relevant person will have a matter sealed or expunged after the applicant submits an application, but before a licensing decision is made by the Office. In such situations the Office policy is as follows:

1. If the applicant's relevant person properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant's relevant person did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 494.0072(2)(c), Florida Statutes.

(11) Effect of Restoration of Civil Rights.

(a) An applicant's relevant person must disclose crimes even where civil rights have been restored.

(b) If a relevant person's civil rights have been restored, the crimes will be evaluated in the application process consistent with Section 112.011 and Chapter 494, Florida Statutes, and the rules promulgated thereunder.

(c) The burden is upon the applicant to prove the restoration of their civil rights.

(12) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequere; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(13) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not license any applicant under Chapter 494, Florida Statutes, while any relevant person of the applicant is imprisoned or serving a sentence for any crime. Further, the Office shall not license any applicant with a relevant person who has been released from imprisonment until the later of the period otherwise set out in these rules or 5 years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least 5 years on good behavior, before licensure can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving term on community supervision for any felony crime, or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude. The Office shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

(14) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give a applicant a right to licensure after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to licensure remains on the applicant.

(15) Class "A" Crimes include the following felonies which involve fraud, dishonest dealing, or moral turpitude. This list is representative only and shall not be construed to constitute a complete or exclusive list all of crimes that are

Class "A" crimes. Crimes similar to the crimes on this list may also be considered Class "A" crimes, and no inference should be drawn from the absence of any crime from this list.

(b) Perjury.(a) Any type of fraud, including but not limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

(c) Armed robbery.

(d) Robbery.

(e) Extortion.

(f) Bribery.

(g) Embezzlement.

(h) Grand theft.

(i) Larceny.

(j) Burglary.

(k) Breaking and entering.

(l) Identity Theft.

(m) Any type of forgery or uttering a forged instrument.

(n) Misuse of public office.

(o) Racketeering.

(p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.

(q) Treason against the United States, or a state, district, or territory thereof.

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

(u) Impersonating or attempting to impersonate a law enforcement officer.

(v) Money laundering.

(w) Murder in all degrees.

(x) Arson.

(y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.

(z) Aggravated Assault (e.g., as with a deadly weapon).

(aa) Aggravated Battery (e.g., as with a deadly weapon).

(bb) Rape.

(cc) Sexually molesting any minor.

(dd) Sexual battery.

(ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.

(ff) Kidnapping.

(16) Class "B" Crimes include all felonies that involve any other act of moral turpitude and are not Class "A" crimes.

(17) Class "C" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.

(18) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0061, 494.0062, 494.0072 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terry Straub, Director of Division of Finance
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-560.101	Scope
69V-560.1012	Adoption of Forms
69V-560.1013	Electronic Filing of Forms and Fees
69V-560.102	Application or Appointment Procedures and Requirements
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69V-560.104	Application Fees
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69V-560.107	Registration of Locations and Appointment of Authorized Vendors
69V-560.108	Declaration of Intent to Engage in Deferred Presentment Transactions
69V-560.201	Requirements
69V-560.302	Renewal Fees, Deadlines, and Requirements
69V-560.401	Scope
69V-560.402	Bond
69V-560.403	Net Worth
69V-560.501	Scope
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69V-560.505	Reimbursement Rates for Examinations Conducted by a Third Party

69V-560.601	Definitions
69V-560.602	Quarterly Reports
69V-560.606	Annual Filing of Financial Audit Reports by Part II Licensees
69V-560.608	Currency Transaction Report Filings
69V-560.609	Suspicious Activity Report Filings
69V-560.610	Report of International Transportation of Currency or Monetary Instruments
69V-560.701	General
69V-560.702	Payment Instrument Sellers
69V-560.703	Money Transmitters
69V-560.704	Records to be Maintained by Check Cashers
69V-560.705	Foreign Currency Exchangers
69V-560.706	Records to be Maintained by Authorized Vendors
69V-560.707	Records to be Maintained by Deferred Presentment Providers
69V-560.801	Verification Fee
69V-560.802	Minimum Disclosure
69V-560.804	Payment Method
69V-560.805	Gross Income Test
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69V-560.902	Definitions
69V-560.903	Deferred Presentment Transactions
69V-560.904	Transaction Agreement Disclosures and Requirements
69V-560.905	Transaction Fees
69V-560.906	Consumer Credit Counseling Services
69V-560.907	Database Access
69V-560.908	Database Transaction Requirements
69V-560.909	Database Availability
69V-560.910	Database Transaction Fees
69V-560.911	Database Dispute Resolution for Customers
69V-560.912	Database Confidentiality
69V-560.913	Termination of Deferred Presentment Activity; Database Maintenance

PURPOSE AND EFFECT: During the regular 2008 legislative session, the Florida Legislature passed Senate Bill 2158, relating to money services businesses. The bill was signed into law on June 17, 2008, and will take effect on January 1, 2009. This law makes significant changes to Chapter 560, Florida Statutes. The new law imposes additional regulatory requirements on money services businesses including money transmitters, payment instrument sellers, foreign currency exchangers, check cashers, and deferred presentment providers. The proposed rules reflect and implement the statutory changes.

SUMMARY: The proposed rules impose additional recordkeeping requirements on money services businesses; require compliance with federal anti-money laundering regulations; require compliance with the protection of personal

information provisions of the Gramm-Leach-Bliley Act; revise bonding requirements for money transmitters and payment instrument sellers; prescribe procedures for collecting the cost of state or third party conducted examinations from licensees; prescribe reimbursement rates for examinations conducted by third parties and state examiners; reflect statutory changes to license fees, renewal fees, and other fees required to be submitted to the Office pursuant to Chapter 560, Florida Statutes; require electronic submission of fees and state forms to the Office; require money services businesses to file currency transaction reports, suspicious activity reports and reports of international transportation of currency or monetary instrument with FinCEN; and revise licensing requirements.

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: 215.405, 560.105, 560.1091, 560.1092, 560.110, 560.1141, 560.118, 560.123, 560.126, 560.128, 560.141, 560.142, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.309, 560.310, 560.403, 560.404 FS.

LAW IMPLEMENTED: 215.405, 560.103, 560.105, 560.109, 560.1091, 560.1092, 560.110, 560.111, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.126, 560.127, 560.128, 560.129, 560.140, 560.141, 560.142, 560.204, 560.205, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.304, 560.309, 560.310, 560.402, 560.403, 560.404, 943.053 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: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-560.101 Scope.

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

Effective Date: 1/1/2009

Specific Authority 560.105(3) FS. Law Implemented 560.204, 560.303(1), 560.403 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.101, Repealed 1-1-09.

69V-560.1012 Adoption of Forms.

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

(a) Application for Licensure as a Money Services Business, Form OFR-560-01, effective 01-01-2009.

(b) Location Notification Form, Form OFR-560-02, effective 01-01-2009.

(c) Declaration of Intent to Engage in Deferred Presentment Transactions, Form OFR-560-03, effective 01-01-2009.

(d) Money Services Business Quarterly Report Form, Form OFR-560-04, effective 01-01-2009.

(e) Pledge Agreement, Form OFR-560-05, effective 01-01-2009.

(f) Money Services Business Surety Bond Form, Form OFR-560-06, effective 01-01-2009.

(g) Security Device Calculation Form, Form OFR-560-07, effective 01-01-2009.

(h) Florida Fingerprint Card (FL922720Z), effective 01-01-2009.

(i) Currency Transaction Report, FinCEN Form 104, effective 01-01-2009.

(j) Suspicious Activity Report by Money Services Business, FinCEN Form 109, effective 01-01-2009.

(k) Report of International Transportation of Currency or Monetary Instruments, FinCEN Form 105, effective 01-01-2009.

(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.

Effective Date: 1/1/2009

Specific Authority 560.105, 560.118, 560.141, 560.2085, 560.209, 560.403 FS. Law Implemented 560.118, 560.140, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 FS. History—New 1-1-09.

69V-560.1013 Electronic Filing of Forms and Fees.

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

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

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

(4) Any person may petition for a waiver of the requirement of electronic filing of any form or fee under Chapter 69V-560, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a

technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Effective Date: 1/1/2009

Specific Authority 560.105 FS. Law Implemented 560.105 FS. History--New 1-1-09.

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

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

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

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

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

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

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

~~(d) All applicants for registration as a payment instrument seller or funds transmitter shall file audited financial statements prepared in accordance with generally accepted~~

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

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

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

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

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

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

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

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

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

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

~~(e) A request to amend which makes a material change to the application or to the Office of Financial Regulation's evaluation of the application is a violation of subsection (7) and the Office of Financial Regulation shall deny the application in accordance with Section 560.114(1)(a), F.S., unless the applicant has made a good faith effort to comply with the statutory requirements of Chapter 560, F.S., and the rules of this chapter. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior~~

written permission from the Office. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application. Requests to make changes which are material to the application will be deemed by the Office to be grounds for denial, and a new application, accompanied by the appropriate filing fee, will be required. Material changes include:

- ~~(a)1. Changes in net worth;~~
- ~~(b)2. The substitution or addition of a director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, responsible person, or controlling shareholder;~~
- ~~3. Change in registration;~~
- ~~4. Any change requiring additional information or documentation than that which is or will be furnished by the applicant in the request to amend; and~~
- ~~(c)5. Any change relating to the bond or collateral security item;~~
- ~~(d) A change to a response to the disclosure questions listed in section 6 on Form OFR-560-01; and~~
- ~~(e) A change to disclosure questions listed in section 3 on the biographical summary on Form OFR-560-01.~~

~~(d) When the Office of Financial Regulation grants a request to amend which makes a material change to the application, the amended application shall be treated as a new application with respect to the applicable rules of this chapter, except that no additional filing fee shall be required, unless the material change upgrades the filing from a Part III applicant to a Part II applicant or there is a change in the applicant or the applicant's corporate structure.~~

Effective Date: 1/1/2009

Specific Authority 215.405, 560.105, 560.118, 560.209, 560.403 560.105, 560.118(2), 560.205(1), (2), 560.209(2)(a), 560.403(1) FS. Law Implemented 215.405, ~~560.102~~, 560.118, 560.140, 560.141, 560.143, 560.1235, 560.129, 560.204, 560.205, 560.209, 560.303, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS. History—New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended 7-15-07, 6-17-08, 1-1-09.

69V-560.103 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective Date: 1/1/2009

Specific Authority 560.105 ~~560.105(2)~~ FS. Law Implemented 560.103, 560.118, 560.140, 560.141, 560.205 ~~560.118(2), 560.205(3), (4), 560.208~~ FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.103, Amended 9-14-04, 7-15-07, 1-1-09.

69V-560.104 Application Fees.

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

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

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

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

Effective Date: 1/1/2009

Specific Authority 560.105(3) FS. Law Implemented 560.205(2), 560.306, 560.307, 560.403 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.104, Amended 7-15-07, Repealed 1-1-09.

69V-560.105 Regulatory Standards for Evaluating Applications.

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

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

Effective Date: 1/1/2009

Specific Authority 560.105(3) FS. Law Implemented 560.109, 560.114, 560.205, 560.206, 560.306 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.105, Amended 7-15-07, Repealed 1-1-09.

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

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

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

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

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

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

Effective Date: 1/1/2009

Specific Authority 560.105, 560.141, 560.2085, 560.105(3), 560.208(3) FS. Law Implemented 560.205, 560.141, 560.208, 560.2085, 560.307 FS. History—New 11-4-01, Formerly 3C-560.107, Amended 7-15-07, 1-1-09.

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

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

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

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

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

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

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

Effective Date: 1/1/2009

Specific Authority 560.105, 560.126, 560.105(3), 560.403, 560.404 FS. Law Implemented 560.403, 560.404 FS. History—New 11-4-01, Formerly 3C-560.108, Amended 7-15-07, 1-1-09.

69V-560.201 Requirements.

(1) Where a person or group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a money services business licensee money transmitter registrant, such person or group shall file with the Office no later than thirty (30) days

prior to the date of such acquisition, a new application pursuant to Rule 69V-560.102, F.A.C., together with all required exhibits and fees. Additionally, the applicant shall file with the Office at the time the new application is filed, a notice of termination of licensee registration of the acquired entity on Form OFR-560-01, effective upon disposition of the new application by the Office. Form OFR-560-01 is incorporated by reference in Rule 69V-560.1012, F.A.C. subsection 69V-560.102(3), F.A.C.

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

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

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

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

Effective Date: 1/1/2009

Specific Authority 215.405, 560.105, 560.126, 560.105(3), 560.123(2) FS. Law Implemented 215.405, 560.126, 560.127, 560.143, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307 FS. History—New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.201, Amended 7-15-07, 1-1-09.

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

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

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

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

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

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

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

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

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

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

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

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

Effective Date: 1/1/2009

Specific Authority 560.105 560.105(3) FS. Law Implemented 560.142, 560.206, 560.207, 560.308, 560.403 FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.302, Amended 7-15-07, 1-1-09.

69V-560.401 Scope.

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

Effective Date: 1/1/2009

Specific Authority 560.105(3) FS. Law Implemented 560.209 FS. History—New 9-24-97, Formerly 3C-560.401, Repealed 1-1-09.

69V-560.402 Bond.

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

~~(2) The corporate surety bond must be issued by a bonding company or insurance company authorized to do business in this state. The originally executed Form OFR-560-06, Money Transmitter Surety Bond Form, effective 7/15/07, which is~~

~~hereby incorporated by reference, shall be maintained on file with the Office at all times. The bond form must be executed by the bonding company and the applicant.~~

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

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

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

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

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

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

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

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

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

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

~~(1)(7) After completing one full year of licensure registration, each licensee registrant shall annually file on Form OFR-560-07, Security Device Calculation Form, which is incorporated by reference in Rule 69V-560.1012, F.A.C., with the Office by revised 7/15/07, which is hereby incorporated by reference and available on the Office website at www.flofr.com and by mail at the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376, the required information regarding the licensee's registrant's amount of surety bond, collateral deposit, or combination thereof as prescribed in subsection (5) of this rule not later than January 31st of each calendar year for the preceding calendar year. If based on the licensee's registrant's calculation, the amount of the device must be increased, the licensee registrant shall provide to the Office an additional surety bond, surety rider for an existing bond, collateral deposit pledge agreement or combination thereof reflecting the amount required no later than sixty (60) days following the deadline to file Form OFR-560-07, Security Device Calculation Form.~~

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

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

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

~~Effective Date: 1/1/2009~~

~~Specific Authority 560.105, 560.209 560.105(3), 560.209(2)(a) FS. Law Implemented 560.207, 560.209 FS. History--New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.402, Amended 7-15-07, 1-1-09.~~

69V-560.403 Net Worth.

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

Effective Date: 1/1/2009

Specific Authority 560.105 560.105(3) FS. Law Implemented 560.209(1) FS. History--New 9-24-97, Formerly 3C-560.403, Amended 1-1-09.

69V-560.501 Scope.

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

Effective Date: 1/1/2009

Specific Authority 560.105(3) FS. Law Implemented 560.118 FS. History--New 9-24-97, Formerly 3C-560.501, Repealed 1-1-09.

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

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

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

- (a) Financial Examiner/Analyst I \$28 per hour.
- (b) Financial Examiner Analyst II \$30 per hour.
- (c) Financial Specialist \$34 per hour.
- (d) Financial Control Analyst \$35 per hour.
- (e) Financial Examiner Analyst Supervisor \$37 per hour.
- (f) Area Financial Manager and above \$42 per hour.

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

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

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

Effective Date: 1/1/2009

Specific Authority 560.105, 560.1091, 560.1092 FS. Law Implemented 560.1091, 560.1092, 560.109 FS. History--New 1-1-09.

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

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

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

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

(a) Fifty-eight and one-half cents per mile.

(b) Maximum per diem rates for domestic travel approved by the United States General Services Administration for Florida for Fiscal Year 2009, which may be found at www.gsa.gov/perdiem and are hereby incorporated by reference.

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

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

Effective Date: 1/1/2009

Specific Authority 560.105, 560.1091, 560.1092 FS. Law Implemented 560.1091, 560.1092, 560.109 FS. History--New 1-1-09.

69V-560.601 Definitions.

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

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

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

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

Effective Date: 1/1/2009

Specific Authority 560.105(3) FS. Law Implemented 560.118(2) FS. History--New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.601, Repealed 1-1-09.

69V-560.602 Quarterly Reports.

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

Effective Date: 1/1/2009

Specific Authority 560.105, 560.118, 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2) FS. History--New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.602, Amended 7-15-07, 1-1-09.

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

(1)(a) Each licensed registered funds money transmitter and payment instrument seller shall annually submit audited financial audit reports statements to the Office of Financial Regulation in accordance with Section 560.209(2), F.S., for the licensee's registrant's most recent fiscal year.

(b) Each registered payment instrument seller shall annually submit audited financial statements to the Office of Financial Regulation for the registrant's most recent fiscal year unless it is exempt pursuant to Section 560.118(2)(a), F.S. Any registrant claiming such exemption shall submit such claim in writing on Form OFR-560-08, Money Transmitter Audited Financial Statement Exemption Claim Form, effective 7/15/07, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail at the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. The claim shall be executed by the registrant or an officer of the registrant under penalty of perjury. The exemption shall be valid for the current fiscal year only, and must be resubmitted each year by the registrant.

(c) Any payment instrument seller exempted from the requirement to submit audited financial statements shall file unaudited financial statements reviewed by a certified public accountant.

(2) Annual financial ~~audit reports statements~~ must be received by the Office of ~~Financial Regulation~~ within ~~one hundred twenty (120) ninety (90) days after of the licensee's registrant's~~ fiscal year end.

(3) ~~The Office of Financial Regulation shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due. A report is "past due" if it is received by the Office of Financial Regulation one or more days beyond the period defined in subsection (2).~~

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

Effective Date: 1/1/2009

Specific Authority ~~560.105, 560.118, 560.205 560.105(3), 560.118(2)(a), 560.205(3)(f), (4)(d)~~ FS. Law Implemented 560.118, ~~560.118(2), 560.205, 560.208~~ FS. History–New 11-4-01, Formerly 3C-560.606, Amended 7-15-07, 1-1-09.

69V-560.608 Currency Transaction Report Filings.

Currency Transaction Reports, required by Section 560.123, F.S., must be filed with FinCEN using FinCen Form 104, which is incorporated by reference in Rule 69V-560.1012, F.A.C. Reports filed in this manner shall be deemed to have also been filed with the Office.

Effective Date: 1/1/2009

Specific Authority 560.105, 560.123 FS. Law Implemented 560.123, 560.1235 FS. History–New 1-1-09.

69V-560.609 Suspicious Activity Report Filings.

Pursuant to Sections 560.1235 and 560.309(5), F.S., payment instrument sellers, foreign currency exchangers, check cashers, and money transmitters shall file Suspicious Activity Reports with FinCen on FinCEN Form 109 Suspicious Activity Report by Money Services Business, which is incorporated by reference in Rule 69V-560.1012, F.A.C. Reports filed with FinCEN shall be deemed to have also been filed with the Office.

Effective Date: 1/1/2009

Specific Authority 560.105, 560.309 FS. Law Implemented 560.1235, 560.309 FS. History–New 1-1-09.

69V-560.610 Report of International Transportation of Currency or Monetary Instruments.

Pursuant to Section 560.1235, F.S., all money services businesses shall file with FinCEN using a Report of International Transportation of Currency or Monetary Instruments, electronically or in paper form, on FinCEN Form

105, which is incorporated by reference in Rule 69V-560.1012, F.A.C., not later than 15 calendars days from the date of the transaction.

Effective Date: 1/1/2009

Specific Authority 560.105 FS. Law Implemented 560.1235 FS. History–New 1-1-09.

69V-560.701 General.

~~Each money transmitter shall maintain records required in Sections 560.211(1) and 560.310(1), F.S., and Rules 69V-560.702-.705, F.A.C., for at least 3 years, unless a longer period of time is required by federal or state law or regulations. Any readily accessible and retrievable form is acceptable, in lieu of maintaining original documents.~~

Effective Date: 1/1/2009

Specific Authority 560.105(3) FS. Law Implemented 560.211, 560.310 FS. History–New 9-24-97, Formerly 3C-560.701, Repealed 1-1-09.

69V-560.702 Payment Instrument Sellers.

(1) A payment instrument seller shall maintain records of the following information, which must be obtained for each issuance or sale of a payment instrument, regardless of the amount:

~~(a)(4)~~ The date of purchase;

~~(b)(2)~~ The serial number(s) or confirmation number of the payment instrument(s) purchased; and

~~(c)(3)~~ The amount in dollars of each of the instruments purchased; and

~~(4) A general ledger containing all assets, liabilities, capital, income, and expense accounts. The general ledger shall be updated at least monthly.~~

(2) For all transactions that exceed \$3,000, the payment instrument seller shall also obtain and record the information required by 31 C.F.R. 103.29(a)(2), as it existed on September 4, 2008. For purposes of this section multiple payment instruments purchased in one or more transactions on a single day shall be aggregated.

(3) Every payment instrument seller shall maintain a schedule of all outstanding receivables due from authorized vendors to include amounts and numbers of days outstanding. This schedule shall be updated, at a minimum, monthly.

(4) Every payment instrument seller shall develop and implement written policies and procedures to monitor compliance with applicable state and federal law by its authorized vendors. The policies and procedures should include, but are not limited to compliance with the following applicable statutes and regulations:

(a) Chapter 560, F.S.

(b) Anti-money laundering requirements referenced in Section 560.1235(1), F.S.

(c) Office of Foreign Asset Control regulations: 31 C.F.R. Part 500; 31 C.F.R. s. 594.201; 31 C.F.R. s. 594.204; 31 C.F.R. s. 501.603; and 31 C.F.R. s. 501.604, as these regulations existed on September 4, 2008.

(d) Gramm-Leach-Bliley Act regarding protection of personal information: 15 U.S.C. ss. 6801, 6802, and 6803 (Thomson Reuter/West 2008 (current through P.L. 110-316 (excluding P.L. 110-234, 110-246, and 110-315))).

(e) Sections 817.568 and 817.5681, F.S. regarding fraudulent use of personal information and breaches of information security.

(5) Every payment instrument seller shall maintain individual files for each authorized vendor that document the establishment and termination of these relationships. The file shall include, but not be limited to:

(a) Written contract between the payment instrument seller and authorized vendor Section 560.2085, F.S.;

(b) Subpoenas, warrants, and other requests from regulatory, law enforcement, or prosecutorial agencies;

(c) Records related to training as required by 31 C.F.R. Section 103.125, as it existed on September 4, 2008; and

(d) Suspicious Activity Reports filed by or on the authorized vendor and such records as are necessary to document the basis for the filing of such report.

(6) Records of all payment instrument sales shall be maintained in an electronic format that is readily retrievable and capable of being exported to most widely available software applications including Microsoft EXCEL.

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

Effective Date: 1/1/2009

Specific Authority 560.105, 560.2085, 560.405(3) FS. Law Implemented 560.1235, 560.2085, 560.211 FS. History--New 9-24-97, Formerly 3C-560.702, Amended 1-1-09.

69V-560.703 Money Transmitters Funds Transmitters.

(1) A money funds transmitter shall maintain records of the following information for all inbound and outbound transmissions, which must be obtained for each money funds transmission, regardless of the amount:

(a)(4) The name and address of the sender customer;

(b)(2) A numbered receipt or confirmation number for each transaction;

(c)(3) The address of the location or foreign affiliate office where the transaction was conducted;

(d)(4) The name and address of the beneficiary or recipient;

(e)(5) Any instructions or messages relating to the transmission; and

(f)(6) The method of payment (e.g., currency, check, credit card, etc.);

(g) Transaction date;

(h) Time of the transaction;

(i) Transaction amount in U.S. Dollars;

(j) Fees charged;

(j) Authorized vendor name; and

(k) Authorized vendor/foreign affiliate code/identifier as assigned by the licensee.

(2) For all transactions that exceed \$3,000, the money transmitter shall, in addition to the items in subsection (1), obtain and record:

(a) Social security number, passport number, or alien registration of the sender;

(b) Name and account number of recipient's financial institution, if applicable; and

For purposes of this subsection multiple payment instruments purchased in one or more transactions on a single day shall be aggregated.

(c) Sender's photo identification number, type, and state/country of issuance.

(3) Every money transmitter shall maintain a schedule of all outstanding receivables due from authorized vendors to include amounts and numbers of days outstanding. This schedule shall be updated, at a minimum, monthly.

(4) Every money transmitter shall develop and implement written policies and procedures to monitor compliance with applicable state and federal law by its authorized vendors. These policies and procedures should include, but are not limited to compliance with the following applicable statutes and regulations:

(a) Chapter 560, F.S.

(b) Anti-money laundering requirements referenced in Section 560.1235(1), F.S.

(c) Office of Foreign Asset Control regulations: 31 C.F.R. Part 500; 31 C.F.R. s. 594.201; 31 C.F.R. s. 594.204; 31 C.F.R. s. 501.603; and 31 C.F.R. s. 501.604, as these regulations existed on September 4, 2008.

(d) Gramm-Leach-Bliley Act regarding protection of personal information: 15 U.S.C. ss. 6801, 6802, and 6803 (Thomson Reuter/West 2008 (current through P.L. 110-316 (excluding P.L. 110-234, 110-246, and 110-315))).

(e) Sections 817.568 and 817.5681, F.S. regarding fraudulent use of personal information and breaches of information security.

(5) Every money transmitter shall maintain individual files for each authorized vendor/foreign affiliate that document the establishment and termination of these relationships. The file shall include, but not be limited to:

(a) Written contract between the money transmitter and authorized vendor Section 560.2085, F.S.;

(b) Subpoenas, warrants, and other requests from regulatory, law enforcement, and prosecutorial agencies;

(c) Records related to training as required by 31 C.F.R. s. 103.125, as it existed on September 4, 2008; and

(d) Suspicious Activity Reports filed by or on the Authorized Vendo/Foreign Affiliate and such records as are necessary to document the basis for the filing of such report.

(6) Records of all money transmissions shall be maintained in an electronic format that is readily retrievable and capable of being exported to most widely available software applications including Microsoft EXCEL.

Effective Date: 1/1/2009

Specific Authority ~~560.105~~ ~~560.105(3)~~ FS. Law Implemented 560.211 FS. History—New 9-24-97, Formerly 3C-560.703, Amended 1-1-09.

69V-560.704 Records to be Maintained by Check Cashers.

(1) For purposes of this rule the term:

(a) “Corporate payment instrument”, as referenced in Section 560.310(1), F.S., means a payment instrument on which the payee named on the face of the payment instrument is not a natural person.

(b) “Conductor” means a natural person who presents a payment instrument to a check casher for the purpose of receiving currency.

(c) “Customer file” in regard to a “corporate payment instrument” means the corporate entity shown as payee. In regard to “third-party payment instruments”, the term “customer file” means the individual negotiating the payment instrument.

(d) “Dormant customer” shall include any customer who has not transacted business with the licensee within the past 180 days.

(e) “Third-party payment instrument”, as referenced in Section 560.310(1), F.S., means a payment instrument being negotiated by a party other than the payee named on the face of the payment instrument.

(2)(4) Every check casher shall maintain legible records of all payment instruments cashed. The records shall include the following information with respect to each payment instrument accepted by the registrant:

(a) ~~The name of the maker;~~ A copy of all payment instruments accepted and endorsed by the licensee to include the face and reverse (front and back) of the payment instrument. Copies shall be made after each payment instrument has been endorsed with the legal name of the licensee. Endorsements on all payment instruments accepted by the check casher shall be made at the time of acceptance.

(b) ~~The address of the maker;~~

(c) ~~The date appearing on the payment instrument;~~

(d) ~~The amount of the payment instrument;~~

(e) ~~The check number of the payment instrument accepted;~~

(b)(f) ~~The fee charged to cash the payment instrument;~~

(c)(g) ~~The verification fee, if any, imposed on the customer; and~~

(h) ~~A line item description of the steps taken to verify the customer’s identity.~~

(3)(2) ~~The following additional information shall be maintained:~~

(a) ~~Records relating to all returned payment instruments that shall include, if known, the following:~~

1. ~~A copy, face and reverse (front and back), of all returned payment instruments; ~~The date the payment instrument was returned to the registrant;~~~~

2. ~~The name and address of the maker;~~

3. ~~The check number of the payment instrument accepted;~~

4. ~~The amount of the returned payment instrument;~~

2.5. ~~The date of deposit by the licensee registrant;~~

3. ~~The date the payment instrument was returned to the licensee;~~

4.6. ~~The NSF fees Documentation of all fees and charges, if any, imposed on, and paid by the customer in the collection of the returned item; and~~

5.7. ~~The date on which collection is made from the customer or charged-off by the licensee registrant; and~~

8. ~~A brief description of the method by which collection was ultimately achieved.~~

(b) ~~A daily summary of the business activities including the following documents:~~

1. ~~Bank deposit receipts;~~

2. ~~Copies of checks or withdrawal receipts evidencing withdrawal of funds from accounts maintained by the licensee registrant; and~~

3. ~~A daily cash reconciliation summarizing each day’s activities and reconciling cash on hand at the close of business. The daily cash reconciliation shall be sufficiently detailed to provide an audit trail of each day’s business activity. Where the licensee provides multiple business services through the same legal entity the daily cash reconciliation shall be maintained in such manner as to separate business activities such as check cashing.~~

(c) ~~Bank statements of the licensee registrant received and maintained no less often than monthly for all accounts from which the licensee registrant operates.~~

(d) ~~A copy of the customer’s written authorization to electronically debit the customer’s account if the registrant intends to make use of such practice.~~

(e) ~~A copy of all payment instruments accepted by the registrant. The copy of the customer’s payment instrument shall suffice as compliance with the requirements of paragraphs (1)(a) through (e) and subparagraphs (2)(a)1- through 4. of this rule. The registrant may include the reasonable cost of such photocopy as part of the verification fee allowed pursuant to Rule 69V-560.801, F.A.C., if such fee is charged to that customer.~~

~~(f) A photocopy of the customer's verifiable means of identification, and any other documentation the money transmitter collects from the customer in order to verify the customer's identity. The registrant shall only be required to make photocopies where a verification fee has been imposed.~~

~~(4) In addition to the records required in subsections (1) and (2), for payment instruments exceeding \$1,000.00, the check casher shall:~~

~~(a) Affix an original thumbprint of the conductor to the original of each payment instrument accepted which is taken at the time of acceptance;~~

~~(b) Secure and maintain a copy of the original payment instrument, including the thumbprint of the conductor;~~

~~(c) Secure and maintain a legible copy of the personal identification, as defined by Section 560.310(1)(b)1., F.S., presented by conductor at the time of acceptance;~~

~~(d) Create and maintain a customer file for each entity listed as the payee on corporate payment instruments and third party payment instruments accepted by the licensee. Each customer file must include, at a minimum, the following information:~~

~~1. Documentation from the Secretary of State verifying registration as a corporation or fictitious entity showing the listed officers and FEID registration number. If a sole proprietor uses a fictitious name or is a natural person, then the customer file shall include the social security number of the business owner and documentation of the fictitious name filing with the Secretary of State.~~

~~2. Articles of Incorporation or other such documentation which establishes a legal entity in whatever form authorized by law. For purposes of this rule a sole proprietor operating under a fictitious name registered with the Secretary of State shall not have to present such documentation.~~

~~3. Documentation of the occupational license from the county where the entity is located.~~

~~4. A copy of the search results screen page from Compliance Proof of Coverage Query Page webpage from the Florida Department of Financial Services – Division of Workers' Compensation website (http://www.fldfs.com/WCAPPS/Compliance_POC/wPages/query.asp).~~

~~5. Documentation of individuals authorized to negotiate payment instruments on the corporation or fictitious entity's behalf including corporate resolutions or powers of attorney. Payment instruments for insurance claims where there are multiple payees shall be exempt from this provision provided that the maker of the check is an insurance company and the licensee has obtained and retained documentation as to the identity of the natural person listed as a payee on such payment instrument.~~

~~(e) Review and update all active customer files at least annually. The required review and update shall be attested to by the compliance officer or their designee, and such documentation shall be maintained within each customer's file.~~

For purposes of this rule it shall not be necessary to update dormant customer files. Should a customer previously identified as being dormant, resume transacting business with the licensee, the customer file information shall be updated before accepting any payment instrument.

(5)(a) In addition to the records required in subsections (1) and (2) for payment instruments \$1,000.00 or more, the check casher shall create and maintain an electronic log of payment instruments accepted which includes, at a minimum, the following information:

1. Transaction date;
2. Payor name;
3. Payee name;
4. Conductor name, if other than the payee;
5. Amount of payment instrument;
6. Amount of currency provided;
7. Type of payment instrument:
 - a. Personal check;
 - b. Payroll check;
 - c. Government check;
 - d. Corporate check;
 - e. Third party check; or
 - f. Other payment instrument;
8. Fee charged for the cashing of the payment instrument;
9. Branch/Location where instrument was accepted;
10. Identification type presented by conductor; and
11. Identification number presented by conductor.

(b) Electronic logs shall be maintained in an electronic format that is readily retrievable and capable of being exported to most widely available software applications including Microsoft EXCEL.

Effective Date: 1/1/2009

Specific Authority 560.105 ~~560.105(3)~~ FS. Law Implemented 560.310 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.704, Amended 1-1-09.

69V-560.705 Foreign Currency Exchangers.

(1) A foreign currency exchanger shall maintain receipts for each transaction, regardless of the amount. The receipts must include the date of the transaction, the amount and type of currency received and given in exchange.

(2) In addition to the above records, foreign currency exchangers must maintain records of the amount of each bank deposit, including currency deposited.

(3) A foreign currency exchanger shall maintain all monthly financial institution bank statements.

(4) A foreign currency exchanger shall maintain all records of purchases and sales of foreign currencies from financial institutions including dates, amounts, and rates of exchange.

Effective Date: 1/1/2009

Specific Authority 560.105 ~~560.105(3)~~ FS. Law Implemented 560.310 FS. History–New 9-24-97, Formerly 3C-560.705, Amended 1-1-09.

69V-560.706 Records to be Maintained by Authorized Vendors.

(1) Every authorized vendor of a money transmitter or payment instrument seller shall maintain at the location registered with the Office of ~~Financial Regulation~~ all records required by Sections 560.211(1) and ~~560.310(1)~~, F.S., and Rules 69V-560.702 through 69V-560.703~~5~~, F.A.C., for at least ~~5~~ 3 years, unless a longer period of time is required by federal or state law or regulations. Any readily accessible and retrievable form is acceptable, in lieu of maintaining original documents.

(2) Every authorized vendor of a money transmitter or payment instrument seller shall maintain at all times a copy of the written agreement between the money transmitter or payment instrument seller and the authorized vendor. It will only be necessary for the agreement to be maintained at the authorized vendor's primary business address. Such agreements shall be made available to Office of ~~Financial Regulation~~ personnel upon request.

Effective Date: 1/1/2009

Specific Authority 560.105 ~~560.105(3)~~ FS. Law Implemented 560.205, 560.211, ~~560.307~~, 560.310 FS. History–New 11-4-01, Formerly 3C-560.706, Amended 1-1-09.

69V-560.707 Records to be Maintained by Deferred Presentment Providers.

(1) Every deferred presentment provider shall maintain the following records at a location in this state which has been designated to the Office of ~~Financial Regulation~~:

(a) through (d) No change.

(e) A daily summary of the business activities including the following documents:

1. Bank deposit receipts and supporting records detailing the bank deposit;

2. Copies of checks and withdrawal receipts evidencing withdrawal of funds from accounts maintained by the provider; and

3. A daily cash reconciliation ~~reconciliation~~ summarizing each day's activities and reconciling cash on hand at the close of business.

(f) through (k) No change.

(2) No change.

Effective Date: 1/1/2009

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.404, 560.407 FS. History–New 12-17-01, Formerly 3C-560.707, Amended 9-14-04, 1-1-09.

69V-560.801 Verification Fee.

(1) In addition to the fees established in Section 560.309(8) ~~560.309(4)~~, F.S., a check casher or deferred presentment provider may collect the direct costs associated with verifying a payment instrument holder's identity, residence, employment, credit history, account status, or other necessary information, including the verification of a drawer's status on the Office of ~~Financial Regulation's~~ administered database for deferred presentment transactions prior to cashing the payment instrument or accepting a personal check in connection with a deferred presentment transaction. Such verification fee shall be collected only when verification is conducted and shall not exceed \$5.00 per transaction. For example, a check casher shall not charge a drawer more than one (1) verification fee per diem, regardless of whether the check casher is cashing or has cashed more than one (1) of the drawer's payment instruments that day.

(2) For purposes of Section 560.309(8), F.S. and this rule, the "direct costs of verification" shall mean those costs that are allocated by the provider to a particular function or are readily ascertainable based upon standard commercial practices and include internal staff and infrastructure costs incurred by the provider in performing the verification function and payments to third party vendors who provide verification related services. It is the responsibility of the registrant to document that verification fees are based upon the actual costs associated with such verification.

Effective Date: 1/1/2009

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.309, ~~560.309(4)~~, 560.404(6) FS. History–New 9-24-97, Amended 12-17-01, Formerly 3C-560.801, Amended 1-1-09.

69V-560.802 Minimum Disclosure.

(1) through (2) No change.

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented ~~560.302(1)~~, 560.309 FS. History–New 9-24-97, Amended 12-30-98, 12-17-01, Formerly 3C-560.802.

69V-560.804 Payment Method.

(1) Payment shall be made immediately in currency for every payment instrument received by a person engaging in the activities of a check casher.

~~(2) For purposes of this chapter, "currency" shall have the meaning defined in Section 560.103(6), F.S.~~

~~(2)(3) Each deferred presentment provider shall immediately provide the drawer with currency for the full amount of his or her personal check to be held by the provider, less only the fees authorized by Section 560.404, F.S. Only deferred presentment providers that are Part II licensees registrants may provide a payment instrument, including an Automated Clearing House credit, in lieu of currency; however, such a provider shall not require a drawer to accept a payment instrument in lieu of currency.~~

Effective Date: 1/1/2009

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.302(1), 560.309, 560.404 FS. History—New 9-24-97, Amended 12-17-01, Formerly 3C-560.804, Amended 1-1-09.

69V-560.805 Gross Income Test.

For purposes of determining whether a person is engaged in the business of check cashing for which registration is required the following formula will be applied:

Compensation for Check Cashing/Foreign Currency Exchange

Gross Income + Compensation for Check
Cashing/Foreign Currency Exchange

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

Effective Date: 1/1/2009

Specific Authority 560.105, ~~560.105(2)~~ FS. Law Implemented 560.304(2) FS. History—New 9-14-04, Amended 1-1-09.

69V-560.901 Scope.

This section contains the specific requirements for deferred presentment providers with respect to the procedures employed to accomplish a deferred presentment transaction.

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History—New 12-17-01, Formerly 3C-560.901.

69V-560.902 Definitions.

(1) The term “provider” means a deferred presentment provider as defined by Section 560.402(5), F.S.

(2) The term “close of business” means the time of day that a provider closes its office to the public for that calendar day or 7:00 p.m. at the election of the licensee.

(3) The term “database” means the Office ~~of Financial Regulation~~ administered transactional database authorized by Section 560.404(23), F.S.

(4) The term “database vendor” means the vendor, which contracted with the Office ~~of Financial Regulation~~ for the purpose of developing and administering the daily operations of the database.

(5) The term “registered” means that a deferred presentment provider has provided to the database the information required to identify a valid deferred presentment transaction.

(6) The term “recorded” means that the database has assigned a transaction authorization number to a registered transaction, logged it as an open transaction, and communicated the transaction authorization number to the deferred presentment provider.

(7) The term “consumer credit counseling” means a confidential comprehensive personal money management review, including budget counseling resulting in a written assessment of the client’s financial situation by the consumer credit counselor which includes a suggested client action plan

based upon a range of options chosen according to the best interests of the client. The suggested client action plan may include: the client handling their financial concerns on their own; enrollment in a debt repayment plan managed by the credit counseling agency; and/or information about bankruptcy other than legal advice.

(8) The term “notice” means written communication to the last address provided to the Office ~~of Financial Regulation~~ by regular mail, electronic mail, or facsimile; provided that notice to the Office ~~of Financial Regulation~~ must be to the DPP Database Contract Manager, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375, or by electronic mail to electronic_licensing@fldfs.com ~~mail.dbf.state.fl.us~~, or by facsimile to DPP Database Contract Manager, Office of Financial Regulation, (850)410-9279.

(9) The term “open transaction” or “open” means a transaction which has been registered and recorded but not terminated or pending.

(10) The term “pending transaction” or “pending” means an open transaction that is in the process of clearing the banking system, in the 60-day grace period pursuant to Section 560.404(22)(a), F.S., or returned to the provider pursuant to Section 560.406, F.S.

(11) The term “closed transaction” or “close” means a transaction terminated as provided in subsection 560.903(1), F.S.

(12) The term “immediately” means prior to the customer exiting the location in all circumstances except for depositing of checks, processing of ACH items for collection, or grace period related updates. In such instance, the term shall mean not later than 11:59 p.m. on the date that the event creating the need for the database update occurs.

(13) The term “check” includes but is not limited to any authorization to transfer or withdraw funds from an account signed by the drawer, including any authorization by a drawer to execute an Automated Clearing House debit transaction.

Effective Date: 1/1/2009

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.402, 560.404 FS. History—New 12-17-01, Amended 4-17-02, Formerly 3C-560.902, Amended 9-14-04, 1-1-09.

69V-560.903 Deferred Presentment Transactions.

(1) No change.

(2)(a) The drawer shall provide evidence to the provider that his or her check that was the basis of a previous deferred presentment transaction has cleared the drawer’s account at least 24 hours prior to entering into a new deferred presentment transaction (except that the provider may obtain such evidence as provided in subparagraph 4. below). Evidence of a check having cleared the drawer’s account may include, but shall not be limited to:

1. A copy of the drawer’s bank statement showing the check has cleared;
2. The canceled check or a copy of the canceled check;

3. A copy of any other record provided by the drawer's financial institution or electronic network to which that financial institution subscribes such as an ATM inquiry that shows the check to have cleared; or

4. A verbal representation, documented in writing by the provider, from the drawer's financial institution to the provider that the drawer's check has cleared, if the drawer's financial institution will provide such representation.

(b) and (c) No change.

Effective Date: 1/1/2009

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History--New 4-17-02, Formerly 3C-560.903, Amended 9-14-04, 1-1-09.

69V-560.904 Transaction Agreement Disclosures and Requirements.

(1)(a) Each deferred presentment transaction agreement must contain the following:

1. The drawer's identification information including name, address, social security or alien registration number, and if provided, the drawer's driver's license number;

2. The name or trade name, registration number, address, and telephone number of the deferred presentment provider and the name and title of the person who signs the agreement on behalf of the deferred presentment provider;

3. The date the deferred presentment transaction was executed;

4. The face amount of the drawer's personal check;

5. The length of the deferment period (in days);

6. The last day of the deferment period;

7. The time of day on the last day of the deferment period for the drawer to either redeem his or her check or request the grace period. Such time shall be the close of business for that calendar day;

8. The address and toll-free telephone number of the Office of ~~Financial Regulation~~;

9. A clear description of the drawer's payment obligations under the deferred presentment transaction;

10. The disclosure notice required by Section 560.404(20), F.S.;

11. The transaction number assigned by the Office of ~~Financial Regulation~~'s database. This provision shall become effective on March 1, 2002;

12. The amount of currency or the amount of any payment instrument provided to the drawer;

13. A listing of all fees charged to the drawer categorized by fee type (i.e., 10% transaction fee and verification fee);

14. The disclosures required by Section 560.404(13), F.S.;

15. The drawer's written signature and date of execution which shall be done in the presence of the provider or an authorized employee of the provider;

16. The provider or its authorized employee's written signature and date of execution;

17. The check number of the drawer's check; and

18. The drawer's date of birth.

(b) If the deferred presentment provider (Part II licensees registrants only) intends to provide the drawer with a payment instrument in lieu of currency, the agreement shall also contain the drawer's acknowledgment that he or she has consented to accept the provider's payment instrument in lieu of currency. Such acknowledgment shall clearly state that it is the drawer's choice to obtain such payment instrument, and that the provider may not require a drawer to accept a payment instrument in lieu of currency. For purposes of this section, the drawer may accept disbursement of the proceeds via ACH credit to the drawer's account. This acknowledgment shall be separately initialed by the drawer;

(c) No change.

(2) No change.

(3)(a) Upon being given notice by a drawer in person that he or she will not be able to cover the check or pay the full amount owed to the of provider in accordance with the agreement, every provider shall verbally advise the drawer of the availability of the grace period. A provider shall provide the drawer with the written notice required by Section 560.404(22)(b)3., F.S. Such notice shall be executed and dated by both the drawer and an authorized employee of the registrant.

(b) The provider shall attach a free copy of the Office's ~~of Financial Regulation's~~ list of approved consumer credit counseling agencies including the toll-free telephone number of the Office of ~~Financial Regulation~~.

Effective Date: 1/1/2009

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History--New 12-17-01, Formerly 3C-560.904, Amended 9-14-04, 1-1-09.

69V-560.905 Transaction Fees.

(1) The transaction fee for a deferred presentment transaction shall be limited to ten percent (10%) of the amount of currency or payment instrument provided to the drawer. A deferred presentment provider may also charge a verification fee in accordance with Rule 69V-560.801, F.A.C. An example of the computation of the maximum fees allowed by the code in a transaction where the drawer is seeking an advance of \$500 would be as follows:

(a) \$500 advanced to the drawer;

(b) A \$50 fee (\$500 X 10%); and

(c) Up to \$5 for the direct costs associated with verification of the drawer's identity and/or employment. In this example, the provider would provide currency or a payment instrument (Part II licensees registrants) in the amount of \$500 to the drawer, and the drawer would provide a personal check in the amount of between \$550-\$555 depending upon the exact

amount of the direct costs of verification, if any, assessed by the provider with respect to this drawer. Unless a drawer has met the requirements for an automatic grace period, the drawer would be required to either redeem his or her personal check in cash (face amount of the check) or the provider would on the due date or a reasonable time thereafter present such personal check to the financial institution for payment.

(2) through (4) No change.

Effective Date: 1/1/2009

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History–New 12-17-01, Formerly 3C-560.905, Amended 1-1-09.

69V-560.906 Consumer Credit Counseling Services.

(1) The Office of ~~Financial Regulation~~ shall publish a list of consumer credit counseling agencies by October 1st of each calendar year via the Office's ~~of Financial Regulation's~~ website (www.flofr.com). The Office of ~~Financial Regulation~~ will accept requests from consumer credit counseling agencies to be included on the list on an ongoing basis and may periodically republish the list at its discretion. If the Office of ~~Financial Regulation~~ makes a decision to publish the list more often, a notice of such change will be posted on the Office's ~~of Financial Regulation's~~ website. The provider will then be responsible for making and distributing such additional copies of the list to all branch locations engaging in deferred presentment transactions.

(2) Every deferred presentment provider shall maintain a copy of the Office's ~~of Financial Regulation's~~ list of approved consumer credit counseling agencies and shall provide a copy of the list, free of charge, to any drawer who requests the grace period in accordance with the provisions of Section 560.404(22), F.S.

(3) through (8) No change.

Effective Date: 1/1/2009

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History–New 2-20-02, Formerly 3C-560.906, Amended 7-15-07, 1-1-09.

69V-560.907 Database Access.

(1) through (7) No change.

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History–New 4-17-02, Formerly 3C-560.908, Amended 9-14-04.

69V-560.908 Database Transaction Requirements.

(1) Each deferred presentment transaction shall be registered with the database and receive a transaction authorization number evidencing the transaction as being recorded in the database prior to a provider giving currency or a payment instrument (Part II ~~licensees registrants~~ only) to the drawer except as set forth in Rule 69V-560.909, F.A.C. The purpose of this database is to:

(a) through (c) No change.

(2) through (7) No change.

Effective Date: 1/1/2009

Specific Authority 560.105(2), 560.404(23) FS. Law Implemented 560.404 FS. History–New 4-17-02, Formerly 3C-560.908, Amended 9-14-04, 1-1-09.

69V-560.909 Database Availability.

(1) through (3) No change.

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History–New 4-17-02, Formerly 3C-560.909.

69V-560.910 Database Transaction Fees.

(1) through (2) No change.

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History–New 4-17-02, Formerly 3C-560.910.

69V-560.911 Database Dispute Resolution for Customers.

(1) through (4) No change.

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History–New 4-17-02, Formerly 3C-560.911.

69V-560.912 Database Confidentiality.

(1) through (3) No change.

Specific Authority 560.105, ~~560.105(3)~~, 560.404(23) FS. Law Implemented 560.404 FS. History–New 4-17-02, Formerly 3C-560.912.

69V-560.913 Termination of Deferred Presentment Activity; Database Maintenance.

(1) Within 15 days after ceasing operations or no longer holding a license under part II or part III of Chapter 560, F.S., a deferred presentment provider must provide notification to the Office of such action. The notice must be in writing, signed by the deferred presentment provider, and include the following:

(a) The date the deferred presentment provider ceased deferred presentment activity;

(b) A listing of all open and pending transactions; and

(c) The contact name, address, and e-mail address of the deferred presentment provider for contact, if necessary.

(2) For purposes of this section, the term "ceasing operations" shall mean that the provider has closed its offices to the public or has removed public access to its website, if such access is the sole means of communication with its customers. This provision shall not apply if a provider has given its customers a reasonable alternative for communications and payments.

Effective Date: 1/1/2009

Specific Authority 560.105, 560.404(23) FS. Law Implemented 560.404 FS. History–New 1-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2008

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

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-560.102 RULE TITLE: Application Forms, Procedures and Requirements

PURPOSE AND EFFECT: The rule is being amended to increase fingerprint processing fees from \$42.25 to \$43.25. The current fee of \$42.25 represents \$23 charged by the Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check. During the 2008 regular session, the Florida Legislature passed Senate Bill 1792. This bill was signed into law (Chapter 2008-112, Laws of Florida) by Governor Crist on June 10, 2008. Effective July 1, 2008, the Florida Department of Law Enforcement will be increasing its fingerprint processing fee to \$24 as required by Section 1 of Chapter 2008-112, Laws of Florida, which amends Section 943.053(3)(b), Florida Statutes.

SUMMARY: Increases fingerprint processing fees for persons subject to Chapter 560, F.S., relating to money services businesses.

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: 215.405, 560.105, 560.118(2), 560.205(1), (2), 560.209(2)(a), 560.403(1) FS.

LAW IMPLEMENTED: 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.209, 560.303(1), 560.305, 560.306, 560.307, 560.403, 943.053 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: Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.102 Application Forms, Procedures and Requirements.

(1) through (2) No change.

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

(a) through (c) No change.

(4) No change.

(5) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, and all controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL922720Z), effective 7/15/07, which is hereby incorporated by reference, accompanied by a nonrefundable ~~\$43.25~~ \$42.25 processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(6) through (10) No change.

Specific Authority 215.405, 560.105, 560.118(2), 560.205(1), (2), 560.209(2)(a), 560.403(1) FS. Law Implemented 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.209, 560.303(1), 560.305, 560.306, 560.307, 560.403, 943.053 FS. History-New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended 7-15-07, 6-17-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.: 69W-600.002 RULE TITLES: Application for Registration as Associated Person

69W-600.006 Associated Persons' Fingerprints

PURPOSE AND EFFECT: The rules are being amended to increase fingerprint processing fees from \$42.25 to \$43.25. The current fee of \$42.25 represents \$23 charged by the

Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check. During the 2008 regular session, the Florida Legislature passed Senate Bill 1792. This bill was signed into law (Chapter 2008-112, Laws of Florida) by Governor Crist on June 10, 2008. Effective July 1, 2008, the Florida Department of Law Enforcement will be increasing its fingerprint processing fee to \$24 as required by Section 1 of Chapter 2008-112, Laws of Florida, which amends Section 943.053(3)(b), Florida Statutes.

SUMMARY: Increases fingerprint processing fees for persons subject to Chapter 517, F.S., relating to securities regulation.

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: 215.405, 517.03(1), 517.12(6) FS.

LAW IMPLEMENTED: 517.12(6), (7), (10); 517.1205, 943.053 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: Pam Epting, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-600.002 Application for Registration as Associated Person.

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

69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

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

1. through 4. No change.

5. A complete Florida Fingerprint Card (FL921250Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement agency and accompanied by a non-refundable ~~\$43.25~~ ~~\$42.25~~ processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(c) No change.

(2) No change.

Specific Authority 215.405, 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205, 943.053 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07, _____.

69W-600.006 Associated Persons' Fingerprints.

Fingerprints filed in accordance with Section 517.12(7), F.S., shall be on fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable ~~\$43.25~~ ~~\$42.25~~ processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C. The fingerprint card requirement is waived for those associated persons requesting registration with a dealer which is registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been processed for such persons pursuant to the provisions of SEC rule 17f-2 (17 C.F.R. 240.17f-2 2006), which is hereby incorporated by reference, by said person's current employer.

Specific Authority 215.405, 517.03 FS. Law Implemented 517.12(7), 943.053 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07, 12-24-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Epting, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:	RULE TITLES:
69W-600.013	Prohibited Business Practices for Dealers and Their Associated Persons
69W-600.0131	Prohibited Business Practices for Investment Advisers and Their Associated Persons
69W-600.0133	Use of Senior-Specific Certifications and Professional Designations by Associated Persons and Investment Advisers

PURPOSE AND EFFECT: The use of a designation or a certification by associated persons or investment advisers confers an impression with senior citizens or retirees that the associated person or investment adviser has special qualifications or specialized education in particular areas of finance, financial planning, estate planning, or investing. The requirements to obtain designations and certifications vary greatly, as can the processes for monitoring compliance with a code of conduct or ethics, if any, adopted by the organization which awards the designation or certification. Investors often have insufficient information about the designation or certification when trying to determine which designation or certification represents meaningful educational achievement by the salesperson, or which designation or certification merely represents a marketing tool. This problem has been particularly pronounced in the area of so-called “senior designations.” Certain segments of the financial services industry have aggressively used designations and certifications that incorrectly imply expertise in the financial needs of seniors. Such aggressive use often results in unsuitable investments being sold to unsuspecting seniors by apparent “experts” who are little more than salespersons with little or no expertise in the individual, specific needs of the senior client or understanding of the product that they are selling. To address this issue, the National Association of Securities Administrators (NASAA) formed a task force to study this issue and develop a model rule for state regulators. The proposed rules adopt the model rule recommended by NASAA.

SUMMARY: The proposed rules prohibit the misleading use by any person of senior and retiree designations while also providing a means by which the Office may recognize the use of certain designations which have been accredited. Rule 69W-600.0133, F.A.C., is being proposed to prohibit the use of a senior specific certification or designation in connection with

the offer, sale or purchase of securities or the provision of advice as the advisability of investing in, purchasing or selling securities, either directly or indirectly or through publications or writings, or by issuing or promulgating analyses or reports relating to securities, that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees, in such a way as to mislead any person shall be a dishonest and unethical practice in the securities business in violation of Section 517.161(1)(d) or 517.161(1)(h), Florida Statutes. The Rule provides examples of misleading designations, including use of certifications unearned, nonexistent or self-conferred titles and use of titles that imply a certification or designation the person does not have. Also included in paragraph (1)(d) of the Rule with this category are use of certifications or designations from an organizations that: 1) is primarily engaged in the business of instruction in sales and /or marketing; 2) does not have reasonable standards or procedures for assuring the competency of its designees or certificants; 3) does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or 4) does not have reasonable continuing education requirements for its designees or certificants in order to maintain the designation or certification. In subsection (2) of the Proposed Rule, a rebuttable presumption is created that organizations accredited by the American National Standards Institute, National Commission for Certifying Agencies or any Organization on the U.S. Department of Education list entitled “Accrediting Agencies Recognized for Title IX Purposes” will not be disqualified under the terms of subparagraphs (1)(d)1. through 4. In determining whether words constitute a certification or professional designation indicating or implying a special expertise in advising or servicing senior citizens, use of the words such as “senior,” “elder,” “retirement,” combined with such words such as “certified,” “registered,” “chartered,” and like words will be considered. See text of Rule for complete index. Job titles within an organization are excluded. This Rule is based on the National Association of Securities Administrators Association (NASAA) Model Rule adopted March 20, 2008. Rule 69W-600.013 and Rule 69W-600.0131, F.A.C., are amended to add conforming amendments that provide that any unethical practice pursuant to Rule 69W-600.0133, F.A.C., shall constitute a demonstration of unworthiness by the dealers and their associated persons per Rule 69W-600.013, F.A.C., and investment advisers and their associated persons per Rule 69W-600.0131, 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: 517.03(1), 517.1215(2), 517.1217 FS.

LAW IMPLEMENTED: 517.081, 517.12, 517.1215, 517.1217, 517.161 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Reilly, Chief, Securities Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9783, bill.reilly@flofr.com.

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-600.013 Prohibited Business Practices for Dealers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (n) No change.

(o) Any unethical practice pursuant to Rule 69W-600.0133, F.A.C.

(2) The following are deemed demonstrations of unworthiness by an associated person of a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (g) No change.

(h) Engaging in any of the practices specified in paragraph (1)(a), (b), (e), (f), (g), (h), (i), (k), (l), (m), ~~o~~ (n) or (o).

(3) No change.

Specific Authority 517.03(1), 517.1217 FS. Law Implemented 517.081, 517.1217, 517.161(1) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.13, Amended 8-1-91, 6-16-92, 1-11-93, 11-7-93, 5-5-94, 9-9-96, 10-20-97, 1-25-00, 10-30-03, Formerly 3E-600.013, Amended 10-23-06,_____.

69W-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (t) No change.

(u) Any unethical practice pursuant to Rule 69W-600.0133, F.A.C.

(2) through (3) No change.

Specific Authority 517.03(1), 517.1215 FS. Law Implemented 517.12(4), 517.1215, 517.161(1) FS. History--New 1-25-00, Amended 410-30-03, Formerly 3E-600.0131, Amended 10-23-06,_____.

69W-600.0133 Use of Senior-Specific Certifications and Professional Designations by Associated Persons and Investment Advisers.

(1) The use of a senior specific certification or designation by any person in connection with the offer, sale, or purchase of securities, or the provision of advice as to the value of or the advisability of investing in, purchasing, or selling securities, either directly or indirectly or through publications or writings, or by issuing or promulgating analyses or reports relating to securities, that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees, in such a way as to mislead any person shall be a dishonest and unethical business practice in the securities industry in violation of Section 517.161(1)(d) or 517.161(1)(h), F.S., by an associated person of a dealer or investment adviser. The prohibited use of such certifications or professional designation includes, but is not limited to, the following:

(a) Use of a certification or professional designation by a person who has not actually earned or is otherwise ineligible to use such certification or designation;

(b) Use of a nonexistent or self-conferred certification or professional designation;

(c) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the certification or professional designation does not have; and

(d) Use of a certification or professional designation that was obtained from a designating or certifying organization that:

1. Is primarily engaged in the business of instruction in sales and/or marketing;

2. Does not have reasonable standards or procedures for assuring the competency of its designees or certificants;

3. Does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or

4. Does not have reasonable continuing education requirements for its designees or certificants in order to maintain the designation or certificate.

(2) There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of paragraph (1)(d) above when the organization has been accredited by:

(a) The American National Standards Institute; or

(b) The National Commission for Certifying Agencies; or

(c) An organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes" and the designation or credential issued therefrom does not primarily apply to sales and/or marketing.

(3) In determining whether a combination of words (or an acronym standing for a combination of words) constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include:

(a) Use of one or more words such as “senior,” “retirement,” “elder,” or like words, combined with one or more words such as “certified,” “registered,” “chartered,” “adviser,” “specialist,” “consultant,” “planner,” or like words, in the name of the certification or professional designation; and

(b) The manner in which those words are combined.

(4) For purposes of this rule, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title:

(a) Indicates seniority or standing within the organization;
or

(b) Specifies an individual’s area of specialization within the organization.

For purposes of this subsection, financial services regulatory agency includes, but is not limited to, an agency that regulates broker-dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940, 15 U.S.C. s. 80a-1 et seq.

(5) Nothing in this rule shall limit the Office of Financial Regulation’s authority to enforce existing law.

Specific Authority 517.03(1), 517.1215(2), 517.1217 FS. Law Implemented 517.1215(2), 517.1217, 517.161 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Reilly, Chief, Securities Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9783, bill.reilly@lofr.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-30.001	Rule Numbering and Rule Title
1B-30.0015	Definitions
1B-30.002	Style and Form for Filing Rules; Certification Accompanying Materials
1B-30.003	Florida Administrative Weekly
1B-30.004	Legal Citations and History Notes
1B-30.005	Materials Incorporated By Reference
1B-30.007	Uniform Indexing Procedures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-65.020	Definitions
9B-65.021	Distribution of Funds
9B-65.022	Energy Assistance Benefits
9B-65.023	Client Eligibility
9B-65.024	Energy Payments
9B-65.025	Hearings

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 27, July 3, 2008, issue of the Florida Administrative Weekly.

9B-65.020 Definitions.

(1) “Act” means Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, as amended [42 U.S.C. Sections 8621-8630 ~~8629~~] and [45 CFR Part 96, Subpart H, Sections 96.80-96.89], all of which are incorporated by reference herein.

(2) through (8) No change.

Specific Authority 409.508 ~~463.03(3)~~ FS. Law Implemented 409.508 ~~463.03~~ FS. History–New _____.

9B-65.021 Distribution of Funds.

Based on the availability of federal LIHEAP funds each year, the distribution of funds shall be made as follows:

(1) through (2) No change.

(3) The Department will provide ~~up to~~ 6 percent of the total LIHEAP funds to the Department of Elder Affairs to provide assistance under LIHEAP to assist low-income households that include at least one member age 60 years of age or older.

(4) The Department will reserve 2% of the annual LIHEAP amount designated for pass-through to the subgrantees funds to be used in case of a weather-related, supply shortage or economic emergency. These funds will be retained by the Department ~~held~~ each year until December 15. If a and may only be used during state or federal emergency emergencies is declared by the President, the Governor or the Secretary of the Department prior to December 15, then the funds will be released for use for LIHEAP eligible activities in response to the emergency as he or she deems necessary. After December 15, if no emergency has been declared, the Department will release these funds for energy benefits. When funds are distributed for an emergency, the terms of the executive order ~~Department~~ will determine the allowable expenditures of the funds, based on the nature of the emergency. Any additional emergency funds will be added to the existing contracts of the subgrantees affected by the emergency.

(5) The balance of the LIHEAP funds shall be awarded through an allocation plan for statewide distribution of the funds based in part on the percentage of poverty population and the climate zone of in each county service area. Notice shall be sent annually by email to each subgrantee. For any county not served by a LIHEAP provider, a public hearing must be held to select a new LIHEAP provider in accordance with the requirements of the Act [42 U.S.C. § 8624].

(6) through (8) No change.

Specific Authority 409.508 ~~463.03(3)~~ FS. Law Implemented 409.508 ~~463.03~~ FS. History–New_____.

9B-65.022 Energy Assistance Benefits.

(1) The number, nature and amount of energy benefits will be set by DCA in accordance with the federal requirements of the Act and adjusted annually based on funding availability. DCA will notify the Subgrantees in writing at the address stated in the Subgrant Agreement.

(2) through (4) No change.

Specific Authority 409.508 ~~463.03(3)~~ FS. Law Implemented 409.508 ~~463.03~~ FS. History–New_____.

9B-65.023 Client Eligibility.

(1) through (9)(a) No change.

(b) Any applicant denied LIHEAP services must be provided a written notice of the denial. At a minimum, the written Notice of Denial and Appeals shall contain the reason

for the denial; under what circumstances the client may reapply; what information or documentation is needed for the person to reapply; and the name, telephone number and address to whom the re-application or appeal must ~~should~~ be sent.

Specific Authority 409.508 ~~463.03(3)~~ FS. Law Implemented 409.508 ~~463.03~~ FS. History–New_____.

9B-65.024 Energy Payments.

(1) through (2) No change.

Specific Authority 409.508 ~~463.03(3)~~ FS. Law Implemented 409.508 ~~463.03~~ FS. History–New_____.

9B-65.025 Hearings.

(~~1~~) Subgrantees are required to have written applicant appeal procedures which satisfy the requirements of 42 U.S.C. § 8624(b)(13). Appeal provisions must be posted in a prominent place in the office visible to all applicants.

Specific Authority 409.508 ~~463.03(3)~~ FS. Law Implemented 409.508 ~~463.03~~ FS. History–New_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.:	RULE TITLE:
60L-33.004	Workforce Reduction and Employee Transition

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 34, August 22, 2008 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda H. South, Secretary, Department of Management Services

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-30.001	Purpose
61G15-30.003	Engineering Document Classification
61G15-30.009	Retention of Engineering Documents

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 11, March 14, 2008 issue of the Florida Administrative Weekly.

These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. The changes were approved by the Board at its June 19, 2008 meeting. After the changes are made, the rules will read as follows:
 1. When changed, Rule 61G15-30.001 shall read as follows:

The Board has adopted these responsibility rules pursuant to Section 471.033(2), F.S., to safeguard the life, health, property and welfare of the public by promoting proper conduct in the practice of engineering and due care and regard for acceptable engineering principles and standards. The Board considers that professional engineers may avoid disciplinary actions by observing the procedures set forth herein. Failure to comply with these rules may be considered as noncompliance with subsection 61G15-19.001(4), F.A.C., unless the deviation or departure therefrom is justified by the specific circumstances of the project in question, ~~and the sound professional judgment of the engineer.~~ Furthermore, these rules are intended to apply as general guidelines where no contractual relationship exists between the parties addressed herein. These rules are not intended to take precedence over contractual relationships developed between the parties addressed herein, so long as those contractual relationships do not violate Chapter 471, F.S., ~~or the stated purpose of these responsibility rules or any other rule promulgated pursuant thereto.~~ These responsibility rules shall apply to every person holding a certificate of registration as a professional engineer, every certified engineer intern, and every holder of a certificate of authorization, as appropriate. A professional engineer's practices, education, training, experience, qualifications, technical competence, conduct, and responsibilities in connection with his authorized engineering practice, services, and creative work are subject to regulation solely by the Board of professional engineers, ~~and the courts,~~ and local jurisdictions.

2. When changed, subsection 61G15-30.003(1) shall read as follows:

(1) Engineering Documents are prepared in the course of performing engineering services. When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters 61G15-31, 61G15-32, 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code, adopted in Section 553.73, Florida Statutes, and applicable laws, ordinances, rules and regulations, as determined by the AHJ. The Documents shall include:

3. When changed, subsection 61G15-30.003(4) shall read as follows:

(4) Engineering drawings shall be legible and clearly define and delineate the work in the project. They must also comply with Chapter 61G15-23, F.A.C., Seals.

4. When changed, Rule 61G15-30.009 shall read as follows:

At least one copy of all documents displaying the licensee's signature, seal, date and all related calculations shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were sealed. These documents shall be maintained in hardcopy or electronic format.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-32.002	Definitions
61G15-32.008	Design of Fire Alarms, Signaling Systems and Control System

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 11, March 14, 2008 issue of the Florida Administrative Weekly.

These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. The changes were approved by the Board at its June 19, 2008 meeting. After the changes are made, the rules will read as follows:

1. When changed, subsection 61G15-32.002(4) shall read as follows:

(4) Listed: A fire protection component tested by a nationally recognized fire protection equipment testing organization. Recognized organizations include, ~~but are not limited to~~ Underwriters Laboratories, Inc. and Factory Mutual Research Corporation.

2. When changed, subsection 61G15-32.002(7) shall read as follows:

(7) Codes and Standards: Those nationally recognized Codes and Standards adopted directly or by reference in Chapter 633, F.S., Florida Building Code and Florida Fire Prevention Code set forth in Chapter 69A-60, Florida Administrative Code. Applicable codes and standards also include those promulgated by ~~the State Fire Marshal as well as~~ by State and local authorities having jurisdiction. In the event the codes and standards fail to cover or address a specific protection requirement, alternative research, test results, and engineering data may be utilized, relying on the Engineer of Record for Fire Protection to make an informed engineering decision. This definition is not intended to preclude the use of new technologies when said technology has been demonstrated to provide equivalent or improved protection above that of published National Fire Protection standards.

3. When changed, subsections 61G15-32.008(1), (2) shall read as follows:

(1) Fire alarms and detection systems include fire protection supervision, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions.

(2) The design specifications shall be based on the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction.

4. When changed, subsection 61G15-32.008(4)(b) shall read as follows:

(b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity.

5. When changed, subsection 61G15-32.008(4)(l) shall read as follows:

(l) Systems designed using Performance Based criteria shall be identified and referenced to design guides or standards approved by the local authority having jurisdiction consistent with standards adopted by the Florida Fire Prevention Code and the Florida Building Code.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Acting Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-33.002	Definitions
61G15-33.003	Design of Power Systems
61G15-33.004	Design of Lighting Systems
61G15-33.006	Design of Alarm Systems

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 11, March 14, 2008 issue of the Florida Administrative Weekly.

These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. The changes were approved by the Board at its June 19, 2008 meeting. After the changes are made, the rules will read as follows:

1. When changed, subsection 61G15-33.002(7) shall read as follows:

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in the Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Prevention Code, in Chapter 69A-60, Florida Administrative Code, Part II, Chapter 553, Florida Statutes. Applicable codes and standards also include those published by the National Fire Protection Association (NFPA), the Institute of Electrical and Electronic Engineers (IEEE), the Illuminating Engineering Society of North America (IESNA), as well as those promulgated by the state fire marshal and other state and local authorities having jurisdiction.

2. When changed, the Specific Authority and Law Implemented sections of Rule 61G15-33.003 shall read as follows:

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.003.

3. When changed, subsection 61G15-33.004(1) shall read as follows:

(1) Lighting systems convert electrical energy into light. Items to be included in the lighting design and analysis are: Average illuminance, Equivalent spherical illuminance, Uniformity ratios, Visual comfort probability, special purpose lighting, impact of light intrusion, trespass and safety and the requirements of the Florida Energy Efficiency Code, Chapter 13, Florida Building Code, Part IX, Chapter 553, Florida Statutes.

4. When changed, subsection 61G15-33.004(2)(c) shall read as follows:

(c) Exit Lighting.

5. When changed, subsection 61G15-33.006(1) shall read as follows:

(1) Alarm and signaling systems include motor control systems, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions (See 61G15-32.008 for Fire Alarm Systems), surveillance and access control systems, temperature control, and systems related to energy conservation and facility management systems. The design documents shall be based on standards set forth in NFPA 72, the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Acting Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-34.002	Definitions
61G15-34.003	Design of Heating Ventilation and Air Conditioning Systems

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 11, March 14, 2008 issue of the Florida Administrative Weekly.

These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. The changes were approved by the Board at its June 19, 2008 meeting. After

the changes are made, the rules will read as follows:
 1. When changed, subsection 61G15-34.002(7) shall read as follows:

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in ~~Part II, Chapter 553, Florida Statutes~~ Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Prevention Code set forth in Chapter 69A-60, Florida Administrative Code.

3. When changed, subsection 61G15-34.003(1) shall read as follows:

(1) Heating, Ventilating, and Air Conditioning (HVAC) Systems ~~include~~ are those systems that control the temperature ~~and/or humidity, or mechanical ventilation~~ of a particular space or building.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Acting Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-4.003
 RULE TITLE: Grading Criteria and 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. 34, No. 34, August 22, 2008 issue of the Florida Administrative Weekly.

The change is in response to a scrivener's error discovered after the Notice of Proposed Rulemaking published. The changes are as follows:

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

(2) The Florida Jurisdictional Multiple Choice Examination consists of 100 multiple choice questions. The multiple choice questions will be weighted equally and machine graded. Scores for the multiple choice portion shall be determined by the applicant's ability to choose the correct answer from several given choices. A minimum of 70 questions must be answered correctly in order to receive a passing grade.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 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."

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12DER08-27	Forms for Use in the Maximum Millage Calculations Required by Section 200.185, Florida Statutes, Chapter 2007-321 (House Bill 1B), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2007-321 (House Bill 1B) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. These acts further provided that all conditions imposed by Chapter 120, Florida Statutes, were deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2007-321 (House Bill 1B) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The forms included here are based on the requirements of Chapter 2007-321 (House Bill 1B) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, and will replace the forms used in previous years. The Department of Revenue has taken several actions to inform interested parties about the forms, procedures, and emergency rules that are being developed to implement this new law, and to give such parties an opportunity to review and comment. These interested parties include Property Appraisers and the professional associations that represent them, taxing authorities, including counties, municipalities, and independent districts, school districts, their associations, and practitioners who have told the Department that they want to receive all information associated with property tax rulemaking. The actions that the Department has taken include: making the proposed drafts available via the Internet on two separate occasions for public review and comments, establishing a new Department email address to make it easier for interested parties to submit comments and questions to the agency; emailing copies of the draft forms to interested parties, as well as receiving and incorporating public comments on the drafts of forms DR-420MM, DR-420S, DR-422, DR-428A, DR-487, and DR-487V.

SUMMARY: Emergency Rule 12DER08-27, (Forms for Use in the Maximum Millage Calculations Required by Section 200.185, Florida Statutes, Chapter 2007-321 (House Bill 1B), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida),

provides assistance regarding certain actions to be taken by local governments and officials. This rule adopts and incorporates by reference certain millage levy calculation forms to be used by each county, municipality, independent special district and their related dependent special districts, municipal service taxing units, and each local taxing authority THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Renee Harkins, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; telephone (850)414-6104; Fax (850)488-9482; email address: harkinre@dor.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

12DER08-27 Forms for Use in the Maximum Millage Calculations Required by Section 200.185, Florida Statutes, Chapter 2007-321 (House Bill 1B), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida.

(1) Emergency Rule 12DER08-27 applies to the property tax administered under Chapters 192 through 197, 200, and 218, Florida Statutes, Chapter 2007-321 (House Bill 1B), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, relating to certain actions required to be taken by local governments and officials under those provisions of law.

(2) This rule subsection adopts and incorporates by reference the following millage levy calculation forms:

(a) Form DR-420MM, Maximum Millage Levy Calculation-Final Disclosure (N. 09/08), hereby incorporated by reference, is the form to be completed by each county, municipality, and independent special district and their related dependent special districts and municipal service taxing units and submitted to the Department of Revenue. This form is used to calculate the governments' and related governmental units' maximum millages based on the vote of the governing body.

(b) Form DR-420S, Certification of School Taxable Value (R. 06/08), hereby incorporated by reference, is to be used by each Property Appraiser to certify school taxable value and to be used by each district school board to certify property tax millages and rates.

(c) Form DR-422, Certification of Final Taxable Value (R. 09/08), hereby incorporated by reference, is the form to be used by each Property Appraiser to certify final taxable value to taxing authorities and for taxing authorities to report adopted millage rates and administrative adjustments pursuant to Section 200.065(6), Florida Statutes, if made.

(d) Form DR-428A, Maximum Millage Limitation Calculation, General Information for Fiscal Year 2008-09 (N. 09/08), hereby incorporated by reference, contains information offered by the Department to help affected governing bodies calculate and report their maximum millage and total maximum taxes under the requirements imposed by Chapters 2007-321 and 2008-173, Laws of Florida.

(e) Form DR-487, Certification of Compliance (R. 09/08), hereby incorporated by reference, is the form to be used by taxing authorities to certify to the Department of Revenue compliance with the Truth in Millage and maximum millage requirements of Chapter 200, Florida Statutes.

(f) Form DR-487V, Vote Record for Final Adoption of 2008-2009 Millage Levy (R. 09/08), hereby incorporated by reference, is to be used by each taxing authority as proof of the vote by which the millage levy was adopted at their final hearing.

(3) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at <http://dor.myflorida.com/dor/property/> or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Specific Authority Section 9 of Ch. 2007-321 (House Bill 1B), L.O.F. Section 13 of Ch. 2008-173 (Senate Bill 1588), L.O.F. Law Implemented Sections 1 through 11 of Ch. 2007-321, L.O.F. Sections 11-12 of Ch. 2008-173 (Senate Bill 1588), L.O.F. History-New 9-11-08.

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: September 11, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER08-55	Instant Game Number 771, BIG RICHES

SUMMARY: This emergency rule describes Instant Game Number 771, "BIG RICHES," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-55 Instant Game Number 771, BIG RICHES.

(1) Name of Game. Instant Game Number 771, "BIG RICHES."

(2) Price. BIG RICHES lottery tickets sell for \$5.00 per ticket.

(3) BIG RICHES lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning BIG RICHES lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

2	3	4	5	6	7	8	9	11	12	13	14	15	
TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN	
17	18	19	20	21	22	23	24	25	26	27	28	29	10X
SEVENTEEN	EIGHTEEN	NINETEEN	TWENTY	TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR	TWENTYFIVE	TWENTYSIX	TWENTYSEVEN	TWENTYEIGHT	TWENTYNINE	TEN TIMES

(5) The "BIG NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	11	12	13	14	15
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN
16	17	18	19	20	21	22	23	24	25	26	27	28	29
SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN	TWENTY	TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR	TWENTYFIVE	TWENTYSIX	TWENTYSEVEN	TWENTYEIGHT	TWENTYNINE

(6) The prize symbols and prize symbol captions are as follows:

\$5.00	\$10.00	\$20.00	\$25.00	\$50.00
FIVE	TEN	TWENTY	TWENTY FIVE	FIFTY
\$100	\$500	\$1,000	\$10,000	\$100,000
ONE HUNDRED	FIVE HUNDRED	ONE THOUSAND	TEN THOUSAND	ONE HUNDRED THOUSAND

(7) The legends are as follows:

BIG NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "BIG NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having a "10X" symbol in the play area shall entitle the claimant to ten times the prize shown.

(b) The prizes are: \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$1,000, \$10,000 and \$100,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 771 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
		1 IN	WINNERS IN 62 POOLS OF 120,000 TICKETS
\$5	\$5	10.00	PER POOL 744,000
\$5 x 2	\$10	30.00	248,000
\$10	\$10	12.00	620,000
\$5 x 4	\$20	120.00	62,000
\$10 x 2	\$20	120.00	62,000
\$20	\$20	60.00	124,000
\$5 x 5	\$25	240.00	31,000
\$5 + \$20	\$25	240.00	31,000
\$5 + (\$10 x 2)	\$25	240.00	31,000
\$25	\$25	240.00	31,000
\$5 (10X)	\$50	240.00	31,000
\$50	\$50	1,200.00	6,200
\$10 (10X)	\$100	600.00	12,400
\$5 x 20	\$100	6,000.00	1,240
(\$5 x 10) + (\$10 x 5)	\$100	6,000.00	1,240
\$100	\$100	12,000.00	620
\$50 (10X)	\$500	30,000.00	248
\$25 x 20	\$500	120,000.00	62
\$500	\$500	120,000.00	62
\$100 (10X)	\$1,000	372,000.00	20
\$50 x 20	\$1,000	744,000.00	10
\$1,000	\$1,000	744,000.00	10
\$1,000 (10X)	\$10,000	744,000.00	10
\$10,000	\$10,000	744,000.00	10
\$100,000	\$100,000	744,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 771 are 1 in 3.65. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 771, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a BIG RICHES lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for BIG RICHES lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-12-08.

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: September 12, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-56
 RULE TITLE: Instant Game Number 770, GIMME 5

SUMMARY: This emergency rule describes Instant Game Number 770, "GIMME 5," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-56 Instant Game Number 770, GIMME 5.

(1) Name of Game. Instant Game Number 770, "GIMME 5."

(2) Price. GIMME 5 lottery tickets sell for \$1.00 per ticket.

(3) GIMME 5 lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning GIMME 5 lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The "PRIZE" symbols and prize symbol captions are as follows:



(6) The "BONUS BOX" play symbols and play symbol captions are as follows:



(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having three "FIVE" play symbols and corresponding play symbol captions in any vertical, horizontal or diagonal row shall entitle the claimant to the prize shown in the "PRIZE" box. A ticket having a "FIVE" play symbol and corresponding play symbol caption in the "BONUS BOX" shall entitle the claimant to \$5.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$7.00, \$10.00, \$20.00, \$40.00, \$60.00, \$100 and \$555. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a GIMME 5 lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 770 are as follows:

GAME PLAY TICKET	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	10.00	1,008,000
\$2	\$2	30.00	336,000
\$4	\$4	21.43	470,400
\$4	\$4	150.00	67,200
\$5 (FIVE)	\$5	30.00	336,000
\$7	\$7	300.00	33,600
\$10	\$10	300.00	33,600
\$20	\$20	300.00	33,600
\$40	\$40	900.00	11,200
\$60	\$60	5,625.00	1,792
\$100	\$100	18,000.00	560
\$555	\$555	30,000.00	336

(10) The estimated overall odds of winning some prize in Instant Game Number 770 are 1 in 4.32. Prizes, including the top prizes, are subject to availability at the time of ticket

purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 770, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a GIMME 5 lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for GIMME 5 lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS, History--New 9-12-08.

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: September 12, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-57 RULE TITLE: FANTASY 5®

SUMMARY: This emergency rule sets forth the provisions for the conduct of FANTASY 5® and replaces Emergency Rule 53ER06-17, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399 4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-57 FANTASY 5®.

(1) How to Play FANTASY 5®.

(a) FANTASY 5 is a lottery on-line game in which players select five (5) numbers from a field of one (1) to thirty-six (36).

(b) Players may make their FANTASY 5 ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five (5) numbers from each panel played, or may mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the five (5) numbers. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

1. Players may mark the "Grouper™" box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play cannot be player-selected and cannot be cancelled. Grouper play may also be selected by telling the retailer.

2. Players may mark the \$5 "Quick Picks" box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next FANTASY 5 drawing; or may mark the \$10 "Quick Picks" box to receive one (1) ticket with ten (10) sets of five (5) randomly selected numbers for the next FANTASY 5 drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper.

3. Players may mark the appropriate EZmatch box to receive a Fantasy 5 ticket with Ezmatch for a chance to instantly win cash prizes.

Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(c) Players may play up to thirty (30) consecutive FANTASY 5 drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-J) played. Advance play does not apply to Grouper or Quick Picks.

(2) FANTASY 5 Drawings.

(a) FANTASY 5 drawings shall be conducted daily.

(b) FANTASY 5 drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FANTASY 5 drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) The equipment shall be configured so that five (5) balls are drawn from one (1) set of balls numbered one (1) through thirty-six (36).

(e) Once a ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower.

(f) Five (5) balls shall be drawn by vacuum action into the display devices. The numbers shown on the five (5) balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (2)(b). In using such substitute procedures, the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

(3) FANTASY 5 Prize Divisions.

(a) FANTASY 5 is a pari-mutuel game. For each draw, fifty percent (50%) of the gross revenue shall be allocated as the winning pool for payment of the top prize, second prize and third prize. Free FANTASY 5 tickets issued as a fourth prize shall not be included in gross revenue calculations.

(b) The top prize pool shall consist of sixty-two percent (62%) of the winning pool for the drawing plus any money carried forward from the previous draw. Prize money allocated to the top prize pool shall be divided equally among the players who match all five (5) official winning numbers. If there is no top prize winner in a drawing, the top prize pool shall roll down and be added to the second prize pool for that FANTASY 5 drawing.

(c) The second prize pool shall consist of ten percent (10%) of the winning pool for the drawing plus any money rolled down from the top prize. The second prize pool shall be divided equally among the players matching four (4) of five (5) official winning numbers except that the maximum prize amount per winner shall be \$555. Any funds in the second prize pool in excess of the second prize liability shall roll down and be added to the third prize pool. If there is no winner in the second prize category for a drawing, the second prize pool shall roll down and be added to the third prize pool.

(d) The third prize pool shall consist of twenty-eight percent (28%) of the winning pool for the drawing plus any money rolled down from the second prize pool. The third prize pool shall be divided equally among the players matching three (3) of five (5) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool is carried over and added to the top prize pool of the next FANTASY 5 drawing.

(e) A fourth prize shall consist of one (1) free FANTASY 5 quick pick ticket (\$1.00 value), except as follows. A player who submits by mail a FANTASY 5 lottery ticket which entitles the claimant to a free FANTASY 5 quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket. Fourth prizes shall not utilize any portion of the winning pool for the drawing. A free FANTASY 5 quick pick ticket shall be for the next FANTASY 5 drawing after the ticket is validated.

(f) Except for the top prize, which will pay the exact amount, cash prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the third prize shall not be less than \$3.50. All rounding differences in the second and third prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(4) Determination of Prize Winners. In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I or J) must match the official winning FANTASY 5 numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

(a) Top Prize: Five (5) of five (5) official winning numbers.

(b) Second Prize: Four (4) of five (5) official winning numbers.

(c) Third Prize: Three (3) of five (5) official winning numbers.

(d) Fourth Prize: Two (2) of five (5) official winning numbers.

(5) FANTASY 5 Odds of Winning. The odds of winning the prizes described above are as follows:

(a) Top Prize – 1:376,992

(b) Second Prize – 1:2,432.21

(c) Third Prize – 1:81.07

(d) Fourth Prize – 1:8.39

(e) The overall odds of winning a prize in a FANTASY 5 drawing are 1:7.58.

(6) FANTASY 5 Rules and Prohibitions.

(a) By purchasing a FANTASY 5 ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) FANTASY 5 prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer's hours of operation and on-line system availability, FANTASY 5 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(e) The scheduled time for the daily FANTASY 5 drawing is approximately 11:15 p.m.,

ET. Ticket sales for a specific FANTASY 5 drawing will close approximately thirty-five (35) minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next FANTASY 5 draw date.

(f) Retailer cancellations of FANTASY 5 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours

after printing, except that no FANTASY 5 ticket can be cancelled after game close for the related drawing and no fourth prize (free FANTASY 5 quick pick ticket) can be cancelled at any time. Fantasy 5 tickets with EZmatch cannot be cancelled. The two (2)-hour ticket cancellation period may be reduced due to the selling retailer’s hours of business operation, the hours of on-line system availability, or the time of the related FANTASY 5 close of game.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and draw date(s) on a ticket. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a cancelable FANTASY 5 ticket produced upon request of the player by the quick pick method of number selection.

(7) How to Play EZmatch™.

(a) EZmatch is an instant-win feature associated with Fantasy 5 that costs \$1.00 per play in addition to the cost of the Fantasy 5 ticket. A player selecting EZmatch will receive five (5) EZmatch numbers printed below the Fantasy 5 numbers on the ticket. If any of the EZmatch numbers matches any of the Fantasy 5 numbers, the player shall instantly win the corresponding amount shown.

(b) Players may play EZmatch by marking the applicable EZmatch box on the Fantasy 5 playslip or by telling the retailer. Marking the EZmatch box within a panel will add EZmatch to only the panel marked. Marking the “EZmatch on all panels played” box will (1) add EZmatch to every panel containing Fantasy 5 number selections, (2) override the EZmatch box within any panel, and (3) when the “Quick Picks” box is also marked, result in each quick pick ticket having the EZmatch feature.

(c) Each panel played with EZmatch will be printed on a separate ticket.

(d) The base prize structure and estimated odds of winning EZmatch are as follows:

<u>Prize</u>	<u>Winners in 420,000 (Per Pool)</u>	<u>Estimated Odds</u>
<u>\$500</u>	<u>2</u>	<u>1:210,000.00</u>
<u>\$100</u>	<u>40</u>	<u>1:10,500.00</u>
<u>\$50</u>	<u>300</u>	<u>1:1,400.00</u>
<u>\$25</u>	<u>1,200</u>	<u>1:350.00</u>
<u>\$15</u>	<u>2,000</u>	<u>1:210.00</u>
<u>\$5</u>	<u>4,200</u>	<u>1:100.00</u>
<u>\$3</u>	<u>28,000</u>	<u>1:15.00</u>
<u>\$2</u>	<u>50,400</u>	<u>1:8.33</u>
<u>Overall</u>		<u>1:4.88</u>

The EZmatch prize structure will be replenished automatically when the top tier prizes are exhausted. The prize structure and odds of winning are subject to change. The current prize structure and odds are available at www.flalottery.com. Lottery district offices and retailer locations.

(e) EZmatch prizes can be claimed up to 180 days from the first draw date on the Fantasy 5 ticket.

(8) This rule becomes effective September 15, 2008.

Specific Authority 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 9-15-08, Replaces 53ER06-17.

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: September 15, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on September 4, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subsection 11B-27.00212(14), F.A.C., from Camile F. Araujo and Miami-Dade Police Department. Petitioner wishes to waive that provision of rule requiring officers to meet mandatory firearms training or become inactive. Petitioner suffered an on-duty injury which prevented completion of the firearms qualification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on September 4, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subsection 11B-27.00212(14), F.A.C., from Paula R. Boyd and Miami-Dade Police Department. Petitioner wishes to waive that provision of rule requiring officers to meet mandatory firearms training or become inactive. Petitioner suffered an on-duty injury and continuing medical condition which prevented and prevents her completion of the firearms qualification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on September 4, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subsection 11B-27.00212(14), F.A.C., from Linda Cain and Miami-Dade Police Department. Petitioner wishes to waive that provision of rule requiring officers to meet mandatory firearms training or become inactive. Petitioner suffered an on-duty injury which prevented completion of the firearms qualification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on September 4, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subsection 11B-27.00212(14), F.A.C., from Yuniel Escalona and Miami-Dade Police Department. Petitioner wishes to waive that provision of rule requiring officers to meet mandatory firearms training or become inactive. Petitioner suffered an on-duty injury which prevented completion of the firearms qualification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32303, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on September 4, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subsection 11B-27.00212(14), F.A.C., from Roberto A. Gonzalez and Miami-Dade Police Department. Petitioner wishes to waive that provision of rule requiring officers to meet mandatory firearms training or become inactive. Petitioner suffered an on-duty injury which prevented completion of the firearms qualification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on September 9, 2008, the Suwannee River Water Management District, received a petition for variance from City of Worthington Springs, 11933 S. W. 36th Drive, Worthington Springs, FL 32697, pursuant to Section 120.542, F.S. Petitioner is seeking variance from paragraph 40B-4.3030(11)(b), F.A.C., as to the 75-foot setback and subsection 40B-4.3030(9), F.A.C., as to the zero-rise certification. The permit applicant proposes construction of a fishing pier extending into the Santa Fe River a distance of 28 feet, in Union County, Township 6 South, Range 19 East, Sections 32 & 33. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. This petition has been assigned ERP Number 00-0409M3.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on September 10, 2008, the South Florida Water Management District (District), received a petition for waiver which was Amended. This Amended Petition for Waiver was filed by the City of Lauderdale Lakes, Application No. 07-1217-1, for utilization of Works or Lands of the District known as the C-13 Canal, for a pedestrian bridge, including hardscaping, landscaping, pathway, ramps, handrails, lighting and fencing, located within 40 feet of the top of the northern and southern canal banks and within the District's 100-foot long designated equipment staging areas within the C-13 right of way adjacent to N. W. 35th Avenue; Section 19, Township 49 South, Range 42 East, Palm Beach County. The Petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank and within the District's 100-foot long designated equipment staging areas within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on September 5, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code, from DeLuna Lanes located in Pensacola. The above referenced F.A.C. states... the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code....Specifically, the Petitioner requests to have exposed joists in the ceiling of the inside bar.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on August 25, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code (F.A.C.) from L'Hermitage Catering & Cafe located in Ft. Lauderdale. 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 to be take-out only with no seats and use an adjacent establishment's bathroom facilities for the public.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on September 10, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Pizzaland located in St. Cloud. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment requests to be take-out only with no seats and use public bathroom facilities located on the second level for the public and employees.

This variance request was approved and is contingent upon the Petitioner ensuring the public bathrooms located on the second level are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, employee hand washing signage, are available during all hours of operations and are located within 300 feet of the establishment. The Petitioner shall also ensure directional signage is installed within and outside the establishment clearly stating the location of the bathrooms. Petitioner will be a take-out only with no seats.

A copy of the Order may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on August 19, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for A Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Pizzaland located in St. Cloud. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment requests to be take-out only with no seats and use public bathroom facilities located on the second level for the public and employees.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on September 5, 2008, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order.

The Final Order was in response to a Petition for Waiver from Sheridan Technical Center, Petitioner, filed June 26, 2008, and advertised in Vol. 34, No. 29, of the Florida Administrative Weekly.

The Final Order on the Petition for Waiver from Sheridan Technical Center, Petitioner, in DBPR Case No. 2008037675 (VW 2008-186) denies the Petitioner a waiver from subsection 61D-14.022(3), Florida Administrative Code (F.A.C.), because the rule does not apply to the Petitioner. The Final Order notes that the rule specifically applies to slot machines that are offered 'for play' in the state and Petitioner is not authorized to offer slot machines for play. Rather Petitioner is only authorized to maintain slot machines for educational and licensure purposes pursuant to Section 551.109(2)(b), Florida Statutes. Thus, the Final Order denies the request for waiver because Petitioner is not a person who is subject to regulation by any agency rule in this matter.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

NOTICE IS HEREBY GIVEN THAT on September 8, 2008, the Board of Accountancy, received a petition for Donna R. Mallery, seeking a waiver or variance from subsection 61H1-31.001(4), F.A.C., and the requirement to pay a \$250.00 licensure reactivation fee. subsection 61H1-31.001(4), F.A.C., also requires compliance with Rule 61H1-33.006, F.A.C., which requires passage of the examination on Chapters 455 and 473, F.S., and related rules.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida

32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Massage Therapy hereby gives notice that it has received a petition, filed July 28, 2008, by Brenda Dyson, LMT, seeking a waiver or variance of subsection 64B7-29-001(2), F.A.C., with respect to a licensed massage therapist must have engaged in the actual practice of massage for at least 3 years in Florida prior to his sponsorship.

Comments on this petition should be filed with: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Pamela King, Executive Director, at the above address or telephone (850)245-4161.

The Board of Massage Therapy hereby gives notice that it has received a petition, filed July 28, 2008, by Renee Gauthier, LMT, seeking a waiver or variance of Rule 64B7-28.009, F.A.C., and Section 480.046(1)(o), Florida Statutes, with respect to a licensed massage therapist must have completed twelve (12) hours of continuing education hours relevant to the practice of massage therapy for the biennial license renewal period of September 1, 2005 through April 31, 2008.

Comments on this petition should be filed with: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Pamela King, Executive Director, at the above address or telephone (850)245-4161.

The Board of Opticianry hereby gives notice that it has received a petition, filed on September 10, 2008, by Gale A. Eriksson, ABOC/NCLEC, seeking a waiver or variance of Rule 64B12-9.017, F.A.C., with respect to the following licensure requirement: each applicant must apply for examinations for licensure in Florida within two (2) years of ceasing the actual practice of opticianry in the other state upon which the eligibility is claimed.

Comments on this petition should be filed with: Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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: October 14, 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 Florida **Department of State** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2008, 10:00 a.m.

PLACE: R. A. Gray Building, First Floor, Conference Room, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Preliminary nominations of Great Floridian designees for 2009.

A copy of the agenda may be obtained by contacting: Catherine Clark, Bureau of Historic Preservation, R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399-0250, (850)245-6354.

Pursuant to the provisions of 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: Catherine Clark at (850)245-6354. If you are 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: Catherine Clark at (850)245-6354.

The **Division of Historical Resources, Bureau of Historic Preservation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, October 27, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Internet and telephone conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Historic Preservation Online Grant Application Process and Program Guidelines.

A copy of the agenda may be obtained by contacting the grants staff by phone at 1(800)847-7278, by Fax (850)245-6437, or by writing to: 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: the grants staff by phone at 1(800)847-7278, by Fax (850)245-6437, or by writing to: 500 S. Bronough Street, Tallahassee, Florida 32399-0250. If you are 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 grants staff by phone at 1(800)847-7278, by Fax (850)245-6437, or by writing to: 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

For further details, please refer to our website: www.flheritage.com/grants.

The **Division of Library and Information Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 6, 2008, 2:00 p.m. – 3:30 p.m.

PLACE: 500 S. Bronough St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: E-government services and programs offered by public libraries in Florida.

A copy of the agenda may be obtained by contacting: Loretta L. Flowers, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250, lflowers@dos.state.fl.us, (850)245-6636.

Pursuant to the provisions of 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: Loretta L. Flowers, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250, lflowers@dos.state.fl.us, (850)245-6636. If you are 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: Loretta L. Flowers, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250, lflowers@dos.state.fl.us, (850)245-6636.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following sub-committee telephone conference meetings which all persons are invited to attend.

Subcommittee on Improving Criminal Justice

DATE AND TIME: October 6, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Legislative Review Subcommittee

DATE AND TIME: October 8, 2008, 1:00 p.m. – 2:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Subcommittee on Improving Health Outcomes

DATE AND TIME: October 9, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Subcommittee on Improving Foster Care and Family Issues

DATE AND TIME: October 9, 2008, 12:00 Noon – 1:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Subcommittee on Improving Economic Outcomes

DATE AND TIME: October 9, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Subcommittee on Improving Educational Outcomes

DATE AND TIME: October 10, 2008, 11:15 a.m. – 12:15 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Council on the Social Status of Black Men and Boys Meeting
 DATE AND TIME: October 13, 2008, 2:00 p.m. – 4:00 p.m.
 PLACE: Toll Free Dial in Number: 1(888)808-6959,
 Conference Code: 0131521068

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 visiting <http://www.cssbmb.com> or by contacting Fredrica Doctor, Research and Training Specialist at (850)414-3300.

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: Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE OF CHANGE – The Florida **State Fair Authority Board** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2008, Note New Time: 9:00 a.m. – 3:00 p.m.

PLACE: Florida State Fairgrounds in Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher at (813)627-4221.

Pursuant to the provisions of 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: Kathleen Fisher at (813)627-4221. If you are 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: Kathleen Fisher at (813)627-4221.

The **Division of Plant Industry** announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2008, 12:00 Noon – 3:00 p.m.

PLACE: Everglades Research & Education Center

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Presentation – The Future of Maneb.

Presenters: Bart Hoopingarner – Territory Manager UPI, Clay Owen – Field Development Representative UPI, Beth Sears – National Marketing Manager UPI.

Old Business

New Business – Division of Plant Industry Representatives; and EREC staff project updates.

Presentation: Water and Tissue Sampling, presented by Sam Myoda, PhD., IEH Labs Inc.

A copy of the agenda may be obtained by contacting: Stephen Basore, Chairman at (561)996-1980, ext. 20.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Stephen Basore, Chairman at (561)996-1980, ext. 20. If you are 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 Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2008, 12:00 Noon – 1:30 p.m.

PLACE: The Renaissance Resort at World Golf Village, 500 South Legacy Trail, Saint Augustine, Florida 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Department of Agriculture and Consumer Services to discuss proposed Council programs and budget issues.

A copy of the agenda may be obtained by contacting: Bureau of LP Gas Inspection at (850)921-8001.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Bassett at the below number. If you are 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: Lisa M. Bassett, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2008, 1:30 p.m. – 2:30 p.m.

PLACE: The Renaissance Resort at World Golf Village, 500 South Legacy Trail, Saint Augustine, Florida 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This is a meeting of the Florida Liquefied Petroleum Gas Advisory Board and representatives of the Florida Department of Agriculture and Consumer Services to discuss department programs and issues of industry interest.

A copy of the agenda may be obtained by contacting: Lisa M. Bassett, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

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

The **Department of Agriculture and Consumer Services, Division of Forestry** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Cooperative Extension Office, 1702 Highway 17 South, Bartow, Florida 33831

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852.

Pursuant to the provisions of 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: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852. If you are 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 **Division of Aquaculture** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 21, 2008, 10:30 a.m.

PLACE: Division of Aquaculture Conference Room, 5th Floor, 1203 Governor's Square Boulevard, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Kim Norgren, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301, (850)488-5471.

Pursuant to the provisions of 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: Kim Norgren, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301, (850)488-5471. If you are 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: Kim Norgren at (850)488-5471.

DEPARTMENT OF EDUCATION

The **Florida Education Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 7, 2008, 9:00 a.m. – 11:00 a.m. or upon adjournment

PLACE: Conference Call. Dial-In Number: 1(888)808-6959, Pass Code: 2459671

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of Foundation issues including, but not limited to: Approval of minutes from July 10, 2008, meeting; Commissioner's report; program updates; financial report; executive director's report; partnership proposals; and general discussion of Foundation.

A copy of the agenda may be obtained by contacting: Jenna Vetre at (850)245-9671.

Pursuant to the provisions of 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: Jenna Vetre at (850)245-9671. If you are 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: the Foundation office at (850)245-9671.

The **Florida School for the Deaf and the Blind**, President Search Committee commissioned by 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: Wednesday, October 8, 2008, 1:00 p.m.

PLACE: Center for Leadership and Development, Moore Hall, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Matters pertaining to the search for President of the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Margaret Van Ormer, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (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: Margaret Van Ormer, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (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.

For more information, you may contact Margaret Van Ormer at the above mentioned address.

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: September 30, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Meeting will take place via conference call. Dial-in number: 1(888)808-6959, Conference Code: 2450467

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup will develop instructional and faculty effectiveness recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Opper at jopper@distancelearn.org.

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

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: October 2, 2008, 1:00 p.m. – 3:00 p.m.

PLACE: Meeting will take place via conference call. Dial-in number: 1(888)808-6959, Conference Code: 2450467

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup will develop online registration system recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Opper at jopper@distancelearn.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: John Opper at jopper@distancelearn.org. If you are

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

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting will take place via conference call. Dial-in number: 1(888)808-6959, Conference Code: 2450467

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup will develop administrative operation recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Opper at jopper@distancelearn.org.

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

The Florida **Community College at Jacksonville**, District Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION:

DATE AND TIME: October 7, 2008, 12:00 Noon – 2:00 p.m.

PLACE: North Campus, Room A-286, 4501 Capper Road, Jacksonville, Florida 32218

GENERAL SUBJECT MATTER TO BE CONSIDERED: State College Transition.

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: October 7, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: North Campus, Room E-225, 4501 Capper Road, Jacksonville, Florida 32218

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING:

DATE AND TIME: October 7, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: North Campus, Room E-225, 4501 Capper Road, Jacksonville, Florida 32218

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, September 30, 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 meetings should be filed in writing with the College President, Florida Community College at Jacksonville, on or before October 7, 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 October and November, 2008, the Board will hold informal meetings each Thursday from 12:00 Noon – 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 LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday October 7, 2008. Call Donna Hunt at (850)410-8615 or e-mail at donnahunt@fdle.state.fl.us for the time of the conference call.

PLACE: FDLE/CJPP, Criminal Justice Professionalism Program, Conference Room B1055, 2331 Phillips Road, Tallahassee, Florida 32308. Conference Call Number: Call Donna Hunt at (850)410-8615 or e-mail at donnahunt@fdle.state.fl.us for the conference call telephone number.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present to the Criminal Justice Standards and Training Commission, for Commission action on "Request for waivers of Commission rules."

A copy of the agenda may be obtained by contacting: Donna Hunt at (850)410-8615 or e-mailing at donnahunt@fdle.state.fl.us, or writing to FDLE, CJPP, Post Office Box 1489, Tallahassee, FL 32302, Attention: Donna Hunt.

Pursuant to the provisions of 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 Hunt at (850)410-8615 or e-mailing at donnahunt@fdle.state.fl.us, or writing to: FDLE, CJPP, Post Office Box 1489, Tallahassee, FL 32302. If you are 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: Donna Hunt at (850)410-8615 or e-mailing at donnahunt@fdle.state.fl.us or writing to FDLE, CJPP, Post Office Box 1489, Tallahassee, FL 32302.

DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 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 Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

The **Automobile Industry Lenders Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2008, 10:00 a.m.

PLACE: 2900 Apalachee Parkway, Room D 426, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and new business.

A copy of the agenda may be obtained by contacting: Gary Elmore at (850)617-2902 or e-mail: garyelmore@fhsmv.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 24 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gary Elmore at (850)617-2902.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a Prehearing and Hearing to which all persons are invited.

DATE AND TIME: Monday, October 13, 2008, 1:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080006-WS – Water and wastewater industry annual reestablishment of authorized range of return on common equity or water and wastewater utilities pursuant to Section 367.081(4)(f), Florida Statutes.

PREHEARING CONFERENCE: The purpose of this prehearing conference is: (1) to define and limit if possible, the number of issues; (2) to determine the parties' positions on the issues; (3) to determine what facts, if any, may be stipulated; (4) to dispose of any motions or other matters that may be pending; and (5) to consider any other matters that may aid in the disposition of this case.

DATE AND TIME: Thursday, October 23, 2008, 9:30 a.m.

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

HEARING CONFERENCE: The purpose of the hearing is to establish a leverage formula to calculate a reasonable range of returns on equity for water and wastewater utilities, as authorized by Section 367.081(4)(f), Florida Statutes, and to consider any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. At the hearing, all parties shall be given the opportunity to present their testimony and other evidence on the issues identified by the parties at the prehearing conference held on October 13, 2008. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

EMERGENCY CANCELLATION OF PREHEARING OR HEARING CONFERENCE: If a named storm or other disaster requires cancellation of the prehearing or hearing, 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 prehearing/hearing is asked to advise the agency at least 48 hours before the prehearing/hearing by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: October 14, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting the Office of Commission Clerk at (850)413-6770 or writing to: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website, at <http://www.floridapsc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: October 14, 2008, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 080001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor

Docket No. 080002-EG – Energy conservation cost recovery clause

Docket No. 080003-GU – Purchased gas adjustment (PGA) true-up

Docket No. 080004-GU – Natural gas conservation cost recovery

Docket No. 080007-EI – Environmental cost recovery clause

DATE AND TIME: October 20, 2008, 9:30 a.m. (EST)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and, (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Office of the Commission Clerk, (850)413-6770 at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the hearing 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.

The Florida **Public Service Commission** announces a hearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 080001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor

Docket No. 080002-EG – Energy conservation cost recovery clause

Docket No. 080003-GU – Purchased gas adjustment (PGA) true-up

Docket No. 080004-GU – Natural gas conservation cost recovery

Docket No. 080007-EI – Environmental cost recovery clause

DATES AND TIME: November 4-6, 2008, 9:30 a.m. (EST)

The starting times on November 5 and 6, 2007, will be announced at the conclusion of the hearing on November 4 and 5, 2007, respectively. The hearing may be adjourned early if all testimony is concluded.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2009 through December 2009;
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2008 through December 2008;
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2007 through December 2007, which are to be based on actual data for that period;
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2009 through December 2009;

5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2007 through December 2007.
6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2009 through December 2009, including nuclear costs.
7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2008 through December 2008.
8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2007 through December 2007, which are to be based on actual data for that period.
9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2009 through December 2009.
10. Determination of Conservation Actual/Estimated Amounts for certain investor-owned electric and gas utilities for the period January 2008 through December 2008.
11. Determination of the Final Conservation True-up Amounts for the period January 2007 through December 2007 for certain investor-owned electric and gas utilities, which are to be based on actual data for that period.
12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2009 through December 2009.
13. Determination of Actual/Estimated Purchased Gas True-Up Amounts for the period January 2008 through December 2008.
14. Determination of the Final Purchased Gas True-Up Amounts for the period January 2007 through December 2007.
15. Determination of the Projected Environmental Cost Recovery Factors for the period January 2009 through December 2009.
16. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2008 through December 2008.
17. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2007 through December 2007, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Office of the Commission Clerk, (850)413-6770 at least 48 hours prior to

the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

If a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the hearing 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.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Faith and Community Based Advisory Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 3, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Conference call: 1(888)808-6959, Passcode: 4130909

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Advisory Council business.

For more information, you may contact: Frances Rhodes at Frances.rhodes@vffund.org or (850)410-0696.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, October 2, 2008, Planning & Growth Management Committee: 8:30 a.m.; Personnel, Budget & Finance Committee: 9:00 a.m.; Board of Directors Meeting: 10:00 a.m.; Legislative Committee Meeting: immediately following the Board Meeting

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: NEFRC, Attn.: Angela Giles, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 24, 2008, 9:30 a.m.

PLACE: City of Sebring Civic Center, 355 West Center Avenue, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Heartland 2060 Education, Workforce and Economic Development Task Force.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 130.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2008, 9:30 a.m.

PLACE: Highlands County Health Department Conference Room, 7205 South George Boulevard, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Council and/or its Executive Committee.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 130.

The **Central Florida Regional Planning Council**, Heartland 2060 Regional Visioning announces a public meeting to which all persons are invited.

DATE AND TIME: October 15, 2008, 9:30 a.m.

PLACE: City of Sebring Civic Center, 355 West Center Avenue, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Leadership Team Meeting of The Heartland 2060 Regional Visioning Group.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33870, (863)534-7130, ext. 130.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2008, 1:30 p.m.

PLACE: Okeechobee County Health Department, Conference Room, 1728 N. W. 9th Avenue, Okeechobee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Transportation Disadvantaged Program Local Coordinating Board.

A copy of the agenda may be obtained by contacting: Marcia Staszko, 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.

REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 7, 2008, 2:00 p.m.

PLACE: Conference Room 101, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: ADA Advisory Committee meeting.

A copy of the agenda may be obtained by contacting: SFRTA Executive Office at (954)788-7915.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CORRECTIONS

The Florida **Department of Corrections** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 2, 2008, 10:00 a.m.

PLACE: Reception and Medical Center (Region 2 Conference Room), 7765 South County Road 231, Lake Butler, Florida 32054

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Meeting of the RMC Hospital Governing Body to approve Governing Body Bylaws.

Pursuant to the provisions of 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: Gerda Godwin at (386)496-6074. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gerda Godwin at (386)496-6074.

WATER MANAGEMENT DISTRICTS

The **R.O. Ranch Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2008, 6:30 p.m.

PLACE: R.O. Ranch, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of equestrian facilities on Suwannee River Water Management District properties.

A copy of the agenda may be obtained by contacting: Pennie flickinger, Administrative Assistant at (386)362-1001 or e-mail: pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Pennie flickinger, Administrative Assistant at (386)362-1001 or e-mail: pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Brian Kauffman, Facilities Director at (386)362-1001 or e-mail: bck@srwmd.org.

The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 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. Workshop to follow Board meeting.

A copy of the agenda may be obtained by contacting: mysuwanneeriver.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: Lisa M. Cheshire at (386)362-1001 or 1(800)226-1066 (Florida only). If you are 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 M. Cheshire at (386)362-1001 or 1(800)226-1066 (Florida only) or lmc@srwmd.org.

The **St. Johns River Water Management District**, Central Recreational Public Meeting held jointly with the Projects and Land Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 9, 2008, 6:00 p.m. – 8:00 p.m.

PLACE: Hampton Inn – Titusville, Meeting Room, 4760 Helen Hauser Boulevard, Titusville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The joint Central Recreational Public Meeting and Projects and Land Committee will review land management and land acquisition activities in the Central Region.

MANAGEMENT REVIEW TEAM TOUR

DATE AND TIME: Thursday, October 9, 2008, 9:30 a.m.

PLACE: Buck Lake Conservation Area. Please meet at the eastern most entrance to Buck Lake by 9:15. To reserve a spot for the tour, please call (386)329-4855. There is a possibility of the tour being cancelled due to flooding on the property, please make sure you call to confirm.

MEETING: Projects and Land Committee Business Meeting

DATE AND TIME: Friday, October 10, 2008, 8:00 a.m. – 10:00 a.m.

PLACE: Hampton Inn – Titusville, Meeting Room, 4760 Helen Hauser Boulevard, Titusville, FL

GOVERNING BOARD TOUR: (Weather Permitting)

DATE AND TIME: Friday, October 10, 2008, 10:30 a.m.

PLACE: Charles H. Bronson State Forest, Located off State Road 420, Chuluota, FL

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. A tour of Charles H. Bronson State Forest 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, October 14, 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: Terri Mashour at (386)329-4855.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Karen M. Davis at (386)329-4404. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 13, 2008, 9:00 a.m.

PLACE: Tour of the St. Johns River Lower Basin from Sister Creek Boat Ramp, Hechscher Drive (via SR 9A), Jacksonville, FL to City Dock, Palatka, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Member Educational Tour of the Lower St. Johns River Basin.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Missy McDermont, 4049 Reid Street, Palatka, FL 32177, (386)329-4347.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Missy McDermont at (386)329-4347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 8, 2008, 2:00 p.m.

PLACE: Crystal River Preserve State Park Visitor Center, 3266 North Sailboat Avenue, Crystal River, Florida 34428

GENERAL SUBJECT MATTER TO BE CONSIDERED: Kings Bay Working Group Semi-Annual Meeting to exchange information on the status and management of the environmental resources of Kings Bay/Crystal River, which Citrus Co. Task Force and Basin Board members may be in attendance.

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 4286.

Pursuant to the provisions of 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: (352)796-7211 or 1(800)423-1476 (Florida only), extension 4226, TDD: 1(800)231-6103 (Florida only); Fax: (352)797-5806. If you are 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: Wednesday, October 22, 2008, 1:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of the Well Drillers Advisory Committee (WDAC) business. Some members of the District's Governing and Basin Boards may also attend the meeting.

A copy of the agenda may be obtained by contacting: Patty McLeod, Regulation Performance Management Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 33604.

Pursuant to the provisions of 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 Manual 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 **Water Resources Advisory Commission (WRAC)** Recreational Issues Workshop announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2008, 5:00 p.m. – 8:00 p.m.

PLACE: Osceola County Extension Office, UF/IFAS Extension, 1921 Kissimmee Valley Ln., Kissimmee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding recreation issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of 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's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Audit & Finance Committee Meeting

DATE AND TIME: October 8, 2008, 9:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Workshop

DATE AND TIME: October 8, 2008, 10:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Regular Business Meeting

DATE AND TIME: October 9, 2008, 9:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of these meetings 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 Business 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. If Workshop items are not discussed on October 8, 2008, the items may be discussed on October 9, 2008.

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 2008/2009 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty at (561)682-2087, or at https://my.sfwmd.gov/portal/page?_pageid=2574,13014318&_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: October 8, 2008, 9:00 a.m. – completed

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 9, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in *United States of America v. South Florida Water Management District, et al.*, United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members). **ATTENDEES:** Governing Board Members E. Buermann, M. Collins, C. Dauray, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: October 8, 2008, 9:00 a.m. – completed
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 9, 2008, 9:00 a.m. – completed
PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in 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, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: October 8, 2008, 9:00 a.m. – completed
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 9, 2008, 9:00 a.m. – completed
PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, October 9, 2008. Regular meeting: 9:00 a.m.; Public hearing is anticipated to start after completion of the Discussion Agenda but may occur earlier or later in the day

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing of the Governing Board of the South Florida Water Management District to adopt an amendment to add the River of Grass Project, located in Gilchrist, Glades, Hendry, and Palm Beach Counties, to the SFWMD Florida Forever Work Plan, 2008 Annual Update; included as Chapter 6A, Volume II of the South Florida Environmental Report. Public comments on the amendment may be made by regular mail or e-mail received by the District no later than 5 pm October 7, 2008 or in person at the public hearing on October 9, 2008. At the conclusion of the public hearing, the District Governing Board will vote on the recommendation to adopt the Plan amendment.

A copy of the agenda may be obtained by contacting: (1) District website: www.sfwmd.gov or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

South Florida Water Management District Leasing Corporation
DATE AND TIME: October 9, 2008, Immediately following the conclusion of the Business Meeting of the Governing Board of the South Florida Water Management District until complete.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of 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.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the South Florida Water Management District Leasing Corporation to discuss leasing corporation business.

A copy of the agenda may be obtained by contacting: Jacki McGorty at (561)682-2087, or at https://my.sfwmd.gov/portal/page?_pageid=2574,13014451&_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 public meeting to which all persons are invited.

Northern Everglades Caloosahatchee River Watershed Protection Plan Public Meeting

DATE AND TIME: October 27, 2008, 6:00 p.m.

PLACE: Lower West Coast Service Center, 2301 McGregor Boulevard, Ft. Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Caloosahatchee River Watershed Protection Plan is a requirement of the Northern Everglades and Estuary Protection Program legislation, Section 373.4595, F.S., enacted by the Florida Legislature in 2007. This meeting provides an opportunity for the public to comment on the draft plan which will be released on October 1, 2008. An overview of the draft plan will be presented followed by an open forum for public comment. For a copy of the draft plan, visit <https://my.sfwmd.gov/northerneverglades>.

A copy of the agenda may be obtained by contacting: Pinar Balci, Lead Program Specialist, South Florida Water Management District at (561)644-2326 or pbalci@sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Northern Everglades St. Lucie River Watershed Protection Plan Public Meeting

DATE AND TIME: October 28, 2008, 6:00 p.m.

PLACE: Martin/St. Lucie Service Center, 780 S. E. Indian Street, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: The St. Lucie River Watershed Protection Plan is a requirement of the Northern Everglades and Estuary Protection Program legislation, Section 373.4595, F.S., enacted by the Florida Legislature in 2007. This meeting provides an opportunity for the public to comment on the draft plan which will be released on October 1, 2008. An overview of the draft plan will be presented followed by an open forum for public comment. For a copy of the draft plan, visit <https://my.sfwmd.gov/northern-everglades>.

A copy of the agenda may be obtained by contacting: Pinar Balci, Lead Program Specialist, South Florida Water Management District at (561)644-2326 or pbalci@sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 1, 2008, 9:30 a.m.

PLACE: Manatee County Administrative Center, 1112 Manatee Avenue, West, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: (941)316-1776. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: (941)316-1776.

DEPARTMENT OF ELDER AFFAIRS

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2008, 12:00 Noon

PLACE: 988 Woodcock Rd., (Conference Room), Orlando, Florida 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Lashea Heidelberg at (407)228-7752.

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

For more information, you may contact: Lashea Heidelberg at (407)228-7752.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2008, 10:00 a.m.
 PLACE: St. Lucie County Commissioners Bldg., 2300 N. Virginia, 3rd Floor, Conference Room, Ft. Pierce, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Nancy Schoemig at (772)595-1385.

Pursuant to the provisions of 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: Nancy Schoemig at (772)595-1385. If you are 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: Nancy Schoemig at (772)595-1385.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2008, 8:30 a.m.
 PLACE: 4160 Woodcock Drive, Bldg. #2800, 2nd Floor, Jacksonville, Florida 32207
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Micheal Milliken at (904)391-3942.

Pursuant to the provisions of 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: Micheal Milliken at (904)391-3942. If you are 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: Micheal Milliken at (904)391-3942.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2008, 1:00 p.m.
 PLACE: 1400 West Commercial Blvd., 2nd Floor, Fort Lauderdale, Florida 33309
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Susan Nix at (954)747-7919.

Pursuant to the provisions of 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: Susan Nix at (954)747-7919. If you are 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: Susan Nix at (954)747-7919.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: October 15, 2008, 9:30 a.m.
 PLACE: 3800 Common Wealth Blvd., Carr Bldg., Room #101, Tallahassee, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Janice Harvey at (850)921-4703.

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

For more information, you may contact: Janice Harvey at (850)921-4703.

DEPARTMENT OF MANAGEMENT SERVICES

The **Southwood Shared Resource Center (SSRC)** announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2008, 1:30 p.m. – 4:30 p.m. or until Board Business is concluded
 PLACE: Betty Easley Center, 4075 Esplanade Way, Conference Room 152, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the SSRC Board of Trustees. Section 282.205, F.S., establishes the Southwood Shared Resource Center, formerly the Shared Resource Center, to enhance communication among state agencies and identify statewide enterprise information technology solutions.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

The **Florida Black Business Investment Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 9, 2008, 10:00 a.m.

PLACE: Telephone Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FBBIB Board of Directors in conjunction with the Minority Business Information Center, LLC (a subsidiary of the FBBIB) hereby announce their meetings to discuss operations, identify areas for future board priorities, receive reports from committees/task force, review/approve related issues and other business as needed, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: FBBIB, Inc., 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308, (850)878-0826.

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: FBBIB, Inc., 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308, (850)878-0826.

The **Department of Management Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 3, 2008, 9:00 a.m. – 12:00 Noon

PLACE: 4050 Esplanade Way, Conference Room 101, Tallahassee, FL. The following Call-in Number will be available for the meeting: 1(888)808-6959, Code 4139503#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida State Employees' Charitable Campaign Steering Committee will:

1. Review and vote on staff recommendations to reconcile 2007 Undesignated Funds determinations;
2. Discuss standardization of review and determination process of Undesignated Funds applications (Direct and Local services); and
3. Discuss Section 110.181, Florida Statutes, and related issues.

A copy of the agenda may be obtained by contacting: Erin Thoresen at erin.thoresen@dms.myflorida.com or call (850)922-1274.

Pursuant to the provisions of 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: Erin Thoresen at erin.thoresen@dms.myflorida.com or call (850)922-1274. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Erin Thoresen at erin.thoresen@dms.myflorida.com or call (850)922-1274.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, October 8, 2008, 12:00 Noon; Thursday, October 9, 2008, 8:00 a.m.; Friday, October 10, 2008, 8:00 a.m.

PLACE: The DoubleTree Castle Hotel, 8629 International Drive, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, MS N-14, Tallahassee, FL 32399-1039, (850)922-2701.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, MS N-14, Tallahassee, FL 32399-1039, (850)922-2701. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, MS N-14, Tallahassee, FL 32399-1039, (850)922-2701.

NOTICE OF CANCELLATION – The Florida Board of Professional Engineers announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, September 26, 2008, 10:00 a.m. is CANCELED

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida, Call In Number 1(866)895-8146, Passcode 5210500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by 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 by contacting Carrie A. Flynn. If you are 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.

The **Florida Board of Professional Engineers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 10, 2008, 10:00 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida, Call In Number 1(866)895-8146, Passcode 30295716

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by 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 by contacting Carrie A. Flynn. If you are 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.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 13, 2008, 8:30 a.m., or soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Hilton Fort Lauderdale Beach Resort, 505 N. Ft. Lauderdale Beach Resort, Ft. Lauderdale, FL 33304

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of 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: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. If you are 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: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

The **Florida Real Estate Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 14, 2008, 8:30 a.m. or soonest thereafter

PLACE: Hilton Fort Lauderdale Beach Resort, 505 N. Ft. Lauderdale Beach Resort, Ft. Lauderdale, FL 33304

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address minor violations or Rule 61J2.14.008, F.A.C.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of 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: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. If you are 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: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

The **Florida Real Estate Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 14, 2008, 8:30 a.m. or soonest thereafter

PLACE: Hilton Fort Lauderdale Beach Resort, 505 N. Ft. Lauderdale Beach Resort, Ft. Lauderdale, FL 33304

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address minor violations or Rule 61J2.14.008, F.A.C.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of 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: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. If you are 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 Real Estate Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, October 14, 2008; Wednesday, October 15, 2008, 8:30 a.m.

PLACE: Hilton fort Lauderdale Beach Resort, 505 N. Ft. Lauderdale Beach Resort, Ft. Lauderdale, FL 33304

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Chapter 61J2, Florida Administrative Code, rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of 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: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. If you are 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: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

The Florida **State Boxing Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2008, 10:30 a.m.

PLACE: Telephone Conference Call Number: 1(888)808-6959, Conference Code: 4137430#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct General Business Meeting.

A copy of the agenda may be obtained by contacting: Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-8500.

Pursuant to the provisions of 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: Christa Patterson at (850)488-8500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2008, 1:00 p.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: General subject matter to be discussed: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Siting Coordination Office** announces a hearing to which all persons are invited.

DATE AND TIME: September 30, 2008, 9:00 a.m.

PLACE: Growth Management Building, Conference Room, 2710 East Silver Springs Boulevard, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Environmental Protection announces an administrative hearing to consider land use issues in the case of Progress Energy Florida Levy Nuclear Plant, Power Plant Siting Application PA08-51, DOAH Case No. 08-2727EPP, OGC Case No. 08-1621. Administrative Law J. Lawrence Johnston will take testimony and evidence regarding land use issues pertaining to the Progress Energy Florida's Site Certification Application ("SCA") for the proposed Levy Nuclear Plant. On July 17, 2008, Marion County issued a determination that the Levy Nuclear Plant, is consistent with existing local land use plans and zoning ordinances in Marion County, pursuant to the Florida Electrical Power Plant Siting Act, Section 403.50665, Florida Statutes. On August 28, 2008, the Department received petitions disputing Marion County's determination. Pursuant to Section 403.508(1), F.S., the sole issue for determination at a land use hearing shall be whether or not the proposed site is consistent and in compliance with existing land use plans and zoning ordinances. If the administrative law judge concludes that the proposed site is not consistent or in compliance with existing land use plans and zoning ordinances, the administrative law judge shall receive at the hearing evidence on, and address in the recommended order any changes to or approvals or variances under, the applicable land use plans or zoning ordinances which will render the proposed site consistent and in compliance with the local land use plans and zoning ordinances.

A copy of the agenda may be obtained by contacting: Michael Halpin, 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: Jill Stoyshich 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).

For more information, you may contact: Michael Halpin, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

The **Land Management Uniform Accounting Council**, established pursuant to Section 259.037, F.S., announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2008, 9:00 a.m.

PLACE: Marjory Stoneman Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To establish a methodology and formula for allocating Conservation and Recreation Lands Trust Fund land management funds to state agencies pursuant to Section 259.032, F.S., as amended by Senate Bill 542 (Ch. 2008-229, Laws of Florida).

A copy of the agenda may be obtained by contacting: Marianne Gengenbach at (850)245-2773, email: marianne.gengenbach@dep.state.fl.us or write to 3900 Commonwealth Boulevard, M.S. 100, Tallahassee, FL 32399-3000.

Pursuant to the provisions of 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: Marianne Gengenbach at the above address. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Marianne Gengenbach at the above address.

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2008, 10:00 a.m.

PLACE: TREEO Center, 3900 S. W. 63rd Blvd., Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Technical Advisory Committee for possible future amendments to Chapter 62-503, F.A.C., State Revolving Loan Program.

A copy of the agenda may be obtained by contacting: Tim Banks at (850)245-8360.

Pursuant to the provisions of 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: Tim Banks at (850)245-8360. If you are 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 CANCELLATION – The **Department of Environmental Protection** announces the cancellation of a hearing.

DATES AND TIME: October 7-10, 2008; October 13-17, 2008, 1:00 p.m.

PLACE: Miami Marriott Dadeland, 9090 South Dadeland Boulevard, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLATION OF HEARING: The certification hearing scheduled for October 7-10, 2008 and October 13-17, 2008, and noticed on August 22, 2008, for the FPL Turkey Point Units 3 & 4 Uprate Project, Power Plant Site Certification Application number PA03-45A2, DOAH Case number 08-0378EPP, DEP Office of General Counsel Case Number 08-0089 has been cancelled. In accordance with the Florida Electrical Power Plant Siting Act, Section 403.508(6), F.S., on September 17, 2008, all parties to this proceeding stipulated that there are no disputed issues on material fact or law to be raised at the certification hearing and filed a motion requesting that the Administrative Law Judge cancel the certification hearing and relinquish jurisdiction to the Department of Environmental Protection pursuant to Section 403.508(6)(a), F.S. Administrative Law Judge Donald R. Alexander issued an order granting the request pursuant to Section 403.508(6)(b), F.S. Pursuant to Section 403.509(1), F.S., the Department of Environmental Protection will prepare and issue a Final Order within 40 days of the Judge's Order.

For more information, you may contact: Mr. Michael P. Halpin, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2008, 9:30 a.m. – 11:30 a.m.

PLACE: City of Stuart Flagler Recreation Center, Room 1, 201 S. W. Flagler Avenue, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: The St. Lucie Estuary TMDL Technical Group was formed to provide a forum for stakeholders to discuss issues related to the St. Lucie Estuary TMDLs. The Group has drafted a TMDL report and would like to invite public comment on the TMDL report. The focus of the meeting will be a presentation of the draft St. Lucie Nutrient and Dissolved Oxygen TMDL.

A copy of the agenda may be obtained by contacting: Dr. Keith D. Parmer, Florida Department of Environmental Protection, 2600 Blair Stone Road, Division of Environmental Assessment and Restoration, MS 3555, Tallahassee, FL 32399-2400, (850)245-8457.

Pursuant to the provisions of 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: Dr. Keith D. Parmer at (850)245-8457. If you are 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 **Board of Chiropractic Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 14, 2008, 12:30 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida. Meet Me Number: 1(888)808-6959, Conference Code: 9849329103#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/chiro/index.html.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Dentistry** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 6, 2008, 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959 when prompted, enter Conference Code 2453454

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster at (850)245-4474.

The Florida **Board of Massage Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 6, 2008, 9:00 a.m. or soon there after

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

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.

A copy of any item on the agenda may be obtained by writing: Christy Robinson, Program Operations Administrator, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Christy Robinson, (850)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 10, 2008, 2:00 p.m.

PLACE: To be held via meet-me number 1(888)808-6959, Conference Code 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us. If you are hearing or

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 24, 2008, 2:00 p.m.

PLACE: To be held via meet-me number 1(888)808-6959, Conference Code 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 14, 2008, 2:00 p.m.

PLACE: To be held via meet-me number 1(888)808-6959, Conference Code 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 21, 2008, 2:00 p.m.

PLACE: To be held via meet-me number: 1(888)808-6959, Conference Code 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 12, 2008, 2:00 p.m.

PLACE: To be held via meet-me number: 1(888)808-6959, Conference Code 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 19, 2008, 2:00 p.m.

PLACE: To be held via meet-me number: 1(888)808-6959, Conference Code 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**, Tripartite Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2008, 8:30 a.m.

PLACE: The Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, FL 32607, (352)371-3600. The meeting will also be available via Conference Call Number: 1(888)808-6959, Conference Code 5642037.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from previous meeting; Rules Update; review Rule 64B16-26.103, F.A.C., Continuing Education Credits; Rule 64B16-26.6012, F.A.C., Guidelines for Board Ordered Disciplinary Courses; discuss Pharmacy Technician Training Program; and open discussion. Training will also be provide for committee members at the end of the meeting.

A copy of the agenda may be obtained by contacting: Board of Pharmacy at (850)245-4292.

For more information, you may contact: The agenda will be available at www.doh.state.fl.us/mqa/pharmacy, one week prior to the meeting.

The **Board of Pharmacy**, Professional Practice Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2008, 2:00 p.m.

PLACE: The Hilton University of Florida Conference Center, 1714 S. W. 34th Street, Gainesville, FL 32607, (352)371-3600

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from the previous meeting; discuss Weight Loss Drugs; Review, Rule 64B16-27.420, F.A.C., Pharmacy Technician Responsibilities, Rule 64B16-27.430, F.A.C., Responsibilities of the Pharmacist, Rule 64B16-28.303, F.A.C., Destruction of Controlled Substances-All Permittees (except Nursing Homes); Pharmacy Technician Training Program; and open discussion.

A copy of the agenda may be obtained by contacting: Board of Pharmacy at (850)245-4292.

For more information, you may contact: The agenda will be available at www.doh.state.fl.us/mqa/pharmacy, one week prior to the meeting.

The **Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIMES: October 14, 2008, 4:00 p.m.; October 15, 2008, 8:00 a.m.

PLACE: The Hilton University of Florida Conference Center, 1714 S. W. 34th Street, Gainesville, FL 32607, (352)371-3600

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254.

Pursuant to the provisions of 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: Board of Pharmacy at (850)245-4292. If you are

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 agenda will also be available one week prior to the meeting date at www.doh.state.fl.us/mqa/pharmacy.

The Florida **Department of Health, Division of Environmental Health**, Bureau of Onsite Sewage Programs announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2008, 9:30 a.m.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and guide current, proposed, and potential future onsite sewage research projects. The meeting will specifically discuss Specific Appropriation 1682, which requires the Department of Health to conduct a study to further develop cost-effective nitrogen reduction strategies and to perform an inventory of onsite systems in the State of Florida. The meeting will also review proposals for research projects which may include, depending on the proposals received, the Statewide Inventory of Onsite Sewage Treatment and Disposal Systems in Florida, the Evaluation of Water Quality Around the Town of Suwannee Florida and Comparison to Historic Data, and/or the Florida Onsite Sewage Nitrogen Reduction Strategies Study.

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, by phone at (850)245-4070, or by e-mail at Susan_Polangin@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, by phone at 850-245-4070, or by e-mail at Susan_Polangin@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 1, 2008, 6:30 p.m. – 8:30 p.m.

PLACE: University of Miami Rosenstiel School of Marine and Atmospheric Science, 4600 Rickenbacker Causeway, Marine Science Center Auditorium, Miami, Florida 33149

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues and solicit public comment concerning draft statutory language pertaining to anchoring, mooring and vessel management.

A copy of the agenda may be obtained by contacting: Fish and Wildlife Conservation Commission, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399-1600, (850)488-5600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Fish and Wildlife Conservation Commission, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399-1600, (850)488-5600.

FINANCIAL SERVICES COMMISSION

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 10, 2008, 9:00 a.m.

PLACE: 401 Senate Office Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cincinnati Insurance Company and Cincinnati Indemnity Company have requested average statewide rate increases of 36.8% and 39.6% for their homeowners and dwelling fire programs, respectively. The proposed rate increases would be effective March 1, 2009, for new and renewal business. The requested rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the

insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the Office of Insurance Regulation at ratehearings@floir.com; the subject line of your e-mail should read "Cincinnati."

A copy of the agenda may be obtained by contacting: Rhoda K. Johnson, Esquire at (850)413-4252 or Veronica Moss at (850)413-2616.

Pursuant to the provisions of 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: Veronica Moss at (850)413-2616 or e-mail her at veronica.moss@floir.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 **Office of Financial Regulation** announces a workshop to which all persons are invited.

DATE AND TIME: October 15, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Office of Financial Regulation, First Floor, Conference Room (Room A), 400 W. Robinson St., Hurston South Tower, Orlando, FL 32801-1799

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a rule workshop relating to the regulation of Money Services Businesses. The workshop will focus on rules relating to disciplinary guidelines. A revised draft of the disciplinary guidelines (Proposed Rule 69V-560.1000, F.A.C.) will be posted on the Office of Financial Regulation's website (www.flofr.com) once it becomes available. This revised draft will replace the draft dated July 11, 2008, which is currently posted on the Office's website.

A copy of the agenda may be obtained by contacting: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.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 3 days before the workshop/meeting by contacting: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com.

The **Office of Financial Regulation** announces a workshop to which all persons are invited.

DATE AND TIME: October 17, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Broward County Library, Hollywood Branch, 2600 Hollywood Boulevard, Hollywood, FL 33020

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a rule workshop relating to the regulation of Money Services Businesses. The workshop will focus on rules relating to disciplinary guidelines. A revised draft of the disciplinary guidelines (Proposed Rule 69V-560.1000, F.A.C.) will be posted on the Office of Financial Regulation's website (www.flofr.com) once it becomes available. This revised draft will replace the draft dated July 11, 2008, which is currently posted on the Office's website.

A copy of the agenda may be obtained by contacting: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.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 3 days before the workshop/meeting by contacting: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com.

FLORIDA INDEPENDENT LIVING COUNCIL, INC.

The **Florida Independent Living Council, Inc.** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 2, 2008, 12:30 p.m. (EST)

MEETING: Advocacy Committee Meeting

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

DATE AND TIME: Thursday, October 3, 2008, 12:30 p.m. (EST)

MEETING: Strategic Visioning

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

DATE AND TIME: Thursday, October 9, 2008, 1:30 p.m. (EST)

MEETING: Planning Committee Meeting

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

DATE AND TIME: Thursday, October 9, 2008, 2:30 p.m. (EST)

MEETING: Evaluation Committee Meeting

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

DATE AND TIME: Thursday, October 16, 2008, 1:30 p.m. (EST)

MEETING: Finance Committee Meeting

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

DATE AND TIME: Thursday, October 23, 2008, 2:30 p.m. (EST)

MEETING: Executive Committee Meeting

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

DATE AND TIME: Thursday, October 24, 2008, 1:30 p.m. (EST)

MEETING: Strategic Visioning

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

DATES AND TIME: Wednesday-Friday, November 12-14, 2008, TBA

MEETING: Full Council Meeting

PLACE: Daytona Beach Resort and Conference Center, 2700 N. Atlantic Avenue, Daytona Beach, Florida 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

FLORIDA PORTS COUNCIL

The **Florida Seaport Transportation and Economic Development Council** (FSTED) Project Review Group announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 3, 2008, 9:00 a.m.

PLACE: Call-In number: (850)415-9100, Florida Department of Transportation, 605 Suwannee Street, Room 348, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business.

A copy of the agenda may be obtained by contacting: Toy Keller at the Florida Ports Council at (850)222-8028.

Pursuant to the provisions of 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: Toy Keller, Florida Ports Council at (850)222-8028. If you are 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: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028

VOLUSIA COUNTY ENGINEERING AND CONSTRUCTION

The **Volusia County Public Works** announces a hearing to which all persons are invited.

DATE AND TIMES: October 7, 2008, 5:30 p.m., Open House; 6:00 p.m., Formal Public Hearing

PLACE: Daytona State College, University of Central Florida, The University Center, Building 150, Room 101, 1200 West International Speedway Blvd., Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of the Dunn Avenue Extension Project Development and Environment (PD&E) Study. The limits of the project are from the Dunn Avenue - Williamson Boulevard intersection west to Tomoka Farms Road.

A copy of the agenda may be obtained by contacting: Mr. Paul Schmidt, Reynolds, Smith & Hills Inc., 10748 Deerwood Park Boulevard, South, Jacksonville, Florida 32256, or call Mr. Schmidt at (904)256-2258.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Paul Schmidt, Reynolds, Smith & Hills Inc., 10748 Deerwood Park Boulevard, South, Jacksonville, Florida 32256, or call Mr. Schmidt at (904)256-2258. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Paul Schmidt, Reynolds, Smith & Hills Inc., 10748 Deerwood Park Boulevard, South, Jacksonville, Florida 32256 or e-mail at paul.schmidt@rsandh.com.

OFFICE OF THE STATE COURTS ADMINISTRATOR

The **Florida State Courts System** announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, October 8, 2008, 2:00 p.m.

PLACE: Supreme Court Building – OSCA Executive Conference Room, 500 South Duval Street, Tallahassee, Florida 32399-1900

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Office of the State Courts Administrator will present an overview of the State Courts System’s 2009-2010 legislative budget request followed by a time for public questions and comments. AUTHORITY: Section 216.131, Florida Statutes.

Any person wishing to testify is asked to contact Ms. Dorothy Wilson, Manager of Budget Services, by October 3, 2008, 5:00 p.m., at the address above. Written comments may be submitted to the hearing officer at the proceeding or mailed to the Office of the State Courts Administrator at the above address.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least three (3) days before the workshop/meeting by contacting: Ms. Dorothy Wilson, Manager of Budget Services, no later than October 3, 2008, 5:00 p.m., by phone (850)488-3735 or in person at the Supreme Court Building. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WEST CENTRAL FLORIDA AREA AGENCY ON AGING, INC.

The West Central Florida Area Agency on Aging, Inc. announces five public hearings to which all persons are invited.

Polk County:

DATE AND TIME: Tuesday, October 14, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: USF RATH Senior ConNexTions & Education Center, 1350 E. Main Street, C-200, Bartow, FL 33830

Hardee County:

DATE AND TIME: Tuesday, October 14, 2008, 2:00 p.m. – 3:30 p.m.

PLACE: Catheryn McDonald Senior Center, 310 N. 8th Avenue, Wauchula, FL 33873

Manatee County:

DATE AND TIME: Wednesday, October 15, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Renaissance on 9th, 1816 9th Street West, Bradenton, FL 34205

Highlands County:

DATE AND TIME: Tuesday, October 21, 2008, 9:00 a.m. – 10:30 a.m.

PLACE: Highlands Independent Bank, 2600 US Hwy. 27 North, Sebring, FL 33870

Hillsborough County:

DATE AND TIME: Tuesday, October 22, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Tampa Lighthouse for the Blind, 1106 W. Platt Street, Tampa, FL 33606

GENERAL SUBJECT MATTER TO BE CONSIDERED: The West Central Florida Area Agency on Aging, Inc. (WCFAAA) is seeking public comment on funding allocations currently being provided for elder services.

A copy of the agenda may be obtained by contacting: nelsonp@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 4 days before the workshop/meeting by contacting: Paula Nelson at 1(800)326-2226, ext. 5583. Space is limited and reservations are required. If you are 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: West Central Florida Area Agency on Aging, Inc., 5905 Breckenridge Parkway, Suite F, Tampa, FL 33610, e-mail: nelsonp@elderaffairs.org. Comments will be accepted via mail or email until October 24, 2008.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from W. Vincent, on behalf of Construction Specialists, on August 11, 2008. Petitioner seeks clarification of a previously issued Declaratory Statement, number DCA04-DEC-219, with regard to louvers. Petitioner asks whether louvers that do not require impact resistance and are installed in buildings outside the wind borne debris or high velocity hurricane zones require Florida product approval under Chapter 9B-72, Florida Administrative Code, or whether they can be custom-engineered by rational design without testing. If a Florida approval number is required, Petitioner asks whether DCA04-DEC-219 is still valid, and if so, whether local building officials must accept the louver installation if the calculations are stamped by a Florida registered engineer. It has been assigned the number DCA08-DEC-237.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from W. Vincent, on behalf of Construction Specialties, on August 11, 2008. Petitioner asks for clarification of the requirements of Section 1609.1.2.1, Florida Building Code, Building Volume, (2007) as to louvers that are installed both within 30 feet of grade and higher, on buildings in Florida wind borne debris regions outside the high velocity hurricane zone. Specifically, petitioner asks if louvers that are protecting ventilation ducts not assumed to be open must be large missile impact resistant, and if there are any impact resistance requirements that apply when there are no ducts attached to the louver. It has been assigned the number DCA08-DEC-236.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from W. Vincent, on behalf of Construction Specialties, on August 11, 2008. Petitioner seeks clarification of the impact testing requirements for louvers installed in nursing homes, hospitals, and schools within enhanced hurricane protection

areas under Sections 420.4.2.5.1, 419.4.2.5.1, and 423.25.4.1, Florida Building Code, Building Volume, (2007). It has been assigned the number DCA08-DEC-238.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from W. Vincent, on behalf of Construction Specialties, on August 11, 2008. Petitioner seeks clarification of Section 1626 of the Florida Building Code, Building Volume, (2007) with regard to louvers. Petitioner asks whether all louvers installed in a high velocity hurricane zone (Miami-Dade and Broward Counties) must have a Dade County Notice of Acceptance Number, or if a Florida Approval number is sufficient. Petitioner also asks whether all louvers installed in a building in the high velocity hurricane zone where the room or duct is designed as an open structure with internal pressure coefficients of zero, are exempt from impact testing as long as they properly consider ASCE 7. Finally, Petitioner asks whether building occupancy affects the large missile impact requirements for louvers installed in the high velocity hurricane zone. It has been assigned the number DCA08-DEC-239.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Joseph R. Hetzel, P.E., on behalf of Door & Access Systems Manufacturers Association International (DASMA), on September 3, 2008. Petitioner seeks clarification of the requirements of Sections 1714.5.3.4, Florida Building Code, Building Volume (2007) and R613.4.5, Florida Building Code, Residential Volume (2007) for garage door labels, and asks if the garage door product code is an acceptable equivalent to the "garage door model/series number" required on labels. It has been assigned the number DCA08-DEC-255.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Chris Birchfield, on behalf of No-Burn SE, Inc., on September 5, 2008, regarding whether the Petitioners products,

a line of spray-applied fire-retardants, are within the scope of Chapter 9B-72, F.A.C. It has been assigned the number DCA08-DEC-257.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from David E. Sands, AIA, on behalf of Bamboo Technologies, on September 5, 2008, regarding whether the Petitioners products, a line of structural bamboo poles used in home construction, are within the scope of Chapter 9B-72, F.A.C. It has been assigned the number DCA08-DEC-258.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Timothy Graboski, on behalf of Ridged Systems, LLC, on September 11, 2008. Petitioner asks for clarification of the requirements of the Florida Building Code, Building Volume, (2004 as amended) for hip and ridge assembly components of roof tile systems on buildings within the high velocity hurricane zone. It has been assigned the number DCA08-DEC-266.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Sandra Gump, on behalf of Fomo Products, Inc., on September 12, 2008, regarding whether the Petitioner's products, a foam spray and a crack and void filler, both designed to prevent fire from spreading, are within the scope of Chapter 9B-72, F.A.C. It has been assigned the number DCA08-DEC-268.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from The Decoplage Condominium Association, Inc., Docket No. 2008050050. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, and Chapter 61B-23, F.A.C., as it applies to the petitioner.

Whether The Decoplage Condominium Association, Inc. must conduct a vote to elect directors in 2008 where no election is required under its current bylaws, which provide for two year terms that end in 2009, under the amendment to Section 718.112(2)(d)1., Florida Statutes, adopted by Chapter 2008-28, s. 7, Laws of Florida, and subsection 61B-23.0021(2), Florida Administrative Code.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Construction Industry Licensing Board hereby gives notice that on August 28, 2008, it received a Petition for Declaratory Statement filed by Timothy P. Atkinson, Esq. on behalf of Tankinetics, Inc. The petition seeks the Board's interpretation of Sections 489.103(6), 489.105, 489.115(1) and 489.133(5)(a), Florida Statutes, and whether the Petitioner is generally exempt from construction industry licensing requirements pursuant to Sections 489.103(6), Florida Statutes, for its manufacture, assembly, and erection of prefabricated, fiberglass, above-ground storage tanks for industrial applications, and/or that Petitioner is not acting as a "contractor" as defined by Section 489.105(3), Florida Statutes, and/or that the assembly and installation of the pre-fabricated tanks do not require any license in any category under Section 489.105(3)(a)-(q) or 489.133(5)(a), Florida Statutes.

Copies of the petition may be obtained from: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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 Opticianry hereby gives notice that it has received a petition for Declaratory Statement, filed on September 10, 2008, by Amy M. Arcand, LDO, ABOM, NCLE, FNAO. The Petitioner seeks the Board's guidance regarding several issues relating to Sections 484.013(1)(b) and 484.014(p), Florida Statutes. Specifically, this includes a request as to: 1) whether a licensed optician can oversee a trained person and allow them to prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or other optical devices when such a person is not licensed as an optician in Florida; and 2) whether a licensed optician can oversee a trained person and allow them to fit or dispense any lenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry.

The Board will address this Petition at its next meeting.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

The Board of Massage Therapy hereby gives notice that on July 28, 2008, it received a Petition for Declaratory Statement filed by Reverend Dr. Elizabeth Kapadia, D.N.Ph.D. The petition seeks the Board's interpretation of Section 480.047(1), Florida Statutes, and whether practicing Reiki, Laying of the hands, cranial, and any other energy work that is deemed through God, Free without compensation, falls within the definition and scope of massage therapy, or if it is in fact separate and distinct from massage therapy for licensing purposes.

Copies of the petition may be obtained from: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

NOTICE IS HEREBY GIVEN THAT on August 12, 2008 the Department of Health has received the petition for declaratory statement from: Medical Arts Pharmacy, Inc., 2950 Central Avenue, St. Petersburg, Florida 33712. The petition seeks the

agency's opinion as to the applicability of Chapter 499, Florida Statutes and subsection 64F-12.012(3), Florida Administrative Code as it applies to the petitioner.

The petition seeks a Declaratory Statement from the Department of Health, Drugs Devices and Cosmetics Program regarding drug pedigrees covered in Chapter 499, Florida Statutes and subsection 64F-12.012(3), Florida Administrative Code. The Petition seeks the Department's approval of a pedigree.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4294.

Please refer all comments to: Rebecca Poston, R.Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4294.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, pursuant to Section 120.565, F.S. has received the petition for declaratory statement from: Mr. Clyde Lightbourn. The petition seeks the agency's opinion as to the applicability of paragraph 69B-220.201(5)(b), F.A.C., as it applies to the petitioner.

The Petitioner requests the Department to issue a declaratory statement on the following issues: Whether an agreement entered into by a licensed Florida public adjuster, which violates paragraph 69B-220.201(5)(b), Florida Administrative Code, regulating the behavior of public adjusters, is a legally binding and enforceable agreement. Whether a public adjuster is entitled to receive a fee in excess of the fee provision set forth in paragraph 69B-220.201(5)(b), F.A.C.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Mechele R. McBride, Assistant General Counsel, Division of Legal Services, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333.

**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

The University of Florida, Purchasing & Disbursement Services will receive sealed bids for the following: ITB09SVF-118, W/O 09079251, Replace Oil Switches, RP2 Project, estimated budget: \$550,000, to be opened October 29, 2008, 2:00 p.m., in 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: The University of Florida is planning to replace old, medium voltage oil switches with new vacuum interrupter switches (5 switches) at various locations. The work includes new MV conduit, ductbank, cabling and switchgear vaults. Mandatory pre-bid meeting will be held October 8, 2008, 10:00 a.m., in the PPD A/E Conference Room, Building 700, Radio Road, Gainesville, FL. Questions should be directed to Lisa Pennington, lpenn@ufl.edu or (352)392-1331. For more information visit www.purchasing.ufl.edu.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

EXPRESSWAY AUTHORITIES

MDX PROCUREMENT/CONTRACT NO.: ITB-09-02

MDX WORK PROGRAM NO.: 30021.060

MDX PROJECT/SERVICE TITLE:

STATE ROAD 836 PAVEMENT REHABILITATION

The Miami-Dade Expressway Authority (MDX) is requesting individual sealed bids for State Road 836 Pavement Rehabilitation. The Work consists of, but is not limited to, providing all Labor, Maintenance of Traffic schemes, Materials, Equipment and incidentals necessary for milling and resurfacing of SR 836 mainline asphalt pavement and selected ramps between 42nd Avenue and 27th Avenue as well as other selected ramps along SR 836 (the "Project"). MDX notifies all Bidders and individuals that it requires and encourages small, minority and women-owned businesses to have full opportunity to submit a response to any solicitation document issued by MDX. In accordance with its Small Business Participation Policy, available on MDX's website, MDX requires satisfaction of five percent (5%) small business participation requirement in this procurement. For copies of the ITB with complete information on the scope of services, prequalification requirements as well as submittal requirements, please log onto our web site: www.mdx-way.com or call MDX Procurement Office at (305)637-3277. Please note: In order to download any MDX solicitations, you must register as a vendor. The vendor registration can only be done through MDX's website. Deadline for submitting a Bid Package is October 28, 2008 by 2:00 p.m., Eastern Time. A Pre-Bid Conference is scheduled for September 30, 2008, 10:00 a.m. Attendance to the Pre-Bid Conference is NOT mandatory however, everyone is encouraged to attend.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF INVITATION TO BID

BID NO. BDC 18-08/09

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Kissimmee Prairie State Park – Campground Utilities Upgrade

SCOPE OF WORK: The contractor shall provide the necessary labor, materials, equipment, and supervision to construct satisfactorily Mobilization, Demobilization and Site Work activities shall generally include, but not be limited to the mobilization, demobilization of Contractor's labor, supervision, materials, equipment and other associated work such as project staging, site work, installation of water main extensions, temporary and primary electrical services and etc. Equestrian Campground Area Upgrades shall generally include, but not be limited to the construction of thirty-seven (37) new RV Sites electrical and potable water supply pedestals and their necessary utilities (I.E. electric and water) service connections with appurtenances and other associated work. Family Campground Area Upgrades shall generally include, but not be limited to the construction of four (4) additional new RV Sites electrical and potable water supply pedestals and their necessary utilities (I.E. electric & water) service connections with appurtenances and other associated work. Astronomy Observation Area Upgrades shall generally include, but not be limited to the construction of five (5) additional new RV Sites electrical supply pedestals, five (5) new quadruplet electrical supply pedestals and ten (10) new potable water supply pedestals and their necessary utilities (I.E. electric and water) service connections with appurtenances and other associated work.

PROJECT BUDGET: \$200,000.00

PARK LOCATION: Kissimmee Prairie State Park, 33104 N. W. 192nd Avenue, Okeechobee, Florida

PROJECT MANAGER: Fred Hand, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, Telephone: (850)488-5372, Fax: (850)488-1141.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1-June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon

request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on September 26, 2008 at: Kissimmee Prairie State Park, 33104 N. W. 192nd Avenue, Okeechobee, FL 34972, Attention: Charles Brown, Park Manager, Telephone: (863)462-5360, Fax: (863)462-5276.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m. (ET), Tuesday, October 21, 2008, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administer, Bureau of Design and Construction, (850)488-3572. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Friday, October 24, 2008, unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2242, Fax (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), F.S., shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, F.S. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, F.A.C. A bid protester shall comply with these statutes and rules.

NOTICE OF INVITATION TO BID

BID NO. BDC 19-08/09

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Bahia Honda State Park – Domestic Waste Water Treatment and Collection Transmission Systems Improvements.

SCOPE OF WORK: The contractor shall provide the necessary labor, materials, equipment, and supervision to construct satisfactorily complete the proposed expansion (10,000 gallon per day to 18,000 gallon per day capacity) of Sand Spur #3 Waste Water Treatment Plant (WWTP), modifications of Park wastewater collection and transmission systems, and abandonment of Sand Spur #4. These improvements and modifications include, but are not limited to the expansion of an existing Sand Spur #3 WWTP, while improving its biological nitrogen removal process; including modifications to existing wastewater collection and transmission systems, and construction of new wastewater collection and transmission systems, pump station (4) and force mains (approximately 19,250 linear ft., varied sizes); and the abandonment of the existing Sand Spur #4 WWTP (8,300 gallon per day capacity).

PROJECT BUDGET: \$600,000.00

PARK LOCATION: Bahia Honda State Park, 3685 Overseas Highway, Big Pine Key, Florida

PROJECT MANAGER: Fred Hand, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, Telephone: (850)488-5372, Fax: (850)488-1141.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1-June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional

information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on September 26, 2008 at: Bahia Honda State Park, 36850 Overseas Hwy., Big Pine Key, FL 33043, Attention: Manny Perez, Park Manager, Telephone: (305)872-2353, Fax: (305)292-6957.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m. (ET), Tuesday, October 28, 2008, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administer, Bureau of Design and Construction, (850)488-3572. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Friday, November 7, 2008, unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, Fax (850)245-2303, Lea.Crandall@dep.state.fl.us, during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Rule 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), F.S., shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, F.S. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, F.A.C. A bid protester shall comply with these statutes and rules.

POLK COUNTY WORKFORCE DEVELOPMENT BOARD, INC.

Program and Fiscal Monitoring

The POLK COUNTY WORKFORCE DEVELOPMENT BOARD, INC. (Board) d.b.a Polk Works is requesting proposals to provide program and fiscal monitoring and oversight reporting for the period beginning December 1, 2008 through November 20, 2009. The agreement may be negotiated for two additional one-year periods subject to Board approval based on successful performance review and financial negotiations. A copy of the Request for Proposals may be obtained by electronically at the Board's web site: www.polkworks.org by clicking on <Business Opps>, then clicking on <RFP's/Procurements> or by email addressed to Steve Thompson, Vice President of Operations, steve_thompson@polkworks.org. Proposals are to be delivered to 600 North Broadway Avenue, Suite B, Bartow, Florida 33830 prior to 4:00 p.m., Eastern Time, October 27, 2008.

BALFOUR BEATTY CONSTRUCTION, INC.

INVITATION FOR QUALIFIED CONTRACTORS TO SUBMIT SEALED BIDS

Balfour Beatty Construction LLC (BBC) is requesting SEALED BIDS from qualified Contractors for the above referenced project until 2:00 p.m., November 20, 2008, at the address provided below: Sealed bids will be opened publicly immediately following the 2:00 p.m. cut off.

Address: 804 N. W. Jackson Bluff Rd.

Mayo, FL 32066

Phone: (386)294-3100

Fax: (386)294-2485

E-Mail: kgray@balfourbeattyus.com

Bid Package will be available at NGI

Interested parties can obtain plans, specifications, bid package and prequalification forms at the following location starting October 15, 2008.

NGI (Ocala), 304A Southwest Broadway Street, Ocala, FL 34474, (352)622-5039

SEALED BIDS AND PREQUALIFICATION FORMS ARE TO BE SENT TO:

Kevin Gray/Balfour Beatty Construction, 804 N. W. Jackson Bluff Rd., Mayo, FL 32066 for receipt prior to 2:00 p.m., November 20, 2008.

A pre-bid conference will be held at 10:30 a.m., Wednesday, October 22, 2008. The location of the pre-bid conference is: Mayo Correctional Annex, Project Construction Trailer Conference Room, 804 N. W. Jackson Bluff Rd., Mayo, FL 32066 (same location bids will be received).

Balfour Beatty Construction does not discriminate on the basis of race, color, religion, age, sex, national origin, marital status, handicap or other reason prohibited by law.
 LICENSE CGC 05623.

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
 INTERLOCAL AGREEMENT CONSISTENT WITH
 SECTION 163.3177(2) AND (3), FLORIDA STATUTES
 DCA DOCKET NUMBER 40-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Madison County, Greenville, Lee, Madison and the Madison County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Madison County, 229 S. W. Pinckney Street, Madison, Florida 32340.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Madison County, Greenville, Lee, Madison and the Madison County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed

time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
 INTERLOCAL AGREEMENT CONSISTENT WITH
 SECTION 163.31777(2) AND (3), FLORIDA STATUTES
 DCA DOCKET NUMBER 66-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Walton County, Defuniak Springs, Paxton and the Walton County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Walton County Planning & Development Services Division, 31 Coastal Centre Boulevard, Suite 100, Santa Rosa Beach, Florida 32549.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Walton County, Defuniak Springs, Paxton and the Walton County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the

final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
 INTERLOCAL AGREEMENT CONSISTENT WITH
 SECTION 163.3177(2) AND (3), FLORIDA STATUTES
 DCA DOCKET NO. 53-14

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Polk County School Board and the City of Lake Wales, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Lake Wales, 201 Central Avenue W., Lake Wales, Florida 33859-1320.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Polk County School Board, Lake Wales. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and

testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
 INTERLOCAL AGREEMENT CONSISTENT WITH
 SECTION 163.3177(2) AND (3), FLORIDA STATUTES
 DCA DOCKET NO. 20-03

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Gadsden County School Board and the Town of Greensboro, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Greensboro Town Hall, East 11th Street, Greensboro, Florida 32330.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Gadsden

County School Board, Greensboro. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of Less
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Moto Dealer Import, LLC, intends to allow the establishment of A-1 Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 2204 West 15th Street, Panama City (Bay County), Florida 32401, on or after September 4, 2008.

The name and address of the dealer operator(s) and principal investor(s) of A-1 Scooters, LLC are dealer operator(s): Susan Viafora, 2204 West 15th Street, Panama City, Florida 32401; principal investor(s): Susan Viafora, 2204 West 15th Street, Panama City, Florida 32401.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jack Lin, President, Moto Dealer Import, LLC, 4998-B, South Royal Atlanta Drive, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of Less
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Moto Dealer Import, LLC, intends to allow the establishment of A-1 Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 2204 West 15th Street, Panama City (Bay County), Florida 32401, on or after September 4, 2008.

The name and address of the dealer operator(s) and principal investor(s) of A-1 Scooters, LLC are dealer operator(s): Susan Viafora, 2204 West 15th Street, Panama City, Florida 32401; principal investor(s): Susan Viafora, 2204 West 15th Street, Panama City, Florida 32401.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jack Lin, President, Moto Dealer Import, LLC, 4998-B, South Royal Atlanta Drive, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc. d/b/a Motobravo, Inc., intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 11485 Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after August 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 11485 Cleveland Avenue, Fort Myers, Florida 33907; principal investor(s): James Lynch, 11485 Cleveland Avenue, Fort Myers, Florida 33907.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, President, El Sol Trading, Inc. d/b/a Motobravo, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc. d/b/a Motobravo, Inc., intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 11485 Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after August 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 11485 Cleveland Avenue, Fort Myers, Florida 33907; principal investor(s): James Lynch, 11485 Cleveland Avenue, Fort Myers, Florida 33907.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, President, El Sol Trading, Inc. d/b/a Motobravo, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Powerful Diesel Corp. d/b/a All Scooters Plus, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 1322 East Altamonte Drive, Altamonte Springs (Seminole County), Florida 32701, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Powerful Diesel Corp. d/b/a All Scooters Plus are dealer operator(s): Margaret Marin, 1322 East Altamonte Drive, Altamonte Springs, Florida 32701; principal investor(s): Margaret Marin, 1322 East Altamonte Drive, Altamonte Springs, Florida 32701.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jack Lin, President, Moto Dealer Import, LLC, 4998-B, South Royal Atlanta Drive, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Moto Dealer Import, LLC, intends to allow the establishment of Allchin Florida Corp. d/b/a Automotion Fort Myers, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 1237 North Tamiami Trail, North Fort Myers (Lee County), Florida 33917, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Allchin Florida Corp. d/b/a Automotion Fort Myers are dealer operator(s): Dennis Allchin, 1237 North Tamiami Trail, North Fort Myers, Florida 33917; principal investor(s): Dennis Allchin, 1237 North Tamiami Trail, North Fort Myers, Florida 33917.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jack Lin, President, Moto Dealer Import, LLC, 4998-B, South Royal Atlanta Drive, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Moto Dealer Import, LLC, intends to allow the establishment of Allchin Florida Corp. d/b/a Automotion Fort Myers, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 1237 North Tamiami Trail, North Fort Myers (Lee County), Florida 33917, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Allchin Florida Corp. d/b/a Automotion Fort Myers are dealer operator(s): Dennis Allchin, 1237 North Tamiami Trail, North Fort Myers, Florida 33917; principal investor(s): Dennis Allchin, 1237 North Tamiami Trail, North Fort Myers, Florida 33917.

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.

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 Avisha Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corp. (HONL) at 19301 Southwest 106 Avenue, Suite #6, Miami (Dade County), Florida 33157, on or after August 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Avisha Scooters, Inc. are dealer operator(s): Chamrong Oung, 19301 Southwest 106 Avenue, Suite #6, Miami, Florida 33157; principal investor(s): Chamrong Oung, 19301 Southwest 106 Avenue, Suite #6, Miami, Florida 33157.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Avisha Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR

Motorcycle Co. Ltd. (JMST) at 19301 Southwest 106 Avenue, Suite #6, Miami (Dade County), Florida 33157, on or after August 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Avisha Scooters, Inc. are dealer operator(s): Chamrong Oung, 19301 Southwest 106 Avenue, Suite #6, Miami, Florida 33157; principal investor(s): Chamrong Oung, 19301 Southwest 106 Avenue, Suite #6, Miami, Florida 33157.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Avisha Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 19301 Southwest 106 Avenue, Suite #6, Miami (Dade County), Florida 33157, on or after August 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Avisha Scooters, Inc. are dealer operator(s): Chamrong Oung, 19301 Southwest 106 Avenue, Suite #6, Miami, Florida 33157; principal investor(s): Chamrong Oung, 19301 Southwest 106 Avenue, Suite #6, Miami, Florida 33157.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Johnny Pag Motorcycles, intends to allow the establishment of Source Sales, Inc. dba Biker-Barn, as a dealership for the sale of Johnny Pag motorcycles (PAGS) at 924 Del Prado Boulevard, Suite B, Cape Coral (Lee County), Florida 33990, on or after October 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Source Sales, Inc. dba Biker-Barn are dealer operator(s): Joe Arguinzoni, 2019 Southeast 10th Lane, Cape Coral, Florida 33990; principal investor(s): Joe Arguinzoni, 2019 Southeast 10th Lane, Cape Coral, Florida 33990.

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: JR Pag, Johnny Pag Motorcycles, 1851 McGaw Avenue, Irvine, California 92614.

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 Motomojo, Inc., intends to allow the establishment of Emmett Burns & Associates, Inc. d/b/a Burns & Associates, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corp. (QINJ) at 1919 Northwest 21st Street, Building 3, Pompano Beach (Broward County), Florida 33069, on or after September 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Emmett Burns & Associates, Inc. d/b/a Burns & Associates are dealer operator(s): Emmett Burns, 1919 Northwest 21 Street, Pompano Beach, Florida 33069; principal investor(s): Emmett Burns, 1919 Northwest 21 Street, Pompano Beach, Florida 33069.

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: Paul Gregor, Motomojo, Inc., 2028 Weems Road, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Carter Brothers Manufacturing Co., Inc., intends to allow the establishment of Carl's Speed Shop, Inc. dba Carl's Speed Shop, as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (SANY) at 384 Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after September 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Carl's Speed Shop, Inc. dba Carl's Speed Shop are dealer operator(s): Carl Morrow, 132 Squirrel Lane, Ormond Beach, Florida 32174; principal investor(s): Carl Morrow, 132 Squirrel Lane, Ormond Beach, Florida 32174.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jack Mullinax, Carter Brothers Manufacturing Co., Inc., 1871 U.S. Highway 231 South, 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 Carter Brothers Manufacturing Co., Inc., intends to allow the establishment of Carl's Speed Shop, Inc. dba Carl's Speed Shop, as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (SANY) at 1050 South Nova Road, Ormond Beach (Volusia County), Florida 32174, on or after September 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Carl's Speed Shop, Inc. dba Carl's Speed Shop are dealer operator(s): Carl Morrow, 132 Squirrel Lane, Ormond Beach, Florida 32174; principal investor(s): Carl Morrow, 132 Squirrel Lane, Ormond Beach, Florida 32174.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jack Mullinax, Carter Brothers Manufacturing Co., Inc., 1871 U.S. Highway 231 South, 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 Less
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 Classy Cycles, Inc., as a dealership for the sale of Star Neighborhood Electric Vehicles (STAR) at 4050 West 23rd Street, Panama City (Bay County), Florida 32405, on or after September 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Classy Cycles, Inc. are dealer operator(s): Rick Roof, 4050 West 23rd Street, Panama City, Florida 32405; principal investor(s): Colleen Swab, 4050 West 23rd Street, Panama City, Florida 32405.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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 Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Crazy Carls, LLC, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 1578 Highway 83, Defuniak Springs (Walton County), Florida 32433, on or after September 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Crazy Carls, LLC are dealer operator(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433.; principal investor(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433 and Aldyne Holub, 1578 Highway 83, Defuniak Springs, Florida 32433.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Adly Moto, LLC, intends to allow the establishment of Crazy Carl's, LLC, as a dealership for the sale of motorcycles manufactured by HerChee Industrial Co. Ltd. (HERH) at 1578 North 9th Street, Defuniak Springs, (Walton County), Florida 32433, on or after September 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Crazy Carl's, LLC are dealer operator(s): Carl Fireman, 1578 North 9th Street, Defuniak Springs, Florida 32433; principal investor(s): Carl Fireman, 1578 North 9th Street, Defuniak Springs, Florida 32433.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Henry Li, Adly Moto, LLC, 1725 Hurd Drive, Suite 108, Irving, Texas 75038.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Crazy Carl's, LLC, as a dealership for the sale of motorcycles manufactured by

Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 1578 Highway 83, Defuniak Springs (Walton County), Florida 32433, on or after September 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Crazy Carl's, LLC are dealer operator(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433; principal investor(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433 and Aldyne Holub, 59 Nina, Defuniak Springs, Florida 32433.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Crazy Carl's, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 1578 Highway 83, Defuniak Springs, (Walton County), Florida 32433, on or after September 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Crazy Carl's, LLC are dealer operator(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433; principal investor(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433 and Aldyne Holub, 59 Nina, Defuniak Springs, Florida 32433.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Diablo Performance, LLC, intends to allow the establishment of Motorsports Ventures, LLC d/b/a Diablo Chop Shop, as a dealership for the sale of motorcycles manufactured by Diablo Performance, LLC (DIBL) at 1314 10th Street, Sarasota (Sarasota County), Florida 34236, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Motorsports Ventures, LLC d/b/a Diablo Chop Shop are dealer operator(s): Curtis Cogan, 161 West Reading Way, Winter Park, Florida 32789; principal investor(s): Curtis Cogan, 161 West Reading Way, Winter Park, Florida 32789 and Christopher Cogan, 1348 Harbor Drive, Sarasota, Florida 34239.

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: Mark Evans, Diablo Performance, LLC, 2955 Temple Trail, Winter Park, Florida 32789.

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 Adly Moto, LLC, intends to allow the establishment of Evolution Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by HerChee Industrial Co. Ltd. (HERH) at 2629 North Magnolia Avenue, Ocala (Marion County), Florida 34475, on or after September 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Evolution Motorsports, LLC are dealer operator(s): Kathy Park, 2629 North Magnolia Avenue, Ocala, Florida 34475; principal investor(s): Kathy Park, 2629 North Magnolia Avenue, Ocala, Florida 34475.

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: Henry Li, Adly Moto, LLC, 1725 Hurd Drive, Suite 108, Irving, Texas 75038.

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 Flyscooters, LLC, intends to allow the establishment of Evolution Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 2069 North Magnolia Avenue, Ocala (Marion County), Florida 34475, on or after September 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Evolution Motorsports, LLC are dealer operator(s): Chuck Terry, 2069 North Magnolia Avenue, Ocala, Florida 34475; principal investor(s): Chuck Terry, 2069 North Magnolia Avenue, Ocala, Florida 34475.

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: Daniel Pak, Flyscooters, LLC, 6050 Lowell Street, #111, Emeryville, California 94608.

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 Flyscooters, LLC, intends to allow the establishment of Evolution Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 2069 North Magnolia Avenue, Ocala (Marion County), Florida 34475, on or after September 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Evolution Motorsports, LLC are dealer operator(s): Chuck Terry, 2069 North Magnolia Avenue, Ocala, Florida 34475; principal investor(s): Chuck Terry, 2069 North Magnolia Avenue, Ocala, Florida 34475.

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: Daniel Pak, Flyscooters, LLC, 6050 Lowell Street, #111, Emeryville, California 94608.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc. d/b/a Motobravo, Inc., intends to allow the establishment of Fisher's Auction Services, Inc., as a dealership for the sale of motorcycles manufactured by Astronautical Bashing Motorcycle Manufacture Co. Ltd. (BASH) at 402 North Ridgewood Avenue, Dowager (Volusia County), Florida 32132, on or after August 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Fisher's Auction Services, Inc. are dealer operator(s): Ray Fisher, 2032 Hibiscus Drive, Dowager, Florida 32141; principal investor(s): Ray Fisher, 2032 Hibiscus Drive, Edgewater, Florida 32141.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, President, El Sol Trading, Inc. d/b/a Motobravo, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc. d/b/a Motobravo, Inc., intends to allow the establishment of Fisher's Auction Services, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 402 North Ridgewood Avenue, Edgewater (Volusia County), Florida 32132, on or after August 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Fisher's Auction Services, Inc. are dealer operator(s): Ray Fisher, 2032 Hibiscus Drive, Edgewater, Florida 32141; principal investor(s): Ray Fisher, 2032 Hibiscus Drive, Edgewater, Florida 32141.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, President, El Sol Trading, Inc. d/b/a Motobravo, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc. d/b/a Motobravo, Inc., intends to allow the establishment of Fisher's Auction Services, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 2032 Hibiscus Drive, Edgewater (Volusia County), Florida 32141, on or after August 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Fisher's Auction Services, Inc. are dealer operator(s): Ray Fisher, 2032 Hibiscus Drive, Edgewater, Florida 32141; principal investor(s): Ray Fisher, 2032 Hibiscus Drive, Edgewater, Florida 32141.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, President, El Sol Trading, Inc. d/b/a Motobravo, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 KTM North America, Inc., intends to allow the establishment of Dorsch, Inc. d/b/a Fun Bike Center Motorsports, as a dealership for the sale of KTM motorcycles (KTM) at 1845 East Memorial Boulevard, Lakeland (Polk County), Florida 33801, on or after September 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Dorsch, Inc. d/b/a Fun Bike Center Motorsports are dealer operator(s): Daniel Dorsch, 1845 East Memorial Boulevard, Lakeland, Florida 33801; principal investor(s): Daniel Dorsch, 1845 East Memorial Boulevard, Lakeland, Florida 33801.

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: Rodney D. Bush, President, KTM North America, Inc., 1119 Milan Avenue, Amherst, Ohio 44001.

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 Mod Cycles Corporation, intends to allow the establishment of Harbor Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 3315 U.S. 41, Punta Gorda (Charlotte County), Florida 33950, on or after September 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Harbor Scooters, LLC are dealer operator(s): Robert Shapiro, 3315 U.S. 41, Punta Gorda, Florida 33950; principal investor(s): Robert Shapiro, 3315 U.S. 41, Punta Gorda, Florida 33950.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opopczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corporation, intends to allow the establishment of Kitai Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 228 Third Street North, Jacksonville Beach (Duval County), Florida 32250, on or after September 12, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Claudio Biltoc, 228 Third Street North, Jacksonville Beach, Florida 32250; principal investor(s): Claudio Biltoc, 228 Third Street North, Jacksonville Beach, Florida 32250.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opopczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of M and S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 14673 US Highway 301 South, Starke (Bradford County), Florida 32091, on or after September 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of M and S Scooters, LLC are dealer operator(s): Mahmoud Montaser, 14673 U.S. Highway 301 South, Starke, Florida 32091; principal investor(s): Mahmoud Montaser, 14673 U.S. Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of M and S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 14673 US Highway 301 South, Starke (Bradford County), Florida 32091, on or after September 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of M and S Scooters, LLC are dealer operator(s): Mahmoud Montaser, 14673 U.S. Highway 301 South, Starke, Florida 32091; principal investor(s): Mahmoud Montaser, 14673 U.S. Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of M and S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 14673 U.S. Highway 301 South, Starke (Bradford County), Florida 32091, on or after September 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of M and S Scooters, LLC are dealer operator(s): Mahmoud Montaser, 14673 U.S. Highway 301 South, Starke, Florida 32091; principal investor(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of M and S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi Vehicles Co. Ltd. (KANG) at 14673 U.S. Highway 301 South, Starke (Bradford County), Florida 32091, on or after September 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of M and S Scooters, LLC are dealer operator(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091; principal investor(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of M and S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Meitian Motorcycle Co. Ltd. (MEIT) at 14673 U.S. Highway 301 South, Starke (Bradford County), Florida 32091, on or after September 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of M and S Scooters, LLC are dealer operator(s): Mahmoud Montaser, 14673 U.S. Highway 301 South, Starke, Florida 32091; principal investor(s): Mahmoud Montaser, 14673 U.S. Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of M and S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co. Ltd. (MENG) at 14673 U.S. Highway 301 South, Starke (Bradford County), Florida 32091, on or after September 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of M and S Scooters, LLC are dealer operator(s): Mahmoud Montaser, 14673 U.S. Highway 301 South, Starke, Florida 32091; principal investor(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of M and S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 14673 U.S. Highway 301 South, Starke (Bradford County), Florida 32091, on or after September 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of M and S Scooters, LLC are dealer operator(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091; principal investor(s): Mahmoud Montaser, 14673 U.S. Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of M and S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle

Co. Ltd. (SHEN) at 14673 US Highway 301 South, Starke (Bradford County), Florida 32091, on or after September 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of M and S Scooters, LLC are dealer operator(s): Mahmoud Montaser, 14673 U.S. Highway 301 South, Starke, Florida 32091; principal investor(s): Mahmoud Montaser, 14673 U.S. Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of M & S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 14673 U.S. Highway 301 South, Starke (Bradford County), Florida 32091, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of M & S Scooters, LLC are dealer operator(s): Mahmond Montarer, 14673 U.S. Highway 301 South, Starke, Florida 32091; principal investor(s): Mahmond Montarer, 14673 U.S. Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of M & S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 14673 U.S. Highway 301 South, Starke (Bradford County), Florida 32091, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of M & S Scooters, LLC are dealer operator(s): Mahmond Montarer, 14673 US Highway 301 South, Starke, Florida 32091; principal investor(s): Mahmond Montarer, 14673 U.S. Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of M & S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 14673 U.S. Highway 301 South, Starke (Bradford County), Florida 32091, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of M & S Scooters, LLC are dealer operator(s): Mahmond Montarer, 14673 U.S. Highway 301 South, Starke, Florida 32091; principal investor(s): Mahmond Montarer, 14673 U.S. Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 X-Power Motorsports, intends to allow the establishment of Minibikes of Florida, Inc., as a dealership for the sale of motorcycles manufactured by Jiangsu Linhai Power Machinery Group (LINH) at 2200 U.S. Highway 301 North, Palmetto (Manatee County), Florida 34221, on or after August 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Minibikes of Florida, Inc. are dealer operator(s): Mark Cannon, 2200 U.S. Highway 301 North, Palmetto, Florida 34221; principal investor(s): Mark Cannon, 2200 U.S. Highway 301 North, Palmetto, Florida 34221.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Ho, President, X-Power Motorsports, 225 Horizon Drive, Suwanee, Georgia 30024.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Auto Stop, Inc. d/b/a Motorsports Depot, as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi Vehicles Co. Ltd. (KANG) at 17630 U.S. 41 North, Lutz (Hillsboough County), Florida 33549, on or after September 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Auto Stop, Inc. d/b/a Motorsports Depot are dealer operator(s): Robert Sardegna, 17630 U.S. 41 North, Lutz, Florida 33549; principal investor(s): Robert Sardegna, 17630 U.S. 41 North, Lutz, Florida 33549.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Auto Stop, Inc. d/b/a Motorsports Depot, as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co. Ltd. (MENG) at 17630 U.S. 41 North, Lutz (Hillsboough County), Florida 33549, on or after September 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Auto Stop, Inc. d/b/a Motorsports Depot are dealer operator(s): Robert Sardegna, 17630 U.S. 41 North, Lutz, Florida 33549; principal investor(s): Robert Sardegna, 17630 U.S. 41 North, Lutz, Florida 33549.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Naples Automotive Group, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi Vehicles Co. Ltd. (KANG) at 3855 Davis Boulevard, Naples (Collier County), Florida 34104, on or after September 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Naples Automotive Group, Inc. are dealer operator(s): Charles Anderson, 3855 Davis Boulevard, Naples, Florida 34104; principal investor(s): Charles Anderson, 3855 Davis Boulevard, Naples, Florida 34104.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Naples Automotive Group, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co. Ltd. (MENG) at 3855 Davis Boulevard, Naples (Collier County), Florida 34104, on or after September 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Naples Automotive Group, Inc. are dealer operator(s): Charles Anderson, 3855 Davis Boulevard, Naples, Florida 34104; principal investor(s): Charles Anderson, 3855 Davis Boulevard, Naples, Florida 34104.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Andrew J. Biggar d/b/a Orange City Cycle, as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi Vehicles Co. Ltd. (KANG) at 2305 South Volusia Avenue, Orange City (Volusia County), Florida 32763, on or after September 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Andrew J. Biggar d/b/a Orange City Cycle are dealer operator(s): Andrew J. Biggar, 2305 South Volusia Avenue, Orange City, Florida 32763; principal investor(s): Andrew J. Biggar, 2305 South Volusia Avenue, Naples, Florida 32763.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Andrew J. Biggar d/b/a Orange City Cycle, as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co. Ltd. (MENG) at 2305 South Volusia Avenue, Orange City (Volusia County), Florida 32763, on or after September 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Andrew J. Biggar d/b/a Orange City Cycle are dealer operator(s): Andrew J. Biggar, 2305 South Volusia Avenue, Orange City, Florida 32763; principal investor(s): Andrew J. Biggar, 2305 South Volusia Avenue, Naples, Florida 32763.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Flyscooters, LLC, intends to allow the establishment of AA Moped/Motorsports of Miami, Inc. d/b/a Riva World by Yamaha, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 8427 Southwest 40th Street, Miami (Dade County), Florida 33155, on or after September 19, 2008.

The name and address of the dealer operator(s) and principal investor(s) of AA Moped/Motorsports of Miami, Inc. d/b/a Riva World by Yamaha are dealer operator(s): Scott Cook, 8427 Southwest 40th Street, Miami, Florida 33155; principal investor(s): Scott Cook, 8427 Southwest 40th Street, Miami, Florida 33155.

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: Daniel Pak, Flyscooters, LLC, 6050 Lowell Street, #111, Emeryville, California 94608.

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 Flyscooters, LLC, intends to allow the establishment of AA Moped/Motorsports of Miami, Inc. d/b/a Riva World by Yamaha, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 8427 Southwest 40th Street, Miami (Dade County), Florida 33155, on or after September 19, 2008.

The name and address of the dealer operator(s) and principal investor(s) of AA Moped/Motorsports of Miami, Inc. d/b/a Riva World by Yamaha are dealer operator(s): Scott Cook, 8427 Southwest 40th Street, Miami, Florida 33155; principal investor(s): Scott Cook, 8427 Southwest 40th Street, Miami, Florida 33155.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Daniel Pak, Flyscooters, LLC, 6050 Lowell Street, #111, Emeryville, California 94608.

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 STR Motorsports, Inc., intends to allow the establishment of Wala 2 Corporation d/b/a Scooterjax, as a

dealership for the sale of KYMCO motorcycles (KYO) at 1636 Hendricks Avenue, Jacksonville (Duval County), Florida 32207, on or after August 19, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wala 2 Corporation d/b/a Scooterjax are dealer operator(s): Tom Bolc, 935 North Grandview Avenue, Daytona Beach, Florida 32118; principal investor(s): Tom Bolc, 935 North Grandview Avenue, Daytona Beach, Florida 32118.

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: Bruce S. Ramsey, STR Motorsports, Inc., 5 Stan Perkins Road, Spartanburg, South Carolina 29307.

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 Flyscooters, LLC, intends to allow the establishment of Carl's Scooters, LLC d/b/a Scooterville, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 3111 West 45th Street, #11, West Palm Beach (Palm Beach County), Florida 33407, on or after September 12, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Carl's Scooters, LLC d/b/a Scooterville are dealer operator(s): Carl Williams, 3111 West 45th Street, #11, West Palm Beach, Florida 33407; principal investor(s): Carl Williams, 3111 West 45th Street, #11, West Palm Beach, Florida 33407.

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: Daniel Pak, Flyscooters, LLC, 6050 Lowell Street, #111, Emeryville, California 94608.

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 Flyscooters, LLC, intends to allow the establishment of Carl's Scooters, LLC d/b/a Scooterville, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 3111 West 45th Street, #11, West Palm Beach (Palm Beach County), Florida 33407, on or after September 12, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Carl's Scooters, LLC d/b/a Scooterville are dealer operator(s): Carl Williams, 3111 West 45th Street, #11, West Palm Beach, Florida 33407; principal investor(s): Carl Williams, 3111 West 45th Street, #11, West Palm Beach, Florida 33407.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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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 STR Motorsports, Inc., intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of KYMCO motorcycles (KYOO) at 266 Blanding Boulevard, Orange Park (Clay County), Florida 32073, on or after August 19, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 4372 Sycamore Pass Court, West, Jacksonville, Florida 32258; principal investor(s): Martin Solano, 4372 Sycamore Pass Court, West, Jacksonville, Florida 32258.

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: Bruce S. Ramsey, STR Motorsports, Inc., 5 Stan Perkins Road, Spartanburg, South Carolina 29307.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc.,

as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 32 San Marco Avenue, St. Augustine (St. Johns County), Florida 32084, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 32 San Marco Avenue, St. Augustine, Florida 32084; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 1024 South Main Street, Suite A, Gainesville (Alachua County), Florida 32601, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 1024 South Main Street, Suite A, Gainesville, Florida 32601; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 266 Blanding Boulevard, Suite 1 & 3, Orange Park (Clay County), Florida 32073, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 266 Blanding Boulevard, Suite 1 & 3, Orange Park, Florida 32073; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License

Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 1024 South Main Street, Suite A, Gainesville, (Alachua County), Florida 32601, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 1024 South Main Street, Suite A, Gainesville, Florida 32601; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 266 Blanding Boulevard, Suite 1 & 3, Orange Park (Clay County), Florida 32073, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 266 Blanding Boulevard, Suite 1 & 3, Orange Park, Florida 32073; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by

Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 32 San Marco Avenue, St. Augustine (St. Johns County), Florida 32084, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 32 San Marco Avenue, St. Augustine, Florida 32084; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 1024 South Main Street, Suite A, Gainesville (Alachua County), Florida 32601, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 1024 South Main Street, Suite A, Gainesville, Florida 32601; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 266 Blanding Boulevard, Suite 1 & 3, Orange Park (Clay County), Florida 32073, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 266 Blanding Boulevard, Suite 1 & 3, Orange Park, Florida 32073; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 32 San Marco Avenue, St. Augustine (St. Johns County), Florida 32084, on or after September 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 32 San Marco Avenue, St. Augustine, Florida 32084; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leo Su, Galaxy powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Flyscooters, LLC, intends to allow the establishment of Stock Mild to Wild, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 10263 Beach Boulevard, Jacksonville (Duval County), Florida 32246, on or after August 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Stock Mild to Wild, Inc. are dealer operator(s): Henry Kallina, 10263 Beach Boulevard, Jacksonville, Florida 32246; principal investor(s): Henry Kallina, 10263 Beach Boulevard, Jacksonville, Florida 32246.

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: Daniel Pak, Flyscooters, LLC, 6050 Lowell Street, #111, Emeryville, California 94608.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Suncoast Motors, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi Vehicles Co. Ltd. (KANG) at 853 U.S. 41 Bypass South, Venice (Sarasota County), Florida 34285, on or after September 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Suncoast Motors, Inc. are dealer operator(s): Robert Shapiro, 853 U.S. 41 Bypass South, Venice, Florida 34285; principal investor(s): Robert Shapiro, 853 U.S. 41 Bypass South, Venice, Florida 34285.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Suncoast Motors, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co. Ltd. (MENG) at 853 U.S. 41 Bypass South, Venice (Sarasota County), Florida 34285, on or after September 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Suncoast Motors, Inc. are dealer operator(s): Robert Shapiro, 853 U.S. 41 Bypass South, Venice, Florida 34285; principal investor(s): Robert Shapiro, 853 U.S. 41 Bypass South, Venice, Florida 34285.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Tank Sports, Inc., intends to allow the establishment of V-Twin Cycles, Inc., as a dealership for the sale of KTMMEX motorcycles (KTMM) at 16257 South Tamiami Trail, Fort Myers (Lee County), Florida 33908, on or after September 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of V-Twin Cycles, Inc. are dealer operator(s): Mark Yimin, 16257 South Tamiami Trail, Fort Myers, Florida 33908; principal investor(s): Mark Yimin, 16257 South Tamiami Trail, Fort Myers, Florida 33908.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mike Turber, Tank Sports, Inc., 10925 Schmidt Road, El Monte, California 91733.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Motomojo, Inc., intends to allow the establishment of Xtreme Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corp. (QINJ) at Via 5 De Luna Drive, Pensacola (Escambia County), Florida 32561, on or after September 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Xtreme Scooters, Inc. are dealer operator(s): Dror Zanami, Via 5 De Luna Drive, Pensacola, Florida 32561; principal investor(s): Dror Zanami, Via 5 De Luna Drive, Pensacola, Florida 32561.

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: Paul Gregor, Motomojo, Inc., 2028 Weems Road, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

NOTICE OF ROUTINE PROGRAM CHANGE APPROVAL

On September 11, 2008, the State received concurrence from the Federal Office of Ocean and Coastal Resource Management (OCRM) that the proposed change to the approved Florida Coastal Management Program (FCMP), as noted in the routine program change submission located at the FCMP Web page http://www.dep.state.fl.us/cmp/federal/fedcons_v_07.htm, constitutes a routine change as defined by 15 C.F.R. 923.84, implementing the Federal Coastal Zone Management Act (16 U.S.C. ss. 1451 et seq.).

This routine program change incorporates a change enacted by the Florida Legislature in 2008 to add Section 376.25, F.S., the Clean Ocean Act, to Chapter 376, F.S., Pollutant Discharge Prevention and Removal.

This incorporated change does not result in any substantial change to the enforceable policies or authorities of the FCMP related to uses subject to management, special management areas, boundaries, authorities and organization or coordination, public involvement, and national interest.

As of the date of this notice, this change is incorporated into the FCMP and federal consistency applies to this statutory change. This notice has been sent to affected parties, including affected local governments, state agencies, and regional offices of relevant federal agencies as required by 15 C.F.R. 923.84(b)(4). A list of persons and organizations notified is available for inspection or can be provided upon request by the FCMP at (850)245-2161.

For more information on this routine program change, please contact: Mr. Danny Clayton, Department of Environmental Protection, Florida Coastal Management Program, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)245-2161.

DEPARTMENT OF JUVENILE JUSTICE

Policy Posted for Review and Comment

The Florida Department of Juvenile Justice has posted a policy for review and comment on MyFlorida.com at: http://www.djj.state.fl.us/policies_procedures/policyreview.html.

Quality Assurance "Deemed" Status (FDJJ 1709.03) revises an existing policy designed to recognize programs that have attained the highest levels of programming quality as measured by the Department's quality assurance process.

This policy is posted for a single 20 working day review and comment period, with the closure date for submission of comments on the policy of October 23, 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 September 11, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Jennifer Gayle Cunnigan, L.P.N., license number PN 1326111. 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 September 11, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Cynthia Lee Emery, R.N., license number RN 1839722. 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 September 10, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Marie F. Hagewod, R.N., license number RN 1194502. 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 September 16, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Denise Marie Pinho, C.N.A., license number CNA 116908. 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 September 16, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Katherine Diahn Remel, R.N. license number RN 2745232. 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 September 11, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Tammy Willard, R.N., license number RN 9251825. 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 September 16, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Cheryl Ann Law Woodard, R.N. license number RN 937782. 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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF RENEWAL OF FLORIDA'S STATE PLAN FOR TANF

Notice is hereby given that the Department of Children and Families Services, Economic Self-Sufficiency Program, is proposing to submit the renewal of the Florida State Plan for Temporary Cash Assistance for Needy Families for Federal Fiscal Years 10/01/08-9/30/11. To receive a copy of the draft state plan call (850)410-3291 or write the Department of Children and Family Services, ACCESS Florida Headquarters, 1317 Winewood Boulevard, Building 3, Room 406, Tallahassee, Florida 32399-0700. The Department will accept written comments from the public on this proposed state plan renewal through 5:00 p.m., November 10, 2008, submitted to the above address.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN September 8, 2008
 and September 12, 2008**

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DEPARTMENT OF CORRECTIONS

33-601.602	9/10/08	9/30/08	34/32	
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WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

40D-4.021	9/9/08	9/29/08	34/6	
40D-4.041	9/9/08	9/29/08	34/21	
40D-4.051	9/9/08	9/29/08	34/6	

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59G-4.070	9/11/08	10/1/08	34/25	34/29
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Board of Podiatric Medicine

64B18-17.005	9/10/08	9/30/08	34/32	
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64E-14.004	9/10/08	9/30/08	33/29	34/32
64E-14.005	9/10/08	9/30/08	33/29	
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64E-14.007	9/10/08	9/30/08	33/29	
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