

State of Florida



ORIGINAL

Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION CLERK

DATE: November 29, 2006
 TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director
 FROM: Lawrence D. Harris, Senior Attorney, Office of the General Counsel *L.D.H.*
 RE: Docket No. 050108-OT

Please file the attached Administration Commission Final Order and Notice of Final Disposition in the above referenced docket.

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DOCUMENT NUMBER-DATE

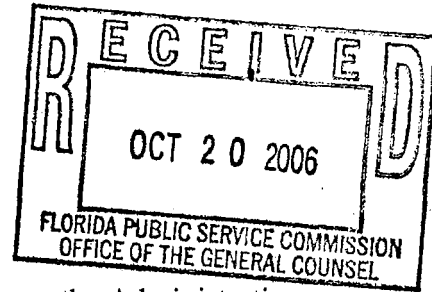
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FPSC-COMMISSION CLERK

STATE OF FLORIDA
ADMINISTRATION COMMISSION

IN RE: Petition to Amend Exceptions
and for Exception to Uniform Rules of
Procedure, PUBLIC SERVICE
COMMISSION.

AC Case No. APA-05-019



FINAL ORDER

This cause came before the Governor and Cabinet, sitting as the Administration Commission ("Commission) on October 17, 2006, in Tallahassee, Florida, pursuant to Section 120.54(5)(a)2, Florida Statutes, and Chapter 28-108, Florida Administrative Code, upon the Public Service Commission (PSC's) "Petition to Amend its Exceptions and Create an Exception to the Uniform Rules of Procedure." Having considered the Petition and arguments of counsel, and being otherwise fully advised in the premises, it is ORDERED and ADJUDGED that:

1. An amendment to Rule 25-22.0021 (Agenda Conference Participation) is hereby granted, based upon the most efficient operation of the agency. See A.C. Case No. APA-98-007.
2. An exception from Chapters 28-102 (Agenda and Scheduling of Meetings and Workshops) and 28-106 (Oral Argument Rule) is hereby granted for Rule 25-22.0022, based upon the most efficient operation of the agency.

3. An amendment to Rule 25-22.029 (Point of Entry Into Proposed Agency Action Proceedings) is hereby granted, based upon the most efficient operation of the agency. *See* A.C. Case No. APA-98-007.
4. An amendment to Rule 25-22.0376 (Reconsideration of Non-Final Orders) is hereby granted, based upon the most efficient operation of the agency. *See* A.C. Case No. APA-98-007.
5. The exception created by Rule 25-22.058 (Oral Argument), A.C. Case No. APA-98-007, is hereby repealed, based upon the most efficient operation of the agency.
6. An amendment to Rule 25-22.060 (Motion for Reconsideration) is hereby granted, based upon the most efficient operation of the agency. *See* A.C. Case No. APA-98-007.
7. An amendment to Rule 25-40.001 (Exceptions to the Uniform Rules of Procedure) is hereby granted based upon the most efficient operation of the agency. *See* A.C. Case No. APA-98-007.

NOTICE OF RIGHTS

Any party to this Order has the right to seek Judicial review of the Final Order pursuant to section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. Notice of Appeal must be filed within 30 days of the day this Order is filed with the Clerk of the Commission.

DONE AND ENTERED this 18th day of October, 2006.

Terese B. Jinker
for MICHAEL P. HANSEN, Secretary
Administration Commission

FILED with the Clerk of the Administration Commission this 18th day of October, 2006.

Barbara Lighty
Clerk, Administration Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was delivered to the following persons by United States Mail, hand delivery, or electronic delivery this 18 day of October, 2006.

Honorable Jeb Bush
Governor
The Capitol
Tallahassee, Florida 32399

Michael G. Cooke, General Counsel
Larry D. Harris, Associate General Counsel
Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Honorable Tom Gallagher
Chief Financial Officer
The Capitol
Tallahassee, Florida 32399

Gladys Perez, Esquire
Governor's Legal Office
Room 209, The Capitol
Tallahassee, Florida 32399-0001

Honorable Charlie Crist
Attorney General
The Capitol
Tallahassee, Florida 32399

Scott Boyd, Executive Director and
General Counsel
Joint Administrative Procedures Committee
Room 120, Holland Building
Tallahassee, Florida 32399-1300

Honorable Charles H. Bronson
Commissioner of Agriculture
The Capitol
Tallahassee, Florida 32399

Florida Administrative Law Reports
Post Office Box 385
Gainesville, Florida 32602

Jeresa B. Dinker
for MICHAEL P. HANSEN, Secretary
Administration Commission

recognizes the importance of this estimate and is committed to make every effort to assure its ability to issue up to \$14,021.7 million in bonds, if and when the necessity arises.

ADMINISTRATION COMMISSION

Pursuant to Rule 28-108.002, Florida Administrative Code, the Administration Commission hereby gives notice of final disposition on the "Petition to Amend its Exceptions and Create an Exception to the Uniform Rules of Procedure" filed by the Florida Public Service Commission. The Governor and Cabinet, sitting as the Administration Commission, met on October 17, 2006, and granted amendments to certain previous exceptions from Chapters 28-102 and 28-106, Florida Administrative Code, Uniform Rules of Procedure. In addition, the Administration Commission granted a new exception from Chapters 28-102, and 28-106, Florida Administrative Code, Uniform Rules of Procedure. This action was taken in response to the Florida Public Service Commission's Petition filed November 21, 2005.

A copy of the Florida Public Service Commission's Petition, the Administration Commission's Final Order, and the transcript of the October 17, 2006, Administration Commission meeting can be obtained by contacting: Barbara Leighty, Administration Commission, Executive Office of the Governor, Office of Policy and Budget, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, (850)487-1884.

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

On October 16, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Julio Cardona, C.N.A., license number CNA 129771. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICE COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., November 17, 2006):

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: FirstCity Bank of Commerce, 11011 U.S. Highway #1, North Palm Beach, Palm Beach County, Florida 33408

Correspondent: John P. Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32802

Received: October 16, 2006
