



**DEPARTMENT OF TRANSPORTATION**

RULE NO.: 14-116.002  
 RULE TITLE: Letters of Credit  
 PURPOSE AND EFFECT: Rule 14-116.002, F.A.C., is being amended to clarify language and to include updated procedures, including provision for electronic presentation of a draft via facsimile transmission or electronic mail, or both.  
 SUBJECT AREA TO BE ADDRESSED: Rule 14-116.002, F.A.C., is being amended.  
 SPECIFIC AUTHORITY: 334.044(2) FS.  
 LAW IMPLEMENTED: 334.044(30), 334.187, 337.106, 337.175 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-116.002 Letters of Credit.

(1) Purpose. This rule establishes the requirements of the Department of Transportation Comptroller for the approval of letters of credit, which are provided by a bank or savings association ~~financial institution~~ at the request of an ~~the~~ applicant/professional service provider/contractor.

(2) Qualifications of Banks or Savings Associations Providing Letters of Credit.

(a) The letter of credit provided ~~by the financial institution~~ at the request of the applicant/professional service provider/contractor shall be issued by banks or savings associations which must:

1. Be organized and existing under the laws of this state; or
2. Be organized under the laws of the United States and have its principal place of business in this state; or
3. Have a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state; and
4. Have and maintain an average financial condition ranking of 35 or more from two nationally recognized financial rating services, compiled quarterly by the Florida Department of Financial Services, Division of Treasury.

(b) In the event the required average financial condition ~~set forth in subparagraph (2)(a)4. above is~~ and net worth of the financial institution ~~are~~ not maintained, the Department will

~~shall~~ notify the applicant/service provider/contractor of such noncompliance. Within 30 days after receiving the notice of noncompliance, the applicant/professional service provider/contractor shall provide ~~cause to have provided~~ to the Department a substitute letter of credit issued by a bank or savings association, ~~with an institution~~ meeting the requirements of this rule.

(3) Requirements of Letter of Credit. Letters of credit shall be issued solely for the benefit of the Department. Letter of credit language must be approved by the Department's Comptroller and ~~must include, at a minimum,~~ the following:

(a) The expiration date of the letter of credit shall be automatically extended without amendment, for one year from the expiration date unless otherwise authorized in writing by the Department. Letters of credit furnished under the requirements of Section 337.106, F.S., shall not be required to be extended beyond the duration required by that section. If the letter of credit is not automatically extended for such additional one year period ~~then,~~ at least 30 days prior to the expiration date then in effect, the bank or savings association shall notify the Department by registered or certified U.S. Mail or courier, postage prepaid, return receipt requested. This notification shall be sent to the Florida Department of Transportation, Office of Comptroller, 605 Suwannee Street, Mail Station ~~42B 24,~~ Tallahassee, Florida 32399-0450, or to any other address specified in writing by the Department's Comptroller, ~~Florida Department of Transportation.~~

(b) If notice is given that the letter of credit will not be automatically extended and if the purpose for which the letter of credit was issued still exists, the Department shall draw down any remaining balance on the letter of credit unless a substitute letter of credit meeting the requirements of this rule is provided at least 14 days prior to the ~~final~~ expiration date of the letter of credit for which the substitute letter of credit is being provided.

(c) Once it is determined by the Department that the average financial condition ranking of a bank or savings association ~~financial institution~~ is less than 35, the Department will notify the bank or savings association ~~financial institution~~ and the applicant/professional service provider/contractor by registered mail that if a substitute letter of credit is not received within 30 days of notification, the Department will ~~shall~~ draw down any remaining balance on the letter of credit if the purpose for which the letter of credit was issued still exists.

(d) The letter of credit must provide for draws to be made on a bank or savings association located in the State of Florida and additionally must provide for draws by electronic presentation of a draft via facsimile transmission or electronic mail, or both.

~~(e) Letters of credit provided in lieu of professional liability insurance must remain valid for the time period specified in Section 337.106, F.S.~~

Specific Authority 334.044(2) FS. Law Implemented 334.044(30), 334.187, 337.106, 337.175 FS. History--New 3-23-93, Amended 8-24-93, 10-11-94, 10-5-97, 1-18-04,\_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**REGIONAL PLANNING COUNCILS**

**Tampa Bay Regional Planning Council**

RULE NOS.:	RULE TITLES:
29H-1.001	Name
29H-1.002	Purposes
29H-1.003	General Description
29H-1.004	Membership and Voting
29H-1.005	Officers and Committees
29H-1.006	Meetings
29H-1.007	Finances
29H-1.008	Powers
29H-1.009	Amendments
29H-1.010	Information Inquiries

PURPOSE AND EFFECT: Changes to organizational rules of the Council.

SUBJECT AREA TO BE ADDRESSED: Changes to Council general description, committees, schedule of meetings, powers, document submission and other organizational rules of the Council.

SPECIFIC AUTHORITY: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

LAW IMPLEMENTED: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

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

DATE AND TIME: Friday, November 7, 2008, 9:00 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Center Blvd., Suite 100, Pinellas Park, Florida 33782

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Wren Krahl, (727)570-5151, ext. 22 or email [wren@tbrpc.org](mailto:wren@tbrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Manny Pumariega, Executive Director, Tampa Bay Regional Planning Council, 4000 Gateway Center Blvd., Suite 100, Pinellas Park, Florida 33782

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

**REGIONAL PLANNING COUNCILS**

**Tampa Bay Regional Planning Council**

RULE NOS.:	RULE TITLES:
29H-2.0001	Purpose
29H-2.001	Notice of Meeting
29H-2.003	Agenda of Meetings and Workshops
29H-2.007	Emergency Meetings

PURPOSE AND EFFECT: Changes Council rules regarding agenda and scheduling of meetings by repealing unnecessary rules.

SUBJECT AREA TO BE ADDRESSED: Adopts Model Rules of Procedure for agenda and scheduling of meetings.

SPECIFIC AUTHORITY: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

LAW IMPLEMENTED: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

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**REGIONAL PLANNING COUNCILS**

**Tampa Bay Regional Planning Council**

RULE NOS.:	RULE TITLES:
29H-3.0001	Purpose
29H-3.001	Commencement of Proceeding
29H-3.003	Notice of Proceeding, and the Proposed Rules
29H-3.007	Content of Notice
29H-3.011	Petitions to Initiate Rulemaking Proceedings

29H-3.013 Council Action on Petitions to Initiate Rulemaking Proceedings

29H-3.015 Rules Effective Prior to January 1, 1975

29H-3.031 Rulemaking Proceeding – Hearing

29H-3.035 Description of Publication by Reference

29H-3.037 Emergency Rule Hearing

PURPOSE AND EFFECT: Changes to Council rules regarding rulemaking proceedings to repeal unnecessary rules.

SUBJECT AREA TO BE ADDRESSED: Adopts Model Rules of Procedure for rulemaking.

SPECIFIC AUTHORITY: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

LAW IMPLEMENTED: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

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**REGIONAL PLANNING COUNCILS**

**Tampa Bay Regional Planning Council**

RULE NOS.: RULE TITLES:

29H-4.0001 Purpose

29H-4.001 General

29H-4.005 Purpose and Use of Declaratory Statement

29H-4.007 Council Disposition

PURPOSE AND EFFECT: Changes to Council rules regarding declaratory statements to repeal unnecessary rules.

SUBJECT AREA TO BE ADDRESSED: Adopts Model Rules of Procedure for declaratory statements.

SPECIFIC AUTHORITY: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

LAW IMPLEMENTED: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

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**REGIONAL PLANNING COUNCILS**

**Tampa Bay Regional Planning Council**

RULE NOS.:	RULE TITLES:
29H-5.0001	Purpose
29H-5.001	General
29H-5.002	Parties to Proceedings
29H-5.003	Appearances
29H-5.007	Consolidation
29H-5.008	Joinder of Parties
29H-5.009	Disqualification
29H-5.011	Pre-hearing Conference
29H-5.013	Rule Proceedings Under Section 120.57, F.S.
29H-5.015	Requests for Formal and Informal Proceedings
29H-5.022	Amendment of Petitions
29H-5.025	Formal Proceedings
29H-5.027	Continuance of Hearing or Extension of Time
29H-5.029	Subpoenas
29H-5.031	Witness Fees
29H-5.033	Transcript of Proceeding
29H-5.035	Recommended Order and Report
29H-5.041	Informal Proceedings
29H-5.044	Submission of Evidence
29H-5.051	Final Orders

**PURPOSE AND EFFECT:** Changes to Council rules regarding decisions determining substantial interests by repealing unnecessary rules.

**SUBJECT AREA TO BE ADDRESSED:** Adopts Model Rules of Procedure for decisions determining substantial interests.

**SPECIFIC AUTHORITY:** 186.504, 186.505, 163.01, 120.53, 120.54 FS.

**LAW IMPLEMENTED:** 186.504, 186.505, 163.01, 120.53, 120.54 FS.

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**REGIONAL PLANNING COUNCILS**

**Tampa Bay Regional Planning Council**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
29H-7.0001	Purpose
29H-7.001	Petition for Exemption or Modification
29H-7.005	Public Hearing
29H-7.007	Renewal of Exemption
29H-7.009	Amendment of Model Rules

**PURPOSE AND EFFECT:** Changes to Council rules regarding exemptions by repealing unnecessary rules.

**SUBJECT AREA TO BE ADDRESSED:** Adopts the Model Rules of Procedure for exemptions.

**SPECIFIC AUTHORITY:** 186.504, 186.505, 163.01, 120.53, 120.54 FS.

**LAW IMPLEMENTED:** 186.504, 186.505, 163.01, 120.53, 120.54 FS.

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**REGIONAL PLANNING COUNCILS**

**Tampa Bay Regional Planning Council**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
29H-8.001	General
29H-8.002	Fees
29H-8.003	Number of Copies of the ADA
29H-8.004	Site Inspection and Conference
29H-8.005	Additional Information Form
29H-8.006	Regional Issues
29H-8.007	Questions to be Eliminated From the ADA
29H-8.008	Project Summary

**PURPOSE AND EFFECT:** Changes to Council rules to adopt fee schedule established by the Department of Community Affairs, correct reference to the Council's adopted growth policy, and modify project summary submission requirements.

**SUBJECT AREA TO BE ADDRESSED:** Changes to Council DRI Review Procedures.

**SPECIFIC AUTHORITY:** 186.504, 186.505, 163.01, 120.53, 120.54 FS.

**LAW IMPLEMENTED:** 186.504, 186.505, 163.01, 120.53, 120.54 FS.

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**REGIONAL PLANNING COUNCILS**

**Tampa Bay Regional Planning Council**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
29H-11.001	Initiation of Mediation
29H-11.002	Appointment of Mediator
29H-11.003	Qualifications of a Mediator
29H-11.004	Time and Place of Mediation
29H-11.005	Identification of Matters in Dispute
29H-11.006	Authority of Mediator
29H-11.007	Record of Proceeding
29H-11.008	Termination of Mediation
29H-11.009	Fee Schedule

PURPOSE AND EFFECT: Repeal of informal mediation rule chapter as unnecessary due to dispute resolution process rule Chapter 29H-13, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Informal dispute resolution rule chapter repeal.

SPECIFIC AUTHORITY: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

LAW IMPLEMENTED: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

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<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
29H-13.001	Purpose
29H-13.002	Definitions
29H-13.003	Process and Intent
29H-13.004	Initiation of Procedure
29H-13.005	Notice – Point of Entry
29H-13.006	Situation Assessment
29H-13.007	Settlement Meetings
29H-13.008	Mediation
29H-13.009	Advisory Arbitration
29H-13.010	Form of Settlement Agreement
29H-13.011	Other Existing Resolution Processes
29H-13.012	Role of the Regional Planning Council/Regional Planning Council Staff
29H-13.013	Qualifications of the Mediator
29H-13.014	Compensation for Regional Planning Council and Mediator

PURPOSE AND EFFECT: Changes to Council rules concerning who may serve as mediator and mediator compensation.

SUBJECT AREA TO BE ADDRESSED: Change to Council rules regarding dispute resolution process.

SPECIFIC AUTHORITY: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

LAW IMPLEMENTED: 186.504, 186.505, 163.01, 120.53, 120.54 FS.

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#### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.101  
 RULE TITLE: Routine Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarity regarding the types of paper which may be sent in and impose requirements necessary for the security of the institutions.

SUBJECT AREA TO BE ADDRESSED: Inmate mail – routine.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.101 Routine Mail.

(1) No change.

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) Written correspondence (no limit as to number of pages). Correspondence shall be written in either English or Spanish. Inmates who cannot read and write in English or Spanish shall request approval from the warden to correspond in the language which the inmate can read and write using Form DC6-236, Inmate Request. Correspondence may be written on greeting cards, but cards containing electronic or other non-paper parts, cards which are constructed in such a way as to permit concealment of contraband, or which are larger than 8"x10" will not be permitted. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) Up to 15 pages of additional written materials, unless the additional written materials pertain to an inmate's legal case or health, or prior approval is obtained from the warden to send in an enclosure of greater than 15 five pages. Each page can be no larger than 8 1/2" x 14" in size; material can be on both sides of a page. This does not include ~~bound~~ publications which ~~shall will~~ be handled pursuant to Rule 33-501.401, F.A.C. Individual ~~newspaper or magazine~~ articles or clippings ~~or clippings from other publications~~ the content of which is otherwise admissible are permissible, up to the 15 page limit.

No item can be glued, taped, stapled or otherwise affixed to a page. Requests to send enclosures of greater than 15 five pages shall be made to the warden or his designee prior to sending the material. Exceptions to the 15 five page limitation are intended for enclosures concerning legal, medical, or other significant issues, and not for material for general reading or entertainment purposes. The warden shall advise the sender and the mail room of his approval or disapproval of the request.

(c) Photographs. Photographs will be counted toward the 15 page additional materials limitation. Nude photographs or photographs which reveal genitalia, buttocks, or the female breast will not be permitted. Polaroid photographs will not be permitted. Photographs will not exceed 8"x10".

(d) Self-addressed stamped envelopes. These items do not count toward the 15 page limitation for additional materials, but cannot exceed the equivalent of 20 (1 oz.) first class stamps.

(e) Blank greeting cards (no larger than 8"x10"), stationery or other blank writing paper (lined or unlined), or envelopes. Card stock, sketch paper, and other types of craft paper may not be included. These items do not count toward the 15 page limitation for additional materials, but cannot exceed 10 each in number, with a total possession limit of 15 of each item.

(f) U.S. postage stamps. The value of the stamps cannot exceed the equivalent of 20 (1 oz.) first class stamps. These items do not count toward the 15 five page limitation for additional materials. Inmates shall not possess more than the maximum number of stamps permitted by Rule 33-602.201, F.A.C. Due care shall be exercised in processing mail, however, the department shall not be responsible for any postage stamps sent through the mail.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature) the entire correspondence will be returned to the sender pursuant to subsection (13) of this rule. For example, the following items are not permissible for inclusion in or attachment to routine mail:

(a) through (c) No change;

(d) Address labels (other than those affixed to the outside of the envelope); or

(e) No change.

(4) No change.

(5) Any routine mail sent or received ~~shall may~~ be opened, examined and is subject to being read by a designated employee. If the warden has approved an inmate to receive correspondence written in a language other than English or Spanish the correspondence may be translated to confirm that it complies with the applicable rules. If the language cannot be translated by an employee at the facility the correspondence may be photocopied and sent to another institution or the central office for translation. Outgoing mail shall not be sealed by the inmate sender. Incoming and outgoing mail that is

properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 48 hours of receipt by the mail room, excluding weekends and holidays.

(6) Except as provided in this ~~rule section~~, inmates may send mail to and receive mail from any person or group they wish.

(7) through (8) No change.

(9) Inmates shall not use correspondence privileges to solicit or otherwise commercially advertise for money, goods or services. For the purposes of this rule this includes advertising for pen-pals; inmates are not prohibited from corresponding with pen-pals, but shall not place ads soliciting pen pals. ~~Inmates are prohibited from receiving correspondence or materials from persons or groups marketing advertising services, or from subscribing to advertising services.~~ Inmates who post ads or have ads posted with the assistance of another person shall be subject to disciplinary action.

(10) No change.

(11) Outgoing or incoming mail shall be disapproved for mailing or delivery to the inmate if any part of it:

(a) through (c) No change.

(d) Is written in code or is otherwise written in a manner that is not reasonably subject to interpretation by staff as to meaning or intent;

(e) through (f) No change;

(g) Is dangerously inflammatory in that it advocates or encourages riot, insurrection, disruption of the institution, violation of department or institution rules, ~~the violation of which would present a serious threat to the security, order or rehabilitative objectives of the institution or the safety of any person~~;

(h) No change.

(i) Pictorially depicts sexual conduct as defined by Section 847.001, F.S., as follows:

1. through 5. No change.

6. Actual contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party;

~~7.6.~~ Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

(j) Presents nudity ~~or a lewd exhibition of the genitals~~ in such a way as to create the appearance that sexual conduct is imminent, i.e., display of contact or intended contact with genitals, pubic area, buttocks or female breasts orally, digitally or by foreign object, or display of sexual organs in an aroused state.

(k) No change.

(l) It contains an advertisement promoting any of the following where the advertisement is the focus of, rather than being incidental to, the publication or the advertising is prominent or prevalent throughout the publication.

1. Three-way calling services;

2. Pen-pal services;

3. The purchase of products or services with postage stamps; or

4. Conducting a business or profession while incarcerated.

(l) through (n) renumbered (m) through (o) No change.

(12) through (13) No change.

(14)(a) No change.

(b) If the incoming mail is disapproved for one of the reasons listed in subsection (7), (8), or (9), paragraph (11)(a) through ~~(l)(k)~~ or ~~(o)(n)~~, subsection (12) or (13) of this rule, the institution shall make a copy of the correspondence before returning it to the sender with the Unauthorized Mail Return Receipt, Form DC2-521, included. The institution is not required to copy incoming correspondence disapproved pursuant to subsection (7) if the return address on the envelope was the reason for determining that the mail was sent from an inmate at another penal institution.

(c) No change.

(d) No change.

~~(e) Form DC2-521 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is~~  
9-20-04.

(15) Incoming and outgoing routine mail shall be delivered to and picked up from the institution or facility by the U.S. Postal Service only.

(a) Addresses of incoming mail: The address of all incoming mail must contain the inmate's committed name, identification number and institutional address. The inmate's dorm and bunk locations are not required. All incoming mail shall contain the return address of the sender. The return address of incoming mail is subject to verification and shall be rejected if the sender cannot be verified.

(b) Addresses of outgoing mail: The return address of all outgoing mail ~~shall must~~ contain the inmate's committed name, identification number and institutional name and institutional address. The inmate's dorm and bunk locations are not required ~~in either the address of incoming mail or the return address of outgoing mail~~. No prefix other than inmate, Mr., Ms., Miss, or Mrs. nor any suffix other than Jr., Sr. or Roman numeral such as II or III may be included as part of the committed name in the return address. The institutional name in the return address must be spelled out completely with no abbreviations. All outgoing routine mail will be stamped "mailed from a state correctional institution" by mail room staff.



(c) Third party mailing services.

1. Inmates shall not utilize any third party mailing services or engage in any activities which would enable them to engage in correspondence without revealing their status as inmates. Examples of prohibited activities include the following:

a. Placement of ads in magazines, newspapers, or other publications;

b. Posting of ads or other information on Internet sites;

c. Use of any mailing service which allows the inmate to utilize a non-institutional address and engage in correspondence without revealing his or her status as an inmate;

d. Any activity or service which does not reveal to potential correspondents the inmate's status as an inmate.

2. Senders shall not utilize any third party mailing services or engage in any activities which would enable them to engage in correspondence without revealing their identity or return address.

3. Any inmate who is discovered to be participating in any of the above-prohibited activities shall be subject to disciplinary action in accordance with Rules 33-601.301-.314, F.A.C.

(16) No change.

(17) No postage or writing materials shall be provided to inmates for routine mail except as provided in this subsection. Postage and writing materials shall be provided to any inmate with insufficient funds for mailing ~~1 one~~ first class letter weighing ~~1 one~~ ounce or less each month to be used for mailing ~~1 one~~ first class letter weighing ~~1 one~~ ounce or less each month. Local procedures may be established to require the inmate to request the free postage and writing materials or to establish a specific day of the month for the free letters to be processed. ~~Postage shall also be provided to any inmate with insufficient funds for the purpose of mailing a complaint to the Florida Bar concerning ineffective assistance of counsel in the inmate's criminal case. Inmates shall be permitted to receive U.S. postage stamps in their routine mail so long as the value of the stamps does not exceed the equivalent of 20 (1 oz.) first class stamps. Inmates may not possess more than the maximum number of stamps permitted by Rule 33-602.201, F.A.C. Due care shall be exercised in processing mail, however, the department shall not be responsible for any postage stamps sent through the mail.~~

(18) through (19) No change.

(20) No packaging other than standard envelopes shall be given to inmates. This includes removing the following types of packaging: boxes, padded envelopes, plastic bags, any envelopes that include metal parts, multi-layer packaging, bubble wrap, packing peanuts, etc. Inmates shall not be permitted to receive routine mail in padded envelopes.

(21) through (22) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, 3-23-08, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-501.401                      RULE TITLE: Admissible Reading Material

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the rule, amend the process by which inmates request changes in the publications they receive and types of bindings and covers which are allowed, and amend Form DC5-101, Notice of Rejection or Impoundment of Publications; in order to provide consistency throughout the Department.

SUBJECT AREA TO BE ADDRESSED: Admissible reading material.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.401 Admissible Reading Material.

(1) The provisions of this section shall apply to all publications, including books, newspapers, magazines, ~~journals and diaries brochures, flyers, and catalogues,~~ calendars and any other printed materials addressed to a specific inmate or found in the personal property of an inmate. Personal correspondence and ~~e commercially reproduced~~ photographs are not publications. No photograph will be approved and issued to an inmate as admissible reading material. Policy governing the receipt of photographs by inmates through the mail is established in Rule 33-210.101, F.A.C.

(2) Definitions.

~~(a) General circulation newspaper — a publication issued daily or weekly under the same title that contains current news, editorials, feature articles, and usually advertising.~~

~~(a)(b) Hard cover bound book — a publication with a rigid, pressboard or cardboard cover that is commonly attached to the book through use of end sheets.~~

(c) through (e) renumbered (b) through (d) No change.

~~(e)(f)~~ Non-print media – publications published in formats other than on paper. Examples include microfilm, microfiche, computer disks, CD-ROM disks, DVDs, audio cassettes, and VHS audio-tapes.

~~(f)(g)~~ Periodical – a publication issued under the same title and published at regular intervals of more than once a year. Examples of periodicals include journals and magazines, and some newspapers and catalogs.

~~(g)(h)~~ No change.

~~(h)(i)~~ Publication – a document that is offered to the public by sale or by gratuitous distribution. Examples of publications include periodicals and books. Single photographs are not publications.

(j) through (k) renumbered (i) through (j) No change.

~~(l)~~ Religious testament – sacred texts, prayer books, and devotional books for the inmate’s recorded faith orientation.

~~(k)(m)~~ Soft-cover book – a bound publication with a flexible, paper cover, also referred to as a softbound or paperback book.

(3) Inmates shall be permitted to receive and possess publications per terms and conditions established in this rule unless the publication is found to be detrimental to the security, order or disciplinary or rehabilitative interests of any institution of the department, or any privately operated institution housing inmates committed to the custody of under contract with the department, or when it is determined that the publication might facilitate criminal activity. Publications shall be rejected when one of the following criteria is met:

(a) through (c) No change;

(d) It is written in code or is otherwise written in a manner that is not reasonably subject to interpretation by staff as to meaning or intent;

(e) through (h) No change;

(i) It depicts sexual conduct as follows:

1. No change;

~~2. Deviate sexual intercourse;~~

3. through 8. renumbered 2. through 7. No change.

(j) No change.

(k) ~~It c~~ontains criminal history, offender registration, or other personal information about another inmate or offender, which, in the hands of an inmate, presents a threat to the security, order or rehabilitative objectives of the correctional system or to the safety of any person;

(l) It contains an advertisement promoting any of the following where the advertisement is the focus of, rather than being incidental to, the publication or the advertising is prominent or prevalent throughout the publication.

1. Three-way calling services;

2. Pen-pal services;

3. The purchase of products or services with postage stamps; or

4. Conducting a business or profession while incarcerated.

~~(m)(n)~~ No change.

~~(4) Advertising. A publication will not be rejected based upon inclusion of an advertisement promoting any of the following if the publication is otherwise admissible and the advertisement is merely incidental to, rather than being the focus of, the publication.~~

~~(a) Three way calling services;~~

~~(b) Pen-pal services;~~

~~(c) The purchase of products or services with postage stamps; or~~

~~(d) Conducting a business while incarcerated.~~

(4)(5)(a) The department shall maintain a list of all rejected publications that shall identify all publications that have been reviewed and rejected by the literature review committee. The list of reviewed rejected publications shall be updated after every meeting of the literature review committee. All institutions shall keep a current copy of the list of reviewed rejected publications in every institutional mailroom and at a location accessible by inmates.

~~(b) The department shall maintain a list of approved publications that shall identify all publications that have been approved for receipt by inmates after being impounded by institutions and forwarded to the literature review committee for review. All institutions shall keep a current copy of the list of approved publications in every institutional mailroom and at a location accessible by inmates.~~

(5)(6) A subscription to a periodical publication cannot be totally rejected by the institution, but each issue of the subscription shall be reviewed separately and impoundment or rejection shall be based on the criteria established in subsection (3).

~~(6)(7) No change.~~

~~(7)(8) Incoming publications previously rejected by the literature review committee. An incoming publication that has previously been rejected by the department’s literature review committee due to inclusion of subject matter held to be inadmissible per the criteria established in subsection (3) shall not be reviewed again unless the publisher presents proof to the literature review committee that it has been revised and in the revision process the material resulting in the original rejection has been removed. When a rejected publication is received at an institution, it shall be impounded and shall not be issued to inmates. The warden or designee shall notify the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, within 15 calendar days of receipt that the publication has been rejected by the department’s literature review committee and cannot be received. Form DC5-101 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_ 9-5-05. For purposes of this subsection, the~~

warden's "designee" may include the mailroom supervisor. Form DC5-101, A Notice of Rejection or Impoundment of Publications, ~~Form DC5-101~~, shall address only one publication. If a single mailing ~~notice~~ includes more than one rejected publication Form DC5-101, a Notice of Rejection or Impoundment of Publications, ~~Form DC5-101~~ shall be prepared for each.

~~(8)~~<sup>(9)</sup> Incoming publications that have not been previously rejected by the literature review committee.

(a) The warden or designee shall impound and not issue to inmates any publication that he ~~or she~~ finds to be inadmissible pursuant to the criteria in subsection (3) within 15 calendar days of receipt of the publication at the institution. If only a portion of a publication meets one of the criteria for rejection established in subsection (3), the entire publication shall be impounded. For the purposes of approving the impoundment of publications, the warden's "designee" shall be limited to the assistant warden.

(b) The warden or designee shall advise the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, of the specific reasons for the impoundment within 15 calendar days of receipt of the publication at the institution and shall provide two copies of the form to the inmate. The warden or designee of the institution that originated the impoundment shall also provide a copy of the completed form to the publisher, mail order distributor, bookstore or sender, and to the literature review committee. The copy of the impoundment notice that is sent to the literature review committee shall also include as attachments a copy of the publication's front cover or title page and a copy of all pages cited on Form DC5-101, Notice of Rejection or Impoundment of Publications, as including inadmissible subject matter. The actual date that Form DC5-101, Notice of Rejection or Impoundment of Publications, is mailed to the publisher, mail order distributor, bookstore or sender shall be documented by date stamp on the copies provided to the publisher or sender, the literature review committee, and the institution's copy. ~~A Notice of Rejection or Impoundment of Publications, Form DC5-101, shall only address one publication. If a single mailing or package includes more than one publication and more than one are determined to be inadmissible, separate Notice of Rejection or Impoundment of Publications, Form DC5-101, shall be prepared for each.~~

(c) The impoundment of a publication by a warden or authorized designee of any correctional facility of the department shall result in that publication being impounded at all correctional facilities until such time as the literature review committee reviews the action. Inmates at other institutions who also receive the impounded publication shall be provided with Form DC5-101, a Notice of Rejection or Impoundment of Publications, ~~Form DC5-101~~, explaining that it has been impounded pending review for admissibility; Form DC5-101,

~~the~~ Notice of Rejection or Impoundment of Publications, ~~Form DC5-101~~, shall also detail the specific reasons why the publication was impounded. For purposes of this subsection, the warden's "designee" may include the mailroom supervisor.

(d) Due to the necessity of securing outside translation assistance, the time frames for review of admissible reading material specified in this section shall not apply to ~~foreign language~~ publications in languages other than English or Spanish.

~~(9)~~<sup>(40)</sup> Admissible Reading Material in an Inmate's Property.

(a) The review criteria established in subsection (3) of this rule also apply to publications found in an inmate's personal property. If correctional staff find a publication that has been rejected by the department, the publication shall be impounded and ~~DC~~ Form DC6-220, Inmate Impounded Personal Property List, shall be completed as required by Rules 33-602.201 and 33-602.203, F.A.C. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C.

(b) If correctional staff believe that a publication found in an inmate's personal property is inadmissible per subsection (3) of this rule, it shall be impounded and ~~DC~~ Form DC6-220, Inmate Impounded Personal Property List, shall be completed as required by Rules 33-602.201 and 33-602.203, F.A.C. The publication shall then be forwarded to the warden or his or her designee for review. The warden or warden's designee shall review the publication within 15 days of impoundment. If the publication is found to be inadmissible, the warden or warden's designee shall prepare Form DC5-101, a Notice of Rejection or Impoundment of Publications, advising Form DC5-101, that ~~advises~~ the inmate of the specific reasons for the impoundment. ~~The Notice of Rejection or Impoundment of Publications, Form DC5-101, shall only address one publication. If more than one publication is determined to be inadmissible, a separate Notice of Rejection or Impoundment of Publications, Form DC5-101, shall be prepared for each.~~ The inmate shall be provided with two copies of the form.

~~(10)~~<sup>(11)</sup> Publications Single issues of periodicals and newspapers, any book, and any other printed material addressed to a specific inmate or found in the property of an inmate shall be impounded when circumstances detailed in an individual inmate's criminal conviction, detailed in departmental disciplinary reports, or detailed in prior criminal convictions, indicates it would be a threat to the security, order or rehabilitative objectives of the correctional system or the safety of any person to allow the inmate access to subject matter in that publication.

(a) When a warden or assistant warden believes that an individual should be denied a publication because receipt of same would be contrary to treatment or rehabilitative objectives or might encourage or contribute to the conduct or commission of acts that violate department rules, he ~~or she~~ shall forward the publication to institutional health or mental

health services professionals for review and evaluation. If health or mental health services professionals concur that the inmate should be denied access to the publication, the warden or assistant warden shall impound the publication. The warden or assistant warden shall provide the literature review committee with a copy of the opinion prepared by the health or mental health services professional and any other information that justifies denying the inmate the publication.

(b) Publications received through the mail. Within 15 calendar days of receipt of the publication at the institution, the warden or designee shall advise the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, of the specific subject matter that is cause for impoundment pursuant to this subsection, to include the page numbers in the publication where this information is found, and the specific security, safety, or rehabilitation concerns that justify denying the individual inmate access to the publication. The warden or designee shall provide a copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, to the publisher, mail order distributor, bookstore, or sender. The actual date that the Form DC5-101, Notice of Rejection or Impoundment of Publications, is mailed to the publisher, mail order distributor, bookstore, or sender shall be documented by date stamp on the copies provided to the publisher or sender, the literature review committee, and the institution's copy. The inmate also shall be provided two copies of the form. ~~Form DC5-101, Notice of Rejection or Impoundment of Publications, shall only address one publication. If a single mailing or package includes more than one publication and more than one are determined to be inadmissible, a Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be prepared for each.~~

(c) Publications found in an inmate's personal property. Correctional staff shall impound the publication and complete ~~DE~~ Form DC6-220, Inmate Impounded Personal Property List, as required by Rules 33-602.201 and 33-602.203, F.A.C. The publication shall then be forwarded to the warden or his or her designee for review. The warden or warden's designee shall review the publication within 15 days of impoundment. If the warden or designee agrees that the publication should be impounded, he or she shall prepare a Form DC5-101, Notice of Rejection or Impoundment of Publications, identifying the specific subject matter that is cause for impoundment pursuant to this subsection, to include the page numbers in the publication where this information is found, and the specific security, safety, or rehabilitation concerns that justify denying the individual inmate access to the publication. Form DC5-101, Notice of Rejection or Impoundment of Publications, shall only address one publication. ~~If more than one publication is determined to be inadmissible, a Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be prepared for each.~~ The inmate shall be provided with two copies of the form.

(d) No change.

(e) Publications that are impounded pursuant to this subsection shall be handled as provided in subsections ~~(8)(9)~~ and ~~(9)(10)~~ of this rule.

(f) Inmates may appeal impoundment decisions undertaken pursuant to this subsection through use of the inmate grievance procedure as provided in subsection ~~(13)(14)~~ and paragraph ~~(14)(15)(c)~~ of this rule and Chapter 33-103, F.A.C.

1. No change.

2. If the impoundment decision is approved, the institution shall advise the inmate that he or she has 30 days from date of receipt of notice that the grievance appeal has been denied to make arrangements to have the publication picked up by an approved visitor or sent to a relative or friend or the sender at the inmate's expense. If the publication is not picked up or mailed out within 30 days, the institution shall destroy it.

(g) Impoundment decisions that are approved pursuant to this subsection are individualized in nature and do not have affect on any other inmate. If institution staff believe that a publication is inadmissible per the criteria established in subsection (3) of this rule, and should be denied to all inmates, they shall follow the procedures established in subsections ~~(8)(9)~~ and ~~(9)(10)~~ of this rule.

(h) No change.

~~(11)(12)(a)~~ Rejected and impounded publications shall be held at the institution for 30 days. Upon receipt of a Form DC5-101, Notice of Rejection or Impoundment of Publications, an inmate shall have 30 days to make arrangements to have the publication picked up by an approved visitor or sent to a relative or friend or the sender at the inmate's expense. If the publication is not picked up or mailed out within 30 days, the institution shall destroy it.

(b) The 30 day limit shall not include any time that a grievance is pending provided that:

1. No change.

2. In grievances challenging the impoundment or rejection of publications pursuant to the criteria established in subsections (3) and ~~(10)(11)~~ of this rule, the inmate provided the warden with written notice of his or her intent to file a grievance with the office of the secretary as prescribed in paragraph ~~(13)(14)(b)~~ of this rule.

(c) No change.

~~(12)(13)~~ No change.

~~(13)(14)~~ Inmates may appeal the impoundment or rejection of reading material through use of the inmate grievance procedure, Chapter 33-103, F.A.C.

(a) No change.

(b) When publications are impounded or rejected pursuant to the criteria established in subsections (3) and ~~(10)(11)~~ of this rule, inmates shall bypass the informal and formal institutional level of review, and file grievances direct to the office of the secretary as prescribed by Rule 33-103.007, F.A.C.

1. through 5. No change.

6. The inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he ~~or she~~ intends to appeal the impoundment or rejection to the office of the secretary if he ~~or she~~ wishes to have the order to dispose of the publication within 30 days stayed while the grievance is pending. The written notice shall include a statement that the inmate intends to appeal the impoundment or rejection of admissible reading material and must specifically identify the publications on which the appeal is to be based. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

~~(14)(15)~~ Literature Review Committee.

(a) through (c) No change.

(d) Decisions relating to the review of impounded or rejected publications shall be communicated to all institutions of the department and any all privately operated institutions housing inmates committed to the custody of under contract with the department. When an impoundment decision is overturned, institutions shall issue the publication to all affected inmates as soon as possible. Decisions relating to grievance appeals shall be communicated to the chief of the bureau of inmate grievance appeals or designee who shall then approve or deny the grievance based upon the committee's decision.

(e) If the inmate's grievance appeal is approved or if the literature review committee notifies institutions that the impoundment of a publication has been overturned, the institution shall issue the publication to the inmate. The following guidelines shall be followed:

1. through 2. No change.

3. The stamped Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be presented to the inmate. The inmate shall be required to sign and date the form. The inmate shall be issued the publication only after he ~~or she~~ has signed and dated the form.

4. No change.

~~(15)(16)~~ No change.

~~(16)(17)~~(a) Inmates may subscribe to, purchase, or receive no more than one periodical which is printed and distributed more frequently than daily or weekly general circulation newspaper and four other periodicals which are printed and distributed weekly or less frequently than weekly, except as otherwise provided in Rule 33-601.800, F.A.C. Religious publications as defined in Rule 33-503.001, F.A.C., shall not be counted against these limits.

(b) No inmate shall be allowed to receive or keep more than one copy of any volume, issue or edition of any book, periodical or other publication. For example, an inmate ~~will~~ shall be allowed to keep the January and February 1994 issues of a specific magazine, but ~~shall will~~ not be allowed to keep two copies of the January 1994 issue. No inmate shall be issued admissible reading material if he ~~or she~~ can not store it in his or her personal living area without creating a fire, safety, or sanitation hazard. Inmates shall be limited to no more than 2 single issues of a periodical which is printed and distributed more frequently than weekly daily or weekly newspaper title and 8 single issues of periodicals which are printed and distributed weekly or less frequently than weekly, except as otherwise provided in Rule 33-601.800, F.A.C a periodical.

(c) Inmates shall be allowed to order single issues of periodicals ~~and newspapers~~ from publishers' wholesale or mail-order distributors and bookstores in lieu of purchasing subscriptions; however, the possession limits referenced in paragraph (16)(b) all of the above referenced limits shall still apply.

~~(d)(e)~~ Inmates subscribe to and purchase periodicals or other reading materials at their own risk and expense. Inmates will not be reimbursed by the Department of Corrections for materials that are rejected or for the expense for mailing rejected items to other persons or entities.

~~(e)(f)~~ Except as otherwise provided in Rule 33-601.800, F.A.C., inmates shall be limited to the possession of 4 personal books. Religious publications Religious testaments, correspondence study materials, and law books not available in the institution's law library collection shall not be counted against this limit. ~~Religious testaments include sacred texts, prayer books and devotionals.~~

~~(f)(g)~~ Inmates may only receive and possess print media publications. Incoming publications published on non-print media or print media publications that include non-print media that are an integral part of the publication will be rejected and returned to the sender along with an explanation as to why the material is being rejected. However, unsolicited promotional computer diskettes and CD-ROMs that are mailed with a publication periodical issue, e.g., the CD-ROMs promoting America Online's Internet service, will be handled as provided in subsection ~~(25)(26)~~ of this rule.

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

~~(h)(g)~~ Inmates shall not order publications from publishers or senders on a "bill me later" basis. All publication book or periodical subscription purchases that are initiated by inmates shall include an Inmate Bank Trust Fund Special Withdrawal, Form DC2-304, that covers the complete cost of the purchase, and postage, if necessary, and shall include an envelope that is properly addressed to the publisher or sender. Such requests shall be submitted to the warden or designee for approval. If approved, the warden or designee shall forward the request to the Bureau of Finance and Accounting, Inmate Bank Section,

for processing. Any outgoing correspondence that does not comply with these requirements shall be returned to the inmate. Form DC2-304 is incorporated by reference in Rule 33-203.201, F.A.C.

(i) Inmates who subscribe to a periodical shall notify mailroom staff on Form DC6-236, Inmate Request, if they want to discontinue receiving one title in order to receive another. Requests to discontinue receipt of specific periodical titles shall not be approved more often than once every 90 days unless the inmate presents evidence that the subscription has expired and shall not be renewed.

(j) Inmates in maximum management shall not be permitted to receive or possess publications except as provided in Rule 33-601.820, F.A.C.

(17) Bindings and covers.

(a) Bindings.

1. Metal bindings, other than staples are not allowed. Metal bindings include: paperclips, binder clips, and other metal fasteners. Staples are not allowed in the following types of housing units: death row, administrative or disciplinary confinement, close management, maximum management, and mental health in-patient housing including transitional care units, crisis stabilization units, and correctional mental health institutions.

2. Spiral bindings are not allowed.

(b) Covers.

1.(18) Due to security concerns, inmates at Florida State Prison Main Unit or in death row or close management status in any institution shall not be allowed to receive hard-cover bound publications books. However, if a publication book is unavailable in soft-cover and no alternatives exist to allow access to the publication book, the inmate may receive the publication book only after the hard cover has been removed. The inmate shall make the decision whether to return the publication book to the sender or to receive the admissible portions after the institution has excised the hard-cover, and the inmate may appeal an institution's determination that the hard cover must be excised or returned. The institution shall not take any action to excise the hard-cover or return the publication book to sender until the inmate's appeal is concluded or the time for appeal has passed. Documentation of the inmate agreeing to the removal of the hard-cover shall be obtained prior to removal of the cover. This documentation shall at a minimum be filed in the inmate file. If the inmate does not agree or does not provide documentation that he or she wishes to have the cover removed, the publication shall be returned to the publisher or sender.

2. Hard or soft covers may be made of paper or leather materials and shall not be made of metal.

(18)(19) Books, Pperiodicals or other publications shall be sent directly from the publishers, mail order distributors or bookstores to the inmate unless otherwise authorized by the warden.

(19)(20) Books, Pperiodicals or other publications forwarded to inmates must be sent through the United States Postal Service. Materials received from other sources or without return addresses identifying the sender shall be refused.

(20)(24) The address of all incoming books, periodicals and other publications must contain the inmate's committed name, identification number, and institutional address.

(21) Training materials and correspondence study programs.

(a) Publications and training materials selected for use in authorized programs of the Department, or any in privately operated correctional institutions housing inmates committed to the custody of operated under contract with the Department, PRIDE or the Corrections Medical Authority shall be reviewed by the department head or person designated by the warden to ensure that the subject matter contained therein is admissible and does not meet any of the criteria for inadmissibility in subsection (3).

(b) Institutions shall permit inmates to enroll in correspondence study programs provided that the subject matter of course materials is not inadmissible pursuant to the criteria stated in subsection (3). The warden shall designate one or more department heads to screen and approve all materials received pursuant to participation in correspondence study programs. Individual items shall be inspected by institution staff upon receipt and shall either be approved and issued to the inmate, or rejected and handled as contraband in accordance with Rules 33-602.201 and 33-602.203, F.A.C.

1. No change.

2. Inmates in close management or on death row shall not be permitted to receive hard-bound cover correspondence study materials. Soft cover Paperback materials shall not have metal or spiral bindings.

2.3- All educational correspondence study materials shall be mailed directly from the course provider to the institution's education department via U.S. Postal Service mail.

(22)(23) Inmates shall be prohibited from posting or otherwise displaying any pictures or portions of books or publications. Such activity will subject the inmate to disciplinary action and will cause the posted or displayed material shall to be confiscated as contraband.

(23)(24) Calendars.

(a) Restrictions.

1. through 3. No change.

4. Binding—limited to staple and glue bindings; calendars with metal or spiral bindings shall not be permitted;

5. Cover, if any—limited to flexible paper (paperback);

4.6- Can not have any audio or electronic components.

(b) through (d) No change.

(24)(25) Blank journals or diaries.

(a) Restrictions.

1. Quantity – see possession limits set forth in paragraph (16)(e) ~~(17)(d)~~;
2. Size – limited to 9" x 12" or smaller;
3. No change.
4. ~~Binding – limited to glue bindings; journals with staples or metal or spiral bindings shall not be permitted;~~
5. ~~Cover, if any – limited to paper materials; hard bound back or cardboard covers are authorized except where possession of books is otherwise prohibited by rule (paperback);~~
- 5.6. Can not have any audio or electronic components.
- (b) through (c) No change.

~~(25)(26)~~ Whenever an otherwise admissible periodical or other publication ~~magazine~~ is received that includes product samples or advertising with product samples attached, the products shall be removed and the publication itself shall be issued to the inmate recipient. Any inmate who wishes to object to the removal of product samples from his or her publications shall submit a written request on Form DC6-236, Inmate Request, to the warden asking that product samples not be removed. Thereafter, any publication sent to the requestor that contains product samples shall be held by the institution for 30 days or 30 days after exhaustion of grievance appeals. It shall be the inmate’s responsibility to arrange for the mailing of the entire publication out of the institution at the inmate’s expense. Any publication not mailed out within the 30 days shall ~~will~~ be destroyed.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History–New 10-8-76, Amended 3-3-81, 9-24-81, Formerly 33-3.12, Amended 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-13-02, 7-2-03, 12-30-04, 9-5-05, 8-1-06, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.800  
 RULE TITLE: Close Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove information which does not constitute rule material, include envelopes and security pens as items which are counted by type rather than number, reflect the proposed changes to Rules 33-501.401 and 33-503.001, F.A.C., clarify form references throughout, and amend Form DC4-729, Behavioral Risk Assessment, to reflect rule amendments.

SUBJECT AREA TO BE ADDRESSED: Close management.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.800 Close Management.

(1) through (2) No change.

(3) Procedures for Placement in Close Management.

(a) through (b) No change.

(c) The classification officer shall complete section I of ~~Form DC6-233C, the Report of Close Management, Form DC6-233C.~~ Form DC6-233C is incorporated by reference in subsection (19) of this rule. Upon completion of section I, the classification officer shall forward Form DC6-233C to the classification supervisor. The classification officer shall ensure that the inmate receives a copy of ~~the Report of Close Management, Form DC6-233C,~~ to prepare for the close management review. The inmate will be given a minimum of 48 hours to prepare for the review unless waived by completing Form DC6-265, a Close Management Waiver, ~~Form DC6-265.~~ Form DC6-265 is incorporated by reference in subsection (19) of this rule. The inmate may present information verbally or in writing for consideration by the ICT. The staff member delivering Form DC6-233C to the inmate shall document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review.

(d) Prior to docketing an inmate’s case for close management review, the classification supervisor will submit a referral to the senior psychologist for evaluation of the inmate utilizing Form DC6-128, the Close Management Referral Assessment, ~~Form DC6-128.~~ Form DC6-128 is incorporated by reference in subsection (19) of this rule.

(e) through (f) No change.

(g) ICT Hearing. The ICT shall evaluate the recommendations for close management placement and the mental health assessment, interview the inmate, and consider the information provided by the inmate. The ICT shall ensure that the inmate was given a minimum of 48 hours to prepare for the review unless waived by completing Form DC6-265, a Close Management Waiver, ~~Form DC6-265.~~ The team shall document on Form DC6-233C that the inmate was allowed at least 48 hours to prepare for the review. The ICT shall inquire whether or not the inmate is in need of staff assistance. A staff assistant shall be assigned to assist an inmate when the team determines that the inmate is illiterate or does not understand English, has a disability that would hinder the inmate’s ability to represent him or herself, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent him or herself. This assistance can also be provided at the inmate’s request. In such event, it is the responsibility of the staff member to explain the close management

recommendation and procedures to the inmate. Even though the staff member will be authorized to assist an inmate during the hearing and aid the inmate in presenting his or her position, the staff member shall not take the position of an advocate or defense attorney for the inmate. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the team shall document the postponement on Form DC6-233C. The inmate will appear at the hearing unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process or the inmate waives his or her right to be present at the close management hearing. If the inmate waives his or her right to be present at the close management hearing, ~~the Close Management Waiver, Form DC6-265, shall be completed.~~ In such cases, the review will be completed without the inmate. The absence, removal, or presence of the inmate will be documented on Form DC6-233C. After the interview and review of all pertinent information including the mental health assessment, the ICT will make a recommendation to the SCO. This recommendation will be documented on Form DC6-233C. The ICT will inform the inmate of the basis for its decision and provide a copy of the team's decision to the inmate after the conclusion of the hearing. The ICT classification member will ensure that the team results are entered in OBIS.

(h) The SCO will review the recommendations of the ICT; ~~the Close Management Referral Assessment, Form DC6-128,~~ and other pertinent information before making the final decision regarding close management placement. This review will be on site and the SCO may interview the inmate, except in situations requiring more immediate action. In these cases, the SCO will review the documentation in OBIS. The SCO will approve, disapprove, or modify the ICT's recommendation or obtain further information from the team before reaching a final decision. If the team's recommendation is disapproved or modified by the SCO, the inmate will be informed of the decision in writing by the SCO. Inmate notification will not be required when the SCO has approved the ICT's recommendation. After the review is complete, the SCO will document its decision in OBIS. A copy of Form DC6-233C will be kept in the inmate record file.

(4) through (5) No change.

(6) Close Management Facilities.

(a) through (d) No change.

(e) Water Supply to CM Units. All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to then flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it

on staff or other inmates, or mixing it with another substance for an unauthorized purpose (~~inmate mixes water with soap or shampoo and applies to the floor or himself or herself to hinder cell extraction~~). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the Daily Record of Special Housing, Form DC6-229. Form DC6-229 is incorporated by reference in Rule 33-602.220, F.A.C. subsection (19) of this rule.

(f) Prior to placement of an inmate in a close management cell, the cell will be thoroughly inspected by the housing officer to ensure that it is in proper order. The housing officer shall document the cell's condition on Form DC6-221, Cell Inspection. After such time, the inmate housed in that cell will be responsible for the condition of the cell. Form DC6-221 is incorporated by reference in Rule 33-602.220, F.A.C. subsection (19) of this rule.

(g) through (h) No change.

(7) No change.

(8) Behavioral Risk Assessment.

(a) The MDST shall determine behavioral risk of each CM team decision inmate by completing Form DC4-729, the Behavioral Risk Assessment (BRA), ~~Form DC4-729.~~ Form DC4-729 is incorporated by reference in subsection (19) of this rule.

(b) through (f) No change.

(9) No change

(10) Conditions and Privileges in CM Units.

(a) through (b) No change.

(c) Personal Property – Inmates shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes and health and comfort items unless there is an indication of a security problem. Close management inmates at all levels shall be allowed to possess a “walkman” type radio with approved headphones as is allowed for general population inmates. Exceptions or removal of any item will be documented on ~~the Form DC6-229.~~ Form DC6-220. An Inmate Impounded Personal Property List, ~~Form DC6-220,~~ will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding or personal property are removed in order to prevent the inmate from inflicting injury to him or herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden,



based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. Form DC6-220 is incorporated by reference in Rule ~~33-602.201~~ 33-602.220, F.A.C.

(d) Comfort Items – Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on ~~the Daily Record of Special Housing~~, Form DC6-229, which must be reviewed by the chief of security. When any personal property is removed, ~~an Inmate Impounded Personal Property List~~, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, and feminine hygiene products for women, and toilet tissue.

(e) No change.

(f) Diet and Meals – All inmates in close management shall receive normal institutional meals as are available to the general inmate population except that if any item on the regular menu might create a security problem in the close management area, then another item of comparable quality shall be substituted. ~~An alternative meal~~ (special management meal) may be provided for any inmate in close management who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal will be in strict accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service is to be documented by security staff on Form DC6-209, Housing Unit Log and Form DC6-210, Incident Report ~~the Daily Record of Special Housing, Form DC6-229~~. Form DC6-209 is incorporated by reference in Rule 33-602.220, F.A.C., and Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(g) Canteen Items.

1. Inmates in CMI and II, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once per week unless restricted by disciplinary action. Inmates in CMI and II will be allowed to purchase up to five non-food items and five food items. In making this determination, with the exception of stamps, envelopes, security pens, and notebook paper, it is the number of items that is counted not the type of item. For example, three security

pens counts as ~~three items~~, not one item, ~~Twenty-five stamps or fewer will count as one item~~, and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once each week unless restricted by disciplinary action. Inmates in CMIII will be allowed to purchase up to five non-food items and ten food items. In making the determination, with the exception of stamps, envelopes, security pens, and notebook paper, it is the number of items that is counted not the type of item. For example, three packages of cookies count as three items, not one item.

3. through 4. No change.

(h) Religious Accommodations – Inmates in close management status shall be allowed to participate in religious ceremonies that can be accomplished at cell-side (for example, communion). Additionally, close management inmates shall be allowed to possess religious publications as defined in Rule 33-503.001, F.A.C., ~~literature~~ and have access to a spiritual advisor or clergy visit with citizen clergy persons at a time and location approved by the warden.

(i) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books which are not available in the law library and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate's cell, and access to visits with research aides. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes from the canteen for this purpose, within the stated time frames. Typewriters or typing services are not considered required items and will not be permitted in close management cells. Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a research aide for the purpose of preparing legal documents, legal mail, and filing grievances.

(j) through (k) No change.

(l) Reading materials –

1. Inmates in close management shall be provided access to admissible reading material as provided in Rule 33-501.401, F.A.C. ~~Reading materials, including scriptural or devotional materials and books that are in compliance with admissibility requirements, are allowed in close management units unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the items will be removed.~~

Such removal of reading materials will be documented on Form DC6-229, ~~Daily Record of Special Housing~~. If items are removed in order to prevent the inmate from inflicting injury to him or herself or others or to prevent the destruction of property or equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred.

2. An inmate who receives services from the Bureau of Braille and Talking Book library will be allowed to have his tape player, devotional or scriptural material tapes, and other books on tape which are in compliance with Rule 33-501.401, F.A.C.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the close management officer shall provide the inmate with an in-cell exercise guide and document such on ~~the Daily Record of Special Housing~~, Form DC6-229. However, an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule, or if the inmate has pending a disciplinary hearing for a major rule violation as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on ~~the Daily Record of Special Housing~~, Form DC6-229. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate's limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) No change.

(11) Programs and Privileges in Close Management Units.

(a) While in a close management unit, an inmate's movement within the institution and contacts with other individuals will be restricted. Privileges will also be limited depending on the specific close management level. If an inmate transfers to a less restrictive level due to satisfactory

adjustment, the adjustment period required for any privilege shall be waived. Upon placement in CM, inmates shall receive a copy of Form NII-046, the Close Management Housing Unit Instructions, ~~Form NII-046~~. Form NII-046 is incorporated by reference in subsection (19) of this rule.

(b) CMI. Privileges for an inmate assigned to CMI are as follows:

1. No change;

2. Check out three soft-back publications ~~books~~ from the library at least once per week and possess no more than three soft back publications ~~books~~ at any given time. An inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to check out three publications ~~books~~ on tape per week and possess no more than three books at any given time, even though the actual number of tapes may be more than three per publication ~~book~~;

3. No change;

4. Subscribe to one publication which is published and distributed more frequently than weekly and one publication which is published and distributed weekly or less frequently than weekly ~~magazine and newspaper~~ and possess no more than four issues of each at any given time; an inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to receive up to four issues of a publication ~~magazine~~;

5. through 6. No change.

(c) through (d) No change.

(12) Suspension of Privileges. The ICT shall suspend an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of privileges will be documented on Form DC6-229, ~~the Daily Record of Special Housing, Form DC6-229~~. Privileges suspended by the ICT in excess of 30 days will require the review and approval of the SCO.

(13) through (14) No change.

(15) Contact by Staff. The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on Form DC6-228, ~~the Inspection of Special Housing Record, Form DC6-228~~. Form DC6-228 is incorporated by reference in Rule 33-602.220, F.A.C. The staff member shall also document his or her visit on Form DC6-229, ~~the Daily Record of Special Housing, Form DC6-229~~, if there is any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) through (i) No change.

(16) Review of Close Management.

(a) No change.

(b) All services provided by any mental health or program staff member shall be recorded on Form DC6-229, the Daily Record of Special Housing, ~~Form DC6-229~~, which shall be kept in the CM unit.

(c) When an inmate has not been released to general population and is in any close management status for six months, the classification officer shall interview the inmate and shall prepare a formal assessment and evaluation on Form DC6-233C, the Report of Close Management. Such reports shall include a brief paragraph detailing the basis for the CM team decision, what has transpired during the six-month period, and whether the inmate should be released, maintained at the current level, or modified to another level of management. The case shall be forwarded to the classification supervisor who shall docket the case for ICT review.

(d) The ICT shall review the report of close management prepared by the classification officer, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security, and insert any other information regarding the inmate's status. If applicable, the ICT shall review the inmate's disciplinary confinement status in accordance with subsection 33-602.222(8), F.A.C. The inmate shall be present for an interview unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process, or the inmate waives his or her right to be present at the close management hearing. Form DC6-265, the Close Management Waiver, ~~Form DC6-265~~, shall be completed. In such cases, the review will be completed without the inmate. The absence, removal or presence of the inmate will be documented on Form DC6-233C. The ICT's CM and, if applicable, ~~disciplin~~ disciplinary confinement status recommendations shall be documented in OBIS and ~~the Report of Close Management~~, Form DC6-233C. If it is determined that no justifiable safety and security issues exists for the inmate to remain in close management the ICT shall forward their recommendation for release to the SCO for review. For an inmate to remain in close management the ICT shall justify the safety and security issues or circumstances that can only be met by maintaining the inmate at the current level or modifying the inmate to another level of management.

(e) The SCO shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from close management status is appropriate. The SCO shall review all reports prepared by the ICT concerning an inmate's close management and, if applicable, disciplinary confinement status, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security. The SCO shall interview the inmate unless exceptional circumstances exist or the inmate is approved for release to general population. If it is determined

that no justifiable safety and security issues exist for the inmate to remain in close management the SCO shall cause the inmate to be immediately released. For an inmate to remain in close management, the SCO shall determine based on the reports and documentation that there are safety and security issues or circumstances for maintaining the inmate at the current level or at a modified level of management. If applicable and in accordance with subsection 33-602.222(8), F.A.C., the SCO shall determine whether the inmate is to continue or be removed from disciplinary confinement status. The SCO's decisions shall be documented in OBIS and ~~the Report of Close Management~~, Form DC6-233C. The SCO shall advise the inmate of its decision.

(f) through (g) No change.

(17) Close Management Records.

(a) Form DC6-233C, A Report of Close Management, ~~Form DC6-233C~~, shall be kept for each inmate placed in close management.

(b) Form DC6-229, A Daily Record of Special Housing, ~~Form DC6-229~~, shall be maintained for each inmate as long as he is in close management. Form DC6-229 shall be utilized to document any activities, including cell searches, items removed, showers, outdoor exercise, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. Staff shall re-assess the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The close management unit officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the housing area for 30 days. After each 30 day review of the inmate by a member of the ICT, Form DC6-229 shall be forwarded to classification to be filed in the institutional inmate record.

(c) Form DC6-229B, A Daily Record of Special Housing – Supplemental, ~~Form DC6-229B~~, shall be completed and attached to the current Form DC6-229 whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in Rule 33-602.220, F.A.C.

(d) Form DC6-228, An Inspection of Special Housing Record, ~~Form DC6-228~~, shall be maintained in each close management unit. Each staff person shall sign the record when entering and leaving the close management unit. Prior to

leaving the close management unit, each staff member shall indicate any specific problems. No other unit activities will be recorded on Form DC6-228. Upon completion, Form DC6-228 shall be maintained in the housing area and forwarded to the chief of security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule.

(e) ~~Form DC6-209, A Housing Unit Log, Form DC6-209,~~ shall be maintained in each close management unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(18) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services,~~ Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

~~(a) Form DC6-233C, Report of Close Management, effective date 4-8-04.~~

~~(b) Form DC6-265, Close Management Waiver, effective date 2-1-01.~~

~~(c)(a) Form DC6-128, Close Management Referral Assessment, effective date 4-8-04.~~

~~(d)(b) Form DC4-643A, Individualized Service Plan, effective date 8-23-07.~~

~~(e) Form DC6-221, Cell Inspection, effective date 12-16-01.~~

~~(d) Form DC6-228, Inspection of Special Housing Record, effective date 2-12-01.~~

~~(e) Form DC6-229, Daily Record of Special Housing, effective date 4-27-08.~~

~~(f) Form DC6-229B, Daily Record of Special Housing—Supplemental, effective date 4-27-08.~~

~~(g) Form DC6-233C, Report of Close Management, effective date 4-8-04.~~

~~(h) Form DC6-265, Close Management Waiver, effective date 2-1-01.~~

~~(e)(i) Form DC4-729, Behavioral Risk Assessment, effective date 4-8-04.~~

~~(j) Form DC6-209, Housing Unit Log, effective date 4-8-04.~~

~~(f)(k) Form NI1-046, Close Management Housing Unit Instructions, effective date 3-10-05.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, 4-27-08, \_\_\_\_\_.

Editorial Note: Formerly 33-601.801-.813, substantially amended February 1, 2001.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.:

RULE TITLE:

40C-8.031

Minimum Surface Water Levels and Flows and Groundwater Levels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to (1) amend established minimum water levels for the following lakes in the following counties: Lake Grandin in Putnam County, and Lakes Colby and Shaw and Three Island Lake in Volusia County; (2) add a duration and return interval to the established minimum water levels for Lake Ashby in Volusia County and Lake Gore in Flagler County and delete their listed hydroperiod categories; (3) make minor technical changes by rounding to the nearest decimal place for the minimum average levels for Lake Broward in Putnam County and Lake Sand Hill in Clay County; (4) make minor technical changes by changing the name of the hydroperiod category from “temporarily flooded” to “seasonally flooded” for the frequent high levels for the following lake in the following counties: Bird Pond, McKasel, and Pam in Putnam County, and Mills in Seminole County; (5) make a minor technical change by changing the name of the hydroperiod category from “seasonally flooded” to “temporarily flooded” for Lake Sunset in Lake County; (6) make minor technical changes by changing the name of the hydroperiod category from “typically flooded” to “typically saturated” for the minimum average water level of the following lakes in the following counties: Daugharty and Dias in Volusia County, Disston in Flagler County, and Echo in Putnam County; and (7) revise the formatting of existing subsections 40C-8.031(1)-(2), F.A.C., for clarity.

SUBJECT AREA TO BE ADDRESSED: The proposed rule would establish or amend established minimum water levels for the above listed lakes and springs pursuant to the mandate of Section 373.042, Florida Statutes. Each of the established or amended levels have either an associated hydroperiod category or a duration and return interval. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process. Additionally, the proposed rule would revise the formatting of Rule 40C-8.031, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

Pursuant to the provisions of 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: Sandy Bertram, Asst. District Clerk, (386)329-4127. If you are 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) The following minimum groundwater levels and minimum mean annual spring flows are established:

Spring Name	County	Head (ft NGVD)	Discharge (cfs)
<u>Messant Spring</u>	<u>Lake</u>	<u>32</u>	<u>12</u>
<u>Miami Spring</u>	<u>Seminole</u>	<u>27</u>	<u>4</u>
<u>Palm Spring</u>	<u>Lake</u>	<u>27</u>	<u>7</u>
<u>Rock Spring</u>	<u>Orange</u>	<u>31</u>	<u>53</u>
<u>Sanlando Spring</u>	<u>Seminole</u>	<u>28</u>	<u>15</u>
<u>Seminole Spring</u>	<u>Lake</u>	<u>34</u>	<u>34</u>
<u>Starbuck Spring</u>	<u>Seminole</u>	<u>31</u>	<u>13</u>
<u>Wekiwa Spring</u>	<u>Orange</u>	<u>24</u>	<u>62</u>

(2) The following minimum surface water levels and flows are established:

System Name	County	Minimum Level	Level (ft NGVD)	Flow (cfs)	Hydroperiod Category	Duration (days)	Return Interval (years)		
<u>Black Water Creek at the SR 44 Bridge</u>	<u>Lake</u>	<u>Infrequent High</u>	<u>27.0</u>	<u>340</u>	<u>=</u>	<u>7</u>	<u>5</u>		
		<u>Frequent High</u>	<u>25.8</u>	<u>145</u>	<u>=</u>	<u>30</u>	<u>2</u>		
		<u>Average</u>	<u>24.3</u>	<u>33</u>	<u>=</u>	<u>180</u>	<u>1.7</u>		
		<u>Frequent Low</u>	<u>22.8</u>	<u>2.5</u>	<u>=</u>	<u>90</u>	<u>15</u>		
		<u>Phase 1 Restriction</u>	<u>22.7</u>	<u>2.0</u>	<u>=</u>	<u>=</u>	<u>=</u>		
		<u>Phase 2 Restriction</u>	<u>22.5</u>	<u>1.0</u>	<u>=</u>	<u>=</u>	<u>=</u>		
		<u>Phase 3 Restriction</u>	<u>22.4</u>	<u>0.6</u>	<u>=</u>	<u>=</u>	<u>=</u>		
		<u>Phase 4 Restriction</u>	<u>22.3</u>	<u>0.3</u>	<u>=</u>	<u>=</u>	<u>=</u>		
<u>St. Johns River 1.5 miles downstream of Lake Washington weir</u>	<u>Brevard</u>	<u>Infrequent Low</u>	<u>21.9</u>	<u>0.0</u>	<u>=</u>	<u>7</u>	<u>100</u>		
		<u>Frequent High</u>	<u>15.3</u>	<u>1450</u>	<u>Seasonally Flooded</u>	<u>=</u>	<u>=</u>		
		<u>Average</u>	<u>12.7</u>	<u>240</u>	<u>Typically Saturated</u>	<u>=</u>	<u>=</u>		
		<u>Frequent Low</u>	<u>11.3</u>	<u>28</u>	<u>Semipermanently Flooded</u>	<u>=</u>	<u>=</u>		
		<u>St. Johns River at SR 44 near DeLand</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>1.9</u>	<u>4600</u>	<u>=</u>	<u>30</u>	<u>3</u>
				<u>Average</u>	<u>0.8</u>	<u>2050</u>	<u>=</u>	<u>180</u>	<u>1.5</u>
				<u>Frequent Low</u>	<u>0.3</u>	<u>1100</u>	<u>=</u>	<u>120</u>	<u>5</u>
<u>Taylor Creek 1.7 miles downstream of structure S-164</u>		<u>Frequent High</u>	<u>=</u>	<u>95</u>	<u>Seasonally Flooded</u>	<u>=</u>	<u>=</u>		
		<u>Average</u>	<u>=</u>	<u>17</u>	<u>Typically Saturated</u>	<u>=</u>	<u>=</u>		
		<u>Frequent Low</u>	<u>=</u>	<u>0.5</u>	<u>Semipermanently Flooded</u>	<u>=</u>	<u>=</u>		
<u>St. Johns River at SR 50 near Christmas</u>	<u>Orange and Brevard</u>	<u>Frequent High</u>	<u>8.1</u>	<u>1950</u>	<u>=</u>	<u>30</u>	<u>2</u>		
		<u>Average</u>	<u>5.9</u>	<u>580</u>	<u>=</u>	<u>180</u>	<u>1.5</u>		
		<u>Frequent Low</u>	<u>4.2</u>	<u>140</u>	<u>=</u>	<u>120</u>	<u>5</u>		
		<u>Infrequent Low</u>	<u>2.7</u>	<u>43</u>	<u>=</u>	<u>60</u>	<u>50</u>		

<u>Wekiva River at the SR46 Bridge</u>	<u>Seminole and Lake</u>	<u>Infrequent High</u>	<u>9.0</u>	<u>880</u>	<u>=</u>	<u>7</u>	<u>5</u>
		<u>Frequent High</u>	<u>8.0</u>	<u>410</u>	<u>=</u>	<u>30</u>	<u>2</u>
		<u>Average</u>	<u>7.6</u>	<u>240</u>	<u>=</u>	<u>180</u>	<u>1.7</u>
		<u>Frequent Low</u>	<u>7.2</u>	<u>200</u>	<u>=</u>	<u>90</u>	<u>3</u>
		<u>Phase 1 Restriction</u>	<u>7.0</u>	<u>190</u>	<u>=</u>	<u>=</u>	<u>=</u>
		<u>Phase 2 Restriction</u>	<u>6.9</u>	<u>180</u>	<u>=</u>	<u>=</u>	<u>=</u>
		<u>Phase 3 Restriction</u>	<u>6.7</u>	<u>160</u>	<u>=</u>	<u>=</u>	<u>=</u>
		<u>Phase 4 Restriction</u>	<u>6.5</u>	<u>150</u>	<u>=</u>	<u>=</u>	<u>=</u>
		<u>Infrequent Low</u>	<u>6.1</u>	<u>120</u>	<u>=</u>	<u>7</u>	<u>100</u>

(3) The following minimum surface water flows are established for Blue Spring in Volusia County:

<u>April 1, 2019 through March 31, 2024</u>	<u>148 cfs</u>
<u>After March 31, 2024</u>	<u>157 cfs</u>

(4) The following minimum surface water levels are established:

<u>Time Period</u>	<u>Minimum Long Term Mean Flow</u>
<u>December 3, 2006 through March 31, 2009</u>	<u>133 cfs</u>
<u>April 1, 2009 through March 31, 2014</u>	<u>137 cfs</u>
<u>April 1, 2014 through March 31, 2019</u>	<u>142 cfs</u>

<u>System Name</u>	<u>County</u>	<u>Minimum Level</u>	<u>Level (ft NGVD)</u>	<u>Hydroperiod Category</u>	<u>Duration (days)</u>	<u>Return Interval (years)</u>
<u>Apshawa North</u>	<u>Lake</u>	<u>Frequent High</u>	<u>85.0</u>	<u>Seasonally flooded</u>	<u>=</u>	<u>=</u>
		<u>Average</u>	<u>83.3</u>	<u>Typically saturated</u>	<u>=</u>	<u>=</u>
		<u>Frequent Low</u>	<u>81.3</u>	<u>Semipermanently flooded</u>	<u>=</u>	<u>=</u>
<u>Apshawa South</u>	<u>Lake</u>	<u>Frequent High</u>	<u>86.0</u>	<u>Seasonally Flooded</u>	<u>=</u>	<u>=</u>
		<u>Average</u>	<u>84.7</u>	<u>Typically Saturated</u>	<u>=</u>	<u>=</u>
		<u>Frequent Low</u>	<u>83.2</u>	<u>Semipermanently Flooded</u>	<u>=</u>	<u>=</u>
<u>Argenta</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>50.1</u>	<u>Seasonally Flooded</u>	<u>=</u>	<u>=</u>
		<u>Average</u>	<u>47.7</u>	<u>Typically Saturated</u>	<u>=</u>	<u>=</u>
		<u>Frequent Low</u>	<u>46.3</u>	<u>Semipermanently Flooded</u>	<u>=</u>	<u>=</u>
<u>Ashby</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>12.3</u>	<u>=</u>	<u>60</u>	<u>2</u>
		<u>Frequent Low</u>	<u>11.1</u>	<u>=</u>	<u>120</u>	<u>5</u>
<u>Banana</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>38.0</u>	<u>Seasonally Flooded</u>	<u>=</u>	<u>=</u>
		<u>Average</u>	<u>36.2</u>	<u>Typically Saturated</u>	<u>=</u>	<u>=</u>
		<u>Frequent Low</u>	<u>34.4</u>	<u>Semipermanently Flooded</u>	<u>=</u>	<u>=</u>
<u>Bell</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>42.5</u>	<u>Temporarily Flooded</u>	<u>=</u>	<u>=</u>
		<u>Average</u>	<u>40.5</u>	<u>Typically Saturated</u>	<u>=</u>	<u>=</u>
		<u>Frequent Low</u>	<u>38.7</u>	<u>Semipermanently Flooded</u>	<u>=</u>	<u>=</u>
<u>Big</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>26.1</u>	<u>Seasonally Flooded</u>	<u>=</u>	<u>=</u>
		<u>Average</u>	<u>25.0</u>	<u>Typically Saturated</u>	<u>=</u>	<u>=</u>
		<u>Frequent Low</u>	<u>23.7</u>	<u>Semipermanently Flooded</u>	<u>=</u>	<u>=</u>
<u>Bird Pond</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>41.8</u>	<u>Seasonally Flooded</u>	<u>=</u>	<u>=</u>
		<u>Average</u>	<u>39.5</u>	<u>Typically Saturated</u>	<u>=</u>	<u>=</u>
		<u>Frequent Low</u>	<u>38.1</u>	<u>Semipermanently Flooded</u>	<u>=</u>	<u>=</u>
<u>Blue Pond</u>	<u>Clay</u>	<u>Frequent High</u>	<u>174.1</u>	<u>Temporarily Flooded</u>	<u>=</u>	<u>=</u>
		<u>Average</u>	<u>173.3</u>	<u>Typically Saturated</u>	<u>=</u>	<u>=</u>
		<u>Frequent Low</u>	<u>171.7</u>	<u>Semipermanently Flooded</u>	<u>=</u>	<u>=</u>
<u>Boggy Marsh</u>	<u>Lake</u>	<u>Frequent High</u>	<u>117.3</u>	<u>Seasonally Flooded</u>	<u>=</u>	<u>=</u>
		<u>Average</u>	<u>115.9</u>	<u>Typically Saturated</u>	<u>=</u>	<u>=</u>
		<u>Frequent Low</u>	<u>114.5</u>	<u>Semipermanently Flooded</u>	<u>=</u>	<u>=</u>
<u>Bowers</u>	<u>Marion</u>	<u>Frequent High</u>	<u>57.1</u>	<u>Temporarily Flooded</u>	<u>=</u>	<u>=</u>
		<u>Average</u>	<u>54.0</u>	<u>Typically Saturated</u>	<u>=</u>	<u>=</u>
		<u>Frequent Low</u>	<u>52.7</u>	<u>Semipermanently Flooded</u>	<u>=</u>	<u>=</u>

<u>Brantley</u>	<u>Seminole</u>	<u>Frequent High</u>	<u>46.3</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>45.6</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>44.1</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Brooklyn</u>	<u>Clay</u>	<u>Frequent High</u>	<u>114.6</u>	<u>Temporarily Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>108.0</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>101.0</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Broward</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>40.0</u>	<u>Temporarily Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>38.2</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>36.5</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Burkett</u>	<u>Orange</u>	<u>Frequent High</u>	<u>53.5</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>52.6</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>51.2</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Charles</u>	<u>Marion</u>	<u>Frequent High</u>	<u>40.2</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>39.3</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>37.9</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Cherry</u>	<u>Lake</u>	<u>Frequent High</u>	<u>96.0</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>94.9</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>93.4</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Clear</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>37.4</u>	<u>Temporarily Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>36.4</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>34.9</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Colby</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>27.6</u>	<u>==</u>	<u>30</u>	<u>3</u>
		<u>Frequent Low</u>	<u>22.9</u>	<u>==</u>	<u>120</u>	<u>3</u>
		<u>Frequent High</u>	<u>38.0</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
<u>Como</u>	<u>Putnam</u>	<u>Average</u>	<u>36.2</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>34.4</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
		<u>Frequent High</u>	<u>38.0</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
<u>Como, Little Lake</u>	<u>Putnam</u>	<u>Average</u>	<u>36.6</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>35.2</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
		<u>Frequent High</u>	<u>35.7</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
<u>Coon Pond</u>	<u>Volusia</u>	<u>Average</u>	<u>34.6</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>33.1</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
		<u>Frequent High</u>	<u>89.1</u>	<u>Temporarily Flooded</u>	<u>==</u>	<u>==</u>
<u>Cowpen</u>	<u>Putnam</u>	<u>Average</u>	<u>85.7</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>84.2</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
		<u>Frequent High</u>	<u>40.5</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
<u>Cow Pond</u>	<u>Volusia</u>	<u>Average</u>	<u>39.8</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>37.6</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
		<u>Frequent High</u>	<u>35.5</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
<u>Crystal/Baker</u>	<u>Putnam</u>	<u>Average</u>	<u>33.9</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>33.0</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
		<u>Frequent High</u>	<u>44.8</u>	<u>Temporarily Flooded</u>	<u>==</u>	<u>==</u>
<u>Daugharty</u>	<u>Volusia</u>	<u>Average</u>	<u>42.6</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>41.2</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
		<u>Frequent High</u>	<u>36.2</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
<u>Davis</u>	<u>Volusia</u>	<u>Average</u>	<u>35.4</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>34.0</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
		<u>Frequent High</u>	<u>35.0</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
<u>Deep</u>	<u>Putnam</u>	<u>Average</u>	<u>33.1</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>32.2</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
		<u>Frequent High</u>	<u>34.6</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
<u>Dias</u>	<u>Volusia</u>	<u>Average</u>	<u>33.5</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>32.2</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
		<u>Frequent High</u>	<u>13.8</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
<u>Disston</u>	<u>Flagler</u>					

		<u>Average</u>	<u>13.2</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>12.5</u>	<u>Sempermanently Flooded</u>	==	==
<u>Dorr</u>	<u>Lake</u>	<u>Frequent High</u>	<u>43.5</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>43.1</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>42.1</u>	<u>Sempermanently Flooded</u>	==	==
<u>Dream Pond</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>49.0</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>47.5</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>46.0</u>	<u>Sempermanently Flooded</u>	==	==
<u>Drudy</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>42.1</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>40.6</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>39.1</u>	<u>Sempermanently Flooded</u>	==	==
<u>Echo</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>38.8</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>36.7</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>35.2</u>	<u>Sempermanently Flooded</u>	==	==
<u>Emma</u>	<u>Lake</u>	<u>Frequent High</u>	<u>94.1</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>92.5</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>91.1</u>	<u>Sempermanently Flooded</u>	==	==
<u>Emporia</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>38.9</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>35.8</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>34.3</u>	<u>Sempermanently Flooded</u>	==	==
<u>Estella</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>38.6</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>37.2</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>36.5</u>	<u>Sempermanently Flooded</u>	==	==
<u>Fox</u>	<u>Brevard</u>	<u>Frequent High</u>	<u>16.7</u>	<u>Temporarily Flooded</u>	==	==
		<u>Average</u>	<u>15.3</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>13.8</u>	<u>Sempermanently Flooded</u>	==	==
<u>Geneva</u>	<u>Clay</u>	<u>Frequent High</u>	<u>103.0</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>101.0</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>98.5</u>	<u>Sempermanently Flooded</u>	==	==
<u>Georges Lake</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>98.4</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>97.8</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>97.0</u>	<u>Sempermanently Flooded</u>	==	==
<u>Gertie</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>27.5</u>	<u>Temporarily Flooded</u>	==	==
		<u>Average</u>	<u>25.6</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>23.3</u>	<u>Sempermanently Flooded</u>	==	==
<u>Gore</u>	<u>Flagler</u>	<u>Frequent High</u>	<u>21.1</u>	==	30	3
		<u>Average</u>	<u>20.6</u>	==	180	1.5
		<u>Frequent Low</u>	<u>19.2</u>	==	120	5
<u>Grandin</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>81.5</u>	==	30	2
		<u>Frequent Low</u>	<u>78.6</u>	==	120	5
<u>Halfmoon</u>	<u>Marion</u>	<u>Frequent High</u>	<u>49.7</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>47.9</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>46.5</u>	<u>Sempermanently Flooded</u>	==	==
<u>Helen</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>46.1</u>	<u>Temporarily Flooded</u>	==	==
		<u>Average</u>	<u>44.2</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>43.6</u>	<u>Sempermanently Flooded</u>	==	==
<u>Hires</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>41.0</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>39.5</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>38.0</u>	<u>Sempermanently Flooded</u>	==	==
<u>Hokey</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>35.4</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>33.7</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>32.3</u>	<u>Sempermanently Flooded</u>	==	==
<u>Hopkins Prairie</u>	<u>Marion</u>	<u>Frequent High</u>	<u>25.8</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>23.4</u>	<u>Typically Saturated</u>	==	==



		<u>Frequent Low</u>	<u>22.0</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Howell</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>34.5</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>33.6</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>31.8</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Howell</u>	<u>Seminole</u>	<u>Frequent High</u>	<u>53.7</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>52.9</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>51.5</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Indian</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>37.0</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>36.1</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>34.4</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Irma</u>	<u>Orange</u>	<u>Frequent High</u>	<u>55.1</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>54.8</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>53.4</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Kerr</u>	<u>Marion</u>	<u>Frequent High</u>	<u>24.4</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>22.9</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>21.5</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Lizzie</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>43.9</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>42.7</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>41.7</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Louisa</u>	<u>Lake</u>	<u>Frequent High</u>	<u>96.5</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>95.4</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>94.0</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Lower Lake Louise</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>31.8</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>31.2</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>29.7</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Lucy</u>	<u>Lake</u>	<u>Frequent High</u>	<u>94.1</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>92.5</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>91.1</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Magnolia</u>	<u>Clay</u>	<u>Frequent High</u>	<u>124.7</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>124.2</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>121.4</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Mall, Little Lake</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>38.7</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>36.8</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>35.2</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Margaret</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>35.2</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>34.5</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>32.5</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Martha</u>	<u>Orange</u>	<u>Frequent High</u>	<u>53.5</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>52.6</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>51.2</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Marvin</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>38.6</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>37.3</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>36.3</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>McGrady</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>41.5</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>39.9</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>37.8</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>McKasel</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>36.7</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>35.5</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>34.1</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Melrose</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>105.2</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>104.2</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>102.8</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Mills</u>	<u>Seminole</u>	<u>Frequent High</u>	<u>42.5</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>41.4</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>

		<u>Frequent Low</u>	<u>39.9</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Minneola</u>	<u>Lake</u>	<u>Frequent High</u>	<u>96.0</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>95.3</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>93.9</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Monroe</u>	<u>Seminole and Volusia</u>	<u>Frequent High</u>	<u>2.8</u>	<u>==</u>	<u>30</u>	<u>2</u>
		<u>Average</u>	<u>1.2</u>	<u>==</u>	<u>180</u>	<u>1.5</u>
		<u>Frequent Low</u>	<u>0.5</u>	<u>==</u>	<u>120</u>	<u>5</u>
<u>Nettles / English</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>44.3</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>42.7</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>41.7</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Nicotoon</u>	<u>Marion</u>	<u>Frequent High</u>	<u>54.7</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>53.3</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>51.9</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Norris</u>	<u>Lake</u>	<u>Frequent High</u>	<u>30.5</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>29.7</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>29.1</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>North Como Park</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>41.3</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>39.7</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>38.5</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>North Talmadge</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>55.6</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>54.4</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>52.9</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Omega</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>57.4</u>	<u>Temporarily Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>56.1</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>54.0</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Orio</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>37.1</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>35.6</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>34.7</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Pam</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>39.3</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>37.5</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>36.1</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Pearl</u>	<u>Orange</u>	<u>Frequent High</u>	<u>53.5</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>52.6</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>51.2</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Pierson</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>34.4</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>33.8</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>32.4</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Pine Island</u>	<u>Lake</u>	<u>Frequent High</u>	<u>107.7</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>106.8</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>105.4</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Prevatt</u>	<u>Orange</u>	<u>Frequent High</u>	<u>56.0</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>53.0</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>50.9</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Prior</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>42.3</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>40.0</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>39.0</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Purdom</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>37.0</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>36.4</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>35.0</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Sand</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>40.9</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>
		<u>Average</u>	<u>39.0</u>	<u>Typically Saturated</u>	<u>==</u>	<u>==</u>
		<u>Frequent Low</u>	<u>36.6</u>	<u>Semipermanently Flooded</u>	<u>==</u>	<u>==</u>
<u>Sand Hill</u>	<u>Clay</u>	<u>Frequent High</u>	<u>132.0</u>	<u>Seasonally Flooded</u>	<u>==</u>	<u>==</u>

		<u>Average</u>	<u>131.6</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>129.5</u>	<u>Semipermanently Flooded</u>	==	==
<u>Savannah</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>31.1</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>29.5</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>28.0</u>	<u>Semipermanently Flooded</u>	==	==
<u>Scoggin</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>35.0</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>34.1</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>32.7</u>	<u>Semipermanently Flooded</u>	==	==
<u>Shaw</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>36.7</u>	==	30	3
		<u>Average</u>	<u>35.4</u>	==	180	1.7
		<u>Frequent Low</u>	<u>33.7</u>	==	120	3
<u>Silver</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>36.8</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>35.1</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>33.7</u>	<u>Semipermanently Flooded</u>	==	==
<u>Smith</u>	<u>Marion</u>	<u>Frequent High</u>	<u>54.6</u>	<u>Temporarily Flooded</u>	==	==
		<u>Average</u>	<u>51.4</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>50.0</u>	<u>Semipermanently Flooded</u>	==	==
<u>South</u>	<u>Brevard</u>	<u>Frequent High</u>	<u>16.7</u>	<u>Temporarily Flooded</u>	==	==
		<u>Average</u>	<u>15.3</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>13.8</u>	<u>Semipermanently Flooded</u>	==	==
<u>South Como Park</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>38.1</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>36.7</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>35.3</u>	<u>Semipermanently Flooded</u>	==	==
<u>Star</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>77.5</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>75.4</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>74.0</u>	<u>Semipermanently Flooded</u>	==	==
<u>Stella</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>39.4</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>38.6</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>37.2</u>	<u>Semipermanently Flooded</u>	==	==
<u>Sunset</u>	<u>Lake</u>	<u>Frequent High</u>	<u>85.9</u>	<u>Temporarily Flooded</u>	==	==
		<u>Average</u>	<u>83.5</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>81.0</u>	<u>Semipermanently Flooded</u>	==	==
<u>Swan</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>93.0</u>	<u>Temporarily Flooded</u>	==	==
		<u>Average</u>	<u>90.3</u>	<u>Typically Saturated</u>	==	==
<u>Sylvan</u>	<u>Seminole</u>	<u>Frequent High</u>	<u>40.4</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>38.9</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>37.5</u>	<u>Semipermanently Flooded</u>	==	==
<u>Tarhoe</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>37.0</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>36.0</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>35.2</u>	<u>Semipermanently Flooded</u>	==	==
<u>Three Island Lakes</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>23.7</u>	==	30	5
		<u>Frequent Low</u>	<u>19.4</u>	==	120	10
<u>Trone</u>	<u>Putnam</u>	<u>Frequent High</u>	<u>37.5</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>35.7</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>34.3</u>	<u>Semipermanently Flooded</u>	==	==
<u>Trout</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>23.3</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>20.9</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>17.7</u>	<u>Semipermanently Flooded</u>	==	==
<u>Tuscawilla</u>	<u>Alachua</u>	<u>Frequent High</u>	<u>77.6</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>74.6</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>73.2</u>	<u>Semipermanently Flooded</u>	==	==
<u>Upper Lake Louise</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>35.3</u>	<u>Seasonally Flooded</u>	==	==

		<u>Average</u>	<u>34.6</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>33.2</u>	<u>Semipermanently Flooded</u>	==	==
<u>Washington</u>	<u>Brevard</u>	<u>Frequent High</u>	<u>15.6</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>14.2</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>12.8</u>	<u>Semipermanently Flooded</u>	==	==
<u>Wauberg</u>	<u>Alachua</u>	<u>Frequent High</u>	<u>67.4</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>67.1</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>65.6</u>	<u>Semipermanently Flooded</u>	==	==
<u>Weir</u>	<u>Marion</u>	<u>Frequent High</u>	<u>57.2</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>56.4</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>54.9</u>	<u>Semipermanently Flooded</u>	==	==
<u>Winnemissett</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>59.5</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>57.8</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>56.0</u>	<u>Semipermanently Flooded</u>	==	==
<u>Winona</u>	<u>Volusia</u>	<u>Frequent High</u>	<u>36.1</u>	<u>Seasonally Flooded</u>	==	==
		<u>Average</u>	<u>33.5</u>	<u>Typically Saturated</u>	==	==
		<u>Frequent Low</u>	<u>32.0</u>	<u>Semipermanently Flooded</u>	==	==
					==	==

(1) The following minimum surface water levels and flows and minimum ground water levels are established:

(a) Wekiva River at the SR 46 Bridge.

	Level (ft-NGVD)	Flow (cfs)	Duration (days)	Return Interval (years)
Minimum Infrequent High	9.0	880	≥7	≤5
Minimum Frequent High	8.0	410	≥30	≤2
Minimum Average	7.6	240	≤180	≥1.7
Minimum Frequent Low	7.2	200	≤90	≥3
Phase 1 Restriction	7.0	190	NA	NA
Phase 2 Restriction	6.9	180	NA	NA
Phase 3 Restriction	6.7	160	NA	NA
Phase 4 Restriction	6.5	150	NA	NA
Minimum Infrequent Low	6.1	120	≤7	≥100

(b) Wekiva River Minimum Groundwater Levels and Spring Flows

	Head (ft-NGVD)	Discharge (cfs)
Messant Spring	32	12
Seminole Spring	34	34
Rock Spring	31	53
Wekiva Spring	24	62
Miami Spring	27	4
Sanlando Spring	28	15
Starbuck Spring	31	13
Palm Spring	27	7

(c) Black Water Creek at the SR 44 Bridge

	Level (ft-NGVD)	Flow (cfs)	Duration (days)	Return Interval (years)
Minimum Infrequent High	27.0	340	≥7	≤5
Minimum Frequent High	25.8	145	≥30	≤2
Minimum Average	24.3	33	≤180	≥1.7
Minimum Frequent Low	22.8	2.5	≤90	≥15

Phase 1 Restriction	22.7	2	NA	NA
Phase 2 Restriction	22.5	1	NA	NA
Phase 3 Restriction	22.4	0.6	NA	NA
Phase 4 Restriction	22.3	0.3	NA	NA
Minimum Infrequent Low	21.9	0	≤7	≥100

(d) St. Johns River 1.5 miles downstream of Lake Washington weir

	Level (ft-NGVD)	Flow (cfs)	Hydroperiod Category
Minimum Frequent High	15.3	1,450	Seasonally-flooded
Minimum Average	12.7	240	Typically-saturated
Minimum Frequent Low	11.3	28	Semipermanently flooded

(e) Taylor Creek 1.7 miles downstream of structure S-164

	Flow (cfs)	Hydroperiod Category
Minimum Frequent High	95	Seasonally-flooded
Minimum Average	17	Typically-saturated
Minimum Frequent Low	0.5	Semipermanently-flooded

(f) St. Johns River at SR 44 near DeLand, Volusia County.

	Level (ft-NGVD)	Flow (cfs)	Duration (days)	Return Interval (years)
Minimum Frequent High	1.9	4600	≥30 days	≤3 years
Minimum Average	0.8	2050	≤180 days	≥1.5 years
Minimum Frequent Low	0.3	1100	≤120 days	≥5 years

(g) Blue Spring, Volusia County

Minimum Long Term Mean Flow	Cfs
December 3, 2006 through March 31, 2009	133
April 1, 2009 through March 31, 2014	137
April 1, 2014 through March 31, 2019	142
April 1, 2019 through March 31, 2024	148
After March 31, 2024	157

(2) The following minimum surface water levels are established:

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(a) APSHAWA NORTH	Lake	Seasonally-Flooded		85.0			
		Typically-Saturated			83.3		
		Semipermanently-Flooded				81.3	
(b) APSHAWA SOUTH	Lake	Seasonally-Flooded		86.0			
		Typically-Saturated			84.7		
		Semipermanently-Flooded				83.2	
(c) ARGENTA	Putnam	Seasonally-Flooded		50.1			
		Typically-Saturated			47.7		
		Semipermanently-Flooded				46.3	
(d) ASHBY	Volusia	Seasonally-Flooded		12.3			
		Semipermanently-Flooded				11.1	
(e) BANANA	Putnam	Seasonally-Flooded		38.0			
		Typically-Saturated			36.2		
		Semipermanently-Flooded				34.4	
(f) BELL	Putnam	Temporarily-Flooded		42.5			
		Typically-Saturated			40.5		
		Semipermanently-Flooded				38.7	
(g) BIG	Volusia	Seasonally-Flooded		26.1			
		Typically-Saturated			25.0		
		Semipermanently-Flooded				23.7	
(h) BIRD POND	Putnam	Temporarily-Flooded		41.8			
		Typically-Saturated			39.5		
		Semipermanently-Flooded				38.1	
(i) BLUE POND	Clay	Temporarily-Flooded		174.1			
		Typically-Saturated			173.3		
		Semipermanently-Flooded				171.7	
(j) BOGGY MARSH	Lake	Seasonally-Flooded		117.3			
		Typically-Saturated			115.9		
		Semipermanently-Flooded				114.5	
(k) BOWERS	Marion	Temporarily-Flooded		57.1			
		Typically-Saturated			54.0		
		Semipermanently-Flooded				52.7	
(l) BRANTLEY	Seminole	Seasonally-Flooded		46.3			
		Typically-Saturated			45.6		
		Semipermanently-Flooded				44.1	
(m) BROOKLYN	Clay	Temporarily-Flooded		114.6			
		Typically-Saturated			108.0		
		Semipermanently-Flooded				101.0	
(n) BROWARD	Putnam	Temporarily-Flooded		40.0			
		Typically-Saturated			38.25		
		Semipermanently-Flooded				36.5	

(e) BURKETT	Orange	Seasonally Flooded	53.5		
		Typically Saturated		52.6	
(f) CHARLES	Marion	Semipermanently Flooded			51.2
		Seasonally Flooded	40.2		
(g) CHERRY	Lake	Typically Saturated		39.3	
		Semipermanently Flooded			37.9
(h) CLEAR	Putnam	Seasonally Flooded	96.0		
		Typically Saturated		94.9	
(i) COLBY	Volusia	Semipermanently Flooded			93.4
		Temporarily Flooded	37.4		
(j) COMO	Putnam	Typically Saturated		36.4	
		Semipermanently Flooded			34.9
(k) COMO, LITTLE LAKE	Putnam	Seasonally Flooded	28.3		
		Typically Saturated		26.6	
(l) COWPEN	Putnam	Semipermanently Flooded			25.2
		Seasonally Flooded	38.0		
(m) COW POND	Volusia	Typically Saturated		36.2	
		Semipermanently Flooded			34.4
(n) COW POND	Volusia	Seasonally Flooded	38.0		
		Typically Saturated		36.6	
(o) CRYSTAL/BAKER	Putnam	Semipermanently Flooded			35.2
		Temporarily Flooded	89.1		
(p) DAUGHARTY	Volusia	Typically Saturated		85.7	
		Semipermanently Flooded			84.2
(q) DEEP	Putnam	Seasonally Flooded	40.5		
		Typically Saturated		39.8	
(r) DAVIS	Volusia	Semipermanently Flooded			37.6
		Seasonally Flooded	35.7		
(s) DIAS	Volusia	Typically Saturated		34.6	
		Semipermanently Flooded			33.1
(t) DISSTON	Flagler	Seasonally Flooded	35.5		
		Typically Saturated		33.9	
(u) DAVIS	Volusia	Semipermanently Flooded			33.0
		Temporarily Flooded	44.8		
(v) DEEP	Putnam	Typically Flooded		42.6	
		Semipermanently Flooded			41.2
(w) DIAS	Volusia	Seasonally Flooded	36.2		
		Typically Saturated		35.4	
(x) DISSTON	Flagler	Semipermanently Flooded			34.0
		Seasonally Flooded	35.0		
(y) DIAS	Volusia	Typically Saturated		33.1	
		Semipermanently Flooded			32.2
(z) DISSTON	Flagler	Seasonally Flooded	34.6		
		Typically Flooded		33.5	
(aa) DAVIS	Volusia	Semipermanently Flooded			32.2
		Seasonally Flooded	13.8		
(ab) DEEP	Putnam	Typically Flooded		13.2	
		Semipermanently Flooded			12.5

(ee) DORR	Lake	Seasonally Flooded	43.5		
		Typically Saturated			43.1
		Semipermanently Flooded			42.1
(ff) DREAM POND	Putnam	Seasonally Flooded	49.0		
		Typically Saturated			47.5
		Semipermanently Flooded			46.0
(gg) DRUDY	Volusia	Seasonally Flooded	42.1		
		Typically Saturated			40.6
		Semipermanently Flooded			39.1
(hh) ECHO	Putnam	Seasonally Flooded	38.8		
		Typically Flooded			36.7
		Semipermanently Flooded			35.2
(ii) EMMA	Lake	Seasonally Flooded	94.1		
		Typically Saturated			92.5
		Semipermanently Flooded			91.1
(jj) EMPORIA	Volusia	Seasonally Flooded	38.9		
		Typically Saturated			35.8
		Semipermanently Flooded			34.3
(kk) ESTELLA	Putnam	Seasonally Flooded	38.6		
		Typically Saturated			37.2
		Semipermanently Flooded			36.5
(ll) FOX	Brevard	Temporarily Flooded	16.7		
		Typically Saturated			15.3
		Semipermanently Flooded			13.8
(mm) GENEVA	Clay	Seasonally Flooded	103.0		
		Typically Saturated			101.0
		Semipermanently Flooded			98.5
(nn) GEORGE SLAKE	Putnam	Seasonally Flooded	98.4		
		Typically Saturated			97.8
		Semipermanently Flooded			97.0
(oo) GERTIE	Volusia	Temporarily Flooded	27.5		
		Typically Saturated			25.6
		Semipermanently Flooded			23.3
(pp) GORE	Flagler	Seasonally Flooded	21.1		
		Typically Saturated			20.6
		Semipermanently Flooded			19.2
(qq) GRANDIN	Putnam	Seasonally Flooded	81.8		
		Typically Saturated			81.3
		Semipermanently Flooded			80.1
(rr) HALFMOON	Marion	Seasonally Flooded	49.7		
		Typically Saturated			47.9
		Semipermanently Flooded			46.5
(ss) HELEN	Volusia	Temporarily Flooded	46.1		
		Typically Saturated			44.2
		Semipermanently Flooded			43.6
(tt) HIRES	Volusia	Seasonally Flooded	41.0		

		Typically Saturated		39.5	
		Semipermanently Flooded			38.0
(uu) HOKEY	Volusia	Seasonally Flooded	35.4		
		Typically Saturated		33.7	
		Semipermanently Flooded			32.3
(vv) HOPKINS PRAIRIE	Marion	Seasonally Flooded	25.8		
		Typically Saturated		23.4	
		Semipermanently Flooded			22.0
(ww) HOWELL	Putnam	Seasonally Flooded	34.5		
		Typically Saturated		33.6	
		Semipermanently Flooded			31.8
(xx) HOWELL	Seminole	Seasonally Flooded	53.7		
		Typically Saturated		52.9	
		Semipermanently Flooded			51.5
(yy) INDIAN	Volusia	Seasonally Flooded	37.0		
		Typically Saturated		36.1	
		Semipermanently Flooded			34.4
(zz) IRMA	Orange	Seasonally Flooded	55.1		
		Typically Saturated		54.8	
		Semipermanently Flooded			53.4
(aaa) KERR	Marion	Seasonally Flooded	24.4		
		Typically Saturated		22.9	
		Semipermanently Flooded			21.5
(bbb) LIZZIE	Putnam	Seasonally Flooded	43.9		
		Typically Saturated		42.7	
		Semipermanently Flooded			41.7
(ccc) LOUISA	Lake	Seasonally Flooded	96.5		
		Typically Saturated		95.4	
		Semipermanently Flooded			94.0
(ddd) LOWER LAKE LOUISE	Volusia	Seasonally Flooded	31.8		
		Typically Saturated		31.2	
		Semipermanently Flooded			29.7
(eee) LOWERY	Polk	Temporarily Flooded	130.0		
		Typically Saturated		128.0	
		Semipermanently Flooded			126.5
(fff) LUCY	Lake	Seasonally Flooded	94.1		
		Typically Saturated		92.5	
		Semipermanently Flooded			91.1
(ggg) MAGNOLIA	Clay	Seasonally Flooded	124.7		
		Typically Saturated		124.2	
		Semipermanently Flooded			121.4
(hhh) MALL, LITTLE LAKE	Putnam	Seasonally Flooded	38.7		
		Typically Saturated		36.8	
		Semipermanently Flooded			35.2
(iii) MARGARET	Putnam	Seasonally Flooded	35.2		
		Typically Saturated		34.5	
		Semipermanently Flooded			32.5



(jjj) MARTHA	Orange	Seasonally Flooded	53.5	
		Typically Saturated		52.6
(kkk) MARVIN	Putnam	Semipermanently Flooded		51.2
		Seasonally Flooded	38.6	
		Typically Saturated		37.3
(lll) MCGRADY	Putnam	Semipermanently Flooded		36.3
		Seasonally Flooded	41.5	
		Typically Saturated		39.9
(mmm) MCKASEL	Putnam	Semipermanently Flooded		37.8
		Temporarily Flooded	36.7	
		Typically Saturated		35.5
(nnn) MELROSE	Putnam	Semipermanently Flooded		34.1
		Seasonally Flooded	105.2	
		Typically Saturated		104.2
(ooo) MILLS	Seminole	Semipermanently Flooded		102.8
		Temporarily Flooded	42.5	
		Typically Saturated		41.4
(ppp) MINNEOLA	Lake	Semipermanently Flooded		39.9
		Seasonally Flooded	96.0	
		Typically Saturated		95.3
(qqq) MONROE	Seminole and Volusia	Semipermanently Flooded		93.9
		N/A	2.8	
		N/A		1.2
(rrr) NETTLES/ENGLISH	Putnam	N/A		0.5
		Seasonally Flooded	44.3	
		Typically Saturated		42.7
(sss) NICOTOON	Marion	Semipermanently Flooded		41.7
		Seasonally Flooded	54.7	
		Typically Saturated		53.3
(ttt) NORRIS	Lake	Semipermanently Flooded		51.9
		Seasonally Flooded	30.5	
		Typically Saturated		29.7
(uuu) NORTH COMO PARK	Putnam	Semipermanently Flooded		29.1
		Seasonally Flooded	41.3	
		Typically Saturated		39.7
(vvv) NORTH TALMADGE	Volusia	Semipermanently Flooded		38.5
		Seasonally Flooded	55.6	
		Typically Saturated		54.4
(www) OMEGA	Putnam	Semipermanently Flooded		52.9
		Temporarily Flooded	57.4	
		Typically Saturated		56.1
(xxx) ORIO	Putnam	Semipermanently Flooded		54.0
		Seasonally Flooded	37.1	
		Typically Saturated		35.6
(yyy) PAM	Putnam	Semipermanently Flooded		34.7
		Temporarily Flooded	39.3	
		Typically Saturated		37.5
		Semipermanently Flooded		36.1

(zzz) PEARL	Orange	Seasonally Flooded	53.5		
		Typically Saturated		52.6	
		Semipermanently Flooded			51.2
(aaaa) PIERSON	Volusia	Seasonally Flooded	34.4		
		Typically Saturated		33.8	
		Semipermanently Flooded			32.4
(bbbb) PINE ISLAND	Lake	Seasonally Flooded	107.7		
		Typically Saturated		106.8	
		Semipermanently Flooded			105.4
(eeee) PREVATT	Orange	Seasonally Flooded	56.0		
		Typically Saturated		53.0	
		Semipermanently Flooded			50.9
(dddd) PRIOR	Putnam	Seasonally Flooded	42.3		
		Typically Saturated		40.0	
		Semipermanently Flooded			39.0
(eeee) PURDOM	Volusia	Seasonally Flooded	37.0		
		Typically Saturated		36.4	
		Semipermanently Flooded			35.0
(ffff) SAND	Putnam	Seasonally Flooded	40.9		
		Typically Saturated		39.0	
		Semipermanently Flooded			36.6
(gggg) SAND HILL	Clay	Seasonally Flooded	132.0		
		Typically Saturated		131.65	
		Semipermanently Flooded			129.5
(hhh) SAVANNAH	Volusia	Seasonally Flooded	31.1		
		Typically Saturated		29.5	
		Semipermanently Flooded			28.0
(iiii) SCOGGIN	Volusia	Seasonally Flooded	35.0		
		Typically Saturated		34.1	
		Semipermanently Flooded			32.7
(jjjj) SHAW	Volusia	N/A	38.5		
		N/A		36.9	
		N/A			36.2
		N/A			34.0
		N/A			32.0
(kkkk) SILVER	Putnam	Seasonally Flooded	36.8		
		Typically Saturated		35.1	
		Semipermanently Flooded			33.7
(llll) SMITH	Marion	Temporarily Flooded	54.6		
		Typically Saturated		51.4	
		Semipermanently Flooded			50.0
(mmmm) SOUTH	Brevard	Temporarily Flooded	16.7		
		Typically Saturated		15.3	
		Semipermanently Flooded			13.8
(nnnn) SOUTH COMO PARK	Putnam	Seasonally Flooded	38.1		
		Typically Saturated		36.7	
		Semipermanently Flooded			35.3
(oooo) STAR	Putnam	Seasonally Flooded	77.5		
		Typically Saturated		75.4	
		Semipermanently Flooded			74.0

(pppp) STELLA	Putnam	Seasonally Flooded	39.4		
		Typically Saturated		38.6	
		Semipermanently Flooded			37.2
(qqqq) SUNSET	Lake	Seasonally Flooded	85.9		
		Typically Saturated		82.5	
		Semipermanently Flooded			81.0
(rrrr) SWAN	Putnam	Temporarily Flooded	93.0		
		Typically Saturated		90.3	
		Seasonally Flooded	40.4		
(ssss) SYLVAN	Seminole	Typically Saturated		38.9	
		Semipermanently Flooded			37.5
		Seasonally Flooded	37.0		
(tttt) TARHOE	Putnam	Typically Saturated		36.0	
		Semipermanently Flooded			35.2
		Seasonally Flooded	23.4		
(uuuu) THREE ISLAND LAKES	Volusia	Typically Saturated		21.8	
		Semipermanently Flooded			18.8
		Seasonally Flooded	37.5		
(vvvv) TRONE	Putnam	Typically Saturated		35.7	
		Semipermanently Flooded			34.3
		Seasonally Flooded	23.3		
(wwww) TROUT	Volusia	Typically Saturated		20.9	
		Semipermanently Flooded			17.7
		Seasonally Flooded	77.6		
(xxxx) TUSCAWILLA	Alachua	Typically Saturated		74.6	
		Semipermanently Flooded			73.2
		Seasonally Flooded	35.3		
(yyyy) UPPER LAKE LOUISE	Volusia	Typically Saturated		34.6	
		Semipermanently Flooded			33.2
		Seasonally Flooded	15.6		
(zzzz) WASHINGTON	Brevard	Typically Saturated		14.2	
		Semipermanently Flooded			12.8
		Seasonally Flooded	67.4		
(aaaa) WAUBERG	Alachua	Typically Saturated		67.1	
		Semipermanently Flooded			65.6
		Seasonally Flooded	57.2		
(bbbb) WEIR	Marion	Typically Saturated		56.4	
		Semipermanently Flooded			54.9
		Seasonally Flooded	59.5		
(eeee) WINNEMISSETT	Volusia	Typically Saturated		57.8	
		Semipermanently Flooded			56.0
		Seasonally Flooded	36.1		
(dddd) WINONA	Volusia	Typically Saturated		33.5	
		Semipermanently Flooded			32.0

(3) through (4) renumbered (4) through (5) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, 11-10-03, 01-12-04, 2-1-06, 12-03-06.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NOS.:	RULE TITLES:
61B-19.001	Filing Education and Training Programs
61B-19.002	Required Information

**PURPOSE AND EFFECT:** These rules are created to implement a change in the condominium law requiring the division to review and approve condominium education and training programs.

**SUBJECT AREA TO BE ADDRESSED:** These rules provide parameters for reviewing education and training programs filed by education providers.

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

**LAW IMPLEMENTED:** 718.501(1)(j) FS.

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

**DATE AND TIME:** November 10, 2008, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II, (850)488-1631. If you are 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:** Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

**THE PRELIMINARY DRAFT RULE IS ALSO AVAILABLE ON LINE AT** <http://www.state.fl.us/dbpr/lsc/index.shtml>.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

RULE NOS.:	RULE TITLES:
63E-3.001	Purpose and Scope
63E-3.002	Definitions
63E-3.003	Administration of the Serious or Habitual Juvenile Offender (SHO) Program
63E-3.004	Sanitation
63E-3.005	Safety and Security
63E-3.006	Continuity of Operations Planning
63E-3.007	Youth Admission
63E-3.008	Intake
63E-3.009	Orientation
63E-3.010	Case Management
63E-3.011	Behavior Management
63E-3.012	Youth Services
63E-3.013	Construction
63E-3.014	Program Monitoring and Evaluation
63E-3.015	Research Projects

**PURPOSE AND EFFECT:** The rule chapter governing the operation and administration of serious habitual offender programs for delinquent juveniles is repealed. The requirements of Chapter 63E-7, F.A.C., will apply to these programs.

**SUBJECT AREA TO BE ADDRESSED:** Rules governing the operation and administration of residential programs for delinquent juveniles are consolidated.

**SPECIFIC AUTHORITY:** 985.64 FS.

**LAW IMPLEMENTED:** 985.601(3)(a), 985.47 FS.

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

**DATE AND TIME:** Wednesday, November 12, 2008, 10:00 a.m.

**PLACE:** DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida  
For participation by telephone contact: John Milla, (850)921-4129

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: [john.milla@djj.state.fl.us](mailto:john.milla@djj.state.fl.us)

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

RULE NOS.:	RULE TITLES:
63E-4.001	Purpose and Scope
63E-4.002	Definitions
63E-4.003	Administration

- 63E-4.004 Sanitation
- 63E-4.005 Safety and Security
- 63E-4.006 Disaster Planning
- 63E-4.007 Behavior Management
- 63E-4.008 Case Management
- 63E-4.009 Intake
- 63E-4.010 Orientation
- 63E-4.011 Youth Services
- 63E-4.012 Construction
- 63E-4.013 Program Monitoring and Evaluation
- 63E-4.014 Research Projects

PURPOSE AND EFFECT: The rule chapter governing the operation and administration of intensive residential treatment programs for delinquent juveniles is repealed. The requirements of Chapter 63E-7, F.A.C., will apply to these programs.

SUBJECT AREA TO BE ADDRESSED: Rules governing the operation and administration of residential programs for delinquent juveniles are consolidated.

SPECIFIC AUTHORITY: 985.64 FS.

LAW IMPLEMENTED: 985.601(3)(a), 985.483 FS.

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

DATE AND TIME: Wednesday, November 12, 2008, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida

For participation by telephone, contact: John Milla, (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

- |            |                              |
|------------|------------------------------|
| RULE NOS.: | RULE TITLES:                 |
| 63E-7.001  | Purpose and Scope            |
| 63E-7.007  | Youth Hygiene and Dress Code |
| 63E-7.008  | Facility and Food Services   |

PURPOSE AND EFFECT: The amendments eliminate the exclusion of serious habitual offender programs and intensive residential treatment programs from the purpose and scope of the rule, effectively incorporating those programs into this rule chapter. Amendments to standards governing youth hygiene and the physical plant are also made, which eliminate superseded references.

SUBJECT AREA TO BE ADDRESSED: Amendments are made to the rule chapter governing the administration and operation of residential treatment programs for juvenile offenders, widening the scope of the chapter and eliminating superseded references.

SPECIFIC AUTHORITY: 985.64 FS.

LAW IMPLEMENTED: 985.601(3)(a), 985.47, 985.483 FS.

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

DATE AND TIME: Wednesday, November 12, 2008, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida

For participation by telephone, contact: John Milla, (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

- |            |             |
|------------|-------------|
| RULE NO.:  | RULE TITLE: |
| 64B8-2.001 | Definitions |

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to define the FLEX weighted average for the purpose of demonstrating an examination passing score.

SUBJECT AREA TO BE ADDRESSED: Clarification of the FLEX weighted average.

SPECIFIC AUTHORITY: 456.50(2), 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS.

LAW IMPLEMENTED: 456.072(2)(g), 456.50(2), 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NOS.:           RULE TITLES:  
 64B8-8.0011         Standard Terms Applicable to Orders  
 64B8-8.0012         Probation Variables

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address probation language to allow Department investigators to review medical records previously reviewed by a monitoring physician to ensure compliance. In addition, the Board proposes the development of rule amendments to address the frequency of inspections by Department investigators upon probationers.

SUBJECT AREA TO BE ADDRESSED: Probation language with regard to review of medical records and the frequency of inspections by Department investigators upon probationers.

SPECIFIC AUTHORITY: 456.072(2), 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.072(2), 458.331(5) FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NOS.:           RULE TITLES:  
 64B8-42.001         Licensure by Endorsement  
 64B8-42.002         Licensure by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendments to incorporate application forms.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement; Licensure by Examination.

SPECIFIC AUTHORITY: 456.017(1), 468.507 FS.

LAW IMPLEMENTED: 456.027, 468.507, 468.509, 468.513 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, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:            RULE TITLE:  
 64B9-4.002           Requirements for Certification

PURPOSE AND EFFECT: To identify an additional certifying body for ARNPs.

SUBJECT AREA TO BE ADDRESSED: Requirements for Certification.

SPECIFIC AUTHORITY: 456.048, 464.006, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.018(1)(b), (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 IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-4.002 Requirements for Certification.

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

(f) American Academy of Nurse Practitioners (nurse practitioner level examination only).

(4) through (5) No change.

Specific Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 210-11.23, Amended 3-19-87, 4-6-92, Formerly 210-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5.00, 3-23-06,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:            RULE TITLE:  
 64B9-5.001           Definitions

PURPOSE AND EFFECT: To conform the Board’s continuing education standards to the national standards of the American Nurses Credentialing Center.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.013(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-5.001 Definitions.

(1) through (3) No change.

(4) Contact Hour. One (1) contact hour equals ~~sixty (60) a minimum of fifty (50)~~ minutes. One half (1/2 or .5) contact hour equals ~~thirty (30) a minimum of twenty-five (25)~~ minutes.

(5) through (9) No change.

Specific Authority 464.006 FS. Law Implemented 464.013(3) FS. History--New 9-12-79, Amended 10-6-82, Formerly 21O-13.08, Amended 3-3-87, Formerly 21O-13.008, Amended 9-28-93, Formerly 61F7-5.001, Amended 5-2-95, 1-1-96, Formerly 59S-5.001, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-8.011  
 RULE TITLE: Reinstatement of Suspended and Revoked Licenses

PURPOSE AND EFFECT: To delete a requirement no longer necessary for the reinstatement of a license.

SUBJECT AREA TO BE ADDRESSED: Reinstatement of Suspended and Revoked Licenses.

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 112.011(1)(b), 464.018, 464.0185 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: Rick Garcia, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-8.011 Reinstatement of Suspended and Revoked Licenses.

(1) No change.

(2) In order to demonstrate the present ability to engage in the safe practice of nursing, the nurse must submit evidence which may include:

(a) through (d) No change

(e) Other educational achievements, employment background, references, successful completion of criminal sanctions imposed by the courts ~~and restoration of civil rights if a convicted felon~~, or other factors which would demonstrate rehabilitation and present ability to engage in the safe practice of nursing.

(3) through (5) No change.

Specific Authority 464.006 FS. Law Implemented 112.011(1)(b), 464.018, 464.0185 FS. History--New 1-1-92, Formerly 21O-10.013, Amended 1-26-94, Formerly 61F7-8.011, 59S-8.011, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-4.100  
 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: To implement the statutory amendments in Section 1, 2008-121, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Requirements for Prosthetic or Orthotic Residency or Internship.

SPECIFIC AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 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: Joe Baker, Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3527

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) No change.

(2) An internship must consist of orthotic or prosthetic clinical experience practicing under the general supervision of a licensed or ABC-certified orthotist or prosthetist, respectively. The internship must consist of a minimum of 1,900 hours ~~and may not exceed 2,700 hours. The intern is eligible to take the approved licensure examination upon completion of 1,900 hours. If the intern has not taken and passed the applicable licensure examination at the expiration of 2,700 hours of clinical experience, the intern may not practice as an orthotist or prosthetist in the state.~~





A conference line will be available for the workshop. We ask conference line participants from the organization to only use one line to ensure that others are able to call in. Conference Dial-In Number: 1(888)808-6959, Conference Code: 1454440. PLACE: Orange County Emergency Operations Center (EOC), 6590 Amory Court, Winter Park, FL 32792, (407)894-4141

Pursuant to the provisions of 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 Walker, Government Analyst II, Phone: (850)245-4440 ext. 2733; or email Lisa\_Walker2@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steve McCoy, EMS Systems Analyst, phone: (850)245-4440 ext. 2727; or email Steve\_McCoy@doh.state.fl.us

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.: 68B-14.0035  
 RULE TITLE: Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper

PURPOSE AND EFFECT: The purpose of this rule amendment is to modify the Commission’s Reef Fish Rule to become consistent with federal reef fish regulations for Gulf of Mexico greater amberjack, which is overfished and undergoing overfishing, and gray triggerfish, which is undergoing overfishing. The Gulf of Mexico Fishery Management Council developed regulatory actions for greater amberjack and gray triggerfish that became effective on August 4, 2008, which includes an increase in the recreational minimum size limit of greater amberjack from 28 inches fork length to 30 inches fork length, and the increase in the recreational and commercial minimum size limit for gray triggerfish from 12 inches fork length to 14 inches fork length.

The effect of this rule amendment is that federal and state regulations will be consistently applied in the Gulf of Mexico. Where practicable, this minimizes confusion with the public and aids enforceability. A further effect will be to remove inconsistency in state regulations regarding reef fish size limits as applied to commercial and recreational harvest.

SUBJECT AREA TO BE ADDRESSED: Reef Fish.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper. No person shall land, possess, unnecessarily destroy, purchase, exchange, sell or offer for sale any of the following species harvested in or from state waters, of a length less than set forth as follows:

- (1) Amberjacks (measured in terms of fork length).
  - (a) Banded rudderfish no less than 14 inches, no greater than 22 inches.
  - (b)1. Greater amberjack harvested recreationally from the Atlantic Ocean 28 inches.
  - 2. Greater amberjack harvested recreationally from the Gulf of Mexico 30 inches.
  - ~~3.2.~~ Greater amberjack harvested commercially 36 inches.
  - (c) Lesser amberjack no less than 14 inches, no greater than 22 inches.
- (2) No change.
- (3) Gray triggerfish (measured in terms of fork length) ~~12 inches fork length.~~
  - (a) Gray triggerfish harvested in the Atlantic Ocean 12 inches.
  - (b) Gray triggerfish harvested in the Gulf of Mexico 14 inches.
- (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, 9-16-05, 7-1-06, 7-1-07, \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:  
68B-14.0036

RULE TITLES:  
Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption

68B-14.0039

Recreational Grouper Season

**PURPOSE AND EFFECT:** The purpose of these rule amendments is to modify the Commission’s Reef Fish Rule to become consistent with federal interim reef fish regulations in the Gulf of Mexico. The Gulf of Mexico Fishery Management Council developed Reef Fish Amendment 30B that contains regulatory actions for gag grouper, which is undergoing overfishing, and red grouper that will become effective in 2009 after approval by the Secretary of Commerce. Meanwhile, the Council requested that the National Marine Fisheries Service implement by January 1, 2009, an Interim Rule to address the overfishing status of gag grouper. Components of that Interim Rule that would affect Florida fishers are 1) a two-fish recreational bag limit for gag grouper, and 2) a February 1-March 31 closure to recreational gag grouper harvest.

One final rule amendment that is not federal consistency with the federal Interim Rule is the increase recreational bag limit of red grouper from one-fish to two-fish. This bag limit increase will be implemented in federal waters in the Gulf of Mexico by Amendment 30B, and it is the intent of the state of Florida to immediately implement that increase in state waters because red grouper stocks in the Gulf of Mexico have recovered.

The effect of these rule amendments is that federal and state regulations will be consistently applied in the Gulf of Mexico, although there will be a slight difference for a short period of time. Where practicable, this minimizes confusion with the public and aids enforceability. A further effect will be to remove inconsistency in state regulations regarding reef fish size limits as applied to commercial and recreational harvest.

**SUBJECT AREA TO BE ADDRESSED:** Reef fish.

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

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption.

(1) No change.

(2) Grouper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 5 grouper per day, in any combination of species.

(b) Red Grouper. Except as provided elsewhere in this rule, in all state waters of the Gulf of Mexico, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be red grouper. No recreational harvester may harvest in or from state waters of the Gulf of Mexico, nor possess while in or on the waters of the Gulf of Mexico, more than 2 red grouper.

(c) Gag and black grouper.

1. Except as provided elsewhere in this rule, in all state waters of the Atlantic Ocean and all state waters of Monroe County, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be gag or black grouper, either individually or in combination. No recreational harvester may harvest in or from state waters of the Atlantic Ocean or in or from state waters of Monroe County, nor possess while in or on the waters of the Atlantic Ocean or in or on state waters of Monroe County, more than 2 such fish.

2. Except as provided elsewhere in this rule, in all state waters of the Gulf of Mexico, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be gag grouper. No recreational harvester may harvest in or from state waters of the Gulf of Mexico, nor possess while in or on the waters of the Gulf of Mexico more than 2 such fish.

(d) through (e) No change.

(3) through (9) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05, 1-1-06, 7-1-06, 7-1-07, \_\_\_\_\_.

68B-14.0039 Recreational Grouper Season.

In all state waters of the Gulf of Mexico, the closed season for the recreational harvest and possession of gag grouper shall be from February 1 through March 31, each year.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-64.005  
 RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2008-2009.

SUBJECT AREA TO BE ADDRESSED: Firefighter death benefits in Section 112.191, Florida Statutes.

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 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, November 7, 2008, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Georgia Dowell, (850)413-3170. If you are 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: Michael Bannister, Senior Management Analyst II, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone: (850)413-3170; Fax: (850)922-1235

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, 2008 ~~2007~~ through June 30, 2009 ~~2008~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, 2008 ~~2007~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: \$60,140.00 ~~57,759.00~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: \$60,140.00 ~~57,759.00~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: \$175,565.91 ~~173,278.31~~.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06, 4-07-08, \_\_\_\_\_.

**Section II  
 Proposed Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**PUBLIC SERVICE COMMISSION**

RULE NOS.:	RULE TITLES:
25-30.455	Staff Assistance in Rate Cases
25-30.456	Staff Assistance in Alternative Rate Setting
25-30.457	Limited Alternative Rate Increase

PURPOSE AND EFFECT: To implement the change in Section 367.0814, F.S. The effect of the rule changes will be to allow more utilities to request staff assistance. Docket No. 080414-WS.

SUMMARY: These rules describe the water and wastewater utilities that are eligible to request and receive a staff assisted rate case from the Commission. These rules are being changed to implement the revision to Section 367.0814, F.S. The statute has been changed to raise the level of staff assistance from \$150,000 to \$250,000 for a water or wastewater utility or from \$300,000 to \$500,000 when combined.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There should be minimal costs incurred by the Commission. More utilities will be eligible for staff assistance in rate cases and additional staff time will be required. However, staff time will be offset as less staff time will be spent on utility-sponsored rate cases. Fourteen more water and wastewater utilities will be eligible for staff assistance in rate cases. Their costs will likely decrease and ratepayers of the eligible utilities will potentially see a resulting decrease in rate case expense. There should be no negative impacts on small businesses, small cities, or small counties.

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), 367.0814, 367.121 FS.

LAW IMPLEMENTED: 367.0814 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: Rosanne Gervasi, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6224

THE FULL TEXT OF THE PROPOSED RULES IS:

25-30.455 Staff Assistance in Rate Cases.

(1) Water and wastewater utilities whose total gross annual operating revenues are ~~\$250,000~~ ~~\$150,000~~ or less for water service or ~~\$250,000~~ ~~\$150,000~~ or less for wastewater service, or ~~\$500,000~~ ~~\$300,000~~ or less on a combined basis, may petition the Commission for staff assistance in rate applications by submitting a completed staff assisted rate case application. In accordance with Section 367.0814(4), F.S., a utility that requests staff assistance waives its right to protest by agreeing to accept the final rates and charges approved by the Commission unless the final rates and charges would produce less revenue than the existing rates and charges. If a utility that chooses to utilize the staff assistance option employs outside experts to assist in developing information for staff or to assist in evaluating staff's schedules and conclusions, the reasonable and prudent expense will be recoverable through the rates developed by staff. A utility that chooses not to exercise the option of staff assistance may file for a rate increase under the provisions of Rule 25-30.443, F.A.C.

(2) through (14) No change.

Specific Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 12-8-80, Formerly 25-10.180, Amended 11-10-86, 8-26-91, 11-30-93, 1-31-00, \_\_\_\_\_.

25-30.456 Staff Assistance in Alternative Rate Setting.

(1) As an alternative to a staff assisted rate case as described in Rule 25-30.455, F.A.C., water and wastewater utilities whose total gross annual operating revenues are ~~\$250,000~~ ~~\$150,000~~ or less for water service or ~~\$250,000~~ ~~\$150,000~~ or less for wastewater service, or ~~\$500,000~~ ~~\$300,000~~ or less on a combined basis, may petition the Commission for staff assistance in alternative rate setting by submitting a completed staff assisted application for alternative rate setting.

(2) through (19) No change.

Specific Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 11-30-93, Amended 1-31-00, \_\_\_\_\_.

25-30.457 Limited Alternative Rate Increase.

(1) As an alternative to a staff assisted rate case as described in Rules 25-30.455 and 25-30.456, F.A.C., water utilities whose total gross annual operating revenues are ~~\$250,000~~ ~~\$150,000~~ or less for water service and wastewater utilities whose total gross annual operating revenues are ~~\$250,000~~ ~~\$150,000~~ or less for wastewater service may petition the Commission for a limited alternative rate increase of up to 20 percent applied to metered or flat recurring rates of all classes of service by submitting a completed application that includes the information required by subsections (8) and (9). In accordance with Section 367.0814(6), F.S., a utility that requests staff assistance waives its right to protest by agreeing to accept the final rates and charges approved by the Commission unless the final rates and charges would produce less revenue than the existing rates and charges. The original and two copies of the application shall be filed with the Office of Commission Clerk.

(2) through (18) No change.

Specific Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 3-15-05, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Craig Hewitt

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 25, June 20, 2008

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-2.042	General Permit by Rule
40C-2.101	Publications Incorporated by Reference
40C-2.900	Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend the General Permit by Rule set forth in Rule 40C-2.042, F.A.C., that regulates small irrigation uses below the consumptive use permit thresholds in Rule 40C-2.041(1), F.A.C. Amendments include: expanding the applicability of the rule to all sources of water; limiting the amount of water used for irrigation to only that necessary for efficient utilization, revising the applicability of subsection 40C-2.042(1), F.A.C., to include cemeteries, providing that irrigation using a micro-spray, micro-jet, or drip irrigation system is allowed anytime; providing that irrigation of newly planted, seeded or sprigged cemeteries, golf course greens, tees, fairways and primary rough, and recreational areas such as playgrounds, football, baseball and soccer fields is allowed at any time of the

day for one 60-day period; limiting the amount of water that can be used for the watering-in of chemicals; increasing the amount of time that irrigation systems can be operated for maintenance and repair purposes; excluding agricultural crops, nursery plants, and cemeteries from the definition of landscape irrigation; limiting landscape irrigation to no more than 2 specific days per week for residential properties (depending on address) and to no more than 2 specific days per week for non-residential properties, when Daylight Savings Time is in effect, and to no more than 1 specific day per week for residential properties (depending on address) and to no more than 1 specific day per week for non-residential properties, when Eastern Standard Time is in effect; defining the terms "residential landscape irrigation" and "non-residential landscape irrigation"; establishing limits on the amount of water than can be applied on the specific irrigation days; deleting the exceptions for the use of reclaimed water and for the use of recycled water from wet detention treatment ponds; providing that landscape irrigation with reclaimed water can occur on additional days under certain specified conditions; providing that the use of private irrigation wells for landscape irrigation is not authorized when reclaimed water is available; providing when reclaimed water is deemed "available"; revising Form 40C-2-1082-2; and revising the Applicant's Handbook: Consumptive Uses of Water, to reflect these changes. These amendments are proposed to be effective March 8, 2009.

SUMMARY: Amendments to General Permit by Rule in Rule 40C-2.042, F.A.C., and related Applicant's Handbook: Consumptive Uses of Water, provisions regarding irrigation 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: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.118, 373.219, 373.223, 373.250, 373.609 FS.

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

DATE AND TIME: Following the regularly scheduled Governing Board Meeting on December 9, 2008, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

Pursuant to the provisions of 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: Sandy Bertram, Asst. District Clerk, (386)329-4159. If you are 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, email nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 40C-2.042 General Permit by Rule.

A general consumptive use permit by rule is hereby established for consumptive uses of water listed below that do not meet or exceed any permitting threshold under subsection 40C-2.041(1), F.A.C., except as provided in subsection 40C-2.042(8), F.A.C. However, this rule section shall not apply to domestic uses of water by individuals, i.e., water used for the household purposes of drinking, bathing, cooking or sanitation. Persons using or proposing to use water in a manner not authorized under this rule section, must obtain a permit pursuant to Chapter 40C-2, 40C-20, or 40C-22, F.A.C.

(1) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water from any source to irrigate agricultural crops, nursery plants, cemeteries, golf courses, and recreational areas such as playgrounds, football, baseball, and soccer fields, provided the irrigation does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily, and provided the amount of water used is limited to only that necessary for efficient utilization. Such water use shall be subject to the following exceptions:

(a) Irrigation using a micro-spray, micro-jet, or drip irrigation micro-irrigation system is allowed anytime.

~~(b) The use of water for irrigation from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented by water from another source during peak demand periods.~~

~~(c) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.~~

~~(b)(d) Irrigation is allowed at any time of day for one 30-day period following planting of agricultural crops or nursery stock, provided irrigation is limited to the minimum amount necessary for crop or plant establishment. Irrigation of newly planted, seeded or sprigged cemeteries, golf course greens, tees, fairways and primary roughs, and recreational areas such as playgrounds, football, baseball and soccer fields recreational areas and newly seeded or sprigged golf course areas is allowed at any time of day for one 60-day period.~~

~~(e) Chemigation and fertigation are allowed at any time of day one time per week, and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.~~

~~(c)(f) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices, is allowed anytime of day within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.~~

~~(d)(g) Irrigation systems may be operated anytime of day for maintenance and repair purposes not to exceed 20 ten minutes per hour per irrigation zone.~~

(h) through (j) renumbered (e) through (g) No change.

~~(h)(k) The use of water to protect agricultural crops, nursery plants and golf course turf from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per irrigation zone or one twenty minute period per day, whichever is applicable.~~

(l) through (n) renumbered (i) through (k) No change.

~~(2)(a) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water from any source for landscape irrigation, provided landscape irrigation occurs in accordance with the provisions of subsection 40C-2.042(2), F.A.C., and provided the amount of water used is limited to only that necessary for efficient utilization provided the irrigation does not occur more than two days per week and does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily. An irrigator may select the two irrigation days unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph(b). A contiguous property may be divided into different zones and each zone may be irrigated on different days than other zones of the property unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). However, no single zone may be irrigated more than 2 days a week. Additionally, any person who irrigates landscape with an automatic lawn sprinkler system installed after May, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred. For the purpose of this rule, "landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights-of-way, but it. For the purpose of this rule, "landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with intensive recreational areas such as but not limited to, playgrounds, football, baseball and soccer fields. For the purpose of this~~

rule, the terms "residential landscape irrigation" and "non-residential landscape irrigation" are defined in this paragraph (a) as follows. "Residential landscape irrigation" means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes. "Non-residential landscape irrigation" means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way. For the purpose of this rule, "address" means the "house number" of a physical location of a specific property. This excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Services to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z. Landscape irrigation shall be subject to the following exceptions:

1. When Daylight Savings Time is in effect, from the second Sunday in March through the first Sunday in November, landscape irrigation shall occur in accordance with the following irrigation schedule:

a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

b. Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

c. Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

d. No more than 3/4 inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

2. When Eastern Standard Time is in effect, from the first Sunday in November to the second Sunday in March, landscape irrigation shall occur only in accordance with the following irrigation schedule:

a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

b. Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

c. Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

d. No more than 3/4 inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

3. Landscape irrigation shall be subject to the following exceptions:

a.1. Irrigation using a micro-spray, micro-jet or drip irrigation ~~micro-irrigation~~ system is allowed at any time of day on any day anytime.

b.2. No change.

c.3. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day anytime within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

d.4. Irrigation systems may be operated at any time of day on any day anytime for maintenance and repair purposes not to exceed 20 ~~ten~~ minutes per hour per irrigation zone.

e.5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day anytime.

f.6. No change.

4. Although the use of reclaimed water for landscape irrigation is subject to the irrigation schedules set forth in subparagraphs 40C-2.042(2)(a)1. and 2., F.A.C., in those limited conditions described in this subparagraph 4., a person is authorized to irrigate landscape with reclaimed water on more than the 2 days specified in the schedule for Daylight Savings Time and on more than the 1 day specified in the schedule for Eastern Standard Time. This additional authorization is provided under certain conditions because some reclaimed water providers cannot feasibly operate their wastewater disposal systems currently unless they provide reclaimed water to their customers for use on a more continuous basis than what would occur under the day limitations in these irrigation schedules. Those persons who receive written notification from their reclaimed water provider that this condition exists are authorized to irrigate landscape with reclaimed water on those additional days specified in the notification. The additional authorization shall cease upon written notification that this condition no longer exists. During the period in which additional days of irrigation are authorized, the irrigation prohibition between 10:00 a.m. and 4:00 p.m., the irrigation volume limitation, and the 1 hour per zone limitation in the irrigation schedules shall continue to apply.

6. When reclaimed water is available, the use of a private irrigation well for landscape irrigation is not authorized under subsection 40C-2.042(2), F.A.C. Reclaimed water is deemed

available when reclaimed water is provided by a utility through a service connection at the property boundary or on the property.

7. Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred. The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

8. The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

(b)1. A local government is strongly encouraged to enforce paragraph 40C-2.042(2)(a), F.A.C., within its jurisdiction by adopting a landscape irrigation ordinance that incorporates each of the ~~incorporates~~ these provisions set forth in paragraph 40C-2.042(2)(a), F.A.C. If the local government chooses to identify specific days on which landscape irrigation will occur, then the schedule within the ordinance shall be:

a. Landscape irrigation at odd numbered addresses must only occur on Wednesday and Saturday; and

b. Landscape irrigation at even numbered addresses or no address must only occur on Thursday and Sunday.

c. Non-residential landscape irrigation may be designated on two alternative days other than those combinations in subparagraphs a. or b. above to address utility system-related demands.

2. For the purpose of this rule, "address" means the "house number" of a physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

3. Local governments within a jurisdiction divided between the St. Johns River Water Management District and another water management district may propose an alternative schedule from (b) above, when necessary for the local government to achieve a uniform schedule within its jurisdiction. The local government shall submit its proposed alternative schedule for this District's review and approval prior to introducing the ordinance for adoption.

2.4. Where a local government has adopted a landscape irrigation ordinance, if the strict application of the specified day of week uniformly required schedule for specified "day of week" limitations would lead to unreasonable or unfair results in particular instances, the local government may grant a variance from the specific day or days for landscape irrigation identified in subparagraphs 40C-2.042(2)(a)(b)1. and 2., F.A.C., provided that the applicant demonstrates with particularity that compliance with the schedule of days for landscape irrigation will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days than other zones of the property. However, no single zone may be irrigated more than 2 days per week when Daylight Savings Time is in effect and no more than 1 day per week when Eastern Standard Time is in effect. Local governments shall not grant a variance from any other provision of this rule.

3.5. At least ~~thirty~~ (30) days prior to the adoption of an ordinance to enforce paragraph 40C-2.042(2)(a), F.A.C., the local government shall provide a copy of the proposed ordinance to the District.

(c)(d) A person proposing to use water for landscape irrigation where factors establish the need for irrigation to occur in a manner other than that authorized in subsection 40C-2.042(2), F.A.C., on ~~three days per week~~ may submit an application for a Standard General Consumptive Use Permit using form 40C-2-1082-2, for Landscape Irrigation Three Days Per Week pursuant to Chapter 40C-20, F.A.C. This permit application is limited to including no more than ~~twenty-five~~ (25) nearby properties within a common plan of development. If a development consists of more than one phase or section, the ~~twenty-five~~ (25) properties must be located within a single phase or section.

(e) All variances for landscape irrigation from Water Shortage Order F.O.R. 2000-62 that have not expired as of the effective date of this rule shall be automatically extended for a 2-year time period in accordance with the terms and conditions of the variance. No other changes to the terms and conditions of the variances shall be allowed. Landscape irrigation activities not authorized pursuant to a variance extension or elsewhere in this rule will require a standard general permit.

(3) through (7) No change.

(8) The Board hereby grants a general permit to each person located within the District to withdraw groundwater from a well solely to irrigate a total of one acre or less of landscape on contiguous property, provided the withdrawal does not meet or exceed any thresholds of paragraphs 40C-2.041(1)(a)-(c), F.A.C. This permit is subject to all the provisions requirements in paragraph 40C-2.042(2)(a), F.A.C. and the exceptions in subparagraphs (2)(a)1.-8. When

reclaimed water is available, the use of a private irrigation well for landscape irrigation is not authorized under this subsection. Reclaimed water is deemed available when reclaimed water is provided by a utility through a service connection at the property boundary or on the property.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.219, 373.223, 373.250, 373.609 FS. History–New 7-23-91. Amended 1-7-99, 2-15-06, 3-8-09.

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, the "Water Conservation Public Supply" requirements in Appendix I, and "Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District" in Appendix L of the document entitled "Applicant's Handbook, Consumptive Uses of Water", 3-8-09 8-12-08. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions which pertain to the District's administration of the consumptive use permitting program.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.073, 373.079, 373.103, 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250 FS. History–New 1-1-83. Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09.

40C-2.900 Forms and Instructions

(1) No change.

(2) Standard General Consumptive Use Permit for Landscape Irrigation ~~Three Days Per Week~~, form number 40C-2-1082-2, effective 3-8-09 2-15-06, is hereby incorporated by reference.

(3) and (4) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.109, 373.116, 373.118, 373.219, 373.229 FS. History–New 5-30-90, Amended 7-21-91, 7-23-91, 1-20-93, 2-15-95, 4-25-96, 10-2-96, 1-7-99, 2-15-06, 3-8-09.

APPLICANT'S HANDBOOK SECTIONS:

17.0 General Conditions by Type of Use

17.1 Public Supply-Type Uses

The following general conditions are generally applied to permits for public supply-type uses:

(a) through (d) No change.

(e) Landscape irrigation shall be in conformity with the requirements set forth in subsection 40C-2.042(2), F.A.C. is prohibited between the hours of 10:00 a.m. and 4:00 p.m., and shall not occur more than two days per week except as follows:

1. Irrigation using a micro irrigation system is allowed anytime.



2. ~~The use of reclaimed water for irrigation is allowed anytime.~~
3. ~~Irrigation of new landscape is allowed any time of day or any day for the initial 30 days and every other day for the next 30 days for a total of one 60 day period provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.~~
4. ~~Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application.~~
5. ~~Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.~~

(f) No change.

17.2 and 17.3 No change.

17.4 Agricultural Uses

The following conditions are generally applied to individual permits for agricultural-type uses:

(a) No change.

(b) Irrigation of agricultural crops shall be in conformity with the requirements set forth in subsection 40C-2.042(1), F.A.C. is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

1. ~~Irrigation using a micro irrigation system is allowed anytime.~~
2. ~~The use of reclaimed water for irrigation is allowed anytime.~~
3. ~~The use of recycled water from wet detention treatment ponds to irrigate agricultural crops is allowed anytime provided the ponds are not augmented from any ground or off-site surface water sources.~~
4. ~~Irrigation is allowed any time of day for one 30 day period following planting of agricultural crops, provided that the irrigation is limited to the minimum amount necessary for crop or plant establishment.~~
5. ~~Chemigation and fertigation are allowed at any time of day one time per week, and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.~~
6. ~~Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer or best management practices is allowed anytime within 24 hours of application.~~
7. ~~Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.~~
8. ~~Irrigation of agricultural crops by seepage systems which regulate off site discharges through the use of water control structures is allowed anytime, provided~~

~~the discharge does not overtop the control structure by more than one half inch, the structure is well maintained, and there is no discharge between 1:00 p.m. and 7:00 p.m. unless associated with a storm event.~~

9. ~~The use of water to protect agricultural crops from frost or freeze damage is allowed when freezing temperatures or frost are predicted by an official weather forecasting service.~~
10. ~~The use of water to protect agricultural crops from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per zone or one twenty minute period per day, whichever is applicable.~~
11. ~~Irrigation of agricultural crops by traveling volume guns which require manual repositioning is allowed anytime.~~

(c) No change.

17.5 Nursery Use

The following conditions are generally applied to individual permits for nursery-type uses:

(a) Irrigation of nursery plants shall be in conformity with the requirements set forth in subsection 40C-2.042(1), F.A.C. is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

1. ~~Irrigation using a micro irrigation system is allowed anytime.~~
2. ~~The use of reclaimed water for irrigation is allowed anytime.~~
3. ~~The use of recycled water from wet detention treatment ponds to irrigate nursery plants is allowed anytime provided the ponds are not augmented from any ground or off-site surface water sources.~~
4. ~~Irrigation is allowed any time of day for one 30 day period following planting of nursery stock provided that the irrigation is limited to the minimum amount necessary for plant establishment.~~
5. ~~Chemigation and fertigation are allowed at any time of day one time per week, and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.~~
6. ~~Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer or best management practices is allowed anytime within 24 hours of application.~~
7. ~~Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.~~
8. ~~The use of water to protect nursery plants from frost or freeze damage is allowed when freezing temperatures or frost are predicted by an official weather forecasting service.~~

9. ~~The use of water to protect nursery plants from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per zone or one twenty minute period per day.~~

(b) No change.

17.6 No change.

17.7 Golf Course/Recreation Use

The following conditions are generally applied to individual permits for golf course-type uses and recreational area-type uses:

(a) Irrigation of gGolf courses and recreational areas irrigation shall be in conformity with the requirements set forth in subsection 40C-2.042(1), F.A.C. is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

1. ~~Irrigation using a micro-irrigation system is allowed anytime.~~
2. ~~Facilities using reclaimed water for irrigation may do so anytime.~~
3. ~~The use of recycled water from wet detention treatment ponds to irrigate golf courses and recreational areas is allowed anytime provided the ponds are not augmented from any ground or off-site surface water sources.~~
4. ~~Irrigation of, or in preparation for planting, new golf courses and recreational areas is allowed at any time of day for one 30 day period provided irrigation is limited to the amount necessary for plant establishment. Irrigation of newly seeded or sprigged golf course areas is allowed any time of day for one 60 day period.~~
5. ~~Chemigation and fertigation are allowed at any time of day one time per week, and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.~~
6. ~~Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer or best management practices is allowed anytime within 24 hours of application.~~
7. ~~Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.~~
8. ~~The use of water to protect golf course turf from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per zone.~~

(b) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Hal Wilkening, Director, Department of Resource Management, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4250

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2008

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-3.037  
RULE TITLE: Rules, Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend Rule 40D-3.037, F.A.C., to incorporate by reference a Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region 4, Superfund Division and the Southwest Florida Water Management District. The effect of the Memorandum of Agreement (MOA) is to establish a working relationship between the two agencies on District permitting matters involving well construction and other regulated activities that are proposed in or near selected Superfund sites within the District.

SUMMARY: The District and EPA have entered into a Memorandum of Agreement (MOA) to outline a cooperative relationship between the agencies and to establish a protocol for sharing information when the District is reviewing an application for a permit to regulate activity proposed in or near certain designated Superfund sites within the District. The District anticipates that this will occur most often in the context of reviewing applications for well construction permits. Therefore, this rulemaking amends Rule 40D-3.037, F.A.C., to incorporate by reference the Memorandum of Agreement between the U.S. Environmental Protection Agency, Region 4, Superfund Division and the Southwest Florida Water Management District. The MOA will improve coordination between the two agencies and enable each agency to implement their respective regulatory practices in a manner that best minimizes the potential effects of ground water contamination in areas that are or could be impacted by a Superfund site. Information sharing will include detailed geographic descriptions of the contaminated areas associated with the Superfund sites covered by the Agreement. Upon receipt of this information, the District will make available to the public through its website aerial depictions of the contaminated areas. This will enable persons who seek to apply for District permits authorizing activities in or around the selected Superfund sites to know the extent of groundwater contaminant plumes and associated buffer areas. Making this information available to the public and to District staff will also avoid the potential for property owners to unwittingly risk causing pollutants to spread and thus become potentially responsible parties for cleanup of a Superfund site. Presently,

the MOA applies to only one site located within Polk County. Additional sites will be added as site-specific information is developed.

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

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

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.309 FS.

**LAW IMPLEMENTED:** 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 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:** Martha Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

**THE FULL TEXT OF THE PROPOSED RULE IS:**

40D-3.037 Rules, ~~and~~ Publications and Agreements Incorporated by Reference.

(1) The regulations promulgated by the Department governing the construction of water wells as set forth in Chapter 62-532, F.A.C. (3-28-02), the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C. (6-27-00), the licensing requirements for Water Well Contractors as set forth in Chapter 62-531, F.A.C. (11-25-07), and the construction of public supply water wells as set forth in Chapter 62-555, F.A.C. (1-17-05), are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District.

(2) The Department's Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002) and the Department's Florida Unified Citations Dictionary for Water Well Construction (October 2002) are hereby incorporated by reference and made a part of this rule.

(3) Well Construction Forms are incorporated by reference into Rule 40D-1.659, F.A.C., and are available from the District upon request and from the District's website at [www.watermatters.org](http://www.watermatters.org).

(4) The Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District (August 2008) is incorporated by reference.

Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History—New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, 8-19-08,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Martha Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Southwest Florida Water Management District Governing Board

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 26, 2008

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
59G-6.010	Payment Methodology for Nursing Home Services

**PURPOSE AND EFFECT:** The purpose of the proposed rule is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective July 1, 2008.

1. Section IV. J.3. of the Title XIX Long-Term Care Reimbursement Plan has been modified as follows:

As part of the operating component, interim rate adjustments shall be granted to reflect increases in the cost of premiums for general or professional liability insurance policies and payments into qualifying self-insurance funds as defined in CMS 15-1, 2162, if the change in cost of premiums and payments to the provider is at least \$5,000 and would cause a change of one percent or more in the provider's current total per diem rate.

2. Section IV. J.4. of the Title XIX Long-Term Care Reimbursement Plan has been modified to include a reference to Section IV. J.3 above.

**SUMMARY:** The Florida Title XIX Long-Term Care Reimbursement Plan has been modified to clarify an interim rate provision as it pertains to General and Professional Liability Insurance.

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

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

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.908 FS.

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

DATE AND TIME: November 18, 2008, 9:00 a.m. – 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or by e-mail at stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXXIV~~ ~~XXXIII~~ Effective Date July 1, 2008 ~~January 1, 2008~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 8-26-07, 2-12-08, 9-22-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2008

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NO.: 61G3-16.010 RULE TITLE: Supervised Practice Exception

PURPOSE AND EFFECT: The proposed rule amendment sets forth the time limit in which an applicant must discontinue practicing once he/she has taken the examination.

SUMMARY: The proposed rule amendment sets forth the time limit in which an applicant must discontinue practicing once he/she has taken the examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs has been prepared and is available by contacting Robyn Barineau, Executive Director, 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: 455.217, 476.064(4), 476.124, 476.144(7), 475.184(2), (10) FS.

LAW IMPLEMENTED: 455.217, 476.144(7), 475.184(2), (10) 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT FOR THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G3-16.010 follows. See Florida Administrative Code for present text.)

61G3-16.010 Supervised Practice Exception.

(1) Following the completion of both the written and practical portions of the first licensing examination by an applicant for licensure as a barber by examination who has completed the barber training required by Chapter 476, F.S. and Rule 61G3-16.001, F.A.C., the applicant is eligible to practice as a barber and perform barbering services temporarily in a current, actively licensed barbershop under the following conditions:

(a) In the event an applicant obtains passing scores on the first attempt of both the written and practical portions of the examination, the applicant shall be eligible, prior to having the application acted on by the Board, to practice in a licensed barbershop, provided that the applicant post the examination results for both portions of the examination at the work station with a recent photograph affixed thereto.

(b) In the event that the applicant fails to obtain a passing score on either or both of the written or practical portion of the examination on the first attempt, the applicant shall not be eligible to practice under this rule until the applicant:

1. Applies to the Department for authorization to retake the failed portion(s) of the examination; and

2. Presents the holder of the license for the barbershop a copy of both the reexamination application and the examination scheduling authorization letter from the department or the testing vendor.

3. Upon completion of these conditions, the applicant is eligible to practice in a licensed barbershop subject to the provisions of paragraph (c) referenced below, provided that the

applicant posts the examination results for both portions of the examination at the work station with a recent photograph affixed thereto. The applicant must discontinue practicing when 180 days have passed from the date the written or practical portion of the first examination was taken, whichever portion was taken earlier, if reexamination has not yet been completed. Under no circumstances shall the applicant be eligible to practice prior to having applied for reexamination and having obtained the examination scheduling authorization letter from the department or testing vendor.

(c) All barbering services performed by the applicant under this exception shall be performed under the supervision of a licensed barber. "Under the supervision of a licensed barber" shall mean that an individual who then holds a current, active Florida license as a barber shall be physically present at all times when the applicant is performing barbering services.

(2) In the event an applicant, who previously failed either or both portions of the examination on the first attempt, fails to obtain a passing score on either or both portions of the second licensure examination, the applicant is no longer eligible to practice as a barber under this exception and must immediately discontinue practicing barbering services until the applicant has been issued a license to practice by the Department.

Specific Authority 455.217, 476.064(4), 476.124, 476.144(7), 476.184(2), (10) FS. Law Implemented 455.217, 476.144(7), 476.184(2), (10) FS. History—New 12-9-98, Amended 11-12-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 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 ENVIRONMENTAL PROTECTION**

RULE NO.: 62-204.800  
RULE TITLE: Federal Regulations Adopted by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update, through September 30, 2008, the department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 52, 63 and 89.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Patricia E. Comer, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) through (2) No change.

(3) Title 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 CFR Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference:

(a) No change.

(b) 40 CFR Part 52, Subpart K, Florida, amended July 22, 2003, at 68 FR 43312; amended August 11, 2003, at 68 FR 47468; amended February 13, 2004, at 69 FR 7127; amended March 29, 2004, at 69 FR 16167; amended June 17, 2004, at 69 FR 33860; amended April 28, 2006, at 71 FR 25327; amended November 28, 2006, at 71 FR 68743; amended October 12, 2007, at 72 FR 58016; amended September 16, 2008, at 73 FR 53378.

(4) through (10) No change.

(11) Title 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 6. No change.

7. 40 CFR 63, Subpart M, Perchloroethylene Dry Cleaning Facilities; amended June 23, 2003, at 68 FR 37333; amended July 27, 2006, at 71 FR 42723; amended September 21, 2006, at 71 FR 55280; amended July 11, 2008, at 73 FR 39871; except that the Secretary is not the Administrator for purposes of 40 CFR 63.326(c)(1) through (4).

8. through 61. No change.

62. 40 CFR 63, Subpart EEEE, Organic Liquids Distribution (Non-Gasoline); promulgated February 3, 2004, at 69 FR 5038; amended April 20, 2006, at 71 FR 20445; amended July 28, 2006, at 71 FR 42897; amended July 17, 2008, at 73 FR 40977; except that the Secretary is not the Administrator for purposes of 40 CFR 63.2402(b)(1) through (4).

63. through 83. No change.

84. 40 CFR 63, Subpart BBBBB, Semiconductor Manufacturing; promulgated May 22, 2003, at 68 FR 27913; amended April 20, 2006, at 71 FR 20445; amended July 22, 2008, at 73 FR 42529; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.7194(c)(1) through (4).

85. through 116. No change.

(c) through (e) No change.

(12) through (24) No change.

(25) Title 40, Code of Federal Regulations, Part 89, Control of Emissions From New and In-Use Nonroad Compression-Ignition Engines. The following subparts of 40 CFR Part 89, revised as of July 1, 2007, or later as specifically indicated, are adopted and incorporated by reference.

(a) 40 CFR Part 89, Subpart A, General.

(b) 40 CFR Part 89, Subpart B, Emission Standards and Certification Provisions.

(25) through (26) renumbered (26) through (27) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07, 2-1-08, 7-1-08, 10-6-08, 12-1-08.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:                   RULE TITLE:  
62-620.100                   Scope/Applicability/References

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise DEP Form 62-620.910(17) and paragraph 62-620.100(2)(o), Florida Administrative Code to allow applicants to submit the form(s) using the Department's electronic permitting application. In addition, minor clean-up of existing language is planned.

SUMMARY: The proposed rule will address the electronic submittal of the No Exposure Certification for Exclusion from NPDES Stormwater Permitting.

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

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

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.0885 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: Steven Kelly, Department of Environmental Protection, NPDES Stormwater Program, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399; telephone (850)245-7518; email Steven.Kelly@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-620.100 Scope/Applicability/References.

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

(o) Conditional exclusion for “no exposure” of industrial activities and materials to stormwater. Discharges composed entirely of stormwater are not stormwater discharges associated with industrial activity if there is “no exposure” of industrial materials and activities to precipitation and/or runoff, and the discharger satisfies the conditions in subparagraphs (o)1. through (o)3. of this section. “No exposure” means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to precipitation and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

1. Qualification. To qualify for this exclusion, the operator of the discharge must:

a. Provide a storm resistant shelter to protect industrial materials and activities from exposure to precipitation and runoff;

b. Submit to the Department a completed and signed Form 62-620.910(17), entitled “No Exposure Certification for Exclusion from NPDES Stormwater Permitting,” effective \_\_\_\_\_, certifying that there are no discharges of stormwater contaminated by exposure to industrial materials and activities from the entire facility, except as provided in subparagraph (o)2. of this section. The completed and signed



62-621.300 Permits.

(1) through (3) No change.

(4) Generic Permit for Stormwater Discharge from Large and Small Construction Activities.

(a) The document "Generic Permit for Stormwater Discharge from Large and Small Construction Activities," document number 62-621.300(4)(a), issued by the Department and effective                      ~~May 1, 2003~~, is hereby incorporated by reference and made a part of this chapter.

(b) Form number 62-621.300(4)(b), Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, effective                      ~~May 1, 2003~~, is hereby incorporated by reference and made part of this chapter. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department's website.

~~(c) The "Generic Permit for Stormwater Discharge from Large and Small Construction Activities" shall become effective May 1, 2003. Prior to May 1, 2003, operators initiating activities disturbing five or more acres shall continue to obtain coverage under the "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land," and any such activities shall continue to remain covered under the terms of the "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land" until such time as permit coverage is terminated, revoked, or the permittee's five year period of coverage has expired. Effective May 1, 2003, anyone initiating activities that disturb one or more acres of land but less than five acres (small construction), or five or more acres (large construction), shall obtain coverage under the "Generic Permit for Stormwater Discharge from Large and Small Construction Activities." If an operator initiates activities that disturb at least one acre but less than five acres, prior to May 1, 2003, and those activities are ongoing as of May 1, 2003, the operator must file a notice of intent and permit fee to obtain permit coverage under the Generic Permit for Stormwater Discharge from Large and Small Construction Activities by June 1, 2003.~~

(5) Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

(a) The Department hereby adopts and incorporates by reference Federal Register, Volume 60, Number 189, pages 50804-51319, published on September 29, 1995; Federal Register, Volume 61, Number 28, pages 5248-5254, published on February 9, 1996; Federal Register, Volume 61, Number 34, page 6412, published on February 20, 1996; Federal Register, Volume 63, Number 152, pages 42534-42548, published on August 7, 1998; Federal Register, Volume 63, Number 189, pages 52430-52577, published on September 30, 1998; and, Federal Register, Volume 64, Number 11, pages 2898-2900,

published on January 19, 1999, which shall hereinafter be referred to as the "Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity." When used in the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, the following shall mean:

1. EPA shall mean the Department of Environmental Protection.

2. Regional Administrator, Director, or State Director, shall mean the Secretary of the Department of Environmental Protection or the Secretary's designee where appropriate.

(b) Form number 62-621.300(5)(b), Notice of Intent to Use Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, effective October 22, 2000, is hereby incorporated by reference and made part of this chapter. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department's website.

(c) Facilities or activities seeking coverage under this generic permit shall apply to the Department on the form referenced in paragraph 62-621.300(5)(b), F.A.C., and in accordance with the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, and shall include the appropriate processing fee as required by Rule 62-4.050, F.A.C.

(d) Form number 62-621.300(5)(b), Notice of Intent to Use Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity shall be submitted either by mail to: Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; or electronically using the Department's Interactive Notice of Intent (iNOI) at <http://www.dep.state.fl.us/water/stormwater/npdes/>. All other notices, certifications, reports, or any other information required to be submitted under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, excluding discharge monitoring reports, shall be submitted to Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Discharge monitoring reports (DMRs) required to be submitted under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity shall be sent to Department of Environmental Protection, NPDES Stormwater MSGP DMR, Mail Station #2511, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(f) The effective date of coverage under this generic permit shall be two (2) days after a complete Notice of Intent is submitted to the Department in accordance with paragraph 62-621.300(5)(c), F.A.C.



(g) Coverage under this generic permit is limited to a term not to exceed five years from the effective date of coverage. Permittees may request continued coverage under this generic permit in accordance with the requirements of paragraph 62-621.300(5)(c), F.A.C. Request for continued coverage shall be made at least two (2) days before expiration of the current coverage.

(6) Form number 62-621.300(6), National Pollutant Discharge Elimination System (NPDES) Stormwater Notice of Termination effective \_\_\_\_\_ ~~April 20, 2005~~, is hereby incorporated by reference and made a part of this chapter. Facilities or activities seeking to terminate coverage under the generic permits in subsections 62-621.300(4) and (5), F.A.C., as well as the conditional exclusion for “no exposure” of industrial activities and materials to stormwater provided in paragraph 62-620.100(2)(o), F.A.C., shall file a National Pollutant Discharge Elimination System (NPDES) Stormwater Notice of Termination with the Department. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department’s website.

(7) No change.

Specific Authority 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877 FS. Law Implemented 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS. History—New 12-24-96, Amended 5-1-97, 2-14-00, 10-22-00, 5-1-03, 12-23-04, 4-20-05, 5-10-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Janet G. Llewellyn

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2008

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Staff Training**

RULE NOS.:	RULE TITLES:
63H-1.001	Purpose and Scope
63H-1.002	Definitions
63H-1.003	Authorized Levels of Response
63H-1.011	Rehired Employee Training

PURPOSE AND EFFECT: The amendments clarify the purpose and scope to reflect the agency preference for verbal intervention and the least restrictive means of physical intervention. Definitions of “program” and “facility” are amended to specify that day treatment and facility-based conditional release will be deemed “facilities”, while community-based conditional release will be deemed “programs”. A form is updated, and the threshold for a level 2

physical response is clarified to require an identifiable risk to safety and security. The rule section governing training upon rehiring is also amended.

SUMMARY: The amended rule clarifies the purpose and scope, makes necessary changes to definitions, updates a form, and clarifies the authorized level of response for the department’s verbal and physical intervention techniques. The amended rule also changes the training requirements for rehired staff.

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: 985.64, 985.645 FS.

LAW IMPLEMENTED: 985.645 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: Wednesday, November 19, 2008, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63H-1.001 Purpose and Scope.

This rule establishes a statewide framework to implement procedures governing the use of verbal and physical intervention techniques and mechanical restraints. Protective Action Response (PAR), as authorized by the department, shall be the verbal and physical intervention program trained and utilized by direct care staff in state-operated and contracted facilities and programs. PAR verbal intervention is the most common and preferred method of preventing or de-escalating conflict. It is the intent of the department that the least restrictive means of physical intervention be employed based on the individual needs of each youth.

Specific Authority 985.405, 985.4055 FS. Law Implemented 985.4055 FS. History—New 11-19-06, Amended \_\_\_\_\_.

63H-1.002 Definitions.

(1) through (11) No change.

(12) Facility – A contracted or state-operated secure environment that provides custody, care, supervision or confinement of youth alleged or found to have committed a

violation of law. This includes, but is not limited to, secure detention, law enforcement operated facilities, ~~and residential commitment programs, day treatment programs, and contracted facility based conditional release programs.~~

(13) through (23) No change.

(24) Program – A contracted or state-operated non-residential environment providing supervision of youth who have been identified to receive services within the community. This includes, but is not limited to, probation, non-secure detention, home detention, juvenile assessment centers, Intensive Delinquency Diversion Services (IDDS) programs, community based conditional release programs and screening and intake units, ~~and day treatment programs.~~ This does not include prevention programs.

(25) through (28) No change.

(29) PAR Incident Report – The form used to document the occurrence of an event where an employee has used one of the enumerated physical intervention techniques. The PAR Incident Report (ADSD-005, revised 6/23/08 ~~6/01/06~~) is incorporated by reference, and is available at the department's website ([http://www.djj.state.fl.us/forms/sd/par\\_incident\\_report.pdf](http://www.djj.state.fl.us/forms/sd/par_incident_report.pdf)).

(30) through (36) No change.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055 FS. History–New 11-19-06, Amended 3-4-07, \_\_\_\_\_.

63H-1.003 Authorized Levels of Response.

(1) LEVEL 1 RESPONSE – This level of employee response consists of verbal intervention techniques and shall be utilized in response to all levels of resistance by the youth. Verbal intervention techniques shall be the initial response by an employee to resistance by a youth except where physical intervention techniques are necessary to prevent: physical harm to the youth, employee or another person; property damage; or the youth escaping or absconding from lawful supervision.

(2) LEVEL 2 RESPONSE – In this level of response, verbal attempts to diffuse a youth or situation have been exhausted, and the youth has initiated ~~passive~~, active, combative, or aggravated resistance. There will be no physical intervention for passive resistance without a clear and identifiable risk to safety and security. Physical intervention techniques may encompass the use of touch, countermoves, control techniques, or takedowns as described in Rule 63H-1.004, F.A.C.

(3) LEVEL 3 RESPONSE – This level of response involves the use of mechanical restraints. The use of mechanical restraints is authorized in situations where a youth has initiated active, combative, or aggravated resistance, and in situations where a youth poses a physical threat to self, employees, or others. Rules 63H-1.005-.007, F.A.C., explain the duties and responsibilities of employees when using

mechanical restraints. Rule 63H-1.004, F.A.C., describes the authorized mechanical restraint techniques for facility employees.

(4) All responses shall be commensurate with the youth's level of resistance according to the PAR Escalation Matrix and this rule.

(a) Additionally, responses shall only be used when reasonably necessary to control youth and only after all reasonable alternatives have been exhausted, including verbal persuasion, warnings, and verbal intervention techniques; or when the alternatives are considered inappropriate due to the rapid escalation of dangerous behavior.

(b) Prior authorization for the use of physical intervention techniques and mechanical restraints shall be obtained from the supervisor or acting supervisor unless doing so could result in physical harm to the youth, employee or another person, property damage, or the youth escaping or absconding from lawful supervision.

(c) PAR certified employees shall immediately report the following intervention actions to their immediate supervisor or acting supervisor, and these incidents shall be documented per Rule 63H-1.007, F.A.C.:

1. Level 2 responses including countermoves, control techniques, and takedowns.

2. Level 3 applications of soft or hard mechanical restraints.

(d) In the event a youth is armed with a weapon or firearm and there is imminent danger of bodily harm or death, facility and program employees shall, if possible, isolate or contain the youth and request emergency assistance from law enforcement if application of the PAR Escalation Matrix is insufficient to control the youth.

(e) If a youth is in the process of inflicting grave bodily harm, or possible death, upon others or self, facility and program employees shall immediately contact law enforcement. Employees are authorized to use reasonable and necessary means to stabilize the situation.

Specific Authority 985.405, 985.4055 FS. Law Implemented 985.4055(2)(a) FS. History–New 11-19-06, Amended \_\_\_\_\_.

63H-1.011 Rehired Employee Training.

(1) through (2) No change.

(3) If an employee is rehired after 12 calendar months but within 24 calendar months of termination, the employee must satisfy the following requirements:

(a) Attend a minimum of 8 hours of remedial training; ~~and~~

(b) Obtain 100% satisfactory performance of the techniques specified on the employee's PAR Training Plan using the PAR Performance Evaluation; and-

(c) Obtain a minimum score of seventy-five percent (75%) on the PAR written exam.

(4) If an employee is rehired after 24 calendar months of termination, he or she is no longer considered certified and must complete all requirements as outlined in Rule 63H-1.009, F.A.C.

Specific Authority 985.405, 985.4055 FS. Law Implemented 985.4055(2)(b) FS. History--New 11-19-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael McCaffrey, Director, DJJ Staff Development and Training

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Frank Peterman, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-1.021  
 RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt language to clarify the application for Health Access Dental License and have form # DH-MQA 1154 (revised 9/23/08) incorporated by reference.

SUMMARY: The rule amendment will adopt language to clarify the application for Health Access Dental License and have form # DH-MQA 1154 (revised 9/23/08) incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Cost was prepared. The Board voted at it's meeting on September 11, 2008 that the rule amendment would not effect small businesses.

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 FS.

LAW IMPLEMENTED: 120.52(15) FS.

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

64B5-1.021 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

(1) through (10) No change.

(11) Any person wishing to be issued a Health Access Dental License shall apply to the Board of Dentistry. The application shall be made on the Application for Health Access Dental License form #DH-MQA 1154 (revised 9/11/08) hereby adopted and incorporated by reference, and can be obtained from the Board of Dentistry's website at <http://www.doh.state.fl.us/mqa/dentistry/>.

Specific Authority 466.004 FS. Law Implemented 120.52(15) FS. History--New 8-19-97, Amended 9-20-01, \_\_\_\_\_.

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: September 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-9.001	General
64E-9.002	Definitions
64E-9.003	Forms
64E-9.0035	Exemptions
64E-9.004	Operational Requirements
64E-9.005	Construction Plan or Modification Plan Approval
64E-9.006	Construction Plan Approval Standards
64E-9.007	Recirculation and Treatment System Requirements
64E-9.008	Supervision and Safety
64E-9.009	Wading Pools
64E-9.010	Spa Pools
64E-9.011	Water Recreation Attractions and Specialized Pools
64E-9.013	Bathing Places
64E-9.015	Fee Schedule
64E-9.016	Variances
64E-9.017	Enforcement
64E-9.018	Public Pool Service Technician Certification

PURPOSE AND EFFECT: Develop rules to address necessary definition changes, technical changes, and reference changes resulting from statutory changes, previous rulemaking, and recent developments in this field.

SUMMARY: Numerous revisions including amendments in each rule are proposed. A public hearing is scheduled.

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: 381.006, 381.0011, 386.02, 514.021 FS.

LAW IMPLEMENTED: 381.006, 381.0011, 381.0025, 386.01, 386.02, 386.03, 386.041, 386.051, 514.011, 514.021, 514.03, 514.031, 514.05, 514.071, 514.075 FS.

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

DATE AND TIME: Tuesday, December 2, 2008, 1:00 p.m. – 4:00 p.m. is scheduled and will continue until all attendees have presented

PLACE: Florida Dept of Health Building 4042, Room 301, 4042 Bald Cypress Way, Tallahassee 32399-1742

Pursuant to the provisions of 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: Pat Duncan, Bureau of Water Programs, C-22, 4042 Bald Cypress Way, Tallahassee 32399-1742, phone (850)245-4240. If you are 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: Bob Vincent, Bureau of Water Programs, (850)245-4240

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-9.001 General.

(1) No change.

(2) This chapter prescribes minimum design, construction, and operation requirements.

(a) The department will accept dimensional standards for competition type pools as published by the National Collegiate Athletic Association, 2008~~3~~; Federation Internationale de Natation Amateur (FINA), 2005~~2~~-2009~~5~~ Handbook; 2006-2007 ~~4998-1999~~ Official Rules ~~and of Diving & Code of USA Diving with 2007 Amendments by Regulation of United States Diving, Inc.~~; 2008 USA ~~3-United States~~ Swimming Rules and Regulations, and National Federation of State High School Associations, Swimming and Diving and Water Polo

Rules Book, 2008 ~~2002-2009~~ 2003, which are incorporated by reference in these rules and can be obtained from: NCAA.org, fina.org, usadiving.org, usaswimming.org, and nfhs.org, respectively.

(b) No change.

(3) No change.

(4) The Americans with Disabilities Act of 1990 may relate to public pools and should be reviewed by the design engineer and the pool owner. Chapter 11 and Section 424.1 of the Florida Building Code also have application to public pools.

Specific Authority 381.006, 381.0011, 514.021 FS. Law Implemented 381.006, 381.0011, 381.0025, 386.01, 386.02, 386.03, 386.041, 386.051, 514.011, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History–New 10-5-93, Formerly 10D-5.130, Amended 12-27-98, 5-27-04,\_\_\_\_\_.

64E-9.002 Definitions.

(1) through (3) No change.

(4) “Collector Tank” – A reservoir, with a minimum of 2.25 square feet water surface area open to the atmosphere, from which the recirculation or feature pump takes suction, which receives the gravity flow from the main drain line, surface overflow system or feature water source line, and that is cleanable.

(5) “D.E.” – is the Diatomateous Earth that is used as a filter aid in DE type filters. For the purpose of this rule, it also includes alternative filter aids that have been approved under NSF/ANSI Standard 50-2007, and accepted by the filter manufacturer.

(6)~~(5)~~ “Department” – The Department of Health (DOH), specifically, Division of Environmental Health and county health departments unless specified otherwise.

(7)~~(6)~~ “Effective Barrier” – A barrier which consists of a building, or equivalent structure, plus a 48 inch minimum height fence on the remaining sides or a continuous 48 inch minimum height fence. All access through the barrier must have one or more of the following safety features: alarm, key lock or self-locking doors and gates. Safety covers that comply with the American Society for Testing Materials standard F1346 may also be considered as an effective barrier.

(8)~~(7)~~ “Flow Through” – Continuous verifiable inflow and outflow or in the case of spring fed lakes shall be verifiable by continuous outflow.

(9)~~(8)~~ “Inaccessible” – Enclosed by an effective barrier.

(10)~~(9)~~ Interactive Water Features – A structure designed to allow for recreational activities with recirculated, filtered, and treated water; but having minimal standing water. Water from the interactive fountain type features is collected by gravity below grade in a collector tank or sump. The water is filtered, disinfected and then pumped to the feature spray discharge heads.

(11)(10) "Lifeguard" – Person responsible for the safety of the users of a public swimming pool.

(12)(11) "Living Unit" – Room(s) or spaces capable of being occupied by an individual or group for temporary or permanent lodging purposes. This includes motel and hotel rooms, apartment units, boarding house rooms, condominium units, travel trailers, recreational vehicles, mobile homes, single family homes, and individual units in multiple unit housing complexes.

(13) "Marking" or "Markings" – Refers to the placement and installation of visual marking cues to help patrons identify step, bench and swimout outlines, slope break location, depth designations, and NO ENTRY and NO DIVING warnings. When markings are specified by code to be dark the term dark shall mean a Munsell Color Value from zero to four.

(14)(12) "Modification" – Any act which changes or alters the original characteristics of the pool as approved. For example, changes in the recirculation systems, decking, treatment systems, disinfection system, and pool shape are modifications.

(15)(13) "NTU" – Nephelometric Turbidity Unit which is a means of measuring water clarity.

(16)(14) "Perimeter Overflow Gutter" – A level trough or ledge around the inside perimeter of the pool containing drains to clean the pool water surface.

(17)(15) "Plunge Pool" – The receiving body of water located at the terminus of a recreational water slide.

(18)(16) "Pool Floor" – The interior pool bottom surface which consists of that area from a horizontal plane up to a maximum of a 45 degree slope.

(19)(17) "Pool Wall" – The interior pool side surfaces which consist of that area from a vertical plane to a 45 degree slope.

(20)(18) "Pool Turnover" – The circulation of the entire pool volume through the filter system.

(21)(19) "Precoat Pot" – A container with a valved connection to the suction side of the recirculation pump of a pressure diatomaceous earth (D.E.) type filter system used for coating the filter with D.E. powder or NSF/ANSI Standard 50-2007 and manufacturer approved substitute filter aid.

(22)(20) "Private Pool" – See Section 514.011(3), F.S.

(23)(21) "Public Bathing Place" – See Section 514.011(4), F.S. The bathing water areas of public bathing places include lakes, ponds, rivers, springs, streams, and artificial impoundments.

(24)(22) "Public Swimming Pool" or "Public Pool" – See Section 514.011(2), F.S.

(25)(23) "Recirculation System" – The system of piping and mechanics designed to remove the water from the pool then filter, disinfect and return it to the pool.

(26) "River Ride" – A water recreation attraction designed to convey bathers around a relatively flat course using an artificially created current.

(27)(24) "Sanitary Survey" – A professional assessment of any existing and potential sources of pollution of a specific land or water area.

(28)(25) "Slip Resistant" – Having a textured surface which is not conducive to slipping under contact of bare feet unlike glazed tile or masonry terrazzo and non-textured plastic materials. Manufactured surface products shall be designated by the manufacturer as suitable for walking surfaces in wet areas. Minimum acceptable static coefficient of friction to determine slip resistance is 0.6 on horizontal wet walking surfaces in the pool and for the wet deck area.

(29)(26) "Spa Pool" – A pool used in conjunction with high velocity air or water.

(30)(27) "Special Purpose Pool" – A public pool used exclusively for a specific, supervised purpose, including springboard or platform diving training, SCUBA diving instruction, and aquatic programs for handicapped individuals, pre-school or kindergarten children.

(31)(28) "Swimming Instructor" – Person who offers progressive swimming instruction.

(32) "Swimming Pool Slide" a slide designed by its manufacturer to discharge over the sidewall of a swimming pool.

(33)(29) "Swim Spa" – A pool used in conjunction with a directional flow of water against which one swims.

(34)(30) "Wading Pool" – A shallow pool designed to be used by children.

(35)(31) "Water Recreation Attraction" – A facility with design and operational features that provide patron recreational activity and purposefully involves immersion of the body partially or totally in the water. Water recreation attractions include water slides, river rides, water course rides, water activity pools, interactive water features, ~~and~~ wave pools and any additional pool within the boundaries of the attraction.

(36)(32) "Water Activity Pool" – A water recreation attraction which has water related activities such as rope ladders, rope swings, cargo nets and other similar activities.

~~(33) "River Ride" – A water recreation attraction designed to convey bathers around a relatively flat course using an artificially created current.~~

(37)(34) "Water Slides" – A water recreation attraction ride which is characterized by having trough-like or tubular flumes or chutes.

(38) "Water Theme Park" – Means a complex with controlled access, fenced and gated attraction where guests enter through a limited number of entrances upon purchase of a ticket. These facilities are permanent and consist of multiple water recreation attractions. Lifeguards are present during all operating hours.

(39) “Water Therapy Facilities” as that term is used in Section 514.0115(1), F.S., are pools used exclusively for water therapy to treat a diagnosed injury, illness, or medical condition, wherein the therapy is provided under the direct supervision of a Florida licensed physical therapist, occupational therapist, or athletic trainer; pursuant to a prescription by a physician or a physician's assistant (PA) licensed pursuant to Chapter 458 or 459, F.S., a podiatrist licensed pursuant to Chapter 461, F.S., or an advanced registered nurse practitioner (ARNP) licensed pursuant to Chapter 464, F.S.; and the prescribing physician, PA, podiatrist or ARNP, authorizes a plan of treatment justifying use of the pool for health care purposes.

(40)(35) “Wave Pool” – A water recreation attraction that is characterized by wave action.

(41)(36) “Wet Deck Area” – The four foot wide unobstructed pool deck area around the outside of the pool water perimeter, curb, ladders, handrails, diving boards, diving towers, pool slides, waterfalls, water features, starting blocks, planters, or lifeguard chairs.

(42)(37) “Zero Depth Entry Pool” – A pool where the pool floor continues to slope upward to a point where it meets the surface of the water and the pool deck.

(38) “Marking” or “Markings” — Refers to the placement and installation of visual marking cues to help patrons identify step, bench and swimout outlines, slope break location, depth designations, and NO ENTRY and NO DIVING warnings. When markings are specified by code to be dark the term dark shall mean a Munsell Color Value from zero to four.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 381.02, 386.03, 386.041, 386.051, 514.011, 514.021, 514.03, 514.031, 514.05, 514.06, 514.071 FS. History—New 10-5-93, Formerly 10D-5.131, Amended 12-27-98, 5-27-04,\_\_\_\_\_.

64E-9.003 Forms.

(1) All forms listed in this section are herein incorporated by reference ~~in these rules~~ and may be obtained from the department, at: <http://www.doh.state.fl.us/environment/water/swim/download.html>, or DOH, mail bin C-22, 4052 Bald Cypress Way, Tallahassee 32399-1742, or at the local County Health Department. The following forms are for use by the department or the public:

(a) DH 1350, ~~7/08~~ ~~3/98~~, Public Swimming Pool Engineering Inspection Report.

(b) through (c) No change.

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

(c) DH 914, ~~7/08~~ ~~Sept. 99~~, Application For Approval Of Swimming Pool Plans.

(d) DH 916, ~~7/08~~ ~~3/98~~, Application for Swimming Pool Operating Permit/Authorization.

(e) DH 917, 3/98, Application for a Bathing Place Operating Permit/Authorization.

(f) No change.

(g) DH 4080, ~~7/08~~ ~~April 97~~, Application for Variance from Chapter 64E-9, F.A.C.

(h) DH 4144 1/09, Application for Swimming Pool Exemption Status – Water Therapy Facilities.

Specific Authority ~~381.0011~~, 381.006, 514.021 FS. Law Implemented Part I, Ch. 386, ~~381.0011~~, ~~381.0025~~, 381.006, ~~514.011~~, 514.0115, 514.021, 514.025, 514.03, 514.031, 514.033 FS. History—New 10-5-93, Formerly 10D-5.132, Amended 12-27-98, 3-30-00, 5-27-04,\_\_\_\_\_.

64E-9.0035 Exemptions.

(1) A person seeking an initial exemption, or an existing facility claiming to be exempt from department regulation pursuant to the provisions of Section 514.0115, F.S., shall apply to the department on forms listed in Rule 64E-9.003, F.A.C. Each such application shall be renewed bi-annually, by July 1st of each even numbered year.

(a) Applicants for a swimming pool exemption pursuant to paragraph (2)(a) or (2)(b) or subsection (1), of Section 514.0115, F.S., shall submit the following information along with the applicable department form listed above:

1. For condominiums, the recorded declaration of condominium, the condominium’s articles of incorporation and bylaws, and all duly adopted and recorded amendments, supplements, and all recorded exhibits thereto, and a copy of a plot plan diagram for the proposed property; or

2. For cooperatives, the articles of incorporation of the association, the bylaws, and the ground lease or other underlying lease, if any; the document evidencing a unit owner’s membership or share in the association; and the document recognizing a unit owner’s title or right of possession to his or her unit, and a copy of a plot plan diagram for the proposed property.

3. For exemption as a water therapy facility pool, a written statement signed by a medical professional that they have already, or intend to prescribe medical water therapy for a patient in the pool and this professional shall be a physician or a physician's assistant (PA) licensed pursuant to Chapter 458 or 459, F.S., a podiatrist licensed pursuant to Chapter 461, F.S., or an advanced registered nurse practitioner (ARNP) licensed pursuant to Chapter 464, F.S. For subsequent biannual exemption renewals, in addition to the signed written statement from a medical professional as required above, each water therapy facility shall provide a list of the Florida licensed physical therapist(s), occupational therapist(s), and athletic trainer(s) providing therapy in the pool.

(b) For purposes of Section 514.0115, F.S., the term condominium shall be as defined in Chapter 718, F.S., and the term cooperative shall be as defined in Chapter 719, F.S.

(2) A person who sought and received an exemption from public swimming pool regulation, shall contact the department if the conditions upon which the exemption was granted

change so as to eliminate the exemption status. Under such circumstances, the pool must be modified in order to comply with the provisions of this chapter and Chapter 514, F.S.

(3) An exemption from department rules does not exempt the pool from Florida Building Code requirements.

Specific Authority 381.006, 514.021 FS. Law Implemented 514.0115 FS. History--New \_\_\_\_\_.

64E-9.004 Operational Requirements.

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

(d) Chemical quality – Chemicals used in controlling the quality of the pool water shall be tested and approved using the National Sanitation Foundation (NSF-ANSI) Standard 60, 2005 1996a-1997, which is incorporated by reference in these rules and shall be compatible with other accepted chemicals used in pools. The following parameters shall be adhered to for pool water treatment:

1. through 3. No change.

4. Cyanuric acid – 40 100 mg/L maximum in pools and 40 mg/L in spa pools

5. through 7. No change.

(e) Landscape irrigation water that wets the wet deck area of the pool, the pool itself, collector tank or an interactive water feature must be potable water from a public water system.

(2) through (10) No change.

(11) Test kits are required to be on the premises of all pools to determine free active chlorine and total chlorine using N,N-Diethyl-p-Phenylenediamine (DPD), or bromine level, total alkalinity, calcium hardness, and pH.

(a) The following test kits shall be provided if the corresponding chemicals are used: cyanuric acid, sodium chloride, quaternary ammonium, ozone and copper.

(b) through (d) No change.

(12) No change.

(13) The keeping of a daily record of information regarding pool operation, using the Monthly Swimming Pool Report – DH 921 3/98, obtained from the local county health department, shall be the responsibility of the pool owner or operator. Customized report forms may be substituted provided they contain the appropriate information and are acceptable to the department. The completed report shall reflect manually conducted pool water tests for pH and disinfectant levels at least once every 24 hours, and weekly testing for cyanuric acid when chlorinated isocyanurates are used at spas, monthly at pools, and shall be retained at the pool or submitted monthly as required by the local health department. DH 921, 3/98, may be obtained at the local county health department. For the purposes of daily testing of the pool water and keeping of the Monthly Swimming Pool Log, the requirements of Rule 64E-9.018, F.A.C., are not applicable.

(14) Should a human fecal accident occur, the pool operator or owner shall comply with all recommendations found in ~~consider~~ the Centers for Disease Control's (CDC) "Fecal accident response recommendations for Aquatics pool Staff" found on the internet web site: <http://www.cdc.gov/healthyswimming/fecalacc.htm> ~~<http://www.cdc.gov/healthyswimming/>~~. Alternative emergency disinfection methods approved by the CDC may also be used.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented Part I, Ch. 386, 381.0011, 381.0025, 381.006, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History--New 10-5-93, Formerly 10D-5.133, Amended 12-27-98, 5-27-04,\_\_\_\_\_.

64E-9.005 Construction Plan or Modification Plan Approval.

It is unlawful for any person(s) to begin construction or modification of any public pool without first having received written approval from the department. Unapproved pools and proposed modifications to previously approved aspects of pools shall satisfy the requirements of the rules in effect at the time of project plans submittal. The department shall allow flow velocities through the main drain and surface overflow system piping which exceed those specified in subsection 64E-9.007(8), F.A.C., when retrofitting the pool recirculation system with a collector tank. However, the design engineer must provide appropriate calculations justifying the design. The flow rate through the main drain grating shall not exceed 1.5 feet per second.

(1) No change.

(a) No change.

1. No change.

2. Construction drawings of the project which contain sufficient detail to clearly apprise the department of the work to be undertaken which includes a site map with nearest cross streets and major thoroughfares, all views of the pool including dimensions, equipment area or enclosure, project layout and location, sanitary facility detail and location, a scaled site plan, a property survey (if available), a pool equipment list including the manufacturer or distributor names, model numbers, and catalog numbers or equipment description. All prints shall be drawn to a standard scale and shall be a minimum size of 18 × 24 inches and a maximum size of 36 × 42 inches. The details on the drawings shall be satisfactory for photographic reproduction. Color coded drawings are not acceptable. A four by six inch blank space shall be left vacant on the lower right hand corner or directly above the title block on each sheet.

3. No change.

4. If available, an electronic copy of the plans in PDF, TIF, DWG, or JPEG format.

(b) through (g) No change.

(h) If construction of the pool shell has not commenced within one year from the date of plans approval, the approval shall expire. After plans approval expires, and there have been

no changes to Chapter 64E-9, F.A.C., that affect the proposed plans, the applicant may submit the same plans to the department for re-approval, along with the fee established in paragraph 64E-9.015(1)(b), F.A.C. If there have been changes to Chapter 64E-9, F.A.C., that affect the proposed plans, or if the plans differ from the original submission, then the applicant must submit the fee established in paragraph 64E-9.015(1)(a), F.A.C.

(i) No change.

1. through 2. No change.

3. When night swimming is proposed, an engineer licensed in Florida shall provide certification that the deck and surface lighting requirements of paragraph 64E-9.006(2)(c), F.A.C., have been met.

(j) No change.

(2) No change.

(a) through (d) No change.

(e) The pool ladder must have a three to six inch clearance from the pool wall. New cross braced ladder(s) shall be installed in place of non-cross braced ladder(s) in conformance with subparagraph 64E-9.006(1)(d)1., F.A.C., during a pool re-surfacing.

(f) through (g) No change.

(h) The County Health Department shall be notified in writing of any proposed pool resurfacing or upgrades to decking at least 10 days prior to commencement. The notification shall include an itemized list of all proposed work that is to be performed, the license number of the contractor selected and shall indicate that all work will meet the requirements of paragraphs 64E-9.005(2)(a) through (g), F.A.C.

(i) No change.

(j) Recessed treads that protrude from the pool wall shall be removed and replaced with a cross braced ladder or reconstructed to meet the requirements of subparagraph 64E-9.006(1)(d)2., F.A.C.

(3) through (6) No change.

(7) The installation of copper or copper/silver ionization units and ozone generators capable of producing less than a pool water ozone contact concentration of 0.1 milligrams per liter (mg/L). shall not be considered a pool modification provided compliance with when the following is met:

(a) The ionization or ozone generator unit complies with paragraph 64E-9.007(16)(e), F.A.C.

(b) No change.

1. through 3. No change.

4. The unit shall meet the requirements of the NSF standard 50.

(c) At least 7 days before ~~At~~ the time of installation, the installer will provide a photocopy of the above drawings and a letter of intent identifying the pool on which the unit is to be installed.

(d) No change.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.025, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.134, Amended 12-27-98, 5-27-04,\_\_\_\_\_.

64E-9.006 Construction Plan Approval Standards.

(1) Pool Structure – Pools shall be constructed of concrete or other impervious and structurally rigid material. All pools shall be watertight, free from structural cracks and shall have a nontoxic smooth and slip resistant finish. All materials shall be installed in accordance with manufacturer's specifications unless such standards violate rule requirements or NSF approval.

(a) Floors and walls shall be white or light pastel in color and shall have the characteristic of reflecting rather than absorbing light. A minimum 4 inch tile line, each tile a minimum size of four square inches, shall be installed at the water line, but shall not exceed 12 inches in height if a dark color is used. Gutter type pools may substitute 2-inch tile, each a minimum size of four square inches, along the pool wall edge of the gutter lip.

1. through 2. No change.

3. One inch square tile may be used throughout the remainder of the pool if the licensed contractor provides a signed written certification to the approving department engineer that the adhesive used on the one inch square tile has a manufacturer's tested sheer strength of at least 250 psi and the manufacturer has specified the adhesive for use underwater to adhere the type of tile used (vitreous (glass) or ceramic).

(b) Sizing – The bathing load for conventional swimming pools, wading pools, interactive water features, water activity pools less than 24" deep, and special purpose pools shall be computed on the basis of one person per five gallons per minute (gpm) of recirculation flow. ~~The bathing load for wading pools and interactive water features shall be established by averaging one person per 20 square feet of pool area and one person per 5 gallons per minute of filter rate.~~ The bathing load for spa type pools shall be based on one person per each 10 square feet of surface area. The filtration system for swimming pools shall be capable of meeting all other requirements of these rules while providing a flowrate of at least one gallon per minute for each living unit at transient facilities and three-fourths gallon per minute at non-transient facilities. Recreational vehicle sites, campsites and boat slips designated for live-aboards shall be considered a transient living unit. For properties with multiple pools, this requirement includes the cumulative total GPM of all swimming pools, excluding spas, wading pools and interactive water features. All other types of projects shall be sized according to the anticipated bathing load and proposed uses. For the purpose of determining minimum pool size only, the pool turnover period used cannot be less than three hours.



## (c) Dimensions.

1. Walls and corners – All pool walls shall have a clearance of 15 feet perpendicular to the wall (as measured at design water level from gutter lip to gutter lip, or on skimmer pools, from vertical wall to vertical wall). Offset steps, ~~and~~ spa coves, spa pools and wading pools are exempt from this clearance requirement. Where interior steps protrude into the pool resulting in less than 15 feet of clearance from any wall such protrusion shall not exceed six feet on any perpendicular line from a tangent to any pool wall from which the steps emanate. The upper part of pool walls in areas five feet deep or less shall be within five degrees of vertical for a minimum depth of two and one-half feet from which point the wall may join the floor with a maximum radius equal to the difference between the pool depth and two and one-half feet. The upper part of pool walls in areas over five feet deep shall be within five degrees of vertical for a minimum depth equal to the pool water depth minus two and one-half feet from which point the wall may join the floor with a maximum radius of two and one-half feet. Corners shall be a minimum 90 degree angle. The corner intersections of walls which protrude or angle into the pool water area shall be rounded with a minimum radius of two inches. This radius shall be continued through the top of the gutter edge; chamfering is allowed. Pool coping shall not overhang into the pool more than one and a half inches.

2. through 3. No change.

(d) Access – All pools shall have a means of access every 75 feet of pool perimeter with a minimum of two, located so as to serve both ends of the pool. In addition, an access point shall be provided at the deep portion, if the deep portion is not at one end of the pool. When the deep portion of the pool is over 30 feet wide both sides of this area shall have a means of access. Access shall consist of ladders, stairs, recessed treads or swimouts and may be used in combination. All treads shall have a slip resistant surface.

1. Ladders – Ladders shall be of the cross-braced type and shall be constructed of corrosion resistant materials and be securely anchored into the pool deck. Clearance between the ladder and pool wall shall be between three to six inches. Ladders shall extend at least 28 inches and no more than 40 inches above the pool deck. Ladder bottom braces shall have intact end caps or bumpers that rest firmly against the pool wall. The top rung of the ladder shall be at or below the water level on open gutter pools and not more than 12 inches below the deck or curb top on all other type pools.

2. No change.

3. Stairs – Stairs shall have a minimum tread width of 10 inches and a maximum width of 48 inches for a minimum tread length of 24 inches and a maximum riser height of 10 inches. Treads and risers between the top and bottom treads shall be uniform to within 1/2 inch in width and height. The riser heights shall be measured at the marked step edges and the differences in elevation shall be considered the riser heights.

The front 3/4 to 2 inches of the tread and the top 2 inches of the riser shall be tile, dark in color, contrasting with the interior of the pool. Tile shall be slip resistant. Bullnose tile that is slip resistant may be used when the 3/4ths inch segment is placed on the tread or horizontal surface and the 2 inch segment is placed on the riser or vertical surface. Where the gutter is used as the top step, the tile on the gutter for the width of the steps shall be slip resistant. Vinyl liner and fiberglass pools may use other material for the step edge marking, provided the material is permanent, permanently secured, dark in color, non-fading, and slip resistant.

4. No change.

5. Handrails and Grabrails – Handrails shall be provided for all stairs, shall be anchored in the bottom step and the deck. Where “figure 4” deck mounted type handrails are used, they shall be anchored in the deck and extend laterally to any point vertically above the bottom step. Grabrails must be mounted in the pool deck at each side of recessed steps. Handrails and grabrails shall extend between at least 28 and 40 to 36 inches above the step edge and deck.

6. No change.

(e) No change.

1. No change.

2. Underwater seat benches may be installed in areas less than five feet deep. Bench seats must be 14 to 18 inches wide and must have a dark contrasting tile marking on the seat edge extending two inches on the horizontal and vertical surface. Tile must be slip resistant. Bullnose tile may be substituted and installed in accordance with subparagraph 64E-9.006(1)(d)3., F.A.C. Vinyl liner, stainless steel, and fiberglass pools may use other material for the bench edge marking, provided the material is permanently secured, dark in color, non-fading, and slip resistant. Benches shall not protrude into the 15 foot clearance requirement of subparagraph 64E-9.006(1)(c)1., F.A.C.

(f) No change.

(g) Diving Areas – Diving facilities shall meet the minimum requirements of the FINA dimensions for diving facilities in accordance with the 2005 1998-2009 FINA Handbook.

1. through 4. No change.

(2) Pool Appurtenances.

(a) Decks and Walkways – Wooden decks and walkways are prohibited.

1. Pool wet decks shall have a minimum unobstructed width of four feet around the perimeter of the pool, pool curb, ladders, handrails, diving boards, diving towers, and slides, shall be constructed of concrete or other nonabsorbent material having a smooth slip resistant finish and shall be uniformly sloped at a minimum of two percent to a maximum of four percent away from the pool or to deck drains to prevent standing water. Textured deck finishes that provide pitting and crevices that accumulate soil are prohibited. If settling or

weathering occurs that would cause standing water, the original slopes shall be restored. When a curb is provided, the deck shall not be more than 10 inches below the top of the curb. Wet deck area finishes shall be designed for such use and shall be installed in accordance with the manufacturer's specifications. Traffic barriers shall be provided as needed so that parked vehicles do not extend over the deck area. Walkways shall be provided between the pool and the sanitary facilities, and shall be constructed of concrete or other nonabsorbent material having a smooth slip resistant finish for the first 15 feet of the walkway measured from the nearest pool water's edge. A hose bibb with a vacuum breaker shall be provided to allow the deck to be washed down with potable water.

2. through 3. No change.

(b) Bridges and overhead obstructions over the pool shall be designed so they will not introduce any contamination to the pool water. The minimum height of the bridge or obstruction shall be at least eight feet from the bottom of the pool and at least four feet above the surface of the pool. Minimum 42 inch high handrails shall be provided along each side of the bridge. The walking surfaces shall be constructed of concrete or other nonabsorbent material having a smooth slip resistant finish. Pool coping shall not overhang into the pool more than one and a half inches.

(c) No change.

1. Outdoor pool lighting – ~~Overhead~~ Lighting shall provide a minimum of three foot candles of illumination at the pool water surface and the pool wet deck surface. Underwater lighting shall be a minimum of one-half watt per square foot of pool water surface area.

2. Indoor pool lighting – ~~Overhead~~ Lighting shall provide a minimum of 10 foot candles of illumination at the pool water surface and the pool wet deck surface. Underwater lighting shall be a minimum of eight-tenths watt per square foot of pool surface area.

3. Underwater lighting – Underwater lighting shall utilize transformers and low voltage circuits with each underwater light being grounded. The maximum voltage for each light shall be 15 volts and the maximum incandescent lamp size shall be 300 watts. The location of the underwater lights shall be such that the underwater illumination is as uniform as possible and shall not be less than 18 inches below the normal operating water level determined by the centerline of the skimmer or top lip of the gutter. All underwater lights which depend upon submersion for safe operation shall have protection from overheating when not submerged. Underwater lighting requirements can be waived when the overhead lighting provides at least 15 foot candles of illumination at the pool water surface and pool wet deck surface. Alternative lighting systems which use 15 volts or less, or use no ~~do not~~ utilize electricity in the pool or on the pool deck, such as LED, (light emitting diode) or fiber optic systems, may be utilized if

the applicant demonstrates to reasonable certainty that the system development has advanced to the point where the department is convinced that the pool illumination is equal to the requirements in subparagraphs 1. and 2. above.

4. Overhead wiring – Overhead service wiring shall not pass within an area extending a distance of 10 feet horizontally away from the inside edge of the pool walls, diving structures, observation stands, towers, or platforms. Allowances in the National Electrical Code or Florida Building Code may used instead.

(d) Electrical Equipment and Wiring – Electrical equipment wiring and installation including the grounding of pool components shall conform with the National Electrical Code (NEC), 2008 1996 Edition, and which is incorporated by reference in these rules and shall comply with applicable local codes. The NEC is incorporated by reference in these rules and is available from the National Fire Protection Association, Quincy Massachusetts. A signature ~~Written evidence~~ shall be provided on form DH916 from the electrical contractor or the electrical inspector certifying ~~of~~ compliance with the National Electrical Code.

(e) Equipment Enclosures, Area or Rooms – Equipment designated by the manufacturer for outdoor use may be located in an equipment area, all other equipment must be located in an equipment room or enclosure. Plastic pipe subject to a period of prolonged sunlight exposure must be coated to protect it from ultraviolet light degradation. An equipment area shall be surrounded with a fence at least four feet high on all sides not confined by a building or equivalent structure. A self-closing and self-latching gate with a locking device shall be provided if necessary for access. An equipment room shall be protected on at least three sides and overhead. The fourth side may be a gate, fence, or open if otherwise protected from unauthorized entrance. An equipment enclosure shall be lockable or otherwise protected from unauthorized access. This access security shall be installed on all pool equipment areas by one year from the effective date of this rule for those that do not presently have a similar level of security. The equipment enclosure, area or room floor shall be of concrete or other nonabsorbent material having a smooth slip resistant finish and shall have positive drainage, including a sump pump if necessary. Ancillary equipment, such as a heater, not contained in an equipment enclosure or room shall necessitate an equipment area as described above, which shall also be installed by one year from the effective date of this rule.

1. Ventilation and Access – Equipment enclosures or rooms shall have either forced draft or cross ventilation. All below grade equipment rooms shall have a stairway access with forced draft ventilation or a fully louvered door and louvered vent on at least one other side. Where stairway access is not necessary to carry heavy items into the below grade room or vault, a "ship's ladder" may be used if approved by the department engineer. The opening to the equipment room or

area shall be a minimum of three feet by six feet and shall provide easy access to the equipment. A hose bibb with vacuum breaker shall be located in the equipment room or area.

2. No change.

(f) Sanitary Facilities – Swimming pools with a bathing load of 20 persons or less may utilize a unisex restroom. Pools with bathing loads of 90 persons or less may utilize two unisex restrooms or meet the requirement on the chart below. Unisex restrooms shall meet all the requirements for materials, drainage and signage as indicated in subparagraphs 64E-9.006(2)(f)2. through 7. below. Each shall include a water closet, a diaper change table, and a lavatory; a urinal is optional. Pools with a bathing load larger than 90 persons shall provide separate sanitary facilities shall be provided and labeled for each sex. The entry doors of all such restrooms must be and must be located within a 200 foot walking distance of the nearest water’s edge of each pool served by the facilities.

1. Fixtures shall be provided as indicated on the following chart. The fixture count on this chart is deemed to be adequate for the pool and pool deck area that is up to three times the area of the pool surface provided.

Size of Pool (square feet)	Required Fixture Count				
	Men’s Restroom			Women’s Restroom	
	Urinals	WC	Lavatory	WC	Lavatory
0-2500	1	1	1	1	1
2501-5000	2	1	1	5	1
5001-7500	2	2	2	6	2
7501-10000	3	2 <del>3</del>	3	8 <del>9</del>	3

An additional set of fixtures shall be provided in the men’s restroom for every 7,500 5,000 square feet or major fraction thereof for pools greater than 10,000 square feet. Women’s restrooms must have a ratio of three to two water closets provided for women to the combined total of water closets and urinals provided for men. Lavatory counts shall be equal.

2. Outside access to facilities shall be provided for bathers at outdoor pools. Where the restrooms are located within an adjacent building and the restroom doors do not open to the outside, the restroom doors shall be within 50 feet of the buildings exterior door. If the restrooms and if they are not visible from any portion of the pool deck, signs shall be posted showing directions to the facilities. These directions shall be legible from any portion of the pool deck and the letters shall be a minimum of one inch high.

3. Sanitary facility floors shall be constructed of concrete or other nonabsorbent materials and shall have a smooth slip resistant finish and shall slope to floor drains. Carpets, duckboards and footbaths are prohibited. The intersection

between the floor and walls must be covered where either floor or wall is not made of waterproof materials or the intersection is not sealed waterproof.

4. No change.

5. A hose bibb with vacuum breaker shall be provided in or within 25 feet of ~~near~~ each restroom to allow for ease of cleaning.

6. No change.

7. One d~~Diaper~~ changing tables shall be provided at each restroom. Diaper changing tables are not required at restrooms where all pools served are restricted to adult use only. Swim diapers are recommended for use by children that are not toilet trained. Persons that are ill with diarrhea can not enter the pool facilities ~~that cater to families with small children.~~

(g) No change.

(h) All public pools shall be surrounded by a minimum 48 inch high fence or other substantial barrier approved by the department. The fence shall be continuous around the perimeter of the pool area that is not otherwise blocked or obstructed by adjacent buildings or structures and shall adjoin with itself or abut to the adjacent members. Access through the barrier or fence from dwelling units such as homes, apartments, motel rooms, and hotel rooms, other than from doored exits of adjacent building(s) shall be through self-closing self-latching lockable gates of 48 inch minimal height from the floor with the latch located a minimum of 54 inches from the bottom of the gate or at least 3 inches below the top of the gate on the pool side. Doored access points from public rooms such as lobbies or club houses need not be through gates. Gates shall open outward away from the pool area. A latched, lockable gate shall be placed in the fence within ten feet of the closest point between the pool and the equipment area for service access. Instead of a fence, permanent natural or man-made features such as bulkheads, canals, lakes, navigable waterways, etc., adjacent to a pool may be permitted as a barrier when approved by the department. When evaluating such barrier features, the department may perform onsite inspections, and review evidence, such as surveys, aerial photographs, water management agency standards and specifications, and any other similar documentation to verify at minimum, the following: the barrier feature is not subject to natural changes, deviations, or alterations and is capable of providing an equivalent level of protection as that provided by a structure, and the barrier feature clearly impedes, prohibits or restricts access to the pool.

Screened pool enclosures must be hardened on the bottom three feet. Fencing c~~onsideration~~ shall be given to the U.S. Consumer Product Safety Commission (CPSC) Publication No. 362 guidelines available from CPSC.gov, or the Florida Building Code sections R4101.17.1.1 –R4101.17.1.8. Safety Covers that comply with ASTM Standard F1346 do not satisfy this requirement.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.135, Amended 12-27-98, 5-27-04.

#### 64E-9.007 Recirculation and Treatment System Requirements.

(1) Recirculation and treatment equipment such as filters, recessed automatic surface skimmers, ionizers, ozone generators, disinfection feeders and chlorine generators must be tested and approved using the NSF/ANSI NSF International Standard 50-2007 1996, Circulation System Components and Related Materials for Swimming Pool, Spas/Hot Tubs, dated April October 28, 2007 1996, which is incorporated by reference in these rules. The standard and a list of approved devices is available from www.NSF.org. If standards do not exist for a specific product, the manufacturer must work with NSF or other American National Standards Institute (ANSI) approved agency to develop such standards.

(2) through (3) No change.

(3)(a) Perimeter overflow gutters – The lip of the gutter shall be uniformly level with a maximum tolerance of one-fourth inch between the high and low areas. The bottom of the gutter shall be level or slope to the drains. The spacing between drains shall not exceed 10 feet for two inch drains or 15 feet for two and one-half inch drains, unless hydraulically justified by the design engineer. Gutters may be eliminated along pool edges for no more than fifteen feet and this shall not exceed 10% of the perimeter (at least 90% of the perimeter shall be guttered). In areas where gutters are eliminated, handholds shall be provided within nine inches of the water surface. Handhold design shall be approved by the department prior to construction. The gutter lip shall be tiled with a minimum of 2 inch tile on the pool wall, each a minimum size of four square inches, except that stainless steel gutters are exempt from this requirement.

1. Either recessed type or open type gutters shall be used. Special designs can be approved provided they are within limits of sound engineering practice. Recessed type gutters shall be at least four inches deep and four inches wide, and no part of the recessed gutter shall be visible from a position directly above the gutter sighting vertically down the edge of the deck or curb. Open type gutters shall be at least six inches deep and 12 inches wide. The back vertical wall of the gutter shall be tiled with glazed tile, each a minimum size of four square inches. This tile shall be smooth and easily cleanable. The gutter shall slope downward 2 inches, plus or minus 1/4 inch, from the lip to the drains. When open type gutters are located at pool steps and the gutter is used as a step tread, the gutter slope may be reduced to 1 inch in the area of the steps, and this tread shall be tiled with slip resistant tile. The back of the gutter drains shall be located within 3/4 inch of the back

vertical wall of the gutter, where the gutter is deepest at the deepest part of the gutter and shall be flush with the surrounding area or be recessed no more than 3/8 inch.

2. No change.

3. The department shall waive the requirements of tile on stainless steel gutter systems when it can be shown that the surfaces at the waterline and back of the gutter are smooth and easily cleanable.

(b) No change.

1. No change.

2. Prevailing wind direction and the pool outline shall be considered by the designer in the selection of skimmer locations and the location of skimmers shall be such that the interference of adjacent inlets and skimmers is minimized. Recessed automatic surface skimmers shall be installed so that there is no protrusion into the pool water area. The deck or curb shall provide for a handhold around the entire pool perimeter and shall not be located more than nine inches above the mid point of the opening of the skimmer.

3. through 4. No change.

5. A minimum 6-inch water line tile shall be provided on all pools with automatic skimmer systems, each a minimum size of four square inches. Glazed tile that is smooth and easily cleanable shall be utilized.

(4) No change.

(5) No change.

(5)(a) Filter capacities – The maximum filtration rate in gallons per minute per square foot of filter area shall be: fifteen (twenty if so approved utilizing the procedure stated in subsection 64E-9.007(1), F.A.C.) for high rate sand filters, three for rapid sand filters, three-hundred-seventy-five thousandths for pleated cartridge filters and two for Diatomaceous Earth (D.E.) type filters.

(b)1. through 2. No change.

3. Precoat – A precoat pot or collector tank shall be provided for D.E. type systems.

(c) Filter tanks and elements – The filter area shall be determined on the basis of effective filtering surfaces with no allowance given for areas of impaired filtration, such as broad supports, folds, or portions which may bridge. D.E. fFilter elements shall have a minimum one inch clear spacing between elements up to a four square foot effective area. The spacing between filter elements shall increase one-eighth inch for each additional square foot of filter area or fraction thereof above an effective filter area of four square feet. All cartridges used in public pool filters shall be permanently marked with the manufacturer's name, pore size and area in square feet of filter material. All cartridges with end caps shall have the permanent markings on one end cap. Vacuum filter tanks shall have covered intersections between the wall and the floor and the tank floor shall slope to the filter tank drain. The D.E. filter tank and elements shall be installed such that the recirculation

flow draw down does not expose the elements to the atmosphere whenever only the main drain valve is open or only the surface overflow gutter system valve is open.

(6) through (7) No change.

(8) Flow Velocity – Pressure piping shall not exceed 10 feet per second, except that precoat lines with higher velocities may be used when necessary for agitation purposes. The flow velocity in suction piping shall not exceed six feet per second except that flow velocities up to 10 feet per second in filter assembly headers will be acceptable. Main drain systems and surface overflow systems which discharge to collector tanks shall be sized with a maximum flow velocity of three feet per second. The filter and vacuuming system shall have the necessary valves and piping to allow filtering to pool, vacuuming to waste, vacuuming to filter, complete drainage of the filter tank, backwashing for sand and pressure D.E. type filters and precoat recirculation for D.E. type filters.

(9) Inlets – All inlets shall be adjustable with wall type inlets being directionally adjustable and floor type inlets having a means of flow adjustment. Floor inlets shall be designed and installed such that they do not protrude above the pool floor and all inlets shall be designed and installed so as not to constitute sharp edges or protrusions hazardous to pool bathers. Floor inlets for vinyl liner and fiberglass pools, shall be smooth with no sharp edges, and shall not extend more than 3/8 inches above the pool floor. Wall inlets shall be installed a minimum of 12 inches below the normal operating water level unless precluded by the pool depth or intended for a specific acceptable purpose.

(a) through (c) No change.

(d) Pools greater than 30 feet in width shall have either floor inlets only, or a combination of floor inlets and wall inlets. Pools with floor inlets only shall have a number of floor inlets provided such that the spacing between adjacent inlets does not exceed 20 feet and the spacing between inlets and an adjacent wall does not exceed 10 feet.

(e) Pools greater than 30 feet in width with ~~may have~~ a combination of wall and floor inlets shall have ~~provided~~ the number of wall inlets ~~is~~ such that the maximum spacing between the wall inlets is 20 feet and floor inlets are provided for the pool water area beyond a 15 feet perpendicular distance from all walls. The number of floor inlets shall be such that the spacing between adjacent inlets does not exceed 20 feet and the distance from a floor inlet and an adjacent wall does not exceed 25 feet.

(f) No change.

(10) No change.

(a) through (e) No change.

(f) All pools built without a main drain collector tank must be retrofitted with a properly sized and piped collector tank on or before the following dates to eliminate direct suction through the main drain.

1. For all pools, including wading pools, except spa type pools, with a main drain grate water depth of 4 feet or less, construction shall be completed on or before one year from the effective date of this rule; for all spa type pools built before 1977, retrofit by July 1, 2010, for all spa type pools built between 1977 and 1986, retrofit by July 1, 2011, for all spa type pools built between 1986 and 1995, retrofit by July 1, 2012 and for all other pools, retrofit by July 1, 2013.

2. All existing public pools with direct suction main drains shall install as soon as possible, but in no case later than 120 days after the effective date of this rule, a main drain cover/grate that meets both the ASME/ANSI A112.19.8-2007 standard for drain covers and the water velocity requirement of this rule.

3. A modification permit shall be obtained prior to installation of the collector tank.

4. Pools that cannot be retrofitted by these dates shall be closed on or before these dates.

(g)(f) Main drain covers/grates installed after the effective date of this rule shall comply with the requirements of ASME/ANSI A112.19.8-2007 and the water velocity requirement of this rule. Main drain outlet grates shall be flat and flush with the surrounding area.

(11) through (15) No change.

(16) Disinfection and pH adjustment shall be added to the pool recirculation flow using automatic feeders meeting the requirement of NSF/ANSI Standard 50-~~2007~~1996. All chemicals shall be fed into the return line after the pump, heater and filters, unless the feeder was designed by the manufacturer and approved by the NSF to feed to the collector tank or to the suction side of the pump. Feeding chlorinated isocyanurates disinfectant is prohibited ~~in~~ spas, wading pools and interactive water features, and these existing feeders shall be replaced with non-isocyanurate chlorinators, or equivalent, with a pH adjustment feeder on or before June 1, 2011. Dual or multiuse feeders can be used if approved for and feeding an acceptable rate of alternate disinfectant.

(a) Gas chlorination – When gas chlorination is utilized, the chlorinator shall be capable of continuously feeding a chlorine dosage of ~~six~~ ~~four~~ mg/L to the recirculated flow of the filtration system. The application point for chlorine shall be located in the return line downstream of the filter, recirculation pump, heater, and flow meter, and as far as possible from the pool.

1. through 5. No change.

(b) through (c) No change.

(d) No change.

1. No change.

2. Ozone generating equipment shall meet the NSF/ANSI-~~s~~ Standard ~~Number~~ ~~50-2007~~1996.

3. through 7. No change.

(e) No change.

1. No change.

2. Ionization equipment shall meet the NSF/ANSI<sup>2</sup> Standard 50-2007~~1992~~, Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs, or equivalent, shall meet UL standards and shall be electrically interlocked with recirculation pump.

(f) Ultraviolet (UV) light disinfectant equipment may be used as supplemental water treatment on public pools (and alternative treatment on IWFs) subject to the conditions of this paragraph and manufacturer's specifications. UV is encouraged to be used to eliminate chlorine resistant pathogens, especially the protozoan *Cryptosporidium*.

1. UV equipment and electrical components and wiring shall comply with the requirements of the National Electrical Code and the manufacturer shall provide a certification of conformance to the department.

2. UV equipment shall meet UL standards and shall be electrically interlocked with recirculation pump(s) on all pools and with feature pump(s) on an IWF.

3. UV equipment shall be validated by a capable party that it delivers the required and predicted UV dose at the validated flow, lamp power and water UV transmittance conditions, and has complied with all professional practices summarized in the USEPA Ultraviolet Disinfectant Guidance Manual dated November, 2006, EPA 815-R-06-007.

4. UV equipment shall constantly produce a validated dosage of at least 40 mJ/cm<sup>2</sup> (milliJoules per square centimeter) at the end of lamp life.

(17) Water features such as waterfalls or fountains in pools may use up to 20% of the return water from the filter system, however all waters used in the feature shall not be counted toward attaining the designed turnover rate. Return piping system shall be designed and capable of handling the additional feature flow when the feature is turned off. Features that require more than 20% of the flow rate shall be supplied by an additional pump that drafts from a suitable collector tank. All water features that utilize water from the pool shall be designed to return the water to the pool. Spray features mounted in the pool deck shall be flush with the pool deck and shall be designed with the safety of the pool patron in mind.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History— New 10-5-93, Formerly 10D-5.136, Amended 12-27-98, 5-27-04,

64E-9.008 Supervision and Safety.

(1) No change.

(a) Lifeguards or swimming instructors, if provided, shall be in full charge of persons using the pool and shall have authority to enforce all rules. Lifeguards and swimming instructors shall be certified in lifeguarding or swimming instruction, respectively, by the American Red Cross, the

YMCA or other equivalent national aquatic training agencies which meet the established standards, objectives and standards of care provided in the American Red Cross or YMCA programs. For the purpose of this rule, the standards found in the 2007~~9~~ edition of the American Red Cross Lifeguarding Instructors Manual, the 2004 ~~1995~~ edition of the American Red Cross Water Safety ~~Guide for Training~~ Instructors Manual, the On the Guard II, The YMCA Lifeguard Manual, (2001) Fourth Edition, (YMCA), The Youth and Adult Aquatic Program Manual (1999), and (YMCA) The Parent/Child and Preschool Aquatic Program Manual (1999), are hereby adopted by reference. Swimming instructors of developmentally disabled students shall also be certified in accordance with Section 514.072, F.S.

(b) Lifeguards and swimming instructors shall also be currently certified in first aid and in adult, child and infant cardiopulmonary resuscitation through the American Red Cross, or the American Heart Association or the National Safety Council or the American Academy of Orthopaedic Surgeons.

(c) Swim coaches are exempted from the swimming instructor certification requirement when training advanced level swimmers for competition.

(d) Verification of equivalence, as required above, shall be the responsibility of the ~~Division Director Assistant Health Officer~~ for Environmental Health or his designee. The department shall form an ad hoc advisory group composed of professionals in the field of aquatics. This group shall consist of five members and shall make recommendations to the ~~department State Health Officer or his designee~~ regarding the equivalence of lifeguard or swimming instructor certification programs submitted to the department under paragraph 64E-9.008(1)(a), F.A.C. Members shall be appointed for a period of 3 years with such appointments being staggered so that the terms of no more than two members expire in any one year.

(e) No change.

(2) Safety Equipment – All swimming pools shall be provided with a shepherd' s hook securely attached to a one piece pole not less than 16 feet in length, and at least one 18 inch diameter lifesaving ring with sufficient rope attached to reach all parts of the pool from the pool deck. Safety equipment shall be mounted in a conspicuous place and be readily available for use. Pools greater than 50 feet in length shall have multiple units with at least one shepherd' s hook and one lifesaving ring located along each of the longer sides of the pools. Spa pools ~~and wading pools~~ under 200 square feet of surface area, and interactive water features or wading pools with two feet or less of water depth are exempt from this requirement.

(3) through (6) No change.

(7) No change.

1. through 4. No change.

5. For new or modified pools submitted for plan approval application on or after the effective date of this rule, their posted sign shall add: Do not swallow the pool water.

(8) through (9) No change.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0015, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.05, 514.06, 514.071 FS. History—New 10-5-93, Formerly 10D-5.137, Amended 12-27-98, 5-27-04, \_\_\_\_\_.

64E-9.009 Wading Pools.

(1) No change.

(2) Depths – Wading pools shall have a maximum depth of 2 feet. The depth at the perimeter of the pool shall be uniform and shall not exceed 12 inches. However, where department-approved zero depth entry designs are used, this uniform depth requirement must be met only on the remainder of the pool outside the zero depth entry portion. ~~Where recessed automatic surface skimmers are used, the~~ pool floor shall not be more than 12 inches below the deck unless steps and handrails are provided. Depth and NO DIVING markers are not required on wading pools

(3) Recirculation – Wading pools shall have a minimum of one turnover every one hour. Lines from main drains shall discharge into a collector tank.

(a) Skimmer equalizer lines when required shall be plumbed into the main drain installed in the pool floor with a grate covering.

(b) No change.

(4) through (5) No change.

(6) Vacuuming – Wading pools shall have no provisions for direct suction vacuuming where the vacuum port is in the pool floor or pool wall or accessible to patrons. Wading pools of less than 200 square feet are not required to have a vacuuming method provided. Wading pools 200 square feet or larger shall provide for vacuuming through the skimmer, a portable vacuum system or an alternative approved method that does not involve a direct suction port in the pool. ~~The~~ Department recommends that all existing direct suction vacuum apparatus be removed for bather safety.

(7) Wading pool decks – When adjacent to swimming pools within 50 feet, wading pools shall be enclosed and separated from the swimming pool by a barrier or fence of a minimum of 48 inches in height with self-latching and self-closing gates. When adjacent to areas less than one foot deep of zero depth entry pools, the fence or effective barrier is required if the water edges are less than 40 feet apart. Wading pools shall have a minimum 10 foot wide deck around at least 50 percent of their perimeter with the remainder of the perimeter deck being at least four feet wide. There shall be at least 10 feet between adjacent swimming pools and wading pools.

(8) Wading pools are exempt from underwater lighting requirements but do require deck and surface overhead lighting of 10 foot-candles if indoors or 6 foot-candles for outdoor night use. Such illumination shall be provided over the pool water surface and the pool deck surface.

(9) No change.

(10) Should a fecal accident occur, the requirements of subsection 64E-9.004(14), F.A.C., shall be met or the pool may be drained and both the pool and the filter system and all plumbing shall be properly disinfected.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021 FS. History—New 10-5-93, Formerly 10D-5.138, Amended 12-27-98, 5-27-04, \_\_\_\_\_.

64E-9.010 Spa Pools.

(1) through (3) No change.

(4) Steps and handrails – Steps or ladders shall be provided and shall be located to provide adequate entrance to and exit from the pool. The number of sets of steps or ladders required shall be on the basis of one for each 75 feet, or major fraction thereof, of pool perimeter. Step sets for spa type pools with more than 200 square feet of pool water surface area shall comply with subparagraph 64E-9.006(1)(d)3., F.A.C. Step sets for spa type pools with 200 square feet or less of pool water surface area shall comply with the following: Step treads shall have a minimum width of 10 inches for a minimum continuous tread length of 12 inches. Step riser heights shall not exceed 12 inches ~~except when the bottom step is used for a bench or seat, the bottom riser may be a maximum of 14 inches.~~ Intermediate treads and risers between the top and bottom treads and risers shall be uniform in width and height, respectively. Contrasting markings on the leading edges of the submerged benches and the intersections of the treads and risers are required to be installed in accordance with subparagraph 64E-9.006(1)(d)3., F.A.C.

(a) through (b) No change.

(5) Decks – Decks shall have a minimum four foot wide unobstructed width around the entire pool perimeter except that pools of less than 120 square feet of pool water surface area shall have a minimum four foot wide unobstructed continuous deck around a minimum of 50 percent of the pool perimeter. Decks less than four feet wide shall have barriers to prevent their use. Decks shall not be more than 10 inches below the top of the pool. For pools of 120 square feet or greater, ten percent of the deck along the pool perimeter may be obstructed.

(6) No change.

(a) through (b) No change.

(c) Cold plunge spas do not require a therapy or jet system, but do require the installation of a chiller.

(d) No change.

(7) through (10) No change.

(11) Bench seat edges shall be marked in accordance with subparagraph 64E-9.006(1)(e)2., F.A.C. When spa pools are part of a conventional swimming pool, the spa pool area shall be offset from the main pool area with the same water depth as the main pool area. The spa pool shall meet all the spa pool requirements of this chapter, and the deck area at the spa shall be protected by connected 30 inch high stanchions or other impediment acceptable to the department. The deck perimeter at the offset spa area shall not exceed 15 percent of the entire swimming pool perimeter.

(12) through (15) No change.

(16) ~~If~~ When a spa is equipped with an emergency cut-off or kill switch, provisions for a minimum 80 decibel audible alarm near the spa to sound continuously until deactivated when such device is triggered shall be incorporated. This is to alert pool patrons and operators of a potential public health situation or to indicate that the spa filtration and treatment system may be off. The following additional rule sign shall be visible by the spa which reads "ALARM INDICATES SPA PUMPS OFF. DO NOT USE SPA WHEN ALARM SOUNDS UNTIL ADVISED OTHERWISE."

(17) Should a fecal accident occur, the requirements of subsection 64E-9.004(14), F.A.C., shall be met or the pool may be drained and both the pool and the filter system and all plumbing shall be properly disinfected.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0015, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.011, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History--New 10-5-93, Formerly 10D-5.139, Amended 12-27-98, 5-27-04, \_\_\_\_\_.

64E-9.011 Water Recreation Attractions and Specialized Pools.

(1) General – Water recreation attraction projects shall be designed and constructed within the limits of sound engineering practice. Design engineers may consult with the department in reference to concepts of design variations and to areas where potential problems may exist. In addition to the requirements of this section, compliance is required with Rules 64E-9.001 through 64E-9.008 and 64E-9.017, F.A.C., of this chapter depending upon the pool design and function. Additionally, all pools listed in this section shall have a two ~~three~~ hour turnover rate unless otherwise noted. A lifeguard and/or safety plan shall be submitted with the application for construction of the pools listed below in subsections 64E-9.011(2), (3), F.A.C., when climbable structures are planned.

(2) Water slide plunge pools.

- (a) No change.
- 1. through 2. No change.
- 3. Slide flume terminus.

a. The slide flume terminus shall be designed by the design engineer who can demonstrate to the department's satisfaction that riders will be adequately slowed prior to discharge so as to prevent injury or harm to the rider upon impact with the plunge pool water. The slide terminus shall be flush with the pool wall and located at or below the pool water level.

- b. through c. No change.
- 4. through 5. No change.
- 6. Plunge pool decks.

a. Width – The minimum width of plunge pool decks along the exit side shall be 10 feet ~~there shall be a pool deck along the side opposite the plunge pool weir, and this deck shall have a minimum width of four feet.~~

~~b. Curbs – All plunge pool decks shall have a minimum six inch high curb or adequate free board to contain the water surge generated by the person entering the water via the slide.~~

~~b.e. Slopes – All plunge pool decks shall slope away from the plunge pool unless the curb is located at the outside perimeter of the deck. If the curb is located at the outside perimeter of the deck, the plunge pool deck shall slope to the plunge pool or pump reservoir or to deck drains which discharge to waste, or other acceptable means. All slopes shall be between two and four percent grade.~~

~~7. Hand holds shall be provided along the sides of the plunge pool in areas where the water depth exceeds three feet, except that no hand holds shall be required along the wall where the slide enters the pool nor shall they be required at the pool exit.~~

- (b) Run out lanes –
- 1. No change.
- 2. ~~Five~~ Eight foot wide walkways shall be provided adjacent to run out lanes.
- 3. through 4. No change.

(c) Pump reservoirs – Pump reservoirs shall be made of concrete or other impervious material with a smooth slip resistant finish ~~and shall be connected to the plunge pool by a weir.~~ Pump reservoirs shall be for the slide pump intakes, but where properly sized may also be used as a collector tank for the filter system. Pump reservoir designs shall be as follows:

1. Pump reservoir volume – The minimum reservoir volume shall be equal to three ~~two~~ minutes of the combined flow rate in gpm of all filter and slide pumps.

- 2. through 5. No change.

6. The pump reservoir shall be fed by main drains within the plunge pool itself (either in the floor or side wall). They shall have the maximum flow velocity of 1.5 feet per second through the main drain grating and 3 feet per second through piping to the reservoir.

- (d) through (e) No change.
- 1. No change.



2. Surface skimmers – Surface skimmers may be used in lieu of perimeter overflow gutters and shall be appropriately spaced and located according to the structural design. Unless an overflow gutter system is used, surface skimmers shall be provided in the plunge pool and in the pump reservoir and the skimmer system shall be designed to carry 60 percent of the filtration system design flow rate with each skimmer carrying a minimum 30 gallons per minute. All surface skimmers shall meet the requirements for NSF commercial approval as set forth in NSF/ANSI NSF Standard 50-2007-1996, Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs, which is incorporated by reference in these rules, including an equalizer valve in the skimmer and an equalizer line to the pool wall on systems with direct connection to pump suction.

(f) Water slide recirculation – filtration equipment.

1. Recirculation rate – The recirculation-filtration system of water slides shall recirculate and filter a water volume equal to the total water volume of the facility in a period of two three hours or less.

2. through 3. No change.

(g) No change.

(h) Slide design and construction is the responsibility of a professional engineer licensed in Florida and the applicant.

(j) A lockable gate shall be provided at the stair or ladder entrance to the slide.

(j) Upon construction completion, a professional engineer licensed in Florida shall certify that the slide was constructed in accordance with the manufacturer's specifications and is structurally sound.

(3) Water activity pools.

(a) No change.

(b) Water activity pools shall be constructed of concrete or other structurally rigid impervious materials with a non-toxic, smooth and slip resistant finish. These pools shall be of such shape, length, width, and design as to be operated and maintained in a safe and sanitary manner.

(c) The recirculation-filtration system of water activity pools shall achieve be capable of a minimum of one turnover every two three hours for water activity pools over two feet deep, and in one hour for these pools that are two feet deep or less.

(d) Those portions of the activity pool where the water depth will not allow for the proper installation of underwater lighting, shall be provided with six foot candles of lighting on the deck and the water surface.

(e) Fence requirements shall be in accordance with subsection 64E-9.009(7), F.A.C., below.

(f) Play features with an overhead clearance of less than four feet shall be blocked or barricaded to preclude children becoming entrapped.

(g) In addition to the requirements of subsection 64E-9.008(7), F.A.C., all water activity pool signs shall have the following added in one inch letters within one year of the effective date of this rule.

Do not swallow the pool water, it is recirculated.

Do not use pool if you are ill with diarrhea.

(4) Wave pools.

(a) through (c) No change.

(d) Floors shall be sloped in accordance with the manufacturer's or design engineer's specifications, however, they shall not exceed the slope limits of sub-subparagraph 64E-9.006(1)(c)2.a., F.A.C.

(5) River Rides.

(a) through (e) No change.

(f) Access and exit shall be provided at the start and end of the ride, and additional only, except that emergency exit locations shall be located along the ride course as necessary to provide for the safety of the patrons.

(g) Propulsion jets shall be installed in the walls of the river ride. In the alternative, propulsion jets may be installed in the floor if they are covered by a grate that will inhibit entrapment or injury of the pool patrons' feet or limbs.

(6) Zero Depth Entry Pools.

(a) through (b) No change.

(c) The pool deck may slope a maximum of 1 in 12 toward the pool for no more than seven 5 feet, as measured from the overflow system grate outward. Beyond this area the deck shall slope away from the pool in accordance with subparagraph 64E-9.006(2)(a)1., F.A.C.

(d) ~~Barriers and~~ No-Entry, Shallow Water signs shall be provided along the pool wall edge where the water depth is less than 3 feet deep. No-entry signs shall be slip-resistant tile, shall have 4 inch high letters, shall be located within 2 feet of the pool edge, shall be spaced no more than 15 feet apart and shall be recessed flush with the surrounding area.

(e) Additional inlets shall be provided in areas of less than 18 inches deep. The numbers and location shall be such as to double the flow rate into this area.

(f) The recirculation-filtration system shall be of a minimum of one turnover every two hours in the area of the pool that is three feet deep or less. In the remainder of the pool where the depth is greater than three feet, the system shall have a maximum six hour turnover rate.

(g) Those portions of the zero depth entry pool, where the water depth will not allow for the proper installation of underwater lighting, shall be provided with 6 foot candles of lighting on the deck and the water.

(h) Play structures in a zero depth entry area (in depth 0-3 feet) may be within 15 feet of the pool walls, but shall comply with sound engineering requirements for the safety of pool patrons.

(7) No change.

## (8) Interactive Water Features. (IWFs)

(a) Waters discharged from all fountain or spray features shall not pond on the feature floor but shall flow by gravity through a main drain fitting to a ~~below grade sump or~~ collection system which discharges to a collector tank. The minimum size of the ~~sump or~~ collector tank shall be equal to the volume of 3 minutes of the combined flow of all feature pumps and the filter pump. Adequate access shall be provided to the ~~sump or~~ collector tank. Stairs or a ladder shall be provided as needed to ensure safe entry into the tank.

(b) ~~When an underground sump is utilized, a~~ An automatic skimmer system shall be provided in the collector tank. A variable height skimmer may be used or a custom surface skimmer device may be substituted if deemed appropriate by both the design engineer and the department.

(c) Chemical feeders shall be ~~provided~~ in accordance with Rule 64E-9.007, F.A.C., except that the disinfection feeder shall be capable of feeding 12 mg/L of free chlorine to the filter return piping (based upon a hypothetical 30 minute turnover of the contained volume within the system). Automated Oxidation Reduction Potential (ORP) and pH controllers with sensing probes shall be provided to assist in maintaining proper disinfection and pH levels.

(d) No change.

(e) All electrical work shall comply with the ~~NFPA-70,~~ National Electrical Code 2005 ~~1996~~ Edition that is incorporated by reference.

(f) Hydraulics.

1. The filter system shall ~~be capable of filtering and chemically treating all the entire water that is returned to the spray features volume of the water feature within 30 minutes.~~ The filter system shall draft from the collector tank and return filtered and treated water directly to the spray features. Excess water not required by the spray features shall be returned to the collector tank via equally spaced inlet fittings. The flow rate through these fittings shall not exceed 20 gpm.

2. Alternatively, the contained volume of the system may be filtered and chemically treated based upon a 30 minute turnover of the contained volume with 100% returned to the collector tank by manifold piping. If this alternative is chosen, all water returned to the spray feature(s) must also be treated with an Ultraviolet (UV) light disinfection equipment to accomplish protozoan destruction in accordance with sound engineering. The water feature pump shall draft from the collector tank.

3. through 5. No change.

6. A means of vacuuming and completely draining the tank(s) shall be provided.

7. Where the filter system described in subparagraph 64E-9.011(8)(f)1., F.A.C., is utilized, a second filter system and disinfection system shall be provided to treat the water in the collector tank when the feature/filter pump is not in operation. Said system shall be capable of filtering the total

volume of water in the collector tank in 30 minutes and the disinfection system shall be capable of providing 12 mg/L of disinfectant to this flow rate.

(g) IWFs shall be fenced in the same fashion as wading pools as noted in subsection 64E-9.009(7), F.A.C. Where the IWF is at least 50 feet from all other pools and is not designed to have any standing water, fencing requirements should be carefully considered by the applicant to control usage, but are not required by rule.

(h) A minimum four foot wide wet deck area shall be provided around all IWFs. The wet deck shall meet the requirements of subparagraph 64E-9.006(2)(a)1., however, up to 50% of the perimeter may be obstructed.

(i) Play features with an overhead clearance of less than two feet shall be blocked or barricaded to preclude children becoming entrapped.

(j) IWFs shall be constructed of concrete or other impervious and structurally rigid material.

(k) In addition to the requirements of subsection 64E-9.008(7), F.A.C., all IWF pool signs shall have the following added in one inch letters within one year of the effective date of this rule.

Do not swallow the fountain water, it is recirculated.

Do not use fountain if you are ill with diarrhea.

(l) Floor slopes of an IWF shall be a maximum one foot vertical in ten feet horizontal and a minimum of one foot vertical in fifty feet horizontal.

(9) Water Theme Parks: Shall meet all other aspects of these rules for the features provided.

(a) Rules and regulations for water theme parks shall be posted in minimum 1-inch letters at each entrance to the park and shall contain the following:

1. No food, drink, glass, or animals in the pool or on the pool decks.

2. Park operating hours A.M. to P.M.

3. Shower before entering.

4. Do not swallow the pool water.

(b) Showers shall be provided at or near the entrance (queue line) to a water recreation attraction.

(c) Water theme parks are exempt from the fencing requirements of subsection 64E-9.006(2)(h), F.A.C., except that pools designed for small children shall be fenced when located within 50 feet of a pool with water depths of 3 feet or more.

(d) Sanitary Facilities within a water theme park shall be as near to the water recreation attractions as prudent to ensure patron use, but not over 200 feet walking distance from any exit of a water attraction.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.140, Amended 12-27-98, 5-27-04,\_\_\_\_\_.

64E-9.013 Bathing Places.

(1) through (2) No change.

(a) through (b) No change.

(c) A bacteriological survey shall be submitted to the department and the fecal coliform, *E. coli*, or enterococci densities indicated by this survey shall not exceed the standards of subsection 64E-9.013(4), F.A.C. The survey shall consist of a minimum of three bacteriological samples collected from the proposed bathing area daily for the first three days of each week for three consecutive weeks. Either MPN or MF counts may be utilized. Should the MF method results differ significantly from the MPN method results, the MPN results shall prevail. The bacteriological survey results shall be reviewed in light of the sanitary survey.

(d) through (e) No change.

(f) A water clarity measurement by Secchi disk reading in feet using an 8 inch diameter black and white Secchi disk. Where water clarity does not achieve four feet depth for a period of at least 5 days during the period of operation due to natural water color, the department will consider approval of the bathing area with submittal of a satisfactory lifeguard plan, patron notification plan and materials, swim zone depth demarcation for children and beginners, and other special conditions that would apply to the individual site.

(g) A lifeguard and/or safety plan shall be submitted with the application for development of all new bathing areas.

(3) Operation.

(a) through (b) No change.

(c) Bacteriological samples shall be collected monthly. A set of two samples shall be collected for every 200 feet of shoreline, the samples shall be taken a foot below the surface in three ~~two~~ feet of water and at least 25 feet apart. The samples shall be analyzed by a DOH certified laboratory using EPA approved methods for ambient water and the results submitted to the department within 10 days after the end of the month. Should the test results average of these samples exceed the standards in subsection 64E-9.013(4), F.A.C., below 175 fecal coliform per 100 ml, or exceed 28 enterococci per 100 ml, the county health department shall be notified within 24 hours of receipt from the lab, and additional re-sampling by the permit holder shall be required within 24 hours. All sampling and the results shall be submitted to the county health department. If 24 hour resampling is not possible for any reason, then the bathing place shall be closed immediately to swimming based upon these initial results during the time period waiting for re-sampling results. If the 24 hour confirmation samples reveal an exceedance of the standards, the bathing place shall be closed immediately to swimming until additional testing reveals the water meets single sample standards again. If a pollution source is identified, that source shall be eliminated before reopening the bathing area.

(d) Inspections – county health departments shall perform two inspections per year which shall include:

1. A site inspection in light of the original sanitary survey, changed natural conditions, changed use conditions, and originally permitted facilities.

2. A bacteriological test consisting of the normal monthly sampling requirement. The fecal coliform, *E. coli* or enterococci density must not exceed the single sample standards of subsection 64E-9.013(4), F.A.C.

3. No change.

4. The bathing place shall be temporarily closed or swimming prohibited, as appropriate, by the owner or the department if inspection reveals water clarity violations, unsafe bacterial test results, or immediate hazards to health or safety such as, but not limited to sewage in water, broken glass, dangerous wildlife, hazardous structural or electrical conditions, toxic algal blooms, or other serious disease agents present.

5. The bathing load shall be calculated on one bather per 25 square feet of surface area in areas of less than four feet of depth and one bather per 75 square feet of surface area where the water depth exceeds four feet.

(e) through (f) No change.

(g) Site specific signage shall be provided. The bathing load shall be posted and due consideration shall be given to safety guidelines such as steep slope, diving areas, deep water, underwater obstruction, dangerous wildlife, or lifeguard not on duty. Additional signage shall be provided if the bathing area is longer than 300 feet.

(h) Restrooms, platforms, diving boards, docks, beaches and walkways shall be kept clean and in good repair. Diving areas shall be readily identified, and shall have adequate water depth for safe diving based on the depth requirements of the FINA standards previously adopted herein. Shallow areas shall not be utilized for diving and shall be so marked.

(i) through (j) No change.

(4) Bacteriological Standards – Either fecal coliform, *E. coli*, or enterococci bacteria shall be tested for, at the option of the permit holder. All samples tested will be considered to determine compliance, unless found to be invalid by the certified lab or county health department. The enterococci density shall not exceed an average of 33 colony forming units (CFU) per 100 mL of water, nor exceed 61 per 100 mL of water in any single sample; or the *E. fecal coliform* density shall not exceed an average of 126 CFU ~~200~~ per 100 mL of water sample, nor exceed 235 ~~400~~ per 100 ml of sample in 10 percent of the samples, nor exceed 800 per 100 mL of water sample in any single sample; or the fecal coliform shall not exceed an average of 200 CFU per 100 mL of water, or 400 per 100 mL of water in 10 percent of the samples, or 800 CFU per 100 mL of water in a single sample ~~one day~~. This average shall be expressed as geometric means using at least 5 samples per 30 day period.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.04, 514.05, 514.06 FS. History–New 10-5-93, Formerly 10D-5.142, Amended 12-27-98, 5-27-04,\_\_\_\_\_.

64E-9.015 Fee Schedule.

(1) Plan review:

(a) Original construction – ~~\$350.00~~

1. Pools of 25,000 gallons or less – \$350.00

2. Pools greater than 25,000 gallons – \$500.00

(b) Modifications of Approved Construction Plans – ~~\$150.00~~ 100.00.

(c) through (e) No change.

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

(d) Annual renewal of operating permits:

1. Pools greater than 25,000 gallons and bathing places – \$250.00 ~~200.00.~~

2. Pools of 25,000 gallons or less – \$125.00 ~~100.00.~~

3. Exempted condominiums/cooperatives with over 32 units – \$50.00

4. Non-routine inspection (no charge for first reinspection) – \$40.00

(3) through (4) No change.

(5) Variances – Review of application for variance – \$300.00

Specific Authority 381.0011, 381.006, 514.021, 514.033 FS. Law Implemented 514.021, 514.03, 514.031, 514.033 FS. History–New 10-5-93, Formerly 10D-5.144, Amended 12-27-98, 5-27-04,\_\_\_\_\_.

64E-9.016 ~~Exemptions and~~ Variances.

~~(1) Pools that meet the following criteria of Section 514.0115, F.S., shall be exempt from regulation under these rules. If at any time the criteria for exemption ceases to exist, the swimming pool shall be brought into full compliance with the current requirements for public swimming pools. It shall be the responsibility of the swimming pool owner to inform future owners of the conditions for exempt status.~~

~~(2) Variances – A variance from requirements of these rules may be requested by the pool owner or their representative to relieve or prevent hardship only in cases involving deviations from the rule, when it is shown that the hardship was not caused intentionally by the action of the applicant, where no reasonable alternative exists and the health and safety of the pool patrons is not at risk. Application for variance shall be submitted through the county health department utilizing DOH Form 4080. Each application can be accompanied by supportive materials such as drawings, pictures or manufacturers specifications. Applications must be received at least 30 days prior to the scheduled meeting of the Governor’s Swimming Pool Advisory Board, which normally meets on the second Wednesday of each odd-numbered month.~~

Specific Authority 381.0011, 381.006, 514.0115, 514.021 FS. Law Implemented 514.0115, 514.021, 514.028, 514.051, 514.06 FS. History–New 10-5-93, Formerly 10D-5.145, Amended 12-27-98,\_\_\_\_\_.

64E-9.017 Enforcement.

No change.

(1)(a) – (d) No change.

(e) A main drain grate is missing, unsecured, improperly secured or damaged.

(f) Operation without a valid permit.

(g) Direct suction exists on the main drain or other outlets, except vacuum fittings, automatic surface skimmer(s), and their equalizer grates provided the flow velocity through the grate does not exceed 1.5 feet per second, or the corrective actions specified in paragraph 64E-9.007(10)(f), F.A.C., are not completed by dates specified.

~~(h)(e)~~ Any other conditions which endangers the health, safety, or welfare of persons using the pool, which may include for example: a drowning hazard, broken glass, sharp edged or broken tile or metal, fecal accident(s), electrical code violation, or severe biological growth a missing, unsecured or damaged main drain grate. The division or department may attach a sign that states “Pool Closed. This pool is not in compliance with Chapter 64E-9, F.A.C., and may endanger the health, safety or welfare of persons using this facility”. With the department’s permission, the pool operator may remove signs from the pool area immediately following correction of the cited deficiencies provided the county health department is notified of this action ~~at the earliest possible time.~~

Specific Authority 381.0011, 381.006, 514.021, 514.05 FS. Law Implemented 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.04, 514.05, 514.06 FS. History–New 10-5-93, Formerly 10D-5.146, Amended 12-27-98, 5-27-04,\_\_\_\_\_.

64E-9.018 Public Pool Service Technician Certification.

No change.

(1) through (2) No change.

(3) Any individual or organization requesting the department to review their courses for compliance with the requirements of this rule, must submit copies of their training materials to the department prior to providing that training within the state. A copy of the test to be given, answers to the test questions, and a statement indicating the length of time a classroom topic will be conducted shall be included. The department shall review the materials and inform the applicant of its findings within 90 ~~60~~ days from receipt of all training materials.

(4) through (6) No change.

(7) Internet based classes – Where courses have been approved above, they may be approved to be delivered in an electronic means as follows:

(a) Provider shall provide documentation establishing that their proposed online course is identical or better in content to the existing classroom course.

(b) Provider course will provide training and materials that have already been approved by the department.

(c) Provider will provide at least sixteen (16) hours of class online, or a mixture of on-line and traditional face-to-face classroom instructional setting for a total of sixteen (16) hours of training may be offered.

(d) The course and any changes to the course as approved, delivery method, or identification verification and validation procedure must be approved by the department prior to the change, except for changes to course content in accordance with the next section, below.

(e) The course training materials shall be kept current with the science and the technology of the public pool industry, and the State of Florida rules related to public swimming pools.

(f) Each online course section must have a minimum time to finish that section before it is possible to move on to the next section. The minimum time is 120 minutes for each one eighth (1/8th) of the online course.

(g) Identification verification and validation is required for each student taking the course and test. This shall occur prior to the initiation of the online course, using an identity verifying technology that seeks verification using credit bureau contacts. Following initial identity verification, validation shall occur during the course, at least every five hours during the online training portion, and then again immediately before the student's entrance to the final test and again when half of the questions have been answered.

Failure by a student to answer a validation question during a 60-second response time period, or a student providing more than one incorrect answer to a validation question, will cause the online course or test to automatically terminate. The student can register to take the course or test again after a 24-hour waiting period.

(h) If Provider or the department determines that a student has attempted or acquired certification by committing fraud, deceit, false statements, or perjury, provider shall notify the department in writing within 30 days of such determination, and shall revoke the certificate.

(i) At a minimum, provider shall include on the registration form, initial blocks in which the student signs off on the following information:

1. That the student who registers for the course is the person taking the course. That the student must take a test of at least 50 questions on course content and get 70 percent correct to receive a course completion certificate. Failure to answer correctly 70 percent content questions will result in a test failure and the student must wait at least 24-hours to retake the test.

2. That the student will be asked time-limited validation questions during the course and test. The validation questions will ask the student questions about themselves based on information provided by them and obtained through credit bureaus. Failure by a student to answer a validation question during a 60-second response time period, or a student providing more than one incorrect answer to a validation question, will cause the course or test to automatically terminate. Upon termination, a 24-hour waiting period is required before the student is allowed to register again.

3. Failure of student to sign-off to each stipulation listed above will result in the student's inability to proceed with the course.

(j) Provider will provide an electronic or paper report of students taking the course and those passing the final test every three months (first of January, April, July and October) to the Department of Health, the Bureau of Water Programs, Mail bin C-22, Tallahassee, Florida 32399-1742. Included in the report will be the student's name, address, business affiliation and date of certificate issuance. This information will be handled by the department as required by statute and rule.

(k) Provider must maintain electronic records of the information in the above section for at least 10 years after the certificate is issued.

(l) A subject matter expert representing Provider must be available by telephone or via electronic means during normal business hours to assist students.

(m) Any reference to department approval shall state no more than: "This course is approved by the Florida Department of Health for student certification as a Public Pool Service Technician under Chapters 514, Florida Statutes, and 64E-9, Florida Administrative Code."

(n) In order to ensure that the requirements of this section are met, the department retains the right, two (2) or three (3) times a year, to sign-on and take the providers course, as any interested student would. In order to allow such inspection, provider shall reimburse the department the cost of the course. The department, when making a request for the reimbursement, shall provide the provider with the time and date the course was taken, and the number of the credit card used to pay for the course.

(o) This internet-based online course approval is not transferable and only applies to this internet course and to the provider it was issued to.

Specific Authority 381.006, 381.0011, 514.021, 514.075 FS. Law Implemented 514.025, 514.075 FS. History--New 9-25-97, Amended 5-27-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bob Vincent, phone (850)245-4240, Environmental Administrator, Bureau of Water Programs, Department of Health, Mail Bin C-22, 4042 Bald Cypress Way, Tallahassee, FL 32399-1742

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Viamonte Ros, MD, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2008

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008; September 29, 2006; and January 21, 2005

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NOS.:	RULE TITLES:
64J-3.001	Definitions
64J-3.002	Certification of 911 Emergency Dispatchers

PURPOSE AND EFFECT: To implement a certification process for 911 emergency dispatchers as required by Section 401.465, F.S., the “Denise Amber Lee Act.” This new legislation requires the Department of Health to establish criteria for the initial certification of 911 emergency dispatchers. The effect of this rule is the incorporation of an application that facilitates the certification process.

SUMMARY: The proposed rule incorporates the application in which an applicant must complete while meeting the criteria outlined in the application to successfully receive a certification. The application provides fee requirements, outlines experience and education; defines terms used in the application so the applicant can determine if they fit the criteria for this certification, and distinguishes between applicants that have spent the required time frame in a supervised full-time employment as a 911 Emergency Dispatcher since January 1, 2001.

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: 401.35, 401.465 FS.

LAW IMPLEMENTED: 401.465 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 20, 2008, 11:00 a.m. – 12:00 noon

PLACE: Florida Department of Health, Division of Emergency Medical Services, Bureau of Emergency Medical Services, 4025 Esplanade Way, 3rd Floor, Room 301A/B, Tallahassee, FL 32399-1738

REQUEST FOR HEARING MUST BE RECEIVED IN WRITING TO Lisa Walker, Government Analyst II, Phone: (850)245-4440 ext. 2733; or email Lisa\_Walker2@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 2 days before the workshop/meeting by contacting: Lisa Walker, Government Analyst II, Phone: (850)245-4440, ext. 2733; or email Lisa\_Walker2@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steve McCoy, EMS Systems Analyst, Phone: (850)245-4440, ext. 2727; or email Steve\_McCoy@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64J-3.001 Definitions.

Department – means the Florida Department of Health (DH), Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

The proposed effective date is February 1, 2009.

Specific Authority 401.35, 401.465 FS. Law Implemented 401.465 FS. History–New \_\_\_\_\_.

64J-3.002 Certification of 911 Emergency Dispatchers.

Qualifications and procedures for Certification pursuant to Section 401.465, F.S. – To be qualified for 911 emergency dispatch certification, an individual must:

Apply for Florida 911 emergency dispatch certification on DH Form 5066, 10/08, 911 Emergency Dispatcher Initial/Original Certificate Application which is incorporated by reference and available from the department, as defined by subsection 64J-3.001(1), F.A.C., or on the forms page of <http://www.fl-ems.com>.

The proposed effective date is February 1, 2009.

Specific Authority 401.35, 401.465 FS. Law Implemented 401.465 FS. History–New 2-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: John C. Bixler, Bureau of EMS Chief, Florida Department of Health, 4052 Bald Cypress Way, C-18, Tallahassee, FL 32399-1738

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: State Surgeon General Ana Viamonte Ros, Florida Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2008, Vol. 34/35

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.206  
 RULE TITLE: Lifeline Service

PURPOSE AND EFFECT: The proposed rule is required to comply with section 11 of Chapter 2007-29, Laws of Florida. Lifeline service helps make phone service affordable to low-income customers. The rule creates procedures to automatically enroll potential Lifeline customers once approved for at least one qualifying public assistance program. SUMMARY: The proposed rule allows for automatic enrollment for Lifeline service.

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: 364.10(3)(h)2. FS.

LAW IMPLEMENTED: 364.10 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 17, 2008, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.206 Lifeline Service.

(1) The Department participates in eligibility determinations for automatic Lifeline service enrollment. The automatic Lifeline service enrollment process is an electronic interface between the Department and the Public Service Commission. Applicants and recipients can indicate their interest in receiving Lifeline service within the ACCESS Florida Web Application, CF-ES 2353, 03/2008, incorporated by reference in Rule 65A-1.400, F.A.C. After being determined eligible for Food Stamps, Temporary Cash Assistance or Medicaid, the Department sends an electronic file to the Public Service Commission to ensure automatic enrollment with the appropriate eligible telecommunications carrier.

(2) The CF-ES 2353 is available on the Department's web site at <http://www.myflorida.com/accessflorida/>.

Specific Authority 364.10(3)(h)2. FS. Law Implemented 364.10 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nathan Lewis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2008

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

RULE NO.: 69K-17.0035  
 RULE TITLE: Communicable Disease Education

Required for Operational Personnel  
 PURPOSE AND EFFECT: Section 497.162, F.S., requires certain employees to complete a communicable disease educational class and requires the Board to adopt rules that provide for the use of approved videocassette courses and other types of audio, video, Internet, or home study courses to fulfill this educational requirement. The proposed amendment clarifies which employees are required to take a communicable disease course and updates the types of courses that can be used to fulfill this educational requirement.

SUMMARY: The proposed amendment requires operational personnel, as defined by Rule 69K-15.005, F.A.C., to take and pass a two hour course on communicable diseases. Rule 69K-15.005, F.A.C., defines "operational personnel" as "those individuals who come in direct contact with or remove or transport dead human remains, or those individuals who come in direct contact with blood or other body fluids." The proposed amendments also implement the changes made by Chapter 2007-55, Laws of Florida, by allowing operational personnel to use the Internet to take approved communicable disease education courses required by Section 497.162, F.S.

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

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

SPECIFIC AUTHORITY: 497.103(1)(s), (5)(a), 497.162 FS.

LAW IMPLEMENTED: 497.162 FS.

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

DATE AND TIME: Monday, November 17, 2008, 10:00 a.m.  
PLACE: Alexander Building, 2020 S.E. Capital Circle, 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: Doug Shropshire (850)413-3039 or doug.shropshire@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361 (850)413-3039

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-17.0035 Communicable Disease Education Required for Operational Personnel and Nonlicensed Individuals.

(1) All ~~unlicensed~~ operational personnel as defined in Rule 69K-15.005, F.A.C., affiliated with a direct disposal establishment, incinerator facility, removal service, refrigeration facility, or centralized embalming facility, and unlicensed persons who will be involved in the removal or transportation of human remains for a funeral establishment, direct disposal establishment, or incinerator facility shall ~~must~~ successfully complete one Board approved ~~approved by the Board~~ course on communicable diseases, within 10 days after the date they are employed by become operational personnel ~~for any entity that is subject to licensed/registered under Chapter 497, F.S. Additionally, all nonlicensed persons who will be involved in the removal or transportation of human remains for a funeral establishment must also successfully complete one Board approved course on communicable diseases.~~ The course shall be at least consist of two (2) hours and which may include the use of approved ~~video-cassette courses, or other types of audio, video, Internet, or home study alternative nonclassroom courses to fulfill the continuing education requirements.~~ Each person shall complete and pass a post course test with a 75% correct score or higher, to be graded by the course provider. All persons subject to this rule shall maintain documentation showing as proof of meeting the communicable disease health and safety ~~education requirement as a condition of employment with any establishment, facility or service regulated under Chapter 497, F.S.~~

(2) Courses approved for two (2) or more hours pursuant to paragraph 69K-17.0042(3)(c), F.A.C., can be used to fulfill the two (2) hour communicable disease educational requirement ~~are also approved for this purpose. Information about approved continuing education providers that offer~~

courses that will satisfy this communicable disease educational requirement can be found on the Department's website (<http://www.myfloridacfo.com>).

Specific Authority 497.103(1)(s), (5)(a), 497.162 FS. Law Implemented 497.162 FS. History—New 4-10-94, Amended 9-10-96, 11-20-96, 6-24-01, Formerly 61G8-17.0035, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: 69O-137.001  
RULE TITLE: Annual and Quarterly Reporting Requirements

PURPOSE AND EFFECT: This rule is being amended to adopt the 2008 NAIC manuals for annual and quarterly statements and also adopts the 2008 NAIC accounting practices and procedures manual. The 2008 version is the latest version of these manuals. The current rule adopted the 2007 version.

SUMMARY: Section 624.424, Florida Statutes, requires insurers to file quarterly and annual financial reports with the Office of Insurance Regulation and allows the Office to enact rules setting the standards for those reports. By establishing up-to-date, uniform standards for annual and quarterly reports, this rule enhances the Office's position under the statute. This rule ensures that all reports are in a standard format which provides the information needed to evaluate the insurer's financial condition. In addition, by adopting the 2008 versions of the manuals, the Office is preventing any potential challenges from insurers who may protest the Office using manuals which have not been formally adopted.

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 FS.

LAW IMPLEMENTED: 624.316 FS.

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



DATE AND TIME: November 26, 2008, 9:30 a.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: Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's ~~Quarterly and~~ Annual Statement Instructions, Property and Casualty, ~~2008~~ 2007;

2. The NAIC's ~~Quarterly and~~ Annual Statement Instructions, Life, Accident and Health, ~~2008~~ 2007;

3. The NAIC's ~~Quarterly and~~ Annual Statement Instructions, Health, ~~2008~~ 2007;

4. The NAIC's ~~Quarterly and~~ Annual Statement Instructions, Title, ~~2008~~ 2007; and

5. The NAIC's Accounting Practices and Procedures Manual, as of March ~~2008~~ 2007.

(b) Quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Quarterly Statement Instructions, Property and Casualty, 2008;

2. The NAIC's Quarterly Statement Instructions, Life, Accident and Health, 2008;

3. The NAIC's Quarterly Statement Instructions, Health, 2008;

4. The NAIC's Quarterly Statement Instructions, Title, 2008; and

5. The NAIC's Accounting Practices and Procedures Manual, as of March 2008.

~~(c)~~ (b) Copies of the manuals are available:

1. From the National Association of Insurance Commissioners, 2301 McGee, Suite 800, Kansas City, MO 64108-2604, and

2. For inspection at the Office at its headquarters in Tallahassee, Florida, during regular business hours.

Specific Authority 624.308(1), 624.424(1) FS. Law Implemented 624.424(1) FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2008

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

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: 690-138.001  
RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE AND EFFECT: Section 624.316, Florida Statutes, requires the Office to examine insurer's financial condition, using generally accepted accounting procedures. This statute also allows the Office to adopt the NAIC Financial Condition Examiners Handbook to facilitate these exams. By adopting the newest version of the handbook, this rule improves the Offices' position by ensuring that the procedures used to examine insurers are the current generally accepted accounting practices.

SUMMARY: This rule is being amended to adopt the 2008 NAIC Financial Condition Examiners Handbook. The 2008 version is the latest version of this handbook. The current rule adopted the 2007 version.

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 FS.

LAW IMPLEMENTED: 624.316 FS.

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

DATE AND TIME: November 26, 2008, 9:30 a.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: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1)(a) No change.

(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2008 ~~2007~~ is hereby adopted and incorporated by reference.

(2) through (3) No change.

Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2008

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NOS.:	RULE TITLES:
690-157.302	Facility Only Rates
690-157.303	Home Health Care Only Rates
690-157.304	Comprehensive Only Rates

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

SUMMARY: Section 627.9407(7)(c), Florida Statutes, provides that rates charged to an insured for renewal of an existing long term care insurance policy may not exceed the price the insurer charges for newly issued policies. The problem this statute addresses relates to “closed blocks” of business. A closed block of business occurs when a particular approved policy is no longer being sold to new customers. There will be a group of insureds who have the insurance, and they will continue to be renewed, but no new customers will be sold that policy. This statute protects the insureds in that closed block by

precluding an insurer from having higher renewal rates than its rates for new business. This new rule implements this statute by defining terms used in the statute and explaining how calculations are to be done so the insurer can be sure it is in compliance with the statute.

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: 627.9408(1) FS.

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

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

DATE AND TIME: November 19, 2008, 9:30 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gerry Smith, L&H Product Review, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-157.302 Facility Only Rates.

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

(2) The following maximum new business rates are effective for 2009 ~~2006~~ rate increase filings and for 2010 ~~2007~~ rate filings until new rates are published: These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days.

(d) Policies offering Restoration of Benefits, and  
 (e) Sales in Hillsborough County

(3)(a) Facility Only Rates:

<u>Issue Age</u>	<u>3-Yr Benefit Period</u>	<u>5-Yr. Benefit Period</u>	<u>Unlimited Benefit Period</u>
30	\$284.03	\$350.92	\$459.40
31	\$287.49	\$356.69	\$468.20
32	\$291.06	\$362.46	\$477.10
33	\$294.63	\$368.43	\$486.30
34	\$298.31	\$374.41	\$495.60
35	\$301.98	\$380.48	\$505.10
36	\$305.97	\$386.97	\$514.70
37	\$310.07	\$393.46	\$524.50
38	\$314.16	\$400.05	\$534.50
39	\$318.36	\$406.75	\$544.70
40	\$322.67	\$413.65	\$555.00
41	\$326.97	\$420.55	\$565.60
42	\$331.28	\$427.66	\$576.40
43	\$335.69	\$434.87	\$587.40
44	\$340.20	\$442.18	\$598.60
45	\$344.72	\$449.60	\$610.00
46	\$350.81	\$458.76	\$623.20
47	\$357.00	\$468.14	\$636.70
48	\$363.30	\$477.71	\$650.50
49	\$369.71	\$487.50	\$664.60
50	\$376.22	\$497.49	\$679.00
51	\$382.83	\$507.69	\$693.80
52	\$389.55	\$518.09	\$708.80
53	\$396.38	\$528.70	\$724.20
54	\$403.41	\$539.51	\$739.90
55	\$410.55	\$550.54	\$755.90
56	\$440.48	\$588.75	\$809.80
57	\$472.61	\$629.64	\$867.50
58	\$507.05	\$673.31	\$929.30
59	\$543.90	\$720.07	\$995.50
60	\$583.59	\$770.03	\$1,066.40
61	\$626.12	\$823.49	\$1,142.40
62	\$671.79	\$880.65	\$1,223.80
63	\$733.74	\$962.95	\$1,339.80
64	\$801.47	\$1,052.97	\$1,466.80
65	\$865.58	\$1,126.68	\$1,569.48
66	\$934.83	\$1,216.81	\$1,679.34
67	\$1,009.62	\$1,314.16	\$1,796.89
68	\$1,090.38	\$1,419.29	\$1,930.23
69	\$1,211.81	\$1,547.81	\$2,150.64
70	\$1,340.75	\$1,729.87	\$2,396.25
71	\$1,540.77	\$1,933.44	\$2,669.85
72	\$1,735.55	\$2,160.93	\$2,974.77
73	\$1,924.97	\$2,433.75	\$3,335.67
74	\$2,109.14	\$2,740.95	\$3,740.31
75	\$2,346.15	\$3,087.00	\$4,194.18
76	\$2,642.60	\$3,476.81	\$4,702.95
77	\$2,976.56	\$3,915.74	\$5,273.55
78	\$3,282.46	\$4,316.20	\$5,783.13
79	\$3,619.73	\$4,757.64	\$6,342.03
80	\$3,991.68	\$5,244.13	\$6,954.93
81	\$4,401.81	\$5,867.91	\$7,804.10
82	\$4,854.18	\$6,530.20	\$8,685.00
83	\$5,343.31	\$7,198.98	\$9,574.40
84	\$5,881.77	\$7,874.25	\$10,472.40
85	\$6,474.57	\$8,556.00	\$11,379.10
86	\$7,127.00	\$9,704.97	\$12,907.30
87	\$7,845.30	\$10,842.09	\$14,419.60
88	\$8,524.85	\$11,967.26	\$15,916.00
89	\$9,263.27	\$13,080.28	\$17,396.40

Issue Age	3-Yr Benefit Period	5-Yr Benefit Period	Unlimited Benefit Period
35	\$247.43	\$302.74	\$378.50
45	\$363.53	\$446.70	\$555.75
55	\$522.32	\$646.08	\$810.43
65	\$1,126.33	\$1,406.97	\$1,750.61
75	\$3,073.57	\$3,879.00	\$4,769.07

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

Insurer	Weighting Percentage
Bankers Life & Casualty	90.3%
Penn Treaty Network America Insurance Company	9.7%

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

690-157.303 Home Health Care Only Rates.

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

(2) The following maximum new business rates are effective for ~~2009~~ ~~2006~~ rate increase filings and for ~~2010~~ ~~2007~~ rate filings until new rates are published. These annual rates are appropriate for:

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

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

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
30	\$269.87	\$312.28	\$349.95
31	\$269.87	\$312.28	\$349.95
32	\$269.87	\$312.28	\$349.95
33	\$269.87	\$312.28	\$349.95
34	\$269.87	\$312.28	\$349.95
35	\$289.72	\$338.50	\$387.94
36	\$289.72	\$338.50	\$387.94
37	\$289.72	\$338.50	\$387.94
38	\$289.72	\$338.50	\$387.94
39	\$289.72	\$338.50	\$387.94
40	\$322.79	\$378.01	\$432.23
41	\$322.79	\$378.01	\$432.23
42	\$322.79	\$378.01	\$432.23
43	\$322.79	\$378.01	\$432.23
44	\$322.79	\$378.01	\$432.23
45	\$369.28	\$443.74	\$508.03
46	\$369.28	\$443.74	\$508.03
47	\$369.28	\$443.74	\$508.03
48	\$369.28	\$443.74	\$508.03
49	\$369.28	\$443.74	\$508.03
50	\$419.54	\$503.66	\$578.79
51	\$432.77	\$523.33	\$597.70
52	\$452.62	\$536.43	\$623.00
53	\$465.85	\$562.65	\$648.29
54	\$485.87	\$582.50	\$673.50
55	\$529.97	\$636.44	\$726.61
56	\$556.75	\$663.03	\$768.52
57	\$590.32	\$699.83	\$810.60
58	\$630.64	\$749.93	\$865.74
59	\$670.96	\$796.74	\$921.05
60	\$708.00	\$853.39	\$976.28
61	\$754.93	\$903.67	\$1,034.35

<u>62</u>	<u>\$802.05</u>	<u>\$956.95</u>	<u>\$1,095.97</u>
<u>63</u>	<u>\$865.99</u>	<u>\$1,040.67</u>	<u>\$1,184.05</u>
<u>64</u>	<u>\$933.27</u>	<u>\$1,124.47</u>	<u>\$1,281.90</u>
<u>65</u>	<u>\$1,010.63</u>	<u>\$1,214.83</u>	<u>\$1,376.28</u>
<u>66</u>	<u>\$1,087.98</u>	<u>\$1,301.72</u>	<u>\$1,476.97</u>
<u>67</u>	<u>\$1,165.25</u>	<u>\$1,398.64</u>	<u>\$1,583.96</u>
<u>68</u>	<u>\$1,262.76</u>	<u>\$1,515.59</u>	<u>\$1,707.65</u>
<u>69</u>	<u>\$1,366.99</u>	<u>\$1,642.56</u>	<u>\$1,844.12</u>
<u>70</u>	<u>\$1,477.73</u>	<u>\$1,772.81</u>	<u>\$1,986.80</u>
<u>71</u>	<u>\$1,595.09</u>	<u>\$1,912.89</u>	<u>\$2,135.79</u>
<u>72</u>	<u>\$1,712.46</u>	<u>\$2,056.24</u>	<u>\$2,297.47</u>
<u>73</u>	<u>\$1,840.71</u>	<u>\$2,204.01</u>	<u>\$2,445.41</u>
<u>74</u>	<u>\$1,968.78</u>	<u>\$2,355.32</u>	<u>\$2,599.83</u>
<u>75</u>	<u>\$2,106.93</u>	<u>\$2,516.29</u>	<u>\$2,763.85</u>
<u>76</u>	<u>\$2,248.33</u>	<u>\$2,680.72</u>	<u>\$2,930.87</u>
<u>77</u>	<u>\$2,389.72</u>	<u>\$2,848.23</u>	<u>\$3,104.12</u>
<u>78</u>	<u>\$2,571.75</u>	<u>\$3,056.67</u>	<u>\$3,308.54</u>
<u>79</u>	<u>\$2,753.77</u>	<u>\$3,268.58</u>	<u>\$3,519.36</u>
<u>80</u>	<u>\$2,949.12</u>	<u>\$3,483.48</u>	<u>\$3,726.71</u>
<u>81</u>	<u>\$3,151.09</u>	<u>\$3,715.14</u>	<u>\$3,950.13</u>
<u>82</u>	<u>\$3,359.66</u>	<u>\$3,949.80</u>	<u>\$4,179.86</u>
<u>83</u>	<u>\$3,571.71</u>	<u>\$4,188.29</u>	<u>\$4,410.21</u>
<u>84</u>	<u>\$3,793.92</u>	<u>\$4,433.35</u>	<u>\$4,656.64</u>
<u>85</u>	<u>\$4,025.90</u>	<u>\$4,688.13</u>	<u>\$4,899.59</u>
<u>86</u>	<u>\$4,267.96</u>	<u>\$4,952.94</u>	<u>\$5,158.79</u>
<u>87</u>	<u>\$4,513.17</u>	<u>\$5,224.30</u>	<u>\$5,420.66</u>
<u>88</u>	<u>\$4,885.73</u>	<u>\$5,633.61</u>	<u>\$5,792.96</u>
<u>89</u>	<u>\$5,261.44</u>	<u>\$6,049.38</u>	<u>\$6,171.47</u>

Issue Age	3-Yr Benefit Period	5-Yr Benefit Period	Unlimited Benefit Period
<u>35</u>	<u>\$166.18</u>	<u>\$203.65</u>	<u>\$242.26</u>
<u>45</u>	<u>\$245.38</u>	<u>\$306.44</u>	<u>\$366.65</u>
<u>55</u>	<u>\$369.58</u>	<u>\$455.50</u>	<u>\$548.26</u>
<u>65</u>	<u>\$691.78</u>	<u>\$836.06</u>	<u>\$989.23</u>
<u>75</u>	<u>\$1,318.83</u>	<u>\$1,520.52</u>	<u>\$1,702.93</u>

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

Insurer	Weighting Percentage
<del>Bankers Life &amp; Casualty Company</del>	<del>97.2%</del>
<del>Colonial American Life Insurance Company</del>	<del>2.3%</del>
<del>Penn Treaty Network America Insurance Company</del>	<del>0.5%</del>

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

690-157.304 Comprehensive Only Rates.

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

(2) The following maximum new business rates are effective for 2009 ~~2006~~ rate increase filings and for 2010 ~~2007~~ rate filings until new rates are published. These annual rates are appropriate for:

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

(3)~~(a)~~ Comprehensive Only Rates:

<u>Issue Age</u>	<u>3-Yr Benefit Period</u>	<u>5-Yr. Benefit Period</u>	<u>Unlimited Benefit Period</u>
30	\$357.66	\$452.19	\$592.98
31	\$359.27	\$454.73	\$596.13
32	\$360.91	\$457.15	\$599.55
33	\$362.81	\$467.83	\$610.09
34	\$372.25	\$470.36	\$613.92
35	\$392.37	\$485.24	\$646.03
36	\$394.19	\$495.83	\$656.91
37	\$396.24	\$498.95	\$660.88
38	\$398.57	\$501.94	\$664.98
39	\$408.46	\$505.21	\$669.38
40	\$422.18	\$538.84	\$704.43
41	\$426.52	\$542.98	\$711.03
42	\$430.28	\$547.83	\$717.94
43	\$434.51	\$552.75	\$733.25
44	\$445.46	\$558.21	\$740.15
45	\$457.15	\$588.24	\$767.35
46	\$469.07	\$593.07	\$782.73
47	\$474.02	\$599.22	\$790.99
48	\$479.33	\$605.50	\$799.51
49	\$492.01	\$611.69	\$822.72
50	\$502.21	\$631.63	\$839.32
51	\$518.00	\$648.72	\$859.73
52	\$533.51	\$674.20	\$887.15
53	\$550.58	\$693.44	\$918.49
54	\$568.09	\$721.86	\$949.96
55	\$588.25	\$733.65	\$980.98
56	\$626.56	\$787.13	\$1,040.83
57	\$661.34	\$841.03	\$1,109.08
58	\$705.13	\$905.55	\$1,179.64
59	\$741.88	\$954.58	\$1,260.83
60	\$795.99	\$1,022.36	\$1,336.52
61	\$852.97	\$1,093.08	\$1,431.38
62	\$919.59	\$1,166.20	\$1,537.41
63	\$991.75	\$1,254.51	\$1,661.23
64	\$1,059.64	\$1,337.42	\$1,777.18
65	\$1,130.19	\$1,414.66	\$1,895.31
66	\$1,239.89	\$1,554.84	\$2,083.84
67	\$1,369.00	\$1,719.56	\$2,290.03
68	\$1,512.16	\$1,894.92	\$2,524.36
69	\$1,651.51	\$2,086.98	\$2,776.71
70	\$1,802.07	\$2,295.68	\$3,049.92
71	\$2,041.92	\$2,572.02	\$3,414.19
72	\$2,293.64	\$2,876.35	\$3,811.27
73	\$2,557.01	\$3,196.06	\$4,229.60
74	\$2,833.53	\$3,547.08	\$4,682.75
75	\$3,132.41	\$3,931.85	\$5,162.40
76	\$3,519.05	\$4,396.08	\$5,779.67
77	\$3,925.72	\$4,914.88	\$6,453.45
78	\$4,344.97	\$5,450.22	\$7,131.36
79	\$4,779.15	\$5,988.95	\$7,829.68
80	\$5,206.95	\$7,201.34	\$9,704.96
81	\$5,695.37	\$7,855.63	\$10,582.32
82	\$6,200.20	\$8,560.10	\$11,522.41
83	\$6,772.84	\$9,335.36	\$12,551.65
84	\$7,380.07	\$10,190.80	\$13,680.13
85	\$8,971.35	\$11,276.50	\$15,228.74
86	\$10,532.62	\$13,010.62	\$17,716.18
87	\$11,566.04	\$14,303.82	\$19,459.57
88	\$12,659.68	\$15,643.72	\$21,277.97
89	\$13,799.95	\$17,046.75	\$23,185.77

Issue Age	3-Yr Benefit Period	5-Yr Benefit Period	Unlimited Benefit Period
35	\$332.88	\$414.10	\$574.47
45	\$474.36	\$592.44	\$822.62
55	\$666.65	\$824.77	\$1,151.34
65	\$1,313.19	\$1,640.75	\$2,259.55
75	\$3,288.22	\$4,210.08	\$5,603.51

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

Insurer	Weighting Percentage
Bankers Life & Casualty Insurance Company	52.7%
Blue Cross Blue Shield of Florida	5.1%
Genworth Life Insurance Company	11.5%
Great American Life Insurance Company	9.8%
John Hancock Life Insurance Company	14.2%
Metlife Insurance Company	6.7%

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

NAME OF PERSON ORIGINATING PROPOSED RULE: :  
Dan Keating, Actuary, L&H Forms and Rates, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

### Section III Notices of Changes, Corrections and Withdrawals

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

#### STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designation for FRS Investment Plan
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 32, August 8, 2008 issue of the Florida Administrative Weekly.

(1) In Rule 19-11.002(7)(b), the whole paragraph will now read as follows, adding "Social Security Number" in addition to "Taxpayer Identification Number," in three places.

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

(2) In paragraph 19-11.007(5)(a), the ELE-2EZ enrollment form will have the rule number in which it is adopted displayed in accordance with Section 120.55(1)(a)4., Florida Statutes.

#### DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.733	Visiting – Special Status Inmates

#### 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.

33-601.733 Visiting – Special Status Inmates.

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

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

- (b) through (c) No change.
- (2) through (3) No change.

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

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

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

- (5) through (6) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-8.500  
 RULE TITLE: Cause of Disenrollment from Health Plans

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 41, October 10, 2008 issue of the Florida Administrative Weekly.

The correct telephone number for the person to be contacted regarding the proposed rule, Ms. Jill Harvey, is 413-8108. Ms. Harvey's phone number was incorrect in the Notice of Proposed Rulemaking.

The Agency is holding a second public hearing regarding the proposed rule on Monday, November 17, 2008, 1:00 p.m. at the Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida. See Notice of Meeting/Workshop Hearing in this volume of the Florida Administrative Weekly for additional information.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NO.: 61G3-16.010  
 RULE TITLE: Supervised Practice Exception

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 29, July 18, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.001  
 RULE TITLE: Qualification for Certification

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 32, August 8, 2008 issue of the Florida Administrative Weekly.

Notice is hereby given that the following correction has been made to the Specific Authority in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 32, of the August 15, 2008, issue of the Florida Administrative Weekly. The change is in response to concerns by the Joint Administrative Procedures Committee in a letter dated October 1, 2008, regarding the citations and rulemaking authority listed in Specific Authority.

Specific Authority shall be corrected to read as: 489.108, 489.111 F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry 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 JUVENILE JUSTICE**

**Residential Services**

RULE NO.: 63E-7.010  
 RULE TITLES: Residential Case Management Services  
 63E-7.011  
 Delinquency Intervention and Treatment Services

**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. 31, August 1, 2008 issue of the Florida Administrative Weekly.



63E-7.010 Residential Case Management Services.

(1) through (3) No change.

(4) Multidisciplinary Intervention and Treatment Team. A residential commitment program shall implement a multidisciplinary case management process, assigning each newly admitted youth's case to a multidisciplinary intervention and treatment team. The team shall plan for and ensure delivery of coordinated delinquency intervention and treatment services to meet the prioritized needs of each youth assigned.

(a) The program director or his or her designee shall identify a leader for each intervention and treatment team to coordinate and oversee the team's efforts and facilitate effective management of each case assigned to the team.

(b) At a minimum, a multidisciplinary intervention and treatment team shall be comprised of the youth, representatives from the program's administration and residential living unit, and others directly responsible for providing, or overseeing provision of, intervention and treatment services to the youth. Each intervention and treatment team member shall participate in the case management processes addressed in paragraphs 63E-7.010(1)(a)-(d), F.A.C., to ensure provision of coordinated services to each youth. The program shall request and encourage the waiver support coordinator if the youth is an identified APD client, the DCF counselor, if applicable, and a representative of the educational staff to participate as an intervention and treatment team member. However, at a minimum, the intervention and treatment team shall obtain input from the educational staff for use when developing and modifying the youth's performance plan, preparing progress reports to the court, and engaging in transition planning.

(5) Assessment. A residential commitment program shall provide assessment services as follows:

(a) Initial Assessment. The program shall ensure that an initial assessment of each youth is conducted within 30 days of admission. The program shall maintain all documentation of the initial assessment in the youth's official youth case record.

1. Criminogenic Risks and Needs. The program shall assess each youth to identify criminogenic risk and protective factors, prioritize the youth's criminogenic needs, and determine his or her risk to re-offend. The criminogenic assessment tool used for this purpose shall address, at a minimum, the following domains, with information for its completion being obtained through a multi-disciplinary assessment process:

- a. Criminal history;
- b. Substance abuse involvement;
- c. Attitudes, behaviors and skills;
- d. Relationships;
- e. Family history and current family dynamics;
- f. School and work history and status; and
- g. Use of free time;

2. Educational and Treatment Needs. Additionally, the program shall ensure that the initial assessment process addresses the youth's educational and treatment needs as specified in the following subsections, and that any resulting information that is applicable to the criminogenic risk and needs assessment is reflected on the criminogenic assessment tool addressed in subparagraph 63E-7.010(5)(a)1., F.A.C.

a. Education. An educational assessment shall be conducted as required in Section 1003.52, F.S.

b. Physical Health. A comprehensive physical assessment conducted by a physician, advanced registered nurse practitioner (ARNP) or physician assistant, as well as a health-related history conducted by a physician, ARNP, physician assistant or nurse licensed pursuant to ~~Chapter 464.003~~, F.S., shall be made available to the program by the time of the youth's admission. After the youth is admitted, healthcare professionals with the qualifications referenced above shall review the respective documents within seven calendar days of the youth's admission, resulting in verification or update of the youth's medical status, identification of any medical alert relevant to the youth, and provision of healthcare services as indicated.

c. Mental Health and Substance Abuse. The program shall ensure that a comprehensive mental health or substance abuse evaluation is conducted when the need is identified through screening pursuant to paragraph 63E-7.004(2)(b), F.A.C. However, if a comprehensive evaluation, as defined in 63E-7.002, F.A.C., was conducted within the past twelve months, an update to that evaluation may be completed instead. Only a licensed mental health professional or a mental health clinical staff person working under the direct supervision of a licensed mental health professional shall conduct a mental health evaluation or update. Any substance abuse evaluation or update shall be conducted by a qualified professional who is licensed under Chapter 458, 459, 490 or 491, F.S., or a substance abuse clinical staff person who is an employee of a service provider licensed under Chapter 397, F.S., or an employee in a facility licensed under Chapter 397, F.S.

(b) Reassessment. The program shall determine and document changes in each youth's risks and needs so that updated information is available when the intervention and treatment team prepares a 90-day Performance Summary pursuant to paragraph 63E-7.010(9)(b), F.A.C. Additionally, the program shall ensure that any other updates or reassessments are completed when deemed necessary by the intervention and treatment team to effectively manage the youth's case. The program shall maintain all re-assessment documentation in the youth's official youth case record.

(6) Performance Plan. A residential commitment program shall ensure that each youth has a performance plan with individualized delinquency intervention goals to achieve before release from the program. Based on the findings of the

initial assessment of the youth, the intervention and treatment team, including the youth, shall meet and develop the performance plan within 30 days of the youth's admission.

(a) through (c) No change.

(d) The youth, the intervention and treatment team leader, and all other parties who have significant responsibilities in goal completion shall sign the performance plan, indicating their acknowledgement of its contents and associated responsibilities. The program shall file the original signed performance plan in the youth's official youth case record and shall provide a copy to the youth. Within 10 working days of completion of the performance plan, the program shall send a transmittal letter and a copy of the plan to the committing court, the youth's JPO, the parent or legal guardian, and the DCF counselor, if applicable.

1. Electronic transmittal of the performance plan to the youth's JPO and DCF counselor is acceptable.

2. If the parent or guardian did not participate in the development of the performance plan and if the youth is a minor and not emancipated as provided in Section 743.01 or 743.015, F.S., or is over 18 years of age and incapacitated as defined in subsection 744.102(12), F.S., the program shall enclose an additional copy of the plan's signature sheet and shall request in the transmittal letter that the parent or guardian acknowledge receipt and review of the plan by signing the signature sheet and returning it to the program. Any signature sheet signed by the parent or guardian and returned to the program shall be attached to the youth's original performance plan.

(7) through (8) No change.

(9) Performance Review and Reporting.

(a) No change.

(b) Performance Reporting. The intervention and treatment team shall prepare a Performance Summary (~~RS 007, September 2006~~) at 90-day intervals, beginning 90 days from the signing of the youth's performance plan, or at shorter intervals when requested by the committing court. Additionally, the intervention and treatment team shall prepare a Performance Summary prior to the youth's release, discharge or transfer from the program.

1. Each Performance Summary shall address, at a minimum, the following areas:

a. The youth's status on each performance plan goal;

b. The youth's overall treatment progress if the youth has a treatment plan;

c. The youth's academic status, including performance and behavior in school;

d. The youth's behavior, including level of motivation and readiness for change, interactions with peers and staff, overall behavior adjustment, and, for any initial Performance Summary, the youth's initial adjustment to the program;

e. Significant positive and negative incidents or events; and

f. A justification for a request for release, discharge or transfer, if applicable.

2. The staff member who prepared the Performance Summary, the intervention and treatment team leader, the program director or designee, and the youth shall review, sign and date the document. Prior to the youth signing the document, program staff shall give the youth an opportunity to add comments, providing assistance to the youth, if requested. The program shall distribute the performance plan as specified below within 10 working days of its signing.

a. With the exception of a Performance Summary prepared in anticipation of a youth's release or discharge, the program shall send copies of the signed document to the committing court, the youth's JPO, and the parent or guardian and shall provide a copy to the youth.

b. As notification of its intent to release a youth pursuant to subsection 63E-7.012(2), F.A.C., or discharge a youth pursuant to subsection 63E-7.012(3), F.A.C., the program shall send the original, signed Performance Summary, together with the Pre-Release Notification and Acknowledgement form (~~RS 008, September 2006~~), to the youth's JPO who is responsible for forwarding the documents to the committing court.

c. The program shall file the original, signed Performance Summary in the official youth case record except when it is prepared in anticipation of a youth's release or discharge, in which case, the program shall file a signed copy in the official youth case record.

(10) Transition Planning. When developing each youth's performance plan and throughout its implementation during the youth's stay, a residential commitment program shall ensure that the intervention and treatment team is planning for the youth's successful transition to the community upon release from the program. The intervention and treatment team shall intensify its transition planning as the youth nears his or her targeted release date as follows:

(a) Transition Conference. In a program with a length of stay over 90 days, the intervention and treatment team shall conduct a transition conference at least 60 days prior to the youth's targeted release date. In any program with a length of stay of 90 days or less, the exit conference, addressed in paragraph 63E-7.010(10)(b), F.A.C., shall suffice to address all necessary pre-release transition activities.

1. The program director or designee, the intervention and treatment team leader, and the youth shall attend the transition conference. Although the program shall encourage other intervention and treatment team members to attend, those not attending shall provide written input to the team leader prior to the conference. If the youth's teacher is not an active intervention and treatment team member, the team leader shall invite the teacher to participate in the transition conference; however, if the teacher chooses not to attend, the team leader shall obtain the teacher's input prior to the conference. Additionally, the program shall invite the youth's JPO,

post-residential services counselor, if different than the JPO, the youth's parent or guardian, the waiver support coordinator if the youth is an identified client of APD, a Division of Vocational Rehabilitation representative if the youth has a disability as evidenced on his or her Individual Education Plan (IEP), and if applicable, the DCF counselor; The program shall encourage invitees' their participation through advanced notifications and reasonable accommodations. However, when arrangements cannot be made for their participation in the transition conference, the intervention and treatment team leader shall request their input and offer an opportunity for them to provide it prior to the conference.

2. During the transition conference, participants shall review transition activities on the youth's performance plan, revise them if necessary, and identify additional activities as needed. Target completion dates and persons responsible for their completion shall be identified during the conference. The intervention and treatment team leader shall obtain conference attendees' dated signatures, representing their acknowledgement of the transition activities and accountability for their completion pursuant to the youth's performance plan.

3. In follow-up to the conference, if anyone not in attendance is identified as having responsibility for completing a transition activity, the intervention and treatment team leader shall send him or her a copy of the plan and request its return with a dated signature. In this case, an original signature is not necessary. Electronic transmittal of the plan to the youth's JPO and, if applicable, the DCF counselor is acceptable. If transmitted electronically, a return email acknowledging receipt and review suffices and shall be printed and filed with the youth's plan.

(b) No change.

(11) Coordination of Services for DJJ Youth Also Served by ~~DJ~~ and DCF and APD. In an effort to coordinate services for youth jointly served by the department and one or both of the agencies identified above ~~DCF~~, a residential commitment program shall provide information requested by the DCF counselor or APD representative, or the youth's JPO on behalf of these agency representatives ~~DCF counselor~~, and shall, upon request, make reasonable accommodations for them ~~a DCF counselor~~ to visit the youth. The program shall invite these representatives from other agencies ~~DCF counselor~~ to the youth's transition and exit conferences in accordance with subparagraph 63E-7.010(10)(a)1. and 63E-7.010(10)(b)1., F.A.C., and, if necessary, make reasonable accommodations for telephone or video access to participate in the conference. Additionally, the program shall notify these representatives ~~DCF counselor~~ 30 days prior to a youth's release or, in the event that the program does not have 30 days notice of the youth's release, the program shall notify them ~~DCF counselor~~ immediately upon becoming aware of the release date.

(12) Management of Sexually Violent Predator (SVP) Eligible Cases. A residential commitment program shall establish and implement a tracking system to ensure that any case of a youth who is screened by the department as potentially eligible for involuntary commitment as an SVP is managed as follows:

(a) through (b) No change.

Specific Authority 985.64 FS. Law Implemented 985.601(3)(a) FS. History–New \_\_\_\_\_.

63E-7.011 Delinquency Intervention and Treatment Services.

A residential commitment program shall provide delinquency intervention and treatment services that are gender-specific pursuant to Section 985.02, F.S., and that focus on preparing youth to live responsibly in the community upon release from the program. The program shall design its services and service delivery system based on the common characteristics of its primary target population, including age, gender, and special needs, and their impact on youths' responsivity to intervention or treatment. However, in accordance with Rule 63E-7.010, F.A.C., the program shall individualize and coordinate the provision of delinquency intervention and treatment services based on each youth's prioritized needs.

(1) No change.

(2) Delinquency Intervention Services.

(a) through (b) No change.

(c) A residential commitment program shall provide delinquency intervention services that include, at a minimum, the following:

1. No change.

2. Life and Social Skill Competency Development. The program shall provide interventions or instruction that focus on developing life and social skill competencies in youth. For purposes of this rule chapter, life skills are those skills that help youth to function more responsibly and successfully in everyday life situations, including social skills that specifically address interpersonal relationships. Non-clinical staff may implement life and social skills interventions or instruction except when the instructional materials are specifically designed for use by clinical staff or when the skill training is delivered in response to a youth's treatment plan, thereby requiring a clinician's implementation. In a DJJ facility or program designated for Medicaid behavioral health overlay services (BHOS) or Medicaid fee-for-service, individuals providing Medicaid funded life skills or social skills shall meet the specific education and training requirements established by the Agency for Health Care Administration (AHCA), as may be found in the Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook.

a. through b. No change.

3. through 6. No change.

(d) Rehabilitative Planning and Follow-up Requirements for Off-Campus Activities. A residential commitment program shall ensure that off-campus activities addressed in this subsection are purposeful, deliberately planned, and related to the rehabilitation of the participating youth. Programs shall comply with eligibility, risk classification, notification and approval, supervision, and other security requirements related to off-campus activities specified in subsection 63E-7.013(19), F.A.C. Additionally, the program shall comply with the following rehabilitative planning and follow-up requirements for youth participating in supervised off-campus activities, such as community service projects, field excursions and other transition-related activities, and unsupervised temporary release activities, such as community employment, or day activities and home visits with youths' parents or guardians. However, the following requirements are not mandatory for supervised recreational off-campus activities earned by youth as incentives in accordance with the program's behavior management system.

1. A participating youth shall have specific, written goals or objectives, consistent with his or her performance plan and transition goals, to accomplish during the above-listed off-campus activities. For a home visit, the youth's home visit goals shall be included on the Home Visit Plan/Notification form (~~RS-003, September 2006~~). The program shall send the form to the youth's JPO, the youth's post-residential services counselor, if assigned, the youth's parent or guardian as an attachment to a transmittal letter explaining their responsibilities for providing supervision and support during their child's home visit, and the committing court as an attachment to the Home Visit Plan Approval form (~~RS-004, September 2006~~). When the program sends this form to the committing court, the program shall copy the youth's parent or guardian, the youth's JPO, and the youth's post-residential services counselor, if assigned.

2. No change.

(3) Treatment Services. Treatment services shall be provided in accordance with the following provisions:

(a) Authority for Evaluation and Treatment.

1. For purposes of this rule section, routine physical and mental healthcare services are defined as those specified on the Authority for Evaluation and Treatment (AET) form (~~HS-002, May 2007~~) defined and incorporated into this rule pursuant to ~~Rule 63E-7.002, F.A.C.~~

2. through 3. No change.

4. When the person authorized to consent withholds, revokes or limits consent for any recommended treatment, the program's Designated Health Authority, based on his or her clinical judgment, shall determine whether failure to provide the treatment ~~the treatment, if not provided~~, will potentially result in serious or significant health consequences for the youth or threaten his or her life or jeopardize the health of other youth and staff in the program. If the Designated Health

Authority so determines, the program director shall explain the situation to the person withholding, revoking or limiting consent, encouraging him or her to consent to the needed treatment; however, if consent is still denied, the program director shall contact the department's regional general counsel to request that he or she ~~him or her to~~ obtain a court order authorizing the treatment.

5. If the program anticipates that a youth will reach 18 years of age while in the program and believes that he or she is an incapacitated person as defined in Section 744.102(12), F.S., the treatment team shall track the youth and, at least three months prior to his or her 18th birthday, shall contact the youth's parent or guardian to request that he or she initiate the process to determine incapacitation and guardianship in accordance with the procedures specified in Part V of Chapter 744, F.S., or, in the case of a youth in foster care, notify the ~~DCF Department of Children and Families~~ counselor of the situation. If the program has reason to believe that guardianship is not being pursued, the program shall notify the department's regional legal counsel.

6. through 8. No change.

(b) Physical Health Services. A residential commitment program shall employ or contract with an individual to be the Designated Health Authority. He or she shall be licensed pursuant to Chapter 458 or Chapter 459, F.S. The Designated Health Authority shall be responsible for ensuring the delivery of administrative, managerial and medical oversight of the program's health care system. The program shall promote the health and physical development of the youth in its custody by ensuring the provision of, at a minimum, the following healthcare components.

1. through 2. No change.

3. Sick Call Care. The program shall ensure implementation of an effective method for each youth to access sick call, as well as a system to respond to any youth's sick call complaint of illness or injury of a non-emergency ~~emergent~~ nature with a nursing assessment and, when warranted, a nursing intervention or referral to an off-site health care provider for treatment. Sick call shall be conducted by a registered nurse, or by a licensed practical nurse who shall review the cases daily, telephonically or in person, with a healthcare professional who holds a license with a scope of practice at the level at a licensure level of an RN or higher, i.e. an RN, an ARNP, a PA, an MD, or a DO.

4. through 7. No change.

(c) Mental Health and Substance Abuse Services.

1. Designated Mental Health Authority or Clinical Coordinator. A residential commitment program shall designate a Designated Mental Health Authority or a Clinical Coordinator as follows:

a. Any program with an operating capacity of 100 or more youth or any program providing DJJ specialized treatment services shall employ or contract with a single licensed mental

health professional to be known as the Designated Mental Health Authority. If the program contracts with an agency or corporate entity, rather than a single mental health professional, then a single licensed mental health professional within the agency or corporate entity shall be identified as the Designated Mental Health Authority.

b. Any program with an operating capacity of less than 100 youth or that does not provide specialized DJJ treatment services, shall designate either a Designated Mental Health Authority or a Clinical Coordinator. A Clinical Coordinator is a designated licensed mental health professional or a designated non-licensed mental health clinical staff person who has received training specifically in mental health services coordination, and who is responsible for coordinating and verifying implementation of necessary and appropriate mental health and substance abuse services. Designating a non-licensed mental health clinical staff person as a Clinical Coordinator does not confer upon that person the authority to provide clinical supervision of clinical staff function as a clinical supervisor.

2. through 5. No change.

6. Treatment Plan Development and Implementation. When a comprehensive mental health or substance abuse evaluation indicates the youth is in need of mental health and/or substance abuse treatment, an individualized mental health and/or substance abuse treatment plan shall be developed and timely treatment shall be provided based upon the youth's treatment plan. Pending development of an individualized mental health or substance abuse treatment plan, an initial plan is acceptable.

a. The individualized mental health treatment plan shall include the signatures of the youth, the mental health clinical staff person that prepared the plan, and any intervention and treatment team members who participated in its development. A licensed mental health professional shall review, sign and date the treatment plan within 10 days of completion.

b. The individualized substance abuse treatment plan shall include the signatures of the youth, the substance abuse clinical staff person that prepared the plan and any intervention and treatment team members who participated in its development. The plan shall be completed by a qualified professional who is licensed under Chapter 458, 459, 490 or 491, F.S., or a substance abuse clinical staff person who is an employee of a service provider licensed under Chapter 397, F.S., or an employee in a facility licensed under Chapter 397, F.S. If the treatment plan is completed by a non-licensed substance abuse clinical staff person, ~~it the treatment plan shall be reviewed, countersigned and dated by a qualified professional within 10 calendar days of completion of the treatment plan as provided set forth~~ in Rule 65D-30.004(17), F.A.C.

7. through 9. No change.

Specific Authority 985.64 FS. Law Implemented 985.601(3)(a) FS. History--New\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64E-2.001	Definitions
64E-2.002	Basic Life Support Service License – Ground
64E-2.003	Advanced Life Support Service License – Ground
64E-2.005	Air Ambulances
64E-2.0321	Certificate of Public Convenience and Necessity

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule development in Vol. 34, No. 31, August 1, 2008 and Vol. 34, No. 35, August 29, 2008 issues of the Florida Administrative Weekly.

Effective October 15, the Florida Department of Health, Division of Emergency Medical Services, Bureau of Emergency Medical Services and the Office of Trauma has transferred all of the rules under Chapter 64E-2, F.A.C., to Chapter 64J-1 for Emergency Medical Services and Chapter 64J-2 for Trauma. The above rules were noticed have been transferred and renumbered to: Rule 64J-1.001 Definitions, Rule 64J-1.002 Basic Life Support Service License – Ground, Rule 64J-1.003 Advanced Life Support Service, and Rule 64J-1.005 Air Ambulances. In regards to Rue 64E-2.0321, F.A.C., the latest proposal that will be noticed for rulemaking is the definition of Certificate of Public Convenience and Necessity and will be found under Rule 64J-1.001, F.A.C., upon approval.

The full versions of the converted Chapters 64J-1 and 64J-2, F.A.C., will be available on both the Bureau of EMS website <http://www.fl-ems.com> (specifically the legislative page) and the Office of Trauma website.

There will be a cover page with the new numbers to assist parties with the transition. No substantive changes were made to these rules during the conversion. It is the intent of the Bureau of EMS and the Office of Trauma to work on a rule package to remove definitions that should only fall under Chapter 64J-2 Trauma. This requires the department to follow the rule promulgation process in order to make this change.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64E-16.012	Fees

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 41, October 10, 2008 issue of the Florida Administrative Weekly.

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Ana M. Viamonte Ros M.D., MPH, State Surgeon General

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-16.003	Case Reviews
65C-16.004	Recruitment, Screening and Application Process/Adoptive Applicants

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 41, October 10, 2008 issue of the Florida Administrative Weekly.

The Notice of Change published October 10 should have referenced a change to 65C-16.004, Recruitment, Screening and Application Process/Adoptive Applicants, as the text of this change was incorporated in the notice, but not properly formatted. The change to the rule text for 65C-16.003 and 65C-16.004 should have read as follows:

65C-16.003 Case Reviews.

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

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

(3) The recruitment activities shall reflect the ethnic and racial diversity of children needing adoptive placement pursuant to the Indian Child Welfare Act and Multi-Ethnic Placement Act.

(5) An application to adopt must be made on form CF-FSP 5071, PDF 084/2008, Adoptive Home Application, which is incorporated by reference and which includes necessary identifying information and information required by statute. If a community based provider chooses to use its own form, that form must contain all of the elements of CF-FSP 5071, PDF 084/2008, which is incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL.

**Section IV  
Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF THE LOTTERY**

RULE NO.:	RULE TITLE:
53ER08-59	Florida Gator® "VIP" Experience Second Chance Drawing

SUMMARY: The Department of the "VIP" Experience Second Chance Drawing@Lottery will conduct a Florida Gator between October 10, 2008 and December 2, 2008, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-59 Florida Gator® "VIP" Experience Second Chance Drawing.

(1) Beginning Friday, October 10, 2008, players can enter their non-winning Florida Lottery "Big Riches" scratch-off tickets in the Florida Gator® "VIP" Experience Second Chance Drawing on the Florida Lottery Website to win one (1) of two (2) prizes containing University of Florida ("Florida Gators") football tickets, gift cards and Florida Lottery scratch-off tickets.

(2) One (1) Florida Gator® "VIP" Experience Second Chance Drawing to award both prizes will be held on December 2, 2008, from entries received by midnight on Saturday, November 29, 2008. The prizes to be awarded are as follows:

First Prize: Trip for two (2) to the bowl game in which the Florida Gators play at the conclusion of the 2008-2009 season\*, including two (2) tickets to the bowl game, one (1) hotel room for two (2) nights, two (2) round trip Delta airlines tickets from anywhere in the U.S. to the city where the game will be played, one (1) rental car for two (2) nights, two (2) University of Florida hats and polo shirts, and \$150 in Florida Lottery scratch-off tickets. (Value – \$2,020.00).

Second Prize: Tailgate party package – to include one (1) 27" flat screen color TV, one (1) compact beverage refrigerator, one (1) gas grill, one (1) autographed football by Urban Meyer, and \$150 in Florida Lottery scratch-off tickets. (Value – \$1,000.00).

\* If the Florida Gators do not play in a bowl game at the conclusion of the 2008-2009 season, or if the first prize is not claimed in time for the winner to use the trip for the 2008-2009 bowl game, the trip will be for the next end of season bowl game in which the Florida Gators play. Bowl game package does not include tickets to the National Championship Bowl Game. In the event the Florida Gators play in the 2008-2009 National Championship Bowl Game, the trip will be for the next end of season bowl game in which the Florida Gators play.

(3) To enter a non-winning ticket in the Florida Gator® “VIP” Experience Second Chance Drawing, players must visit the Florida Lottery’s Website at [www.flalottery.com](http://www.flalottery.com), click on the Florida Gator® “VIP” Experience Second Chance Drawing icon and follow the directions. Winning “Big Riches” tickets cannot be used for entry into a second chance drawing. The odds of winning are dependent upon the number of entries received. Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one (1) time. Only one (1) prize will be awarded per person. Non-winning tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(4) A total of four (4) entries will be drawn in the drawing. The first entry drawn will win the first prize, the second entry drawn will win the second prize, and the third and fourth entries drawn will be alternates. The two (2) prizewinners will be posted on [www.flalottery.com](http://www.flalottery.com) by 3:00 p.m. on December 2, 2008. The Florida Lottery will attempt to notify prizewinners by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a prize winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will attempt to award the prize to an alternate winner in the order in which they were drawn. If the Florida Lottery is unable to contact an alternate winner within three (3) weeks of forfeiture by the initial winner, the alternate winner will forfeit his or her right to claim the prize and the prize will not be awarded. Florida Gator® “VIP” Experience merchandise and lottery tickets will be shipped to the winner’s address within approximately 15 business days after the winning ticket has been received by the Lottery. Unclaimed prizes will remain the property of the donor company. Florida Lottery tickets will not be mailed to addresses outside the state of Florida. Winners with addresses outside the state of Florida will receive a check for \$150 in lieu of lottery tickets.

(5) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a Florida Gator® “VIP” Experience Second Chance Drawing prize, the player must submit to the Florida Lottery the original valid non-winning ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER08-20, F.A.C., a copy of acceptable identification and a completed Release and Authorization form DOL-474, Eff. 10/08, to the Florida Lottery within two (2) weeks of notification by the Lottery of their selection as a winner. Form DOL-474 is hereby incorporated by reference and can be obtained from any Lottery office or on the Lottery’s Website

[www.flalottery.com](http://www.flalottery.com). Winners who cannot produce a valid entry ticket and/or do not return the required documents as set forth above will forfeit their right to claim the prize.

(6) All federal, state and/or local taxes or other fees will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because the prizes in this promotion are in kind donations and there is no cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(7) No cash option is available in lieu of the prizes.

(8) The right to claim a prize cannot be assigned to another person or entity.

(9) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. Copies of the current prize payment rule and the Florida Gator® “VIP” Experience Second Chance Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(10) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(11) A player entering the Florida Gator® “VIP” Experience Second Chance Drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(12) The Florida Gator® “VIP” Experience Second Chance Drawing shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawing will be available after the drawing on the Florida Lottery’s Website at [www.flalottery.com](http://www.flalottery.com), by phone at (850) 487-7777 and at Florida Lottery retailers.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 10-9-08.

**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: October 9, 2008**

**DEPARTMENT OF THE LOTTERY**

RULE NO.:                   RULE TITLE:  
53ER08-60                   Ultimate Canes® Experience Second  
  Chance Drawing

SUMMARY: The Department of the Lottery will conduct an Ultimate Canes® Experience Second Chance Drawing between October 10, 2008 and December 2, 2008, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-60 Ultimate Canes® Experience Second Chance Drawing.

(1) Beginning Friday, October 10, 2008, players can enter their non-winning Florida Lottery "Lucky 7's" scratch-off tickets in the Ultimate Canes® Experience Second Chance Drawing on the Florida Lottery Website to win one of three (3) prizes containing University of Miami® ("Miami Hurricanes®") football tickets, gift cards and Florida Lottery scratch-off tickets.

(2) One (1) second chance drawing to award all three (3) prizes will be held on December 2, 2008 from entries received by midnight on Saturday, November 29, 2008. The prizes to be awarded are as follows:

First Prize: Trip for two (2) to the Miami Hurricanes' bowl game at the conclusion of the 2008-2009 season\*, including two (2) tickets to the bowl game, one (1) hotel room for two (2) nights, airfare for two (2) from anywhere in the U.S. to the city where the game will be played, two (2) University of Miami hats and polo shirts, one (1) football autographed by Randy Shannon, one (1) \$100 Publix gift card, one (1) \$100 U-Gas gift card, and \$100 in Florida Lottery scratch-off tickets. (Value – \$2,100.00).

Second Prize: Two (2) season tickets for 2009 Miami Hurricanes football season, two (2) University of Miami hats and polo shirts, one (1) \$100 Publix gift card, one (1) \$100 U-Gas gift card, and \$100 in Florida Lottery scratch-off tickets. (Value – \$1,020.00).

Third Prize: Four (4) tickets to a 2009 Miami Hurricanes home game, one (1) \$100 Publix gift card, one (1) \$100 U-Gas gift card, and \$100 in Florida Lottery scratch-off tickets. (Value – \$560.00).

\* If the Miami Hurricanes do not play in a bowl game at the conclusion of the 2008-2009 season, or if the first prize is not claimed in time for the winner to use the trip for the 2008-2009 bowl game, the trip will be for the next end of season bowl game in which the Miami Hurricanes play.

(3) To enter a non-winning ticket in an Ultimate Canes® Experience Second Chance Drawing, players must visit the Florida Lottery's Website at [www.flalottery.com](http://www.flalottery.com), click on the Ultimate Canes® Experience Second Chance Drawing icon and follow the directions. Winning "Lucky 7's" tickets cannot be used for entry into a second chance drawing. The odds of winning are dependent upon the number of entries received. Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one (1) time. Only one (1) prize will be awarded per person. Non-winning tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(4) A total of six (6) entries will be drawn in the drawing. The first entry drawn will win the first prize, the second entry drawn will win the second prize and will be an alternate for the first prize, the third entry drawn will win the third prize and will be an alternate for the first and second prizes, and the fourth through sixth entries drawn will be alternates for all three prizes. The three (3) prizewinners in the Ultimate Canes® Experience Second Chance Drawing will be posted on [flalottery.com](http://flalottery.com) by 3:00 p.m. on December 2, 2008. The Florida Lottery will attempt to notify prizewinners by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact the first prize winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will attempt to award the prize to an alternate. If the second prize winner has been contacted within the initial three (3) week period, that winner will be given the option of accepting the first or second prize. In such case, if the third prize winner has been contacted, that winner will be given the option of accepting the third prize or the prize not selected by the second prize winner. If the Florida Lottery has been unable to contact the second and/or third prize winners during the initial three (3) week period, the Lottery will attempt to notify the alternate winner(s) for a period of three (3) weeks. If the Lottery is unable to contact the alternate winner(s) within three (3) weeks of forfeiture by the initial winner, the alternate winner(s) will forfeit their right to claim the prize and the prize will not be awarded. Ultimate Canes® Experience merchandise and lottery tickets will be shipped to the winner's address within approximately 15 business days after the winning ticket has been received by the Lottery. Unclaimed prizes will remain the property of the donor company. Florida Lottery tickets will not be mailed to addresses outside the state of Florida. Winners with addresses outside the state of Florida will receive a check for \$100 in lieu of lottery tickets.

(5) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim an Ultimate Canes® Experience Second Chance Drawing prize, the player must submit to the Florida Lottery the original valid non-winning ticket bearing the entry



number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER08-20, F.A.C., and a copy of acceptable identification to the Florida Lottery within two (2) weeks of notification by the Lottery of their selection as a winner. The first prize winner must also submit a Release and Authorization form DOL-474, Eff. 10/08 and the second and third prize winners must submit an Authorization to Release Address form DOL-473, Eff. 10/08. Forms DOL-473 and DOL-474 are hereby incorporated by reference and can be obtained from any Lottery office or on the Lottery's Website [www.flalottery.com](http://www.flalottery.com). Winners who cannot produce a valid entry ticket and/or do not return the required documents as set forth above will forfeit their right to claim the prize.

(6) All federal, state and/or local taxes or other fees will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because the prizes in this promotion are in kind donations and there is no cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(7) No cash option is available in lieu of the prizes.

(8) The right to claim a prize cannot be assigned to another person or entity.

(9) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. Copies of the current prize payment rule and the Ultimate Canes® Experience Second Chance Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(10) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(11) A player entering the Ultimate Canes® Experience Second Chance Drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(12) The Ultimate Canes® Experience Second Chance Drawing shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawing

will be available after the drawing on the Florida Lottery's Website at [www.flalottery.com](http://www.flalottery.com), by phone at (850) 487-7777 and at Florida Lottery retailers.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 10-9-08.

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: October 9, 2008

#### **DEPARTMENT OF THE LOTTERY**

RULE NO.:	RULE TITLE:
53ER08-61	Ultimate Seminoles® Experience Second Chance Drawing

SUMMARY: The Department of the Experience Second Chance Drawing, Lottery will conduct an Ultimate Seminoles between October 10, 2008 and December 2, 2008, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER08-61 Ultimate Seminoles® Experience Second Chance Drawing.

(1) Beginning Friday, October 10, 2008, players can enter their non-winning Florida Lottery "\$50 Grand" scratch-off tickets in the Ultimate Seminoles® Experience Second Chance Drawing on the Florida Lottery Web site to win one of three prizes containing Florida State University® Seminoles® football tickets, gift cards and Florida Lottery scratch-off tickets.

(2) One Ultimate Seminoles® Experience Second Chance Drawing to award all three prizes will be held on December 2, 2008, from entries received by midnight on Saturday, November 29, 2008. The prizes to be awarded are as follows:

First Prize: A trip for two (2) to the bowl game in which the Florida State Seminoles play at the conclusion of the 2008-2009 season\*, including two (2) tickets to the bowl game, one (1) hotel room for two (2) nights, airfare for two (2) from anywhere in the U.S. to the city where the game will be played, two (2) Florida State University hats and polo shirts, one (1) football autographed by Bobby Bowden, and \$100 in Florida Lottery scratch-off tickets. (Value – \$1,900.00).

Second Prize: Two (2) season tickets for 2009 Florida State Seminoles football season, two (2) Florida State University hats and polo shirts, and \$100 in Florida Lottery scratch-off tickets. (Value – \$820.00).

Third Prize: Four (4) tickets to the 2009 FSU® home game versus the Miami Hurricanes®, and \$100 in Florida Lottery scratch-off tickets. (Value - \$360.00).

\* If the Florida State Seminoles do not play in a bowl game at the conclusion of the 2008-2009 season, or if the first prize is not claimed in time for the winner to use the trip for the 2008-2009 bowl game, the trip will be for the next end of season bowl game in which the Seminoles play.

(3) To enter a non-winning ticket in an Ultimate Seminoles® Experience Second Chance Drawing, players must visit the Florida Lottery's Web site at [www.flalottery.com](http://www.flalottery.com), click on the Ultimate Seminoles® Experience Second Chance Drawing icon and follow the directions. Winning "\$50 Grand" tickets cannot be used for entry into a second chance drawing. The odds of winning are dependent upon the number of entries received. Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one (1) time. Only one (1) prize will be awarded per person. Non-winning tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(4) A total of six (6) entries will be drawn in the drawing. The first entry drawn will win the first prize, the second entry drawn will win the second prize and will be an alternate for the first prize, the third entry drawn will win the third prize and will be an alternate for the first and second prizes, and the fourth through sixth entries drawn will be alternates for all three prizes. The three (3) prizewinners in the Ultimate Seminoles® Experience Second Chance Drawing will be posted on [www.flalottery.com](http://www.flalottery.com) by 3:00 p.m. on December 2, 2008. The Florida Lottery will attempt to notify prizewinners by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact the first prize winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will attempt to award the prize to an alternate. If the second prize winner has been contacted within the initial three (3) week period, that winner will be given the option of accepting the first or second prize. In such case, if the third prize winner has been contacted, that winner will be given the option of accepting the third prize or the prize not selected by the second prize winner. If the Florida Lottery has been unable to contact the second and/or third prize winners during the initial three (3) week period, the Lottery will attempt to notify the alternate winner(s) for a period of three (3) weeks. If the Lottery is unable to contact the alternate winner(s) within three (3) weeks of forfeiture by the initial winner, the alternate winner(s) will forfeit their right to claim the prize and the prize will not be awarded. Ultimate Seminoles® Experience merchandise and lottery tickets will be shipped to the winner's address within approximately 15 business days after the winning ticket has been received by the Lottery. Unclaimed prizes will remain the property of the

donor company. Florida Lottery tickets will not be mailed to addresses outside the state of Florida. Winners with addresses outside the state of Florida will receive a check for \$100 in lieu of lottery tickets.

(5) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim an Ultimate Seminoles® Experience Second Chance Drawing prize, the player must submit to the Florida Lottery the original valid non-winning ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER08-20, F.A.C., and a copy of acceptable identification to the Florida Lottery within two (2) weeks of notification by the Lottery of their selection as a winner. The first prize winner must also submit a Release and Authorization form DOL-474, Eff. 10/08 and the second and third prize winners must submit an Authorization to Release Address form DOL-473, Eff. 10/08. Forms DOL-473 and DOL-474 are hereby incorporated by reference and can be obtained from any Lottery office or on the Lottery's Web site [www.flalottery.com](http://www.flalottery.com). Winners who cannot produce a valid entry ticket and/or do not return the required documents as set forth above will forfeit their right to claim the prize.

(6) All federal, state and/or local taxes or other fees will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because the prizes in this promotion are in kind donations and there is no cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(7) No cash option is available in lieu of the prizes.

(8) The right to claim a prize cannot be assigned to another person or entity.

(9) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. Copies of the current prize payment rule and the Ultimate Seminoles® Experience Second Chance Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(10) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(11) A player entering the Ultimate Seminoles® Experience Second Chance Drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(12) The Ultimate Seminoles® Experience Second Chance Drawing shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawing will be available after the drawing on the Florida Lottery's Website at [www.flalottery.com](http://www.flalottery.com), by phone at (850)487-7777 and at Florida Lottery retailers.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 10-9-08.

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: October 9, 2008

#### DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER08-62	Winner Wonderland® Holiday Shopping Spree Second Chance Drawing

SUMMARY: The Department of the Lottery will conduct a Winner Wonderland® Second Chance drawing between October 14, 2008 and December 2, 2008, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-62 Winner Wonderland® Holiday Shopping Spree Second Chance Drawing.

(1) Beginning Tuesday, October 14, 2008, players can enter their non-winning Florida Lottery "Winner Wonderland®" scratch-off tickets in the Holiday Shopping Spree Second Chance Drawing on the Florida Lottery Website to win a \$5,000 Shopping Spree and weekend Hotel get away at the Florida Hotel and Conference Center, or gift cards to the Florida Mall®.

(2) One Winner Wonderland® Holiday Shopping Spree Second Chance Drawing will be held on Tuesday, December 2, 2008, from entries received by midnight Monday, December 1, 2008, to award four Grand Prizes and all second and third prizes. One final drawing to award the final Grand Prize will be held on the second Wednesday following the end of game

sales (to be determined) from all entries received between December 2, 2008 and midnight on the night before the drawing. Entries will be good for one drawing only.

(3) A total of 5 Winner Wonderland® Holiday Shopping Spree Grand Prizes will be awarded. Each Holiday Shopping Spree Grand Prize, valued at \$6,400, includes:

(a) \$5,000 Gift Card to the Florida Mall.

(b) Two night stay in an Executive Suite at the Florida Hotel and Conference Center (Double Occupancy).

(c) Breakfast Buffet for two at Crickets Grill.

(d) Two Starbucks Gift Cards valued at \$10 each.

(e) Two Therapeutic Massages provided by the hotel, valet parking for the duration of stay at hotel and guaranteed availability for any two nights beginning December 2 through December 24, 2008.

The Winner Wonderland® Holiday Grand Prize Shopping Spree prize packages do not include travel to the hotel, meals, taxes, gratuities or other expenses incurred. Except during the month of December 2008, confirmed reservations are based upon room availability.

(4) A total of ten second place prizes of \$1,000 Gift Cards to the Florida Mall and twenty third place prizes of \$500 Gift Cards to the Florida Mall will be awarded on Tuesday, December 2, 2008.

(5) To enter a non-winning "Winner Wonderland®" ticket in the Holiday Shopping Spree Second Chance Drawing, players must visit the Florida Lottery's Website at [www.flalottery.com](http://www.flalottery.com), click on the Winner Wonderland® Holiday Shopping Spree Second Chance Drawing icon and follow the directions. Winning "Winner Wonderland®" tickets cannot be used for entry into a second chance drawing. The odds of winning are dependent upon the number of entries received.

Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one time, for one entry into the next scheduled drawing. Only one (1) prize will be awarded per person.

Non-winning tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(6) A total of thirty-four (34) entries will be drawn on December 2, 2008. The first four (4) numbers drawn will win a Winner Wonderland® Holiday Shopping Spree Grand Prize. The fifth through fourteenth numbers drawn will win a \$1,000 Gift Card for the Florida Mall and will be alternates for the Winner Wonderland® Holiday Shopping Spree Grand Prize. The fifteenth through thirty-fourth numbers drawn will win a \$500 Gift Card for the Florida Mall.

Two (2) entries will be drawn in the final drawing held following the end of the "Winner Wonderland®" game. The first number drawn will be awarded a Winner Wonderland® Holiday Shopping Spree Grand Prize and the second number drawn will be an alternate.

(7) The prizewinners in each Winner Wonderland® Holiday Shopping Spree Second Chance Drawing will be posted on [www.flalottery.com](http://www.flalottery.com) by 3:00 p.m. on the day of the draw. The Florida Lottery will attempt to notify prizewinners by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a Shopping Spree Grand Prize winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate as set forth below. If the Lottery is unable to contact a second or third prize winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded.

(8) Grand Prize Alternates. For the December 2, 2008 drawing, alternates will be selected, in the order in which they were drawn, from winners in the second prize category who have been contacted within the three (3) week period. If the Lottery has been unable to contact a second prize winner within the initial three (3) weeks, the Grand Prize Shopping Spree prize will not be awarded. For the drawing after the end of the "Winner Wonderland®" game, if the Florida Lottery is unable to contact the alternate winner within three (3) weeks of forfeiture by the initial winner, the alternate winner will forfeit his or her right to claim the prize and the prize will not be awarded. Winner Wonderland® Second Chance Drawing prizes will be shipped to the winner's address within approximately 15 business days after the winning ticket has been received by the Lottery. Unclaimed gift cards, if any, will be used for future Florida Lottery promotional prizes. Unclaimed hotel packages will remain the property of the hotel.

(9) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a Winner Wonderland® Holiday Shopping Spree Second Chance Drawing prize, the player must submit to the Florida Lottery the original valid non-winning ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER08-20, F.A.C., and a copy of acceptable identification to the Florida Lottery within two (2) weeks of notification by the Lottery that they are a winner. The Grand Prize winner must also submit an Authorization to Release Address form DOL-473, Eff. 10/08. Form DOL-473 is hereby incorporated by reference and can be obtained from any Lottery office or on the Lottery's Website [www.flalottery.com](http://www.flalottery.com). Winners who cannot produce a valid entry ticket and/or do not return the required documents as set forth above will forfeit their right to claim the prize.

(10) Winners of the Winner Wonderland® Holiday Shopping Spree Grand Prize package will be provided the name and telephone number of a contact person at The Florida Hotel who will assist the winner in making hotel reservations. Travel must be completed by December 31, 2009, or prize will be forfeited.

(11) Federal income tax withholding for the value of the Winner Wonderland® Holiday Shopping Spree Grand Prize package will be paid by the Florida Lottery. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner. The value of the prize reported to the Internal Revenue Service as income will be \$8,533.33 for a U.S. citizen.

All federal, state and/or local taxes or other fees on the second and third prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because the second and third prizes in this promotion do not involve cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(12) No cash option is available in lieu of the prizes.

(13) The right to claim a prize cannot be assigned to another person or entity.

(14) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes.

Copies of the current prize payment rule and the Winner Wonderland® Holiday Shopping Spree Second Chance Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(15) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(16) A player entering Winner Wonderland® Holiday Shopping Spree Second Chance Drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(17) The Winner Wonderland® Holiday Shopping Spree Second Chance Drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the

drawings will be available after the drawing on the Florida Lottery's Website at [www.flalottery.com](http://www.flalottery.com), by phone at (850)487-7777 and at Florida Lottery retailers.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 10-9-08.

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: October 9, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-63  
 RULE TITLE: Instant Game Number 773, \$50,000 JOLLY HOLIDAY BUCKS

SUMMARY: This emergency rule describes Instant Game Number 773, "\$50,000 JOLLY HOLIDAY BUCKS," 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:

53ER08-63 Instant Game Number 773, \$50,000 JOLLY HOLIDAY BUCKS.

(1) Name of Game. Instant Game Number 773, "\$50,000 JOLLY HOLIDAY BUCKS."

(2) Price. \$50,000 JOLLY HOLIDAY BUCKS lottery tickets sell for \$5.00 per ticket.

(3) \$50,000 JOLLY HOLIDAY BUCKS 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 \$50,000 JOLLY HOLIDAY BUCKS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, Florida Administrative Code.

(4) The play symbols and play symbol captions are as follows:



(5) The bonus symbols and bonus symbol captions are as follows:



(6) The legends are as follows:

GAME 1	GAME 8
GAME 2	GAME 9
GAME 3	GAME 10
GAME 4	GAME 11
GAME 5	GAME 12
GAME 6	GAME 13
GAME 7	GAME 14
PLAY AREA	BONUS
GAME 7	GAME 15

(7) Determination of Prizewinners.

(a) There are fifteen games on a ticket. Each game is played separately. A ticket having three like play symbols and corresponding play symbol captions in a game shall entitle the claimant to the prize shown in the PRIZE LEGEND. A ticket having two like play symbols and corresponding play symbol captions in the BONUS play area shall entitle the claimant to \$50.

(b) The prizes are: \$5, \$10, \$50, \$100, \$1,000, \$5,000 and \$50,000.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 773 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 63 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	7.50	1,008,000
\$5 x 2	\$10	15.00	504,000
\$10	\$10	20.00	378,000
\$5 x 3	\$15	120.00	63,000
\$5 + \$10	\$15	120.00	63,000
\$5 x 4	\$20	240.00	31,500
(\$5 x 2) + \$10	\$20	120.00	63,000
\$10 x 2	\$20	240.00	31,500
\$5 x 5	\$25	240.00	31,500
\$10 x 2 + \$5	\$25	240.00	31,500
\$5 x 8	\$40	600.00	12,600
\$10 x 4	\$40	600.00	12,600
\$50	\$50	1,200.00	6,300
\$50 (BONUS) + \$5	\$55	300.00	25,200
(\$5 x 11) + (\$10 x 2)	\$75	1,714.29	4,410
\$5 + (\$10 x 2) + \$50	\$75	1,578.95	4,788
(\$5 x 4) + (\$10 x 3) + \$50 (BONUS)	\$100	2,400.00	3,150
\$50 + \$50 (BONUS)	\$100	2,400.00	3,150
\$100	\$100	2,400.00	3,150
\$50 + (\$100 x 2)	\$250	6,000.00	1,260
(\$10 x 10) + (\$50 x 3) + (\$100 x 2) + \$50 (BONUS)	\$500	15,000.00	504
\$100 x 5	\$500	15,000.00	504
(\$50 x 11) + (\$100 x 4) + \$50 (BONUS)	\$1,000	378,000.00	20
\$100 x 10	\$1,000	378,000.00	20
(\$50 x 10) + (\$100 x 5)	\$1,000	378,000.00	20
\$1,000	\$1,000	378,000.00	20
\$5,000	\$5,000	945,000.00	8
\$5,000 x 2	\$10,000	945,000.00	8
\$50,000	\$50,000	756,000.00	10

(9) The estimated overall odds of winning some prize in Instant Game Number 773 are 1 in 3.31. 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.

(10) For reorders of Instant Game Number 773, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a \$50,000 JOLLY HOLIDAY BUCKS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for \$50,000 JOLLY HOLIDAY BUCKS 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 10-10-08.

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: October 10, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-64  
 RULE TITLE: Instant Game Number 774, FLORIDA SNOWBIRDS DOUBLER

SUMMARY: This emergency rule describes Instant Game Number 774, "FLORIDA SNOWBIRDS DOUBLER," 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:

53ER08-64 Instant Game Number 774, FLORIDA SNOWBIRDS DOUBLER.

(1) Name of Game. Instant Game Number 774, "FLORIDA SNOWBIRDS DOUBLER."

(2) Price. FLORIDA SNOWBIRDS DOUBLER lottery tickets sell for \$2.00 per ticket.

(3) FLORIDA SNOWBIRDS DOUBLER 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 FLORIDA SNOWBIRDS DOUBLER 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 legend is as follows:



(6) Determination of Prizewinners.

(a) A ticket having three like prize symbols and corresponding prize symbol captions in the play area shall entitle the claimant to a prize of that amount. A ticket having two like prize amounts and corresponding prize amount

captions and a "DOUBLER" symbol in the play area shall entitle the claimant to double the prize shown.

(b) The prizes are: TICKET, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$500, \$1,000, \$5,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket, or a combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a FLORIDA SNOWBIRDS DOUBLER lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(7) The estimated odds of winning, value and number of prizes in Instant Game Number 774 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET	Free \$2 Ticket	10.00	756,000
\$2	\$2	12.50	604,800
\$2 (PENGUINS)	\$4	21.43	352,800
\$5	\$5	37.50	201,600
\$5 (PENGUINS)	\$10	75.00	100,800
\$10	\$10	75.00	100,800
\$10 (PENGUINS)	\$20	300.00	25,200
\$20	\$20	300.00	25,200
\$25 (PENGUINS)	\$50	600.00	12,600
\$50	\$50	600.00	12,600
\$50 (PENGUINS)	\$100	4,500.00	1,680
\$100	\$100	4,500.00	1,680
\$250 (PENGUINS)	\$500	20,000.00	378
\$500	\$500	20,000.00	378
\$500 (PENGUINS)	\$1,000	180,000.00	42
\$1,000	\$1,000	180,000.00	42
\$5,000 (PENGUINS)	\$10,000	1,260,000.00	6
\$10,000	\$10,000	1,260,000.00	6

(8) The estimated overall odds of winning some prize in Instant Game Number 774 are 1 in 3.44. 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.

(9) For reorders of Instant Game Number 774, the estimated odds of winning, value and number of prizes shall be proportionate to the number of tickets reordered.

(10) By purchasing a FLORIDA SNOWBIRDS DOUBLER lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(11) Payment of prizes for FLORIDA SNOWBIRDS DOUBLER 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 10-10-08.

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: October 10, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-65  
 RULE TITLE: Instant Game Number 775, HOLIDAY CASH

SUMMARY: This emergency rule describes Instant Game Number 775, "HOLIDAY CASH," 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:

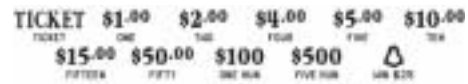
53ER08-65 Instant Game Number 775, HOLIDAY CASH.

(1) Name of Game. Instant Game Number 775, "HOLIDAY CASH."

(2) Price. HOLIDAY CASH lottery tickets sell for \$1.00 per ticket.


(3) HOLIDAY CASH 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 HOLIDAY CASH 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) Determination of Prizewinners.

(a) A ticket having three like prize symbols and corresponding prize symbol captions in the play area shall entitle the claimant to a prize of that amount. A ticket having a

" HUN \$25" symbol in the play area shall entitle the claimant to a prize of \$25.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$50.00, \$100 and \$500. 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 HOLIDAY CASH 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.

(6) The estimated odds of winning, value and number of prizes in Instant Game Number 775 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 68 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 Free Ticket	1 IN 10.00	1,224,000
\$1	\$1	25.00	489,600
\$2	\$2	18.75	652,800
\$4	\$4	50.00	244,800
\$5	\$5	60.00	204,000
\$10	\$10	300.00	40,800
\$15	\$15	300.00	40,800
\$25 (TREE)	\$25	300.00	40,800
\$50	\$50	1,800.00	6,800
\$100	\$100	15,000.00	816
\$500	\$500	45,000.00	272

(7) The estimated overall odds of winning some prize in Instant Game Number 775 are 1 in 4.16. 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.

(8) For reorders of Instant Game Number 775, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a HOLIDAY CASH lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(10) Payment of prizes for HOLIDAY CASH 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 10-10-08.

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: October 10, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-66  
 RULE TITLE: Instant Game Number 772, WINNER WONDERLAND®

SUMMARY: This emergency rule describes Instant Game Number 772, “WINNER WONDERLAND,” 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:

53ER08-66 Instant Game Number 772, WINNER WONDERLAND®.

(1) Name of Game. Instant Game Number 772, “WINNER WONDERLAND®.”

(2) Price. WINNER WONDERLAND lottery tickets sell for \$10.00 per ticket.

(3) WINNER WONDERLAND 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 WINNER WONDERLAND 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:



(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:




(7) The legends are as follows:

WINNING 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 “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a “” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of \$200.

(b) The prizes are: \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$250,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 772 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 26 POOLS OF 120,000 TICKETS PER POOL
\$10	\$10	10.00	312,000
\$15	\$15	10.00	312,000
\$10 x 2	\$20	30.00	104,000
\$20	\$20	30.00	104,000
\$10 + (\$15 x 2)	\$40	100.00	31,200
(\$10 x 2) + \$20	\$40	150.00	20,800
\$10 x 4	\$40	100.00	31,200
\$20 x 2	\$40	300.00	10,400
\$40	\$40	300.00	10,400
\$20 x 5	\$100	1,200.00	2,600
\$10 x 10	\$100	1,200.00	2,600
(\$10 x 6) + (\$20 x 2)	\$100	1,200.00	2,600
\$25 x 4	\$100	1,200.00	2,600
\$100	\$100	600.00	5,200
\$10 x 20	\$200	4,000.00	780
(\$10 x 10) + (\$25 x 4)	\$200	4,000.00	780



\$50 x 4	\$200	4,000.00	780
\$20 x 10	\$200	4,000.00	780
\$200 (MONEYBAG)	\$200	666.67	4,680
\$25 x 20	\$500	10,000.00	312
(\$50 x 6) + \$200 (MONEYBAG)	\$500	10,000.00	312
(\$20 x 10) + (\$50 x 6)	\$500	10,000.00	312
\$100 x 5	\$500	10,000.00	312
\$500	\$500	10,000.00	312
\$50 x 20	\$1,000	60,000.00	52
(\$100 x 8) + \$200 (MONEYBAG)	\$1,000	60,000.00	52
\$200 x 5	\$1,000	60,000.00	52
\$500 x 2	\$1,000	60,000.00	52
\$1,000	\$1,000	60,000.00	52
\$500 x 20	\$10,000	120,000.00	26
\$10,000	\$10,000	120,000.00	26
\$250,000	\$250,000	390,000.00	8

(10) The estimated overall odds of winning some prize in Instant Game Number 772 are 1 in 3.25. 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 772, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a WINNER WONDERLAND lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for WINNER WONDERLAND 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 10-10-08.

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: October 10, 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 TRANSPORTATION**

NOTICE IS HEREBY GIVEN THAT on October 3, 2008, the Department of Transportation, received a petition for variance from the City of Cocoa Beach, seeking a variance from the provisions of Rule 14-43.001, F.A.C., establishes requirements regarding banners and other overhead encroachments. In RE: City of Cocoa Beach Petition for Variance proposes the Department grant a variance from the requirements of Rule 14-43.001, F.A.C., in order to erect a banner to serve as the gateway to the annual Space Coast Art Festival in Cocoa Beach.

A copy of the Petition for Variance or Waiver may be obtained by contacting the Clerk of Agency Proceedings. Comments on this proposed variance should be filed with: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice. For additional information, contact: Leon M. Biegalski, Assistant General Counsel at (850)414-5265.

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

NOTICE IS HEREBY GIVEN THAT on August 28, 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(5) and 61C-1.004(1), Florida Administrative Code, Section 5-203.13, and Chapter 4-301.12(A), 2001 FDA Food Code from the Ramada Inn Continental Breakfast located in Jacksonville. The Petitioner requests to share a three-compartment sink and mop sink installed within a licensed public food service establishment co-located on the same premises.

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 October 10, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

An Emergency Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code (F.A.C.), from Ivan's Lunch Truck located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter six of the FDA Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. Specifically, Petitioner requests to dispense bulk potentially hazardous foods other than frankfurters from an open air Mobile Food Dispensing Vehicle. This variance request was approved and is contingent upon the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid, the steam table is enclosed within a cabinet with tight-fitting doors and protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries per the parameters of the currently adopted FDA 2001 Food Code, and held hot at approved commissaries per the parameters of the currently adopted FDA 2001 Food Code; and the steam table food is to be dispensed by the operator, not customer self-service. The Petitioner shall strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the Mobile Food Dispensing Vehicle during all periods of operation. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants.

Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for A Routine Variance for subsection 61C-4.010(1), Florida Administrative Code, from Treasure Stars Inc. DBA China #1 located in Orlando. The above referenced F.A.C. addresses food service establishment maintaining a minimum of one public bathroom for each sex, properly designated... Specifically, Petitioner requests to install a total of 12 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.

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NOTICE IS HEREBY GIVEN THAT on October 6, 2008, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, received a petition for waiver from IGT, Inc., Petitioner, in DBPR Case No. 2008055385

(VW 2008-275). Petitioner is a slot machine manufacturer licensed pursuant to Chapter 551, Florida Statutes, whose address is 9295 Prototype Drive, Reno, Nevada 89521. Petitioner seeks a waiver of the requirements of subsection 61D-14.041(1), Florida Administrative Code (F.A.C.), that requires each slot machine in Florida to "utilize an internal random number generator (RNG)." Petitioner desires to market its Multi-Player Series Line slot machine in Florida, the player terminals of which utilize a common external RNG rather than an internal RNG in each terminal. The requested waiver would permit use of the external RNG for Petitioner's Multi-Player Series Line slot machine, which in all other respects complies with or exceeds the requirements of Rule 61D-14.041, F.A.C. Any person whose substantial interests may be affected by a waiver on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

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The **Construction Industry Licensing Board** hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Carl Martin Kinsey. The Notice of Petition for Variance or Waiver was published in Vol. 33, No. 52, of the December 28, 2007, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on January 11, 2008.

The Board's Order, filed on September 23, 2008, denies the Petition for Variance or Waiver of Section 112.011(1), Florida Statutes. Pursuant to Section 120.545, Florida Statutes, the Board cannot waive a statute, nor does the waiver apply to a prior ruling of the Board.

A copy of the Board's Order may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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#### 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."

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NOTICE IS HEREBY GIVEN THAT on September 22, 2008, the Department of Environmental Protection, Bureau of Beaches and Coastal Systems has issued an order.

Notice of receipt of this petition, from Gervaise J. Stokes, 3500 Coastal Hwy., Vilano Beach, St. Augustine, was published in the Florida Administrative Weekly, on May 16, 2008. The petition requested a variance from general armoring criteria under subsections 62B-33.002(18), (19), (44), and (64),

subparagraphs 62B-33.0051(1)(a)1., 62B-33.0051(1)(a)2., and 62B-33.0051(1)(a)3., F.A.C., to construct coastal armoring to protect a private residence. No public comment was received. The Order, file number SJ-1029 AR V, partially granted the Petition as it relates to the eligibility criteria in subsections 62B-33.002(18) and (44), and subparagraph 62B-33.0051(1)(a)1., F.A.C., based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order may be obtained by contacting: Rosaline Beckham at (850)488-7815, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Blvd., MS 300, Florida 32399, or by e-mail at: rosaline.beckham@dep.state.fl.us.

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#### DEPARTMENT OF HEALTH

The **Board of Hearing Aid Specialists** hereby gives notice that it has received an amended petition, filed on October 3, 2008, by Justin Kelley on behalf of Marlana Torres-Ramos, seeking a waiver or variance of subsection 64B6-8.003(8), F.A.C., with respect to the training program requirements and qualifications to take the examination.

Comments on this petition should be filed with: Board of Hearing Aid Specialists, 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.

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NOTICE IS HEREBY GIVEN THAT on October 10, 2008, the Board of Medicine, received a petition for waiver or variance filed by Clara Isabel Roman, M.D., from Rule 64B8-4.018, F.A.C., with regard to the qualification requirements for international medical graduates (core clerkships). Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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NOTICE IS HEREBY GIVEN THAT on October 10, 2008, the Board of Medicine, received a petition for waiver or variance filed by Christopher Joseph Smith, M.D., from Rule 64B8-4.018, F.A.C., with regard to the qualification requirements for international medical graduates (core clerkships). Comments on this petition should be filed with:

Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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#### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on October 10, 2008, the Florida Housing Finance Corporation, received a petition for Waiver or Variance of subsection 67-58.020(6), Florida Administrative Code, from St. Cloud Preserve, LLC, ("Petition"). The Petition is seeking a waiver of the extension fee of one (1) percent required by the rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on October 13, 2008, the Florida Housing Finance Corporation, received a petition for Waiver or Variance of subsection 67-58.020(6) and 67-58.070(6), Florida Administrative Code, from Walton County Workforce Housing Corporation, ("Petition"). The Petition is seeking a waiver of the extension fee of one (1) percent required by the rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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#### DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on October 15, 2008, the Department of Financial Services has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on July 21, 2008, by Dwayne D. Whyte, Sr. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 33, of the August 15, 2008, Florida Administrative Weekly. The Petitioner sought a waiver or variance from paragraphs 69B-211.042(3)(a), (8)(a), (9)(a), (9)(b), (21)(ww), and subsection 69B-211.041(11), F.A.C., with regard to the restriction on the licensure of persons who have been found guilty of or have pled guilty or nolo contendere to a felony or a crime punishable by imprisonment of one (1) year or more. The Department's Order denied the petition and found that the Petitioner had not demonstrated that the purposes of the underlying statute could be achieved by other means and that the application of the aforementioned rules to his circumstances would violate principles of fairness or impose a substantial hardship.

A copy of the Order may be obtained by contacting: Beverly L. Hayes, Assistant General Counsel, Department of Financial Services, 200 East Gaines Street, Suite 612, Tallahassee, Florida 32399-0333, (850)413-4216.

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## 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: November 20, 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.

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#### DEPARTMENT OF STATE

The **National Register Review Board** announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 6, 2008, 9:00 a.m. – 12:00 Noon

**PLACE:** Phillips Center for the Performing Arts, Black Box Theater, University of Florida, 315 Hull Rd., Gainesville, Florida 32611-2750

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review of National Register applications.

A copy of the agenda may be obtained by contacting: Pam Stanley at (850)245-6302.

Pursuant to the provisions of 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: Pam Stanley at (850)245-6302. If you are 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: Pam Stanley at (850)245-6302.

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The **Florida Historical Commission** announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 6, 2008, 1:00 p.m. – 5:00 p.m.

**PLACE:** Florida Museum of Natural History, University of Florida Cultural Plaza, S. W. 34th Street and Hull Rd., Gainesville, Florida 32611-2710

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business meeting.

A copy of the agenda may be obtained by contacting: Pam Stanley at (850)245-6302.

Pursuant to the provisions of 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: Pam Stanley at (850)245-6302. If you are 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: Pam Stanley at (850)245-6302.

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The Florida **Department of State** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 13, 2008, 1:00 p.m. – 3:00 p.m.

PLACE: R. A. Gray Bldg., Room 409, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Historical Marker Applications.

A copy of the agenda may be obtained by contacting: Catherine Clark at (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 **Department of State, Division of Cultural Affairs**, and Florida Arts Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 6, 2008, 10:00 a.m. – Conclusion

PLACE: Originating from Division of Cultural Affairs, R. A. Gray Building, 500 South Bronough Street, Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To nominate three members of the Florida Arts Council to fill the offices of Chairman, Vice-Chairman, and Secretary for the 2009 term.

A copy of the agenda may be obtained by contacting: Dianne Alborn, Executive Assistant, at 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473, email: dalborn@dos.state.fl.us. The conference call can be accessed by dialing 1(866)212-0875 and using the following access code: 1983085#.

Pursuant to the provisions of 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: Morgan Lewis, ADA Coordinator for the Division of Cultural Affairs at (850)245-6356, Fax (850)245-6497, or email: mblewis@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of State, Division of Cultural Affairs**, and Florida Arts Council announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2008, 2:00 p.m. – 5:00 p.m.

PLACE: Tampa Bay Performing Arts Center, Rehearsal Hall, 1010 North W.C. MacInnes Place, Tampa, FL

DATE AND TIME: November 13, 2008, 9:00 a.m. – Conclusion

PLACE: Tampa Bay Performing Arts Center, Rehearsal Hall, 1010 North W.C. MacInnes Place, Tampa, FL

DATE AND TIME: November 14, 2008, 9:00 a.m. – Conclusion

PLACE: Tampa Bay Performing Arts Center, Maestro's, 1010 North W.C. MacInnes Place, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the Cultural Facilities Program grant review panel as well as general business of the Florida Arts Council. To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council.

Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken.

A copy of the agenda may be obtained by contacting: Division of Cultural Affairs' Website: [www.Florida-Arts.org](http://www.Florida-Arts.org) or by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473, email: dalborn@dos.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Morgan Lewis, ADA Coordinator for the Division of Cultural Affairs at (850)245-6356, Fax: (850)245-6497, email: mblewis@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**DEPARTMENT OF LEGAL AFFAIRS**

The **Office of the Attorney General**, Gang Reduction Strategy Coordinating Council announces a public meeting to which all persons are invited.

DATE AND TIME: November 20, 2008, 1:00 p.m.

PLACE: Office of the Attorney General, PL-01 Plaza Level Conference Room, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Gang Reduction Strategy.

A copy of the agenda may be obtained by contacting: Anna Phillips, Office of the Attorney General, Room PL-01, The Capitol, Tallahassee, Florida 32399-1050.

Pursuant to the provisions of 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: Anna Phillips, Office of the Attorney General, Room PL-01, The Capitol, Tallahassee, Florida 32399-1050. If you are 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: Anna Phillips, Office of the Attorney General, Room PL-01, The Capitol, Tallahassee, Florida 32399-1050.

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.

Council on the Social Status of Black Men and Boys' Strategic Planning Subcommittee

DATE AND TIME: November 10, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Subcommittee on Improving Criminal Justice

DATE AND TIME: November 12, 2008, 3:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Legislative Review Subcommittee

DATE AND TIME: November 12, 2008, 1:00 p.m. – 2:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Subcommittee on Improving Foster Care and Family Issues

DATE AND TIME: November 13, 2008, 12:00 Noon – 1:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Subcommittee on Improving Economic Outcomes

DATE AND TIME: November 13, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Subcommittee on Improving Health Outcomes

DATE AND TIME: November 14, 2008, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Subcommittee on Improving Educational Outcomes

DATE AND TIME: November 14, 2008, 11:15 a.m. – 12:15 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Council on the Social Status of Black Men and Boys

DATE AND TIME: November 20, 2008, 9:00 a.m. – 12:00 Noon

PLACE: Gaylord Palms Resort Hotel and Convention Center, Conference Room Emerald 3, 6000 W Osceola Parkway, Kissimmee, Florida 34746

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>.

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: Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact the Bureau of Criminal Justice Programs at (850)414-3300.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Florida Agriculture in the Classroom, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 13, 2008, 10:00 a.m.

PLACE: Florida Strawberry Growers Association, 13138 Lewis Gallagher Road, Dover, FL 33527

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board meeting.

A copy of the agenda may be obtained by contacting: Lisa Gaskalla at [gaskalla@ufl.edu](mailto:gaskalla@ufl.edu).

**DEPARTMENT OF EDUCATION**

The **Advisory Council Board** for Region XIV Trust Fund announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2008, 10:00 a.m. – 12:00 Noon

PLACE: School of Justice, Miami Dade College, North Campus, Room 9118, 11380 N. W. 27th Avenue, Miami, FL 33167

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting's purpose is to discuss the region XIV Fund for fiscal year 2008-2009 and to approve the end-of year report for FY 2007-2008.

A copy of the agenda may be obtained by contacting: Vanessa Ferdinand at (305)237-1329, Region XIV Budget Manager.

Pursuant to the provisions of 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: Vanessa Ferdinand at (305)237-1329, Region XIV Budget Manager. If you are 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: Vanessa Ferdinand at (305)237-1329, Region XIV Budget Manager.

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The Florida **Department of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2008, 9:30 a.m. – 12:30 p.m.

PLACE: Hillsborough Community College, Dale Mabry Campus, Student Services Building Auditorium, Bldg. 113, Dale Mabry Highway and Tampa Bay Boulevard, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Apprenticeship Advisory Council will hold a meeting to discuss general items relating to apprenticeship in Florida. The agenda includes follow-up actions from previous Council meetings on subjects of committee structure, assignments and responsibilities. The program will include an apprenticeship update relative to apprentices and programs registered in Florida.

A copy of the agenda may be obtained by contacting: Juanita Warren at (850)245-0454 or e-mail Mrs. Warren at Juanita.Warren@fldoe.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 7 days before the workshop/meeting by contacting: Mrs. Warren at (850)245-0454 or e-mail Mrs. Warren at Juanita.Warren@fldoe.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).

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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: Friday, November 7, 2008, 1:00 p.m.

PLACE: Center for Leadership and Development, Moore Hall, FSDB campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Interviews of candidates for President of the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: L. Daniel Hutto, Interim President, 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. If you are 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: L. Daniel Hutto, Interim President at the above referenced address.

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The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, November 8, 2008, 9:00 a.m.

PLACE: Center for Leadership and Development, Moore Hall, FSDB campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Interviews of candidates for President of the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: L. Daniel Hutto, Interim President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2200.

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



If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: L. Daniel Hutto, Interim President at the above referenced address

The **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATE AND TIME: November 7, 2008, 9:00 a.m.

PLACE: Regal Sun Resort, 1850 Hotel Plaza Boulevard, Lake Buena Vista, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission for Independent Education will consider: All Degree Granting Institutions and Non-Degree granting Institutions on November 7, 2008 for the following: Disciplinary Matters, Informal Hearings, Settlement Agreements, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, Institutional Applications for Program Modifications and Additional Programs, Application for Annual License, Motions for Extension of License, Motions for Request for Extension of Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent, Licenses Sent, Closed Schools, Agent Training Programs, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Substantive Change Applications, Name Change Applications, Attorney and Executive Director Reports, Applications for Exemption for Religious Colleges.

A copy of the agenda may be obtained by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Area of Critical State Concern at (850)488-4925. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2008, 9:30 a.m. – 11:30 a.m.

PLACE: Meeting will take place via conference call. Dial-in number: 1(888)808-6959, Conference Code: 2459702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup will develop strategic goals recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Opper at jopper@distancelearn.org.

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: November 3, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Meeting will take place via conference call. Dial in number: 1(888)808-6959, conference code: 9223157

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup will develop learning object repository recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Opper at jopper@distancelearn.org.

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: November 4, 2008, 10:00 a.m. – 12:00 Noon

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.

The **Florida Community College Jacksonville**, District Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION

DATE AND TIME: November 4, 2008, 12:00 Noon – 2:00 p.m.

PLACE: Advanced Technology Center, 401 West State Street, Room T-140, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: State College Transition.

REGULAR MONTHLY BOARD MEETING

DATE AND TIME: November 4, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Donald T. Martin Center for College Services, 501 West State Street, Boardroom 451, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING

DATE AND TIME: November 4, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Donald T. Martin Center for College Services, 501 West State Street, Room 462, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, October 28, 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 November 4, 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 November and December, 2008, the Board will hold informal meetings each Thursday from 12:00 Noon to 4:00 p.m., 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.

A copy of the agenda may be obtained by contacting: Kim Sodek.

Pursuant to the provisions of 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: Human Resources. If you are 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: Kim Sodek at (904)632-3205.

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The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: November 10, 2008, 9:30 a.m. – 11:30 a.m.

PLACE: Meeting will take place via conference call. Dial-in number: 1(888)808-6959, Conference Code: 2459702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup will develop strategic goals recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Opper at jopper@distancelearn.org.

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The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2008, 12:00 Noon – 2:00 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.

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The **Indian River State College** announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2008, 10:00 a.m.

PLACE: Indian River Academy, 5900 Tedder Road, Fort Pierce, FL 34947

GENERAL SUBJECT MATTER TO BE CONSIDERED: Indian River State College, Criminal Justice Training Institute announces a public meeting for the Region XI Council. To provide update on training classes and any other issues involving the Region.

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## DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs**, Housing and Community Development Division, Community Assistance Section announces a public meeting to which all persons are invited.

DATE AND TIME: November 7, 2008, 10:00 a.m.

PLACE: JobsPlus One Stop Career Center, 409 N. E. Racetrack Road, Fort Walton Beach, Florida 32547

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking a public or nonprofit entity to administer the Low-Income Home Energy Assistance Program (LIHEAP) in Okaloosa County. Entities interested in contracting with DCA to provide this service should attend this meeting to learn about the application requirements.

Requests for an application, additional information or questions may be addressed to: Ms. Hilda Frazier, Planning Manager, Florida Department of Community Affairs, Community Assistance Section, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488 or e-mail: hilda.frazier@dca.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Department of Community Affairs at (850)488-7541. If you are 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 Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2008, 9:00 a.m.

PLACE: Hilton Hotel, University of Florida Conference Center, 1714 S. W. 34th Street, Gainesville, Florida 33607, (352)371-3600

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a meeting of the Soffit Systems Workgroup to discuss development of performance and labeling standards for buildings' soffit systems and to provide recommendation for consideration by the Florida Building Commission for inclusion in the Florida Building Code.

A copy of the agenda may be obtained by contacting: Mr. Jeff Blair at (850)644-6320, or go to the following website: <http://consensus.fsu.edu/FBC/soffit.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. Rick Dixon, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436, or go to the website below: [www.floridabuilding.org](http://www.floridabuilding.org).

#### **DEPARTMENT OF REVENUE**

The Florida **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: November 20, 2008, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Approval of the proposed amendments to Rule 12B-8.006, F.A.C. (State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount). A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on August 29, 2008 (Vol. 34, No. 35, pp. 4462-4463).

A copy of the agenda may be obtained by contacting: Larry Green at (850)922-4830.

Pursuant to the provisions of 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).

#### **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 CITRUS**

The Florida **Department of Citrus**, Long-Range Planning Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 6, 2008, 1:30 p.m.

PLACE: Highlands County Agri-Civic Center, 4505 George Blvd., Sebring, FL 33875-5837

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Council will meet to define the scope of work, outline the schedule, and establish information needs.

A copy of the agenda may be obtained by contacting: Teresa Czerny at (863)499-2500.

Pursuant to the provisions of 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: Dianne Screws at (863)499-2500. If you are 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: Teresa Czerny at (863)499-2500.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 13, 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: 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: <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: November 13, 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/>.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Executive Office of the Governor**, Office of Policy and Budget announces a public meeting to which all persons are invited.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Representatives from the departments listed below will present an overview of the agency's Legislative Budget Request for Fiscal Year 2009-2010 and Long-Range Program Plan for Fiscal Year 2009-2010 through Fiscal Year 2013-2014, and will be available for public questions and comments.

The times and locations are provided below for each policy area/agency:

Health and Human Services – Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Family Services, Department of Elder Affairs, Department of Health, and Department of Veterans' Affairs

DATE AND TIME: October 31, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Room 412, Knott Building, Tallahassee, FL

Environmental – Department of Agriculture and Consumer Services, Department of Citrus, Department of Environmental Protection, Fish and Wildlife Conservation Commission, and Public Service Commission

DATE AND TIME: October 31, 2008, 11:30 a.m. – 1:30 p.m.

PLACE: Room 412, Knott Building, Tallahassee, FL

Public Safety – Department of Corrections, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs, Justice Administration Commission, and Parole Commission

DATE AND TIME: October 31, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Room 306, House Office Building, Tallahassee, FL

General Government – Department of Business and Professional Regulation, Department of Financial Services, Department of Lottery, Department of Management Services, Department of Military Affairs, and Department of Revenue

DATE AND TIME: October 31, 2008, 9:00 a.m. – 11:00 a.m.  
 PLACE: Room 2103, Capitol Building, Tallahassee, FL  
 Transportation and Economic Development (includes Director's Office) – Agency for Workforce Innovation, Department of Community Affairs, Department of Highway Safety and Motor Vehicles, Department of State, Department of Transportation, and Executive Office of the Governor  
 DATE AND TIME: October 31, 2008, 11:30 a.m. – 1:30 p.m.  
 PLACE: Room 2103, Capitol Building, Tallahassee, FL  
 A copy of the agenda may be obtained by contacting: Office of Policy and Budget at (850)487-1880.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Office of Policy and Budget at (850)487-1880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Policy and Budget at (850)487-1880. Written comments may be submitted to the representatives of the Office of Policy and Budget at the proceedings or mailed to the Executive Office of the Governor, Office of Policy and Budget, 1702 The Capitol, Tallahassee, Florida 32399-0001, and received by close of business October 29, 2008.

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The **Florida Film and Entertainment Advisory Council**, Legislative Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 6, 2008, 10:00 a.m.  
 PLACE: Please call 1(888)808-6959, Conference Code: 4104765  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss new assignments for upcoming session, hear public input and advisement.

A copy of the agenda may be obtained by contacting: The Office of Film and Entertainment at (850)410-4765.  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Office of Film and Entertainment at (850)410-4765. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: The Office of Film and Entertainment at (850)410-4765.

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The **Office of Tourism, Trade, and Economic Development** announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2008, 1:00 p.m. – 3:00 p.m.  
 PLACE: The Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, Tallahassee, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Task Force for the Study of the Biotech Competitiveness.

A copy of the agenda may be obtained by contacting: Jonathan Salum at (850)487-2568.

For more information, you may contact: Jonathan Salum at (850)487-2568.

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## REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, November 6, 2008, Personnel, Budget and Finance Policy Committee, 9:00 a.m.; Planning and Growth Management Policy Committee, 8:30 a.m.; Full Board, 10:00 a.m.; Legislative Policy Committee immediately following the Full 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, Angela Giles at (904)279-0880.

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 5, 2008, 1:30 p.m.  
 PLACE: ECFRPC Offices, 631 N. Wymore Road, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Wekiva River Basin Commission.

A copy of the agenda may be obtained by contacting: Ruth Little at (407)623-1075 or by email at rlittle@ecfrpc.org.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Tampa Bay Local Emergency Planning Committee** (LEPC) District VIII announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 19, 2008, 10:30 a.m. – 12:00 Noon

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA) pertaining to facilities with hazardous materials within the Florida LEPC District VIII.

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, ext. 33.

For more information, you may contact: Bill Lofgren, LEPC Coordinator, Tampa Bay REgional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, ext 33.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 6, 2008, 12:00 p.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Lower West Coast Watersheds Subcommittee will be discussing water quality and quantity issues affecting the Southwest Florida Region.

A copy of the agenda may be obtained by contacting: Mr. David Crawford at (239)338-2550, ext. 226, email: dcrawford@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210, email: dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. James Beever at (239)338-2550, ext. 224, email: jbeever@swfrpc.org or by visiting our website: [www.swfrpc.org](http://www.swfrpc.org).

**REGIONAL TRANSPORTATION AUTHORITIES**

The **Tampa Bay Area Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 14, 2008, 9:30 a.m.

PLACE: Florida Department of Transportation (FDOT), District Seven Office, 11201 N. McKinley Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The TBARTA Board will convene to discuss developing a comprehensive Regional Transportation Master Plan for Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota Counties.

Following this meeting, the Board will convene a workshop, to be held at the same location.

The Citizens Advisory Committee (CAC)

DATE AND TIME: Wednesday, November 12, 2008, 9:00 a.m.

PLACE: Florida Department of Transportation (FDOT) District Seven Office, 11201 N. McKinley Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This group of volunteers provides region-oriented advice to the Board from a citizen's perspective.

The Transit Management Committee (TMC)

DATE AND TIME: Wednesday, November 12, 2008, 1:30 p.m.

PLACE: Florida Department of Transportation (FDOT) District Seven Office, 11201 N. McKinley Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consisting of representatives of the region's transit and transportation agencies, this group advises the Board on the technical development of the Master Plan and its future implementation.

The Land Use Working Group

DATE AND TIME: Friday, November 7, 2008, 9:30 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Pinellas Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The participants in this group include planners from the counties and cities throughout the region. The ultimate goal of the Land Use Working Group is to ensure the comprehensive plans and Long Range Transportation Plans will work together.

Agendas for the Board, CAC, TMC, and Land Use Working Group meetings will be available online approximately three to five days prior to each meeting at <http://www.tbarta.com>.

Additional Board subcommittee meetings will be noticed on the TBARTA website. All meetings of the TBARTA Board and its advisory committees are open to the public. These meetings are being conducted pursuant to Section 120.525 Florida Statutes and Title VI and Title VIII of the United States Civil Rights Acts of 1964 and 1968.

Pursuant to the provisions of 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: Brandie Miklus, Transportation Planner at (813)217-4037. If you are 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: Brandie Miklus, Transportation Planner at (813)217-4037.

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### DEPARTMENT OF CORRECTIONS

The Florida **Department of Corrections** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 30, 2008, 3:30 p.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: Regular Quarterly Meeting of the RMC Hospital Governing Body.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Gerda Godwin at (386)496-6074. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gerda Godwin at (386)496-6074.

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### WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

Projects and Land Committee Public Meeting

DATE AND TIME: Thursday, November 6, 2008, 5:00 p.m.

PLACE: Old City Council Chamber, 700 Main Street, Sebastian, FL 32958

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of the Fellsmere Water Management Area, Three Forks Marsh Conservation Area, Jane Green Detention Area/S-161 improvements and Moccasin Island Outside Levee Removal. Blue Cypress Water Management Area, Blue Cypress Marsh Conservation Area and Fellsmere water Management Area.

Dinner recognizing Bill Kerr for his service to the District

DATE AND TIME: Thursday, November 6, 2008, 7:00 p.m.

PLACE: Capt. Hiram's Resort, 1580 U.S. Highway 1, Sebastian, FL 32958

Projects and Land Committee Business Meeting

DATE AND TIME: Friday, November 7, 2008, 8:00 a.m.

PLACE: Capt. Hiram's Resort, 1580 U.S. Highway 1, Sebastian, FL 32958

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items regarding District surface water restoration projects, water supply development projects, water resource development projects, land acquisition and land management, followed by committee recommendations to be approved by the full Governing Board. A tour of Blue Cypress Water Management Area, Blue Cypress Marsh Conservation Area and Fellsmere Water Management Area 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, November 11, 2008 8:00 a.m. at District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Missy McDermont, 4049 Reid Street, Palatka, FL 32177, (386)329-4347, or by visiting the District's website at [www.sjrwmd.com](http://www.sjrwmd.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: 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).

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.

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The **St. Johns River Water Management District** announces a workshop to which all persons are invited.

Governing Board Reunion Dinner

DATE AND TIME: Monday, November 10, 2008, 6:00 p.m.

PLACE: District Headquarters, Governing Board Room, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recognition of current and former Governing Board members of the St. Johns River Water Management District and discussion of District events and projects.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, (386)329-4214.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, November 11, 2008

- 8:15 a.m. Chair's Meeting
- 8:45 a.m. Finance, Administration and Audit Committee
- 10:00 a.m. Regulatory Committee
- 1:00 p.m. Governing Board Meeting and Public Hearing on Land Acquisition.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, (386)329-4214 or by visiting the District's website at [www.sjrwmd.com](http://www.sjrwmd.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 4, 2008, 9:30 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: BASIN BOARD EDUCATION COMMITTEE: Consider Committee business. Ad Order 36558.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of 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: General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 4, 2008, 6:30 p.m.

PLACE: City Hall, Auditorium, 324 East Pine Street, Tarpon Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: CITY OF TARPON SPRINGS BOARD OF COMMISSIONERS: Alternative water supply project update presentation. Ad Order 36558.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of 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: General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.



DATE AND TIME: December 16, 2008, 9:00 a.m.

PLACE: Southwest Florida Water Management District Office, Governing Board Room, 2379 Broad Street, Brooksville, FL 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: Changes to proposed amendments to Rule 40D-2.091, F.A.C., will be considered. The amendments specify how to satisfy the flow meter accuracy verification reporting requirements currently contained in Chapter 40D-2, F.A.C., Water Use Permits. The changes to the proposed amendments are in response to comments from the Joint Administrative Procedures Committee.

A copy of the agenda may be obtained by contacting: Charlotte Edwards, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

Pursuant to the provisions of 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 (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).

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: Charlotte Edwards, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 16, 2008, 9:00 a.m.

PLACE: Southwest Florida Water Management District Office, Governing Board Room, 2379 Broad Street, FL 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: Changes to proposed amendments to Rule 40D-1.65, F.A.C., will be considered. The proposed amendments adopt a flow meter test form to be used to demonstrate meter testing and reporting accuracy as required by Chapter 40D-2, F.A.C., Water Use Permits. The changes to the proposed amendments are in response to comments from the Joint Administrative Procedures Committee.

A copy of the agenda may be obtained by contacting: Charlotte Edwards, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

Pursuant to the provisions of 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 (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).

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: Charlotte Edwards, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

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The **South Florida Water Management District**, Water Resources Advisory Commission (WRAC) announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2008, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/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: The 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).

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#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, November 17, 2008, 1:00 p.m.  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Rule 59G-8.500, F.A.C., Cause for Disenrollment from Health Plans, which will incorporate in administrative rule the reasons for which a recipient may disenroll from a managed care plan.

A copy of the agenda may be obtained by contacting: Jill Harvey, Program Administrator, 2562 Executive Circle, East, Suite 100, Tallahassee, Florida 32301, (850)413-8108, harveyj@ahca.myflorida.com.

For more information, you may contact: Jill Harvey, Program Administrator, 2562 Executive Circle East, Suite 100, Tallahassee, Florida 32301, (850)413-8108, harveyj@ahca.myflorida.com.

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### DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a hearing to which all persons are invited.

DATE AND TIME: October 31, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments from the public on the proposed rule, noticed in the August 22nd issue of the Florida Administrative Weekly, regarding the procedures for assessing employee retention during a layoff.

A copy of the agenda may be obtained by contacting: Mr. Phil Spooner, Workforce Design and Compensation Manager, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Mr. Phil Spooner at phil.spooner@dms.myflorida.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Architecture and Interior Design** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 4, 2008, 2:00 p.m.

PLACE: Telephone Conference Call. You may participate in the telephone conference call by contacting: 1(888)808-6959, Conference Code: 9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Florida Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

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The **Board of Architecture and Interior Design** announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2008, 3:00 p.m.

PLACE: Smith, Thompson, Shaw and Manausa, 2075 Centre Pointe Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Committee.

A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, FL 32399-0751.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, FL 32399-0751. If you are 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.

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The **Department of Business and Professional Regulation, Barbers Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 3, 2008, 9:00 a.m. or soon thereafter

PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular business.

A copy of the agenda may be obtained by contacting: The Department of Business and Professional Regulation, Florida Barbers' Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0769.

Pursuant to the provisions of 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).

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.

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The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, November 12, 2008, 12:00 Noon; Thursday, November 13, 2008, 8:00 a.m.; Friday, November 14, 2008, 8:00 a.m.

PLACE: Sirata Resort & Conference Center, 5300 Gulf Boulevard, St. Pete Beach, FL 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)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, 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, Tallahassee, FL 32399-1039, (850)922-2701.

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The **Florida Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 6, 2008, 10:00 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

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.

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#### 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."

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The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 31, 2008, 8:30 a.m. – 11:30 a.m.

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 4513843

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado at [rebecca.prado@dep.state.fl.us](mailto:rebecca.prado@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Becky Prado at [rebecca.prado@dep.state.fl.us](mailto:rebecca.prado@dep.state.fl.us). If

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

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The **Acquisition and Restoration Council**, established pursuant to Section 259.035, F.S. announces a public meeting to which all persons are invited.

DATE AND TIME: November 3, 2008, 6:00 p.m.

PLACE: Moore Haven Commission Chamber Room, 500 Avenue J, Moore Haven, FL 33471

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take public testimony on all Florida Forever land acquisition projects and new proposals.

A copy of the agenda may be obtained by contacting: The Office of Environmental Services at (850)245-2784 or Teresia Whalen at (850)245-2748.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Office of Environmental Services at (850)245-2784 If you are 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 Environmental Services at (850)245-2784 or 3900 Commonwealth Blvd., MS 140, Tallahassee, FL 32399-3000.

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The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 5, 2008, 1:00 p.m. (EST)

PLACE: Department of Environmental Protection, Marjorie Stoneman Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to present information and receive public comments on the Department's statewide Mercury Total Maximum Daily Load (TMDL) project. This will be the second Mercury TMDL stakeholders meeting (the first meeting was held on October 15, 2007), and will provide a detailed status update regarding the project.

A copy of the agenda may be obtained by contacting: Denise Miller, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS #6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8068 or e-mail: denise.miller@dep.state.fl.us.

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

contacting: Denise Miller at (850)245-8068. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 10, 2008, 9:00 a.m. – 12:00 Noon or until Council business is concluded

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 4513843

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado at rebecca.prado@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Becky Prado at rebecca.prado@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 10, 2008, 6:00 p.m. – 8:00 p.m.

PLACE: University of Florida's Whitney Laboratory for Marine Bioscience, Lohman Auditorium, 9505 Ocean Shore Blvd., St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Guana Tolomato Matanzas National Estuarine Research Reserve will hold a meeting to explain the Outstanding Florida Water (OFW) designation process and to gauge public support for such a designation for the portion of the Matanzas River within the Reserve's Boundary.

A copy of the agenda may be obtained by contacting: Annette Odom at (904)823-4500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Annette Odom at (904)823-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2008, 1:30 p.m.

PLACE: Pinellas County Extension Office, 12520 Ulmerton Road, Largo, FL, 33774

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft total maximum daily loads (TMDLs) for the Springs Coast basin, to be adopted in rule at Rule 62-304.645, F.A.C. The draft TMDLs to be presented at the workshop are for the Klosterman Bayou tidal segment (dissolved oxygen and nutrients) and for the Stevenson Creek tidal segment (dissolved oxygen and nutrients). The Department will accept written comments on the draft TMDLs through November 28, 2008. The draft TMDL documents for both Klosterman Bayou and Stevenson Creek will be placed on the Department's TMDL website: <http://www.dep.state.fl.us/water/tmdl> by October 29, 2008. Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Assessment Section, Florida Department of Environmental Protection, MS #3555, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, or via email at [jan.mandrup-poulsen@dep.state.fl.us](mailto:jan.mandrup-poulsen@dep.state.fl.us). This rule development has been given OGC Case Number 08-2478.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Assessment Section, MS #3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 12, 2008, 1:00 p.m. – 5:00 p.m. (EST)

PLACE: Department of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Special Needs Shelter Interagency Committee meeting hosted by the Office of Public Health Nursing to develop and negotiate any necessary interagency agreement or policy related to improving the statewide response to special needs sheltering.

A copy of the agenda may be obtained by contacting: Rhonda Craig at (850)245-4444, extension 2168, email: [Rhonda\\_Craig@doh.state.fl.us](mailto:Rhonda_Craig@doh.state.fl.us), mail: 4052 Bald Cypress Way, Bin #C27, Tallahassee, Florida 32399-1711. All materials, information, or comments must be submitted electronically.

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

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The Probable Cause Panel of the **Board of Osteopathic Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 13, 2008, 10:00 a.m. or soon thereafter

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Blake Hunter, Senior Attorney, Department of Health, Prosecution Services, 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Practitioner Regulation Section may be contacted: 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

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The Florida **Department of Health**, Bureau of Onsite Sewage Programs announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2008, 9:30 a.m.

PLACE: Renaissance Orlando Resort at SeaWorld, 6677 Sea Harbor Drive, Orlando, FL 32821

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 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, (850)245-4070, e-mail: 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, (850)245-4070, e-mail: 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).

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Council on Homelessness** announces a series of committee calls for the Council on Homelessness. These committees are the Executive, Continuum of Care, Supportive Housing, Education and Training, Discharge Planning and Re-Entry, Data Collection, Legal and Law Enforcement.

- Committee: Executive  
DATE AND TIME: Monday, November 3, 2008, 10:00 a.m.  
PLACE: Conference Call: 1(888)808-6959, Code 9229760
- Committee: Continuum of Care  
DATES AND TIME: Wednesday, November 12, 2008; December 10, 2008, 2:00 p.m.  
PLACE: Conference Call: 1(888)808-6959, Code 9229760
- Committee: Supportive Housing  
DATES AND TIME: Wednesday, November 19, 2008; December 17, 2008, 10:00 a.m.  
PLACE: Conference Call: 1(888)808-6959, Code 9229760
- Committee: Education and Training  
DATES AND TIME: Friday, November 7, 2008; December 5, 2008, 10:00 a.m.  
PLACE: Conference Call: 1(888)808-6959, Code 9229760
- Committee: Discharge Planning  
DATES AND TIME: Friday, November 21, 2008; December 19, 2008, 10:00 a.m.  
PLACE: Conference Call: 1(888)808-6959, Code 9229760
- Committee: Data Collection  
DATES AND TIME: Monday, November 10, 2008; December 8, 2008, 1:00 p.m.  
PLACE: Conference Call: 1(888)808-6959, Code 9229760
- Committee: Legal and Law Enforcement  
DATES AND TIME: Tuesday, November 18, 2008; December 9, 2008, 2:00 p.m.  
PLACE: Conference Call: 1(888)808-6959, Code 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED: These committees will continue to discuss proposals and recommendations for consideration by the full Council for inclusion in the Council’s 2008 report.

Copies of the agenda for any conference call may be obtained by calling the Office on Homelessness at (850)922-4691.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691 at least 48 hours in advance of the meeting.

**NAVIGATION DISTRICTS**

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

- DATE AND TIME: October 18, 2008, 8:00 a.m.  
PLACE: Broward County
- DATE AND TIME: November 14, 2008, 8:00 a.m.  
PLACE: Duval County
- DATE AND TIME: December 13, 2008, 8:00 a.m.  
PLACE: Volusia County
- DATE AND TIME: January 16, 2009, 8:00 a.m.  
PLACE: St. Johns County
- DATE AND TIME: February 21, 2009, 8:00 a.m.  
PLACE: St. Lucie County
- DATE AND TIME: March 20, 2009, 8:00 a.m.  
PLACE: Martin County
- DATE AND TIME: April 18, 2009, 8:00 a.m.  
PLACE: Flagler County
- DATE AND TIME: May 22, 2009, 8:00 a.m.  
PLACE: Indian River County
- DATES AND TIME: June 19-20, 2009, 8:00 a.m.  
PLACE: Brevard County
- DATE AND TIME: July 17, 2009, 8:00 a.m.  
PLACE: Nassau County
- DATE AND TIME: August 15, 2009, 8:00 a.m.  
PLACE: Miami-Dade County
- DATE AND TIME: September 19, 2009, 8:00 a.m.  
PLACE: Palm Beach County

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular business of the District.

A copy of the agenda may be obtained by contacting the: District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, or at [www.aicw.org](http://www.aicw.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting the: District office, 1314 Marcinski Road, Jupiter,

FL 33477, (561)627-3386. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the: District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386.

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#### **FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2008, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Housing Finance Corporation ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA").

To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to finance the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Fairview Cove – Phase I, an 88-unit multifamily residential rental development located on the east side of Orient Road, approximately 500 feet south of the intersection of Orient Road and SR 574, Tampa, Hillsborough County, FL 33619. The prospective owner and operator of the proposed development is Fairview Cove, LLLP, 329 N. Park Avenue, Suite 300, Winter Park, FL 32789, or such successor in interest in which Atlantic Housing Partners, LLLP, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Concord Management, Ltd., 1551 Sandspur Road, Maitland, FL 32751. The total tax-exempt bond amount is not to exceed \$11,800,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), November 10, 2008, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Pursuant to the provisions of 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: Wayne Conner at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Florida Housing Finance Corporation** announces a hearing to which all persons are invited.

DATE AND TIME: November 12, 2008, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice is hereby given that the Florida Housing Finance Corporation ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA").

To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to finance the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Fairview Cove – Phase II, a 30-unit multifamily residential rental development located on the east side of Orient Road, approximately 500 feet south of the intersection of Orient Road and SR 574, Tampa, Hillsborough County, FL 33619. The prospective owner and operator of the proposed development is Fairview Cove II, Ltd., 329 N. Park Avenue, Suite 300, Winter Park, FL 32789, or such successor in interest in which Atlantic Housing Partners, LLLP, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Concord Management, Ltd., 1551 Sandspur Road, Maitland, FL 32751. The total tax-exempt bond amount is not to exceed \$3,400,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), November 10, 2008, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Pursuant to the provisions of 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: Wayne Conner at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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#### DEPARTMENT OF FINANCIAL SERVICES

The Florida **Board of Funeral, Cemetery and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 1, 2008, 10:00 a.m. – 5:00 p.m.

PLACE: Betty Easley Conference Center, Department of Management Services, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above date relates to the next meeting of the Board of Funeral, Cemetery and Consumer Services. The public is advised to check with Department of Financial Services staff (Ms. LaTonya Bryant at (850)413-3039), before traveling to a scheduled meeting on the date above, to ascertain whether the meeting has been cancelled. Notice of such cancellations will be posted on the home page of the Division of Funeral, Cemetery and Consumer Services, ([www.myfloridacfo.com/FuneralCemetery](http://www.myfloridacfo.com/FuneralCemetery)), as soon as known.

A copy of the agenda may be obtained by contacting: LaTonya Bryant, 200 East Gaines Street, Tallahassee, FL 32399-0361, or by calling Ms. Bryant at (850)413-3039. At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery and Consumer Services, ([www.myfloridacfo.com/FuneralCemetery](http://www.myfloridacfo.com/FuneralCemetery)).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: LaTonya Bryant at (850)413-3039. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: LaTonya Bryant, 200 East Gaines Street, Tallahassee, FL 32399-0361, or by calling Ms. Bryant at (850)413-3039.

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#### MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

NOTICE OF CANCELLATION – The **Moffitt Cancer Center and Research Institute** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2008 has been cancelled

PLACE: Moffitt Cancer Center, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint Finance and Planning Committee of the Board of Directors meeting has been cancelled.

For more information, you may contact: Ms. Sandon Austhof, Moffitt Cancer Center, 12902 Magnolia Drive, MCC-VP, Tampa FL 33612.

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#### FLORIDA PORTS COUNCIL

The **Florida Ports Financing Commission** (FPFC) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 29, 2008, 9:00 a.m. – 10:00 a.m.

PLACE: Marriott Bay Point Resort, Grand Lagoon Ballroom E, 4200 Marriott Drive, Panama City Beach, FL 32408

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business.

A copy of the agenda may be obtained by contacting: Toy Keller, 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 at (850)222-8028.



The **Florida Seaport Transportation and Economic Development Council (FSTED)** and Florida Ports Financing Commission (FPFC) announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, October 29, 2008, 10:00 a.m. –12:00 Noon

PLACE: Marriott Bay Point Resort, Grand Lagoon Ballroom E, 4200 Marriott Drive, Panama City Beach, FL 32408

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller, 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. If you are 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 at (850)222-8028.

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The **Florida Seaport Transportation and Economic Development Council (FSTED)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 29, 2008, 1:30 p.m. – 4:30 p.m.

PLACE: Marriott Bay Point Resort, Grand Lagoon Ballroom E, 4200 Marriott Drive, Panama City Beach, FL 32408

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller, 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. If you are 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 at (850)222-8028.

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### **SECURE AIRPORTS FOR FLORIDA'S ECONOMY COUNCIL**

The **Secure Airports for Florida's Economy (SAFE)** Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 3, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Center for Urban Transportation Research, Board Room, 4202 E. Fowler Ave., CUT100, Tampa, FL 33620

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SAFE Council will be holding a teleconference/meeting to discuss the current funding situation and make decisions on the upcoming year's initiatives.

A copy of the agenda may be obtained by contacting: Rebecca Bosco at (813)974-9777.

Pursuant to the provisions of 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: Rebecca Bosco at (813)974-9777. If you are 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.

If you need to attend via conference call, please contact: Rebecca Bosco at (813)974-9777 to retrieve the number.

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### **FLORIDA ASSOCIATION OF COURT CLERKS**

The **Florida Electronic Recording Advisory Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 6, 2008, 2:30 p.m.

PLACE: Florida Association of Court Clerks and Comptrollers, 3544 Maclay Blvd., Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hold a meeting as required by statute.

A copy of the agenda may be obtained by contacting: <http://www.flclerks.com/eRecording.html> or Beth Allman, Florida Association of Court Clerks and Comptrollers at (850)921-0808 or [allman@flclerks.com](mailto:allman@flclerks.com).

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### **SOIL AND WATER CONSERVATION DISTRICTS**

The **Blackwater Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2008, 7:30 a.m.  
 PLACE: 6285 Dogwood Dr., Milton, FL 32570  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 General District Business.  
 A copy of the agenda may be obtained by contacting: Candice  
 Tritt.

**FLORIDA CENTER FOR NURSING**

The **Florida Center for Nursing** announces a telephone  
 conference call to which all persons are invited.  
 DATE AND TIME: Friday, November 7, 2008, 1:00 p.m. –  
 3:00 p.m.  
 PLACE: 12424 Research Parkway, Ste. 220, Tallahassee, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Florida Center for Nursing Board of Directors conference call  
 meeting.  
 A copy of the agenda may be obtained by contacting: Cathy at  
 (407)823-0980.  
 Pursuant to the provisions of the Americans with Disabilities  
 Act, any person requiring special accommodations to  
 participate in this workshop/meeting is asked to advise the  
 agency at least 2 days before the workshop/meeting. If you are  
 hearing or speech impaired, please contact the agency using the  
 Florida Relay Service, 1(800)955-8771 (TDD) or  
 1(800)955-8770 (Voice).

**REGION XII TRAINING COUNCIL**

The **Region XII Training Council** and Assessment Center  
 Board of Directors announces a public meeting to which all  
 persons are invited.  
 DATE AND TIME: November 12, 2008, 10:00 a.m.  
 PLACE: Palm Beach Community College, Room CE 119,  
 4200 Congress Avenue, Lake Worth, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The  
 Agenda will include but is not limited to: F.D.L.E./C.J.S.T.C.  
 updates; Palm Beach Community College/Criminal Justice  
 Institute Assessment Center update; Region XII Budget  
 Approval and any other business.  
 A copy of the agenda may be obtained by contacting: Sue  
 Voccola at (561)868-3403.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT  
 AUTHORITY**

The **Orange County Research and Development Authority**  
 announces a public meeting to which all persons are invited.  
 DATE AND TIME: November 13, 2008, 8:00 a.m.  
 PLACE: Central Florida Research Park, 12424 Research  
 Parkway, Suite 100, Orlando, FL 32826  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe  
 Wallace at (407)282-3944.

**VISIT FLORIDA**

The **VISIT FLORIDA**, Board of Directors, Florida  
 Commission on Tourism announces a public meeting to which  
 all persons are invited.  
 DATES AND TIME: December 10-11, 2008, 8:00 a.m.  
 PLACE: Jupiter Beach Resort & Spa, 5 North A1A, Jupiter, FL  
 33477  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Discussion of committee/board/Commission business.  
 A copy of the agenda may be obtained by contacting:  
 sgale@visitflorida.org.  
 Pursuant to the provisions of the Americans with Disabilities  
 Act, any person requiring special accommodations to  
 participate in this workshop/meeting is asked to advise the  
 agency at least 5 days before the workshop/meeting by  
 contacting: VISIT FLORIDA at (850)488-5607. If you are  
 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: VISIT FLORIDA.

**Section VII  
 Notices of Petitions and Dispositions  
 Regarding Declaratory Statements**

**BOARD OF TRUSTEES OF THE INTERNAL  
 IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF 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 Thomas L.  
 Bisanz, Petitioner/Unit Owner, In RE: Village des Pins  
 Condominium Association, Inc., Docket No. 2008055178. The  
 petition seeks the agency's opinion as to the applicability of  
 Chapter 718, Florida Statutes, as it applies to the petitioner.  
 Whether under Section 718.112(2)(a)1., Florida Statutes, the  
 board of directors for the Village des Pins Condominium  
 Association, Inc. consists of 5 directors, where the bylaws  
 provide that the board shall have between 3 and 9 directors.

A copy of the Petition for Declaratory Statement may be obtained by contacting the: 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.

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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 Marlin Lewis, Petitioner/Unit Owner, In RE: The Grand Condominium Association, Inc., Docket No. 2008055186. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, as it applies to the petitioner.

Whether the board of directors of The Grand Condominium Association, Inc. may approve a commercial unit owner's construction on the common elements of a 7,000 square foot enclosed concrete deck without a vote of the unit owners under Section 718.113(2)(a), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting the: 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.

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NOTICE IS HEREBY GIVEN THAT the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner Gulfstream Park Racing Association, Inc., on September 26, 2008, in DBPR Case No. 2008053671 (DS 2008-071). The petition seeks the agency's opinion as to the applicability of Sections 849.086(5)(a), 849.086(5)(b), 849.086(7), and 550.002(11), F.S., as it applies to the petitioner.

Specifically, the Petitioner is a thoroughbred racing pari-mutuel permitholder licensed pursuant to Chapter 550, F.S., to conduct more than 80 days of live racing, as well as a quarter horse pari-mutuel permitholder for which license it has never applied for or conducted any live racing. Petitioner seeks a determination under the referenced statutes that, should it activate its quarter horse permit in order to secure a cardroom license for its quarter horse permit as well as its thoroughbred permit, it will be required to seek a license for 40 live wagering

performances under its quarter horse permit, as well as a license for 40 live wagering performances under its thoroughbred permit instead of 90 percent of its already licensed 80 plus thoroughbred racing days as it would otherwise be required to do were it operating only a single pari-mutuel permit at its facility. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

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NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Board of Accountancy has received the petition for declaratory statement from William J. Tarras, C.P.A., P.A. The petition seeks the agency's opinion as to the applicability of Sections 473.302(7)(a) and (c) and 473.3205, Florida Statutes, as it applies to the petitioner.

The petition seeks the Board's interpretation of Sections 473.302(7)(a) and (c) and 473.3205, Florida Statutes, and a determination of whether the statutes permit the payment of commissions or referral fees for certain non-attestation services.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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#### **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."

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#### **DEPARTMENT OF HEALTH**

The Board of Nursing hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Shannon Morse, R.N., on September 3, 2008. The Petition seeks the Board's opinion as to whether it is within her scope of practice as defined in the Nurse Practice Act, specifically Section 464.003(3)(a), F.S. and paragraph 64B9-8.005(2)(n), F.A.C., to perform the physical exam and assess patients for potential skin cancers, which may include presumptive diagnoses of nonmelanoma and melanoma skin cancers.

The Board will consider this Petition at its meeting scheduled for December 3, 2008, in Kissimmee, Florida.

A copy of the Petitioner may be obtained by writing to: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Darlene Mudd on October 10, 2008. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition was published on October 3, 2008 in Vol. 34, No. 40, page 5209, Florida Administrative Weekly. The Petition was withdrawn by the Petitioner on October 2, 2008.

Please refer all comments to: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax (850)922-1235 or (850)488-0697.

**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**

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB09SVF-119YC, Annual Contract for Installation of Network Infrastructure, estimated annual budget: \$700,000, to be opened November 19, 2008, 2:00 p.m., in 101 Elmore Hall, Radio Road, Gainesville, FL.

Scope of work: To establish an indefinite quantity, firm fixed price contract to be used as the primary source for certified Ortronics NetClear contractor(s) who will install products provided by the University for Ortronics Telecommunications Distribution Systems or other systems that comply with Campus Telecommunications Standards for Inside Plant (ISP) Cabling Infrastructure. Mandatory pre-bid meeting will be held November 5, 2008, 10:00 a.m., in 101 Elmore Hall, 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.

**Center for Urban Transportation Research  
REQUEST FOR PROPOSAL**

Transportation Research Inspection Procurement Services (TRIPS) – TRIPS-09-CV – TRIPS-09-MD

Notice is hereby given that Henry J. Cusack, representing the Transportation Research Inspection Procurement Services (TRIPS), University of South Florida, Center for Urban Transportation Research will receive sealed proposals on behalf of agencies within the state of Florida, herein referred to as the “Purchasers” to establish a statewide contract for the manufacture and delivery of the following 2007 model year vehicle types:

	Minimum	Maximum
Commuter Van Type Transit Vehicles	0	500
Medium Duty Type Transit Vehicles	0	500

The quantities reflect the immediate and foreseeable needs of agencies within Florida and were determined by using the most recent State of Florida Program of Projects, historical data from previous FVPP contracts, and Agency(s) vehicle replacement schedules. All or part of the quantity of vehicles stated herein may be assigned to other public transit agencies

desiring to purchase the same equipment specified in Part 2 of this solicitation. The FVPP reserves the right to reject any and all proposals, or any part of any or all proposals.

Copies of the RFP may be obtained from: Henry J. Cusack, TRIPS Project Administrator, University of South Florida, Center for Urban Transportation Research, 4202 E. Fowler Ave., CUT 100, Tampa, Florida 33620, (813)974-7834. The proposal may also be downloaded from our website at <http://www.cutr.usf.edu/fvpp/>.

Sealed proposals in original and five (5) copies must be received at the above address (Attn. Henry J. Cusack) not later than 4:00 p.m. (EST), Tuesday, December 2, 2008.

A MANDATORY pre-proposal meeting for Commuter Van Type Vehicles will be held at 10:30 a.m. (EST), Thursday, November 13, 2008, and for Medium Duty Type Transit Vehicles at 1:30 p.m., Thursday, November 13, 2008, Big Bend Transit, 2201 Eisenhower Street, Tallahassee, Florida 32399. The purpose of this meeting is to answer questions and discuss specifications/clarifications relative to the RFP. Interested proposers are required to attend this meeting. Subcomponent vendors are welcome but are not required to attend.

The successful proposer will be required to comply with all Equal Opportunity Laws and Regulations, Buy America Laws, Chapter 287, Florida Statutes, and other applicable Federal and State regulations.

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#### CALL FOR QUALIFICATIONS BLDG 73-54 RENOVATIONS

The University of West Florida Board of Trustees is soliciting sealed Professional Qualifications submittals for architectural services for the renovation of Bldgs. 73-54.

Professional Services are required to develop plans, specifications, drawings, and other construction documents for the renovation of Bldgs. 73-54 on the main campus of the University of West Florida in Pensacola, FL. Solicitation documents including the Project Fact Sheet may be downloaded from the University's Procurement and Contracts' website at <http://uwf.edu/procurement>.

Interested firms are required to attend a mandatory pre-submittal meeting and site visit in order to participate in this solicitation. The mandatory meeting is scheduled for Tuesday, November 4, 10:00 a.m. – 11:30 a.m., Bldg. 90, North Conference Room, University of West Florida, 11000 University Parkway, Pensacola, FL. Access Campus Map at <https://nautical.uwf.edu/campusmap/main.cfm>.

Sealed submittals will be received until 2:00 p.m. (Central Time), November 20, 2008, Office of Procurement and Contracts, Bldg. 90, Room 133, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Solicitation number 08/PQS-05/ES must be marked on outside of sealed submittal. The University will not be responsible for unopened submittals when the package is not properly identified.

All inquiries should be submitted in writing to Elaine Smith, [esmith@uwf.edu](mailto:esmith@uwf.edu).

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#### CALL FOR PROPOSALS

The University of West Florida Board of Trustees is soliciting sealed proposals for the following:

Construction Manager at Risk services for the renovation of Bldg. 70, comprised of approximately 18,187 gross square feet on the main campus in Pensacola, FL.

Programming for this project is currently underway. Therefore, typical pre-construction services will be required.

A Mandatory Pre-Submittal Conference will be held on November 4, 2008, 2:00 p.m. (Central Time), Bldg. 92, Room 110, The University of West Florida, 11000 University Parkway, Pensacola, FL.

All proposers are required to attend the pre-solicitation conference.

Sealed proposals will be received until November 20, 2008, 3:00 p.m. (Central Time), Department of Procurement and Contracts, Bldg. 90, Room 133, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

RFP number 08/RFP-06/ES must be marked on outside of submittal package. The University will not be responsible for unopened submittals at the proposal opening when the package is not properly identified. Proposals must be submitted in full and in accordance with the requirements of all terms and conditions of the Request for Proposal.

View this solicitation and related information on UWF's Procurement and Contracts' website at <http://uwf.edu/procurement>.

All questions and inquiries should be directed to Procurement and Contracts. Contact Elaine Smith at [etsmith@uwf.edu](mailto:etsmith@uwf.edu).

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#### 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."

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#### EXPRESSWAY AUTHORITIES

##### REQUEST FOR PROPOSALS

The Tampa-Hillsborough County Expressway Authority (THEA) hereby issues Public Notice of its intention to receive sealed proposals at: Administrative Offices, 1104 East Twiggs Street, Tampa, Florida 33602, for Local Lane Lighting Troubleshooting and Repairs for the East Crosstown from 22nd Street to 78th Street.

Sealed price proposals from prequalified contractors for street light installation and repairs are invited for the following:

RFP # 70.10.05

The Request for Proposal (RFP) will be posted on THEA's website: [www.trampa-xway.com](http://www.trampa-xway.com) after 9:00 a.m., Friday, October 10, 2008. Scope of Services, details and specifications will be included in the RFP package. This project is subject to THEA's Small Business Enterprise (SBE) policy which strongly encourages the solicitation and utilization of SBE firms and requires nondiscrimination on the basis of race, color, sex and national origin in its employment and contracting practices.

RFP DUE DATE: 3:00 p.m., Monday, November 10, 2008.

THEA reserves the right to reject any and all proposals, to waive irregularities, if any, and to accept the proposal, which in the judgment of the Authority, is determined to be in its best interest.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**INVITATION TO BID**

Proposals are requested from qualified General Contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 09240200  
 PROJECT: INTERIOR RENOVATIONS  
 LISENBY BUILDING  
 PANAMA CITY, FLORIDA

**PREQUALIFICATION:** The Owner accepts bids from those firms which demonstrate current relevant licensure with the Florida Department of Business and Professional Registration by submittal of a copy of that license or certificate with their bid and compliance with the pre-qualification requirements as stated hereinbefore and in the project specifications. In the General and Technical Specifications, Exhibit 9, Owner's Experience Questionnaire and Contractor's Financial Statement shall be submitted with bid.

The work includes but is not limited to the demolition of office wall partitions, ceiling tile and grid system, installation of new frames walls, installation of new ceiling system, removal of all carpet, base and associate mastic, demolition of sections of the air distribution system, removal of obsolete chilled water piping from above, installation of new HVAC equipment and air distribution system, demolition of interior lighting, demolition of above ceiling electrical circuitry, installation of

new lighting and controls, installation of new circuitry to receptacles, new voice/data provisions and all other items necessary to complete the interior renovation of the Lisenby Building.

**BID GUARANTEE:** On projects where the base bid and sum of all additives exceeds \$100,000.00, bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

**PUBLIC CONSTRUCTION BOND:** If the construction award is \$100,000.00 or more, a Public Construction Bond, Exhibit 4, is required.

**BID DATE AND TIME:** Sealed bids will be received at: Architect's office, 1958-B Commonwealth Lane, Tallahassee, Florida 32303, on Thursday, November 20, 2008 until 2:00 p.m. (EST, Local Time), at which time they will be publicly opened and read aloud.

**PRE-BID INSPECTION:** A very informative and important pre-bid inspection will be held at the Lisenby Building, 3127 North Lisenby Avenue, Panama City, Florida 32405, on Thursday, November 6, 2008, 10:00 a.m. (CST, Local Time). All questions pertaining to this project must be addressed to the architect.

**PROPOSAL:** Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained for \$75.00 non-refundable from the architect:

TOMLINSON PETERSON ASSOCIATES, INC.  
 1958-B COMMONWEALTH LANE  
 TALLAHASSEE, FLORIDA 32303  
 TELEPHONE: (850)576-5899  
 ATTN: TERRY PETERSON

**CONTRACT AWARD:** The bid tabulation and Notice of Award Recommendation will be posted by 2:00 p.m. Local Time), November 21, 2008, at the Architects Office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be otherwise notified. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures: the Owner will award the contract to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C.

**FLORIDA HOUSING FINANCE CORPORATION**

Request for Proposals (RFP) 2008-04 for Rehabilitation of Affordable Rental Housing Developments in Florida Housing's Portfolio

The Florida Housing Finance Corporation invites all qualified applicants that commit to rehabilitate housing that is currently in Florida Housing's portfolio and in accordance with the terms

and conditions of RFP 2008-04, to submit proposals for consideration. Preference will be given to Non-Profit Applicants propose to rehabilitate affordable housing units occupied by special needs populations and/or Extremely Low Income and Very Low Income on developments that have or will have affordability periods that expire prior to the end of 2012. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Wednesday, December 3, 2008, to the Attention: Robin L. Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact Robin L. Grantham at (850)488-4197 or robin.grantham@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Robin L. Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForProposals.htm>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

#### **BALFOUR BEATTY CONSTRUCTION LLC**

##### **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@balourbeattyus.com](mailto:kgray@balourbeattyus.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)

(352)622-5039

304A Southwest Broadway Street

Ocala, FL 34474

**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 the 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 28-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Highlands County, Avon Park, Lake Placid, Sebring and the Highlands 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 Highlands County Development Services, 501 South Commerce Avenue Annex, Sebring, Florida 33871.

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 Highlands County, Avon Park, Lake Placid, Sebring and the Highlands 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.

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-s- Mike McDaniel, Chief  
 Office of Comprehensive Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
 INTERLOCAL AGREEMENT CONSISTENT WITH  
 SECTION 163.3177(2) AND (3), FLORIDA STATUTES  
 DCA DOCKET NUMBER 04-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Bradford County, Brooker, Hampton, Lawtey, Starke and the Bradford 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 Bradford County Zoning, 945 F. North Temple Avenue, Starke, Florida 32091-1148.

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 Bradford County, Brooker, Hampton, Lawtey, Starke and the Bradford 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.

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-s- Mike McDaniel, Chief  
 Office of Comprehensive Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
 VEHICLES**

**Notice of Publication for a New Point  
 Franchise Motor Vehicle Dealer in a County of More  
 than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that BMS Motorsports, Inc., intends to allow the establishment of AA Accurate Truck & Tire Repair, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 1644 North, U.S. 1, Ormond Beach (Volusia County), Florida 32174, on or after October 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of AA Accurate Truck & Tire Repair, Inc. are dealer operator(s): James Pascarelli, 1644 North, U.S. 1, Ormond Beach, Florida 32174; principal investor(s): James Pascarelli, 1644 North, U.S. 1, 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: Patrick Kim, President, BMS Motorsports, Inc., 1201 Jellick Avenue, City of Industry, California 91748.

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.

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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 American New Century, Inc., intends to allow the establishment of Ali Motors, LLC, as a dealership for the sale of motorcycles manufactured by Chonling Guangyu Motorcycle Manufacture Co. Ltd. (GUAN) at 1401 East Wine Road, Kissimmee (Osceola County), Florida 34744, on or after September 22, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Ali Motors, LLC are dealer operator(s): Ali Sajid, 3335 Lasalle Avenue, Cloud, Florida 64772; principal investor(s): Sajid Chandbry, 3335 Lasalle Avenue, Cloud, Florida 64772.

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: Zhou Ying, President, American New Century, Inc., 8788 West Park Road, Houston, Texas 77063.

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.

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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 LS Motor Sports, LLC, intends to allow the establishment of Broward Motorsports of Palm Beach, LLC, as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 2353 North Military Trail, West Palm Beach (Palm Beach County), Florida 33409, on or after October 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Broward Motorsports of Palm Beach, LLC are dealer operator(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409; principal investor(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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.

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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 LS Motor Sports, LLC, intends to allow the establishment of BMS Partners, LLC d/b/a Broward Motorsports, as a dealership for the sale of motorcycles

manufactured by Chongqing Lifan Industry Group (CHOL) at 4101 Davie Road, Davie (Broward County), Florida 33024, on or after October 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of BMS Partners, LLC d/b/a Broward Motorsports are dealer operator(s): Sam Nehme, 4101 Davie Road, Davie, Florida 33024; principal investor(s): Sam Nehme, 4101 Davie Road, Davie, Florida 33024.

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: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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.

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#### 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 LS Motor Sports, LLC, intends to allow the establishment of Broward Motorsports of Palm Beach, LLC, as a dealership for the sale of motorcycles manufactured by Chongqing Lifan Industry Group (CHOL) at 2353 North Military Trail, West Palm Beach (Palm Beach County), Florida 33409, on or after October 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Broward Motorsports of Palm Beach, LLC are dealer operator(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409; principal investor(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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.

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#### 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 LS Motor Sports, LLC, intends to allow the establishment of Broward Motorsports of Palm Beach, LLC, as a dealership for the sale of motorcycles manufactured by Jiangsu Linhai Power Machinery Group (LINH) at 2353 North Military Trail, West Palm Beach (Palm Beach County), Florida 33409, on or after October 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Broward Motorsports of Palm Beach, LLC are dealer operator(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409; principal investor(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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.

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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 LS Motor Sports, LLC, intends to allow the establishment of Broward Motorsports of Palm Beach, LLC, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corporation (QINJ) at 2353 North Military Trail, West Palm Beach (Palm Beach County), Florida 33409, on or after October 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Broward Motorsports of Palm Beach, LLC are dealer operator(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409; principal investor(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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.

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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 LS Motor Sports, LLC, intends to allow the establishment of Broward Motorsports of Palm Beach, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Lingyun Motorcycle Co. Ltd. (ZHEL) at 2353 North Military Trail, West Palm Beach (Palm Beach County), Florida 33409, on or after October 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Broward Motorsports of Palm Beach, LLC are dealer operator(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409; principal investor(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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.

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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 LS Motor Sports, LLC, intends to allow the establishment of BMS Partners, LLC d/b/a Broward Motorsports, as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group (ZONG) at 4101 Davie Road, Davie (Broward County), Florida 33024, on or after October 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of BMS Partners, LLC d/b/a Broward Motorsports are dealer operator(s): Sam Nehme, 4101 Davie Road, Davie, Florida 33024; principal investor(s): Sam Nehme, 4101 Davie Road, Davie, Florida 33024.

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: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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.

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#### 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 LS Motor Sports, LLC, intends to allow the establishment of Broward Motorsports of Palm Beach, LLC, as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group (ZONG) at 2353 North Military Trail, West Palm Beach (Palm Beach County), Florida 33409, on or after October 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Broward Motorsports of Palm Beach, LLC are dealer operator(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409; principal investor(s): Sam Nehme, 2353 North Military Trail, West Palm Beach, Florida 33409.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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.

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#### 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 Pacific Cycle, Inc., intends to allow the establishment of Champions Orlando, LLC, as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 16333 West Colonial Drive, Oakland (Orange County), Florida 34787, on or after October 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Champions Orlando, LLC are dealer operator(s): Robert Mealey, 16333 West Colonial Drive, Oakland, Florida 34787; principal investor(s): Robert Mealey, 16333 West Colonial Drive, Oakland, Florida 34787.

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 Wolfram, Pacific Cycle, Inc., 4902 Hammersley Road, Wisconsin 53711.

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.

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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 Power Sports Factory, Inc., intends to allow the establishment of Crazy Carl's, LLC, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corp. (QINJ) at 1578 Highway 83, Defuniak Springs (Walton County), Florida 32433, on or after October 14, 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.

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: Brett Moorer, Power Sports Factory, 6950 Central Highway, Pennsauken, New Jersey 08109.

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.

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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 Dwight Blankenship d/b/a D & D Auto Sales, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 1304 53rd Avenue, West, Bradenton (Manatee County), Florida 34207-2861, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Dwight Blankenship d/b/a D & D Auto Sales are dealer operator(s): Dwight Blankenship, 1304 53rd Avenue West, Bradenton, Florida 34207-2861; principal investor(s): Dwight Blankenship, 1304 53rd Avenue West, Bradenton, Florida 34207-2861.

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 the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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 Dwight Blankenship d/b/a D & D Auto Sales, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 1304 53rd Avenue West, Bradenton (Manatee County), Florida 34207-2861, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Dwight Blankenship d/b/a D & D Auto Sales are dealer operator(s): Dwight Blankenship, 1304 53rd Avenue West, Bradenton, Florida 34207-2861; principal investor(s): Dwight Blankenship, 1304 53rd Avenue West, Bradenton, Florida 34207-2861.

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 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 Eco Green Machine, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Meitian Motorcycle Co. Ltd. (MEIT) at 7000 Park Boulevard, Pinellas Park (Pinellas County), Florida 33781, on or after October 2, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Eco Green Machine, LLC are dealer operator(s): Ronnie Pownall, 7000 Park Boulevard, Pinellas Park, Florida 33781; principal investor(s): Ronnie Pownall, 7000 Park Boulevard, Pinellas Park, Florida 33781.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Keb Trans, Inc. d/b/a EZ Rider Scooters, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 7600 Wiles Road, Suite D, Coral Springs (Broward County), Florida 33067, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Keb Trans, Inc. d/b/a EZ Rider Scooters are dealer operator(s): Ronald Scavron, 7600 Wiles Road, Suite D, Coral Springs, Florida 33067; principal investor(s): Ronald Scavron, 9199 Northwest 41 Manor, Coral Springs, Florida 33065.

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: 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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Keb Trans, Inc. d/b/a EZ Rider Scooters, as a dealership for the sale of

motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 7600 Wiles Road, Suite D, Coral Springs (Broward County), Florida 33067, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Keb Trans, Inc. d/b/a EZ Rider Scooters are dealer operator(s): Ronald Scavron, 7600 Wiles Road, Suite D, Coral Springs, Florida 33067; principal investor(s): Ronald Scavron, 9199 Northwest 41 Manor, Coral Springs, Florida 33065.

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: 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.

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#### 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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Keb Trans, Inc. d/b/a EZ Rider Scooters, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 7600 Wiles Road, Suite D, Coral Springs (Broward County), Florida 33067, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Keb Trans, Inc. d/b/a EZ Rider Scooters are dealer operator(s): Ronald Scavron, 7600 Wiles Road, Suite D, Coral Springs, Florida 33067; principal investor(s): Ronald Scavron, 9199 Northwest 41 Manor, Coral Springs, Florida 33065.

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: 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.

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#### 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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Keb Trans, Inc. d/b/a EZ Rider Scooters, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 7600 Wiles Road, Suite D, Coral Springs (Broward County), Florida 33067, on or after October 13, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Keb Trans, Inc. d/b/a EZ Rider Scooters are dealer operator(s): Ronald Scavron, 7600 Wiles Road, Suite D, Coral Springs, Florida 33067; principal investor(s): Ronald Scavron, 9199 Northwest 41 Manor, Coral Springs, Florida 33065.

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: 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 Seaseng, Inc., intends to allow the establishment of Florida Sport Trucks, Inc., as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 2301 South 50th Street, Tampa (Hillsborough County), Florida 33619, on or after October 2, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Florida Sport Trucks, Inc. are dealer operator(s): Carlos Vazquez, 3214 Leila Avenue, Tampa, Florida 33611 and Yeanori Vazquez, 3214 Leila Avenue, Tampa, Florida 33611; principal investor(s): Carlos Vazquez, 3214 Leila Avenue, Tampa, Florida 33611 and Yeanori Vazquez, 3214 Leila Avenue, Tampa, Florida 33611.

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: Dennis Ralls, Seaseng, Inc., 1945 South Burgundy Place, Ontario, California 91761.

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 Verucci Motorcycles, LLC, intends to allow the establishment of Florida Auto Wholesales Corp., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 7340 Northwest 8 Street, Miami (Dade County), Florida 33126, on or after October 14, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Florida Auto Wholesales Corp. are dealer operator(s): Hernan Martinez, 7340 Northwest 8 Street, Miami, Florida 33126; principal investor(s): Hernan Martinez, 7340 Northwest 8 Street, Miami, Florida 33126.

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: Joyce Haddad, Verucci Motorcycles, LLC, 7836 Northwest 46 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 Pacific Cycle, Inc., intends to allow the establishment of Waylen Bay Motorsports, LLC d/b/a Gables Motorsports, as a dealership for the sale of motorcycles



manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 7300 Bird Road, Miami (Dade County), Florida 33155, on or after October 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Waylen Bay Motorsports, LLC d/b/a Gables Motorsports are dealer operator(s): Peter Bailey, 7300 Bird Road, Miami, Florida 33155; principal investor(s): Peter Bailey, 7300 Bird Road, 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: Mike Wolfram, Pacific Cycle, Inc., 4902 Hammersley Road, Wisconsin 53711.

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.

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#### 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 Verucci Motorcycles, LLC, intends to allow the establishment of Gator Moto, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 2106 Northwest 67th Place, Suite 15, Gainesville (Alachua County), Florida 32653, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Gator Moto, LLC are dealer operator(s): Justin Jackrel, 4337 Northwest 35th Terrace, Gainesville, Florida 32653; principal investor(s): Justin Jackrel, 4337 Northwest 35th Terrace, Gainesville, Florida 32653.

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: Joyce Haddad, General Manager, Verucci Motorcycles, LLC, 7836 Northwest 46 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.

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#### 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 Grandpa's Cycle Center, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corporation (HONL) at 3596 Fowler Street, Fort Myers (Lee County), Florida 33901, on or after October 13, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Grandpa's Cycle Center, Inc. are dealer operator(s): Marion Stewart, 3596 Fowler Street, Fort Myers, Florida 33901 and Lynda Stewart, 3596 Fowler Street, Fort Myers, Florida 33901; principal investor(s): Marion Stewart, 3596 Fowler Street, Fort Myers, Florida 33901 and Lynda Stewart, 3596 Fowler Street, Fort Myers, Florida 33901.

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 House of Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corporation (HONL) at 6370 North Highway U.S. 1, Melbourne (Brevard County), Florida 32940, on or after October 13, 2008.

The name and address of the dealer operator(s) and principal investor(s) of House of Scooters, Inc. are dealer operator(s): Orestes Nunez, 6370 North Highway U.S. 1, Melbourne, Florida 32940; principal investor(s): Orestes Nunez, 6370 North Highway U.S. 1, Melbourne, Florida 32940.

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 House of Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 6370 North Highway U.S. 1, Melbourne (Brevard County), Florida 32940, on or after October 13, 2008.

The name and address of the dealer operator(s) and principal investor(s) of House of Scooters, Inc. are dealer operator(s): Orestes Nunez, 6370 North Highway U.S. 1, Melbourne, Florida 32940; principal investor(s): Orestes Nunez, 6370 North Highway U.S. 1, Melbourne, Florida 32940.

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 Pacific Cycle, Inc., intends to allow the establishment of Morland Marine International, Inc. d/b/a Island Scooter Store, as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 5347 Gulf Drive, Unit #6, Holmes Beach (Manatee County), Florida 34217, on or after October 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Morland Marine International, Inc. d/b/a Island Scooter Store are dealer operator(s): Brian Quartermain, 609 North Point Drive, Holmes Beach, Florida 34217; principal investor(s): Brian Quartermain, 609 North Point Drive, Holmes Beach, Florida 34217.

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 Wolfram, Pacific Cycle, Inc., 4902 Hammersley Road, Wisconsin 53711.

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.

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#### 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 Jealse Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 512 East Osceola, Kissimmee, (Osceola County), Florida 34744-1612, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Jealse Scooters, Inc. are dealer operator(s): Sabio Alzate, 512 East Osceola Parkway, Kissimmee, Florida 34744-1612; principal investor(s): Sabio Alzate, 512 East Osceola Parkway, Kissimmee, Florida 34744-1612.

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.

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#### 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 Jealse Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 512 East Osceola, Kissimmee (Osceola County), Florida 34744-1612, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Jealse Scooters, Inc. are dealer operator(s): Sabio Alzate, 512 East Osceola Parkway, Kissimmee, Florida 34744-1612; principal investor(s): Sabio Alzate, 512 East Osceola Parkway, Kissimmee, Florida 34744-1612.

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.

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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 Kitai Powersports, Inc., as a dealership for the sale of Johnny Pag motorcycles (PAGS) at 228 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Rustin Murray, 400 North Pimlico Street, St. Augustine, Florida 32092, Claudio Biltoc, 143 Belmont Drive, St. Johns, Florida 32259 and Pete Biltoc, 13887 Sea Prairie Lane, Jacksonville, Florida 32216; principal investor(s): Rustin L. Murray, 400 North Pimlico Street, St. Augustine, Florida 32092, Claudio Biltoc, 143 Belmont Drive, St. Johns, Florida 32259 and Pete Biltoc, 13887 Sea Prairie Lane, Jacksonville, Florida 32216.

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, CEO, Johnny Pag Motorcycles, 1851 McGaw, 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.

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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 Verucci Motorcycles, LLC, intends to allow the establishment of Kitai Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 228 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after October 14, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Rustin Murray, 400 Pimlico Street, St. Augustine, Florida 32092; principal investor(s): Claudio Biltoc, 7033 Beach Boulevard, Jacksonville, Florida 32216 and Pete Biltoc, 7033 Beach Boulevard, Jacksonville, Florida 32216.

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: Joyce Haddad, Verucci Motorcycles, LLC, 7853 Northwest 46 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.

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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 Verucci Motorcycles, LLC, 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 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after October 14, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Rustin Murray, 400 Pimlico Street, St. Augustine, Florida 32092; principal investor(s): Claudio Biltoc, 7033 Beach Boulevard, Jacksonville, Florida 32216 and Pete Biltoc, 7033 Beach Boulevard, Jacksonville, Florida 32216.

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: Joyce Haddad, Verucci Motorcycles, LLC, 7853 Northwest 46 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.

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#### 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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of MX Motor Toys, Inc. d/b/a MX Motorsports, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 1335 Okeechobee Road, #500, West Palm Beach (Palm Beach County), Florida 33401, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of MX Motor Toys, Inc. d/b/a MX Motorsports are dealer operator(s): Rick Marabini, 1335 Okeechobee Road, #500, West Palm Beach, Florida 33401; principal investor(s): Rick Marabini, 300 South Australian Avenue, #1507, West Palm Beach, Florida 33401.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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.

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#### 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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of MX Motor Toys, Inc. d/b/a MX Motorsports, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 1335 Okeechobee Road, #500, West Palm Beach (Palm Beach County), Florida 33401, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of MX Motor Toys, Inc. d/b/a MX Motorsports are dealer operator(s): Rick Marabini, 1335 Okeechobee Road, #500, West Palm Beach, Florida 33401; principal investor(s): Rick Marabini, 300 South Australian Avenue, #1507, West Palm Beach, Florida 33401.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of MX Motor Toys, Inc. d/b/a MX Motorsports, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 1335 Okeechobee Road, #500, West Palm Beach (Palm Beach County), Florida 33401, on or after October 13, 2008.

The name and address of the dealer operator(s) and principal investor(s) of MX Motor Toys, Inc. d/b/a MX Motorsports are dealer operator(s): Rick Marabini, 1335 Okeechobee Road, #500, West Palm Beach, Florida 33401; principal investor(s): Rick Marabini, 300 South Australian Avenue, #1507, West Palm Beach, Florida 33401.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of MX Motor Toys, Inc. d/b/a MX Motorsports, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 1335 Okeechobee Road, #500, West Palm Beach (Palm Beach County), Florida 33401, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of MX Motor Toys, Inc. d/b/a MX Motorsports are dealer operator(s): Rick Marabini, 1335 Okeechobee Road, #500, West Palm Beach, Florida 33401; principal investor(s): Rick Marabini, 300 South Australian Avenue, #1507, West Palm Beach, Florida 33401.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Mopeds and More,

Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 1802 North Woodland Boulevard, Deland (Volusia County), Florida 32720, on or after October 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mopeds and More, Inc. are dealer operator(s): Brian Martin, 1802 North Woodland Boulevard, Deland, Florida 32720; principal investor(s): Brian Martin, 1802 North Woodland Boulevard, Deland, Florida 32720.

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: 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.

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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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Mopeds and More, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 1802 North Woodland Boulevard, Deland (Volusia County), Florida 32720, on or after October 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mopeds and More, Inc. are dealer operator(s): Brian Martin, 1802 North Woodland Boulevard, Deland, Florida 32720; principal investor(s): Brian Martin, 1802 North Woodland Boulevard, Deland, Florida 32720.

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: 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.

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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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Mopeds and More, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 6191 South Pine Avenue, Ocala (Marion County), Florida 34480, on or after October 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mopeds and More, Inc. are dealer operator(s): Brian Martin, 6191 South Pine Avenue, Ocala, Florida 34480; principal investor(s): Brian Martin, 6191 South Pine Avenue, Ocala, Florida 34480 and Pam Martin, 24940 Bartram Road, Astor, Florida 32102.

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: 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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Mopeds and More, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 6191 South Pine Avenue, Ocala (Marion County), Florida 34480, on or after October 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mopeds and More, Inc. are dealer operator(s): Brian Martin, 6191 South Pine Avenue, Ocala, Florida 34480; principal investor(s): Brian Martin, 6191 South Pine Avenue, Ocala, Florida 34480 and Pam Martin, 24940 Bartram Road, Astor, Florida 32102.

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: 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 Valley Scooters, LLC, intends to allow the establishment of Motor Sports of North America Ltd., as a dealership for the sale of motorcycles manufactured by Kaitong Motorcycle Manufacture Co. Ltd. (KAIT) at 7441 U.S. 301, South, Suite 102, Riverview (Hillsborough County), Florida 33569, on or after October 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Motor Sports of North America Ltd. are dealer operator(s): Mary Jo Castro, 14704 Magdalene Circle, Tampa, Florida 33613 and Richard Hanman, 10740 Plantation Bay Drive, Tampa, Florida 33647; principal investor(s): Mary Jo Castro, 14704 Magdalene Circle, Florida, Florida 33613 and Richard Hanman, 10740 Plantation Bay Drive, Tampa, Florida 33647.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Dikov, Valley Scooters, LLC, 9 Golden Rod Drive, Ansonia, Connecticut 06401.

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 Pacific Cycle, Inc., intends to allow the establishment of Panama Motors, Inc., as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 7406 North Main Street, Jacksonville (Duval County), Florida 32208, on or after October 8, 2008.



The name and address of the dealer operator(s) and principal investor(s) of Panama Motors, Inc. are dealer operator(s): Richard Berryman, 10821 Peaceful Harbor Drive, Jacksonville, Florida 32218; principal investor(s): Richard Berryman, 10821 Peaceful Harbor Drive, Jacksonville, Florida 32218.

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 Wolfgram, Pacific Cycle, Inc., 4902 Hammersley Road, Wisconsin 53711.

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.

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#### 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 Pacific Cycle, Inc., intends to allow the establishment of RTM Motorcycles, Inc., as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 14540 North Florida Avenue, Tampa (Hillsborough County), Florida 33613, on or after October 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of RTM Motorcycles, Inc. are dealer operator(s): Thomas Morrissey, 4405 Carlyle Road, Tampa, Florida 33615; principal investor(s): Thomas Morrissey, 4405 Carlyle Road, Tampa, Florida 33615.

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 Wolfgram, Pacific Cycle, Inc., 4902 Hammersley Road, Wisconsin 53711.

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.

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#### 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 General Motors Corporation, intends to allow the establishment of Schumacher Buick-Oldsmobile, Inc. d/b/a Schumacher Buick-Pontiac-GMC-Hummer, as a dealership for the sale of GMC light duty trucks (GMC) at 3031 Okeechobee Boulevard, West Palm Beach (Palm Beach County), Florida 33409, on or after November 24, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Schumacher Buick-Oldsmobile, Inc. d/b/a Schumacher Buick-Pontiac-GMC-Hummer are dealer operator(s): Charles Schumacher, 3031 Okeechobee Boulevard, West Palm Beach, Florida 33409; principal investor(s): Charles Schumacher, 3031 Okeechobee Boulevard, West Palm Beach, Florida 33409.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Greg Ross, General Motors Corporation, 100 GM Renaissance Center, Mail Code 482 A06 C66, Detroit, Michigan 48265-1000.

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 Scoot, Inc., as a dealership for the sale of KTMEX motorcycles (KTM) at 5043 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after September 2, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scoot, Inc. are dealer operator(s): John Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231 and Lavinia Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231; principal investor(s): John Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231 and Lavinia Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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 Pacific Cycle, Inc., intends to allow the establishment of Scooter Boutique, Inc., as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 791 North 3rd Street, Jacksonville Beach (Duval County), Florida 32250, on or after October 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Boutique, Inc. are dealer operator(s): Terry Henson, 12526 Masters Ridge Drive, Jacksonville, Florida 32225; principal investor(s): Terry Henson, 12526 Masters Ridge Drive, Jacksonville, Florida 32225.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, 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 Wolfgram, Pacific Cycle, Inc., 4902 Hammersley Road, Wisconsin 53711.

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 Power Group International, LLC, intends to allow the establishment of Southern Golf Cars, Inc. d/b/a Tomberlin USA, The Villages, as a dealership for the sale of Tomberlin Golfcars (TOMB) at 9827 North U.S. Highway 301, Wildwood (Sumpter County), Florida 34785, on or after August 18, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Southern Golf Cars, Inc. are dealer operator(s): Ron Smith, 9827 North U.S. Highway 301,

Wildwood, Florida 34785; principal investor(s): Ron Smith, 9827 North U.S. Highway 301, Wildwood, Florida 34785 and Maria Smith, 9827 North U.S. Highway 301, Wildwood, Florida 34785.

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: Michelle Nobles, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

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.

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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 Power Group International, LLC, intends to allow the establishment of Southern Golf Cars, Inc. d/b/a Tomberlin USA, The Villages, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 9827 North U.S. Highway 301, Wildwood (Sumpter County), Florida 34785, on or after October 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Southern Golf Cars, Inc. are dealer operator(s): Ron Smith, 9827 North U.S. Highway 301, Wildwood, Florida 34785; principal investor(s): Ron Smith, 9827 North U.S. Highway 301, Wildwood, Florida 34785.

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: Michelle Nobles, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

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.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Stepanek's Auto Sales & Service, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 4215 U.S. Highway 1, Vero Beach (Indian River County), Florida 32960, on or after November 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Stepanek's Auto Sales & Service, Inc. are dealer operator(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966; principal investor(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Stepanek's Auto Sales & Service, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Kaier Motorcycle Manufacture Co. Ltd. (KAIR) at 4215 U.S. Highway 1, Vero Beach (Indian River County), Florida 32960, on or after November 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Stepanek's Auto Sales & Service, Inc. are dealer operator(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966; principal investor(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Stepanek's Auto Sales & Service, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 4215 U.S. Highway 1, Vero Beach (Indian River County), Florida 32960, on or after November 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Stepanek's Auto Sales & Service, Inc. are dealer operator(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966; principal investor(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Stepanek's Auto Sales & Service, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 4215 U.S. Highway 1, Vero Beach (Indian River County), Florida 32960, on or after November 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Stepanek's Auto Sales & Service, Inc. are dealer operator(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966; principal investor(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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.

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#### 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 Sunstate Powersports, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 825 Mason Avenue, Daytona Beach (Volusia County), Florida 32117, on or after September 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Sunstate Powersports, LLC are dealer operator(s): Siegfried Kientoff, 825 Mason Avenue, Daytona Beach, Florida 32117; principal investor(s): Siegfried Kientoff, 825 Mason Avenue, Daytona Beach, Florida 32117.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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.

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#### 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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Pink House Corporation d/b/a West Coast Furniture, as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 5535 U.S. 27 South, Sebring (Highlands County), Florida 33870, on or after November 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Pink House Corporation d/b/a West Coast Furniture are dealer operator(s): Richard Havlock, 5535 U.S. 27 South, Sebring, Florida 33870; principal investor(s): Richard Havlock, 5535 U.S. 27 South, Sebring, Florida 33870.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Pink House Corporation d/b/a West Coast Furniture, as a dealership for the sale of motorcycles manufactured by Chongqing Kaier Motorcycle Manufacture Co. Ltd. (KAIR) at 5535 U.S. 27 South, Sebring (Highlands County), Florida 33870, on or after November 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Pink House Corporation d/b/a West Coast Furniture are dealer operator(s): Richard Havlock, 5535 U.S. 27 South, Sebring, Florida 33870; principal investor(s): Richard Havlock, 5535 U.S. 27 South, Sebring, Florida 33870.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Pink House Corporation d/b/a West Coast Furniture, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 5535 US 27 South, Sebring (Highlands County), Florida 33870, on or after November 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Pink House Corporation d/b/a West Coast Furniture are dealer operator(s): Richard Havlock, 5535 U.S. 27 South, Sebring, Florida 33870; principal investor(s): Richard Havlock, 5535 U.S. 27 South, Sebring, Florida 33870.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Pink House Corporation d/b/a West Coast Furniture, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 5535 U.S. 27 South, Sebring (Highlands County), Florida 33870, on or after November 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Pink House Corporation d/b/a West Coast Furniture are dealer operator(s): Richard Havlock, 5535 U.S. 27 South, Sebring, Florida 33870; principal investor(s): Richard Havlock, 5535 U.S. 27 South, Sebring, Florida 33870.

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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 P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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.

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#### 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 LS Motor Sports, LLC, intends to allow the establishment of Wild Hogs Scooters and Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 3311 West Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters and Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746.

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: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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.

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#### 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 LS Motor Sports, LLC, intends to allow the establishment of Wild Hogs Scooters and Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Chongqing Lifan Industry Group (CHOL) at 3311 West Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters and Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746.

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: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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 LS Motor Sports, LLC, intends to allow the establishment of Wild Hogs Scooters and Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corporation (QINJ) at 3311 West Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters and Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746.

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: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway, West, Suite 100, Houston, Texas 77071.

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 LS Motor Sports, LLC, intends to allow the establishment of Wild Hogs Scooters and Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Lingyun Motorcycle Co. Ltd. (ZHEL) at 3311 West Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters and Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Mathu Solo., President, LS Motor Sports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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 LS Motor Sports, LLC, intends to allow the establishment of Wild Hogs Scooters and Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group (ZONG) at 3311 West Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after September 26, 2008.



The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters and Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746.

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.

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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.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Health Care Administration has received an application for an emergency service exemption from Capital Regional Medical Center, 2626 Capital Medical Blvd., Tallahassee, FL 32308, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Gastroenterology services. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Sherry Ledbetter, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, phone (850)921-6621, e-mail: ledbetts@ahca.myflorida.com.

**NOTICE OF LITIGATION**

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on October 7, 2008, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- | CON#  | INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)  |
|-------|---|
| 9970  | Extension denial, replacement of a 120 bed community nursing home, Broward County, HRC, LLC d/b/a Hallandale Rehabilitation Center, (PRH) same as applicant |
| 10016 | Supports denial, establish a hospice program, Marion County, Adventa Hospice Services of Florida, Inc., (PRH) Hospice of Marion County                      |
| 10016 | Supports denial, establish a hospice program, Marion County, Adventa Hospice Services of Florida, Inc., (PRH) VITAS Healthcare Corporation of Florida       |
| 10016 | Supports denial, establish a hospice program, Marion County, Adventa Hospice Services of Florida, Inc., (PRH) HPH-Haven Alliance, Inc.                      |
| 10017 | Supports denial, establish a hospice program, Marion County, HCR Manor Care Services of Florida II, Inc., (PRH) Hospice of Marion County, Inc.              |
| 10017 | Supports denial, establish a hospice program, Marion County, HCR Manor Care Services of Florida II, Inc., (PRH) VITAS Healthcare Corporation of Florida     |
| 10017 | Supports denial, establish a hospice program, Marion County, HCR Manor Care Services of Florida II, Inc., (PRH) HPH-Haven Alliance, Inc.                    |
| 10018 | Supports denial, establish a hospice program, Marion County, Hospice of Lake & Sumter, Inc., (PRH) Hospice of Marion County, Inc.                           |
| 10018 | Supports denial, establish a hospice program, Marion County, Hospice of Lake & Sumter, Inc., (PRH) VITAS Healthcare Corporation of Florida                  |

- 10018 Supports denial, establish a hospice program, Marion County, Hospice of Lake & Sumter, Inc., (PRH) HPH-Haven Alliance, Inc.
- 10019 Approval, establish an additional hospice program, Marion County, Odyssey Healthcare of Marion County, Inc., (PRH) Hospice of Marion County, Inc.
- 10019 Approval, establish an additional hospice program, Marion County, Odyssey Healthcare of Marion County, Inc., (PRH) VITAS Healthcare Corporation of Florida
- 10019 Approval, establish an additional hospice program, Marion County, Odyssey Healthcare of Marion County, Inc., (PRH) HPH-Haven Alliance, Inc.
- 10020 Supports denial, establish a hospice program, Marion County, VITAS Healthcare Corporation of Florida, (PRH) Hospice of Marion County, Inc.
- 10020 Denial, establish a hospice program, Marion County, VITAS Healthcare Corporation of Florida, (PRH) same as applicant
- 10020 Supports denial, establish a hospice program, Marion County, VITAS Healthcare Corporation of Florida, (PRH) HPH-Haven Alliance, Inc.
- 10021 Supports denial, establish a hospice program, Marion County, HPH-Haven Alliance, Inc., (PRH) Hospice of Marion County, Inc.
- 10021 Supports denial, establish a hospice program, Marion County, HPH-Haven Alliance, Inc., (PRH) VITAS Healthcare Corporation of Florida
- 10021 Denial, establish a hospice program, Marion County, HPH-Haven Alliance, Inc., (PRH) same as applicant
- 10022 Supports denial, establish a hospice program, Marion County, Voyager HospiceCare, Inc., (PRH) Hospice of Marion County
- 10022 Supports denial, establish a hospice program, Marion County, Voyager HospiceCare, Inc., (PRH) VITAS Healthcare Corporation of Florida
- 10022 Supports denial, establish a hospice program, Marion County, Voyager HospiceCare, Inc., (PRH) HPH-Haven Alliance, Inc.
- 10029 Approval, establish an adult open heart surgery program, Charlotte County, Port Charlotte HMA, Inc., (PRH) Fawcett Memorial Hospital, Inc.
- 10030 Denial, establish an adult open heart surgery program, Charlotte County, Fawcett Memorial Hospital, Inc., (PRH) same as applicant

programs planned for January 2010, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Fixed need pool projections as published in the October 3, 2008 edition of the Florida Administrative Weekly are being revised due to an error in the fixed need pool calculations. The fixed need pool is revised as follows:

Hospice Program Net Need	
Service Area	Net Need
Subdistrict 6B	1
Subdistrict 7B	0
Subdistrict 11	1
State Total	2

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF FINAL AGENCY ACTION**

The Florida Department of Environmental Protection (FDEP) gives Notice of the entry of a Final Order Adopting the Lower St. Johns River (LSJR) Basin Management Action Plan (BMAP). The LSJR BMAP identifies the management strategies necessary to achieve the nutrient TMDLs for the main stem of the river from the confluence of the Ocklawaha River north to the mouth of the river, and was developed as part of the Department's Total Maximum Daily Load (TMDL) Program, as authorized under the Florida Watershed Restoration Act (Section 403.067, Florida Statutes).

The Final Order has been assigned OGC Case No. 08-2428. A copy of the BMAP is available for public inspection during normal business hours, except legal holidays, at the Florida Department of Environmental Protection's Northeast District Office, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida.

The BMAP may also be obtained from the FDEP website at <http://www.dep.state.fl.us/water/tmdl/index.htm> or from the Northeast District's website: <http://www.dep.state.fl.us/north east/>.

The Department's agency action shall become final unless a timely petition for an administrative proceeding is filed pursuant to the provisions of Sections 120.569 and 120.57, Florida Statutes. Any person whose substantial interests are affected by the Department's action may file such a petition. In accordance with paragraph 62-110.106(3)(a), F.A.C., a petition filed by person whose substantial interests are affected by the Department's action must be filed within 21 days of the publication of this public notice. The petition must contain the information set forth below and must be timely filed (received)

**REVISED NOTICE OF HOSPICE PROGRAM FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-.602, Florida Statutes (F.S.) and 408.031-.045, F.S. Fixed need pool projections are for hospice

in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (b) A statement of when and how the petitioner received notice of the agency decision;
- (c) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (d) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (e) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (f) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Blvd., Mail Station 35, Tallahassee, Florida 32399-3000 before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation under Section 120.573, Florida Statutes, is not available for this proceeding.

**NOTICE OF AVAILABILITY  
FLORIDA FINDING OF NO SIGNIFICANT IMPACT  
PUTNAM COUNTY, FLORIDA**

The Department of Environmental Protection has determined that Putnam County's proposed project for the construction of a new 0.30 MGD Wastewater Treatment Plant, transmission main and conversion of the existing spray field to Rapid Infiltration Basins will not have a significant adverse affect on the environment. The total project cost is estimated at \$5,707,500. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Bhupendra Vora, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8380.

**FLORIDA STATE CLEARINGHOUSE**

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at [http://www.dep.state.fl.us/secretary/oip/state\\_clearing/](http://www.dep.state.fl.us/secretary/oip/state_clearing/).

For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

**DEPARTMENT OF HEALTH**

On October 13, 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 Mary Suddeth, R.N. license number RN 9223601. 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 October 13, 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 Kyle J. Cunningham, L.P.N. license number PN 5150129. 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 FINANCIAL SERVICES**

DEPARTMENT OF FINANCIAL SERVICES

DIVISION OF TREASURY

BUREAU OF COLLATERAL MANAGEMENT

PUBLIC DEPOSITS SECTION

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FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THEY ARE LISTED UNDER THE STATE OF HOME OFFICE LOCATION. INSTITUTIONS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT ACCEPTING NEW PUBLIC DEPOSIT ACCOUNTS. DEPOSITORIES HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

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**ALABAMA**

**ATMORE**

UNITED BANK

**BIRMINGHAM**

COMPASS BANK

REGIONS BANK

SUPERIOR BANK

**MOBILE**

BANKTRUST

**MONTGOMERY**

COLONIAL BANK

**DELAWARE**

**WILMINGTON**

TD BANK, N.A.

**DISTRICT OF COLUMBIA**

**WASHINGTON, DC**

URBAN TRUST BANK

**FLORIDA**

**ARCADIA**

FIRST STATE BANK OF ARCADIA

**AVENTURA**

TURNBERRY BANK

**BARTOW**

COMMUNITY NATIONAL BANK AT BARTOW

**BELLE GLADE**

BANK OF BELLE GLADE

**BOCA RATON**

1ST UNITED BANK

FIRST SOUTHERN BANK

LEGACY BANK OF FLORIDA

PARADISE BANK

SUN AMERICAN BANK

**BONIFAY**

BANK OF BONIFAY

**BONITA SPRINGS**

CNLBANK, SOUTHWEST FLORIDA

**BRADENTON**

FIRST AMERICA BANK

FLAGSHIP NATIONAL BANK

**BRANDON**

PLATINUM BANK

**CAPE CORAL**

RIVERSIDE BANK OF THE GULF COAST

**CARRABELLE**

GULF STATE COMMUNITY BANK

**CHIEFLAND**

DRUMMOND COMMUNITY BANK

**CLEWISTON**

FIRST BANK

OLDE CYPRESS COMMUNITY BANK

**COCOA BEACH**

SUNRISE BANK

**CORAL GABLES**

BANKUNITED, F.S.B.

GIBRALTAR PRIVATE BANK & TRUST COMPANY

MERCANTIL COMMERCEBANK, N.A.

THE BANK OF MIAMI, N.A.

**CRAWFORDVILLE**

WAKULLA BANK

**CRESTVIEW**

FIRST NATIONAL BANK OF CRESTVIEW

**DADE CITY**

FIRST NATIONAL BANK OF PASCO

**DANIA BEACH**

COMMUNITY BANK OF BROWARD

**DAVIE**

FLORIDIAN COMMUNITY BANK, INC.

REGENT BANK

**DAYTONA BEACH**

GATEWAY BANK OF FLORIDA

**DESTIN**

DESTIN FIRST BANK

GULFSOUTH PRIVATE BANK

**ENGLEWOOD**

ENGLEWOOD BANK

PENINSULA BANK

**FERNANDINA BEACH**

CBC NATIONAL BANK

FIRST COAST COMMUNITY BANK

**FORT LAUDERDALE**

BANKATLANTIC

LANDMARK BANK, N.A.

VALLEY BANK

**FORT MYERS**

BUSEY BANK, N.A.

EDISON NATIONAL BANK

FINEMARK NATIONAL BANK & TRUST

FLORIDA GULF BANK

IRONSTONE BANK

RELIANCE BANK, F.S.B.

SOUTHWEST CAPITAL BANK, N.A.

**FORT PIERCE**

OCULINA BANK

RIVERSIDE NATIONAL BANK OF FLORIDA

**FORT WALTON BEACH**

BEACH COMMUNITY BANK

FIRST CITY BANK OF FLORIDA

FIRST NATIONAL BANK & TRUST

**FROSTPROOF**

CITIZENS BANK & TRUST

**GAINESVILLE**

FLORIDA CITIZENS BANK

MERCHANTS & SOUTHERN BANK

**GRACEVILLE**

BANK OF JACKSON COUNTY

PEOPLES BANK OF GRACEVILLE

**HALLANDALE**

DESJARDINS BANK, N.A.

**HOMESTEAD**

1ST NATIONAL BANK OF SOUTH FLORIDA

COMMUNITY BANK OF FLORIDA

**IMMOKALEE**

FLORIDA COMMUNITY BANK

**INDIANTOWN**

FIRST BANK AND TRUST COMPANY OF INDIANTOWN

**INVERNESS**

BRANNEN BANK

**JACKSONVILLE**

AMERICAN ENTERPRISE BANK OF FLORIDA  
CNLBANK, FIRST COAST  
EVERBANK

**JACKSONVILLE BEACH**

OCEANSIDE BANK

**KEY WEST**

FIRST STATE BANK OF THE FLORIDA KEYS

**KISSIMMEE**

CENTERSTATE BANK CENTRAL FLORIDA, N.A.

**LAKE CITY**

COLUMBIA BANK  
FIRST FEDERAL BANK OF FLORIDA  
PEOPLES STATE BANK

**LAKELAND**

BANK OF CENTRAL FLORIDA  
COMMUNITY SOUTHERN BANK

**LANTANA**

STERLING BANK

**LONGWOOD**

ORLANDO NATIONAL BANK

**MADISON**

MADISON COUNTY COMMUNITY BANK

**MARATHON**

MARINE BANK

**MARIANNA**

FIRST CAPITAL BANK

**MAYO**

LAFAYETTE STATE BANK

**MELBOURNE**

PRIME BANK

**MERRITT ISLAND**

COMMUNITY BANK OF THE SOUTH

**MIAMI**

BAC FLORIDA BANK  
CITY NATIONAL BANK OF FLORIDA  
COCONUT GROVE BANK  
CONTINENTAL NATIONAL BANK OF MIAMI  
EAGLE NATIONAL BANK OF MIAMI  
EASTERN NATIONAL BANK  
ESPIRITO SANTO BANK  
EXECUTIVE NATIONAL BANK  
GREAT FLORIDA BANK  
INTERAMERICAN BANK, F.S.B.  
MELLON UNITED NATIONAL BANK  
METRO BANK OF DADE COUNTY  
NORTHERN TRUST, N.A.  
OCEAN BANK  
SUNSTATE BANK  
TOTALBANK  
TRANSATLANTIC BANK  
U.S. CENTURY BANK

**MILTON**

FIRST NATIONAL BANK OF FLORIDA

**MONTICELLO**

FARMERS & MERCHANTS BANK

**MOUNT DORA**

FIRST NATIONAL BANK OF MOUNT DORA

**NAPLES**

BANK OF NAPLES  
ORION BANK  
PARTNERS BANK  
SHAMROCK BANK OF FLORIDA  
TIB BANK

**NEW SMYRNA BEACH**

FRIENDS BANK

**NICEVILLE**

PEOPLES NATIONAL BANK

**NORTH PALM BEACH**

ENTERPRISE BANK OF FLORIDA

**OAKLAND PARK**

AMERICAN NATIONAL BANK

**OCALA**

ALARION BANK

COMMUNITY BANK & TRUST OF FLORIDA

GATEWAY BANK OF CENTRAL FLORIDA

INDEPENDENT NATIONAL BANK

**ORANGE PARK**

HERITAGE BANK OF NORTH FLORIDA

**ORLANDO**

CNLBANK

FLORIDA BANK OF COMMERCE

OLD SOUTHERN BANK

ORANGE BANK OF FLORIDA

SEASIDE NATIONAL BANK & TRUST

**OVIEDO**

CITIZENS BANK OF FLORIDA

**PALATKA**

FIRST FEDERAL BANK OF NORTH FLORIDA

PUTNAM STATE BANK

**PANAMA CITY**

BAY BANK & TRUST COMPANY

FIRST NATIONAL BANK NORTHWEST FLORIDA

PEOPLES FIRST COMMUNITY BANK

VISION BANK

**PANAMA CITY BEACH**

COASTAL COMMUNITY BANK

**PENSACOLA**

BANK OF PENSACOLA

BANK OF THE SOUTH

GULF COAST COMMUNITY BANK

**PERRY**

CITIZENS STATE BANK

**PINELLAS PARK**

FIRST COMMUNITY BANK OF AMERICA

**PORT RICHEY**

REPUBLIC BANK

**PORT ST. JOE**

BAYSIDE SAVINGS BANK

**PORT ST. LUCIE**

FIRST PEOPLES BANK

**ST. AUGUSTINE**

BANK OF ST. AUGUSTINE

PROSPERITY BANK

**ST. PETERSBURG**

SYNOVUS BANK

**SARASOTA**

LANDMARK BANK OF FLORIDA

**SEBRING**

HEARTLAND NATIONAL BANK

HIGHLANDS INDEPENDENT BANK

**SOUTH MIAMI**

FIRST NATIONAL BANK OF SOUTH MIAMI

**STARKE**

COMMUNITY STATE BANK

**STUART**

GULFSTREAM BUSINESS BANK

SEACOAST NATIONAL BANK

**TALLAHASSEE**

CAPITAL CITY BANK

HANCOCK BANK OF FLORIDA

PREMIER BANK

TALLAHASSEE STATE BANK

THE BANK OF TALLAHASSEE

**TAMPA**

AMERICAN MOMENTUM BANK

FIRST CITRUS BANK

FLORIDA BANK

THE PALM BANK

**THE VILLAGES**

CITIZENS FIRST BANK

**TRINITY**  
PATRIOT BANK

**UMATILLA**  
UNITED SOUTHERN BANK

**VALPARAISO**  
VANGUARD BANK & TRUST COMPANY

**VENICE**  
COMMUNITY NATIONAL BANK OF SARASOTA  
COUNTY 02/08/2009  
THE BANK OF VENICE

**WAUCHULA**  
FIRST NATIONAL BANK OF WAUCHULA  
WAUCHULA STATE BANK

**WEST PALM BEACH**  
FIRST BANK OF THE PALM BEACHES  
FLAGLER BANK  
GRAND BANK & TRUST OF FLORIDA

**WILLISTON**  
PERKINS STATE BANK

**WINTER HAVEN**  
CENTERSTATE BANK OF FLORIDA, N.A.

**WINTER PARK**  
BANKFIRST  
FIRST NATIONAL BANK OF CENTRAL FLORIDA  
RIVERSIDE BANK OF CENTRAL FLORIDA

**ZEPHYRHILLS**  
CENTERSTATE BANK, N.A.

**GEORGIA**

**ALBANY**  
HERITAGEBANK OF THE SOUTH

**ATLANTA**  
SUNTRUST BANK

**COLQUITT**  
PEOPLESOUTH BANK

**DARIEN**  
SOUTHEASTERN BANK

**MOULTRIE**  
AMERIS BANK

**IOWA**

**FORT DODGE**  
FIRST AMERICAN BANK

**LOUISIANA**

**NEW ORLEANS**  
WHITNEY NATIONAL BANK

**MASSACHUSETTS**

**BOSTON**  
ONEUNITED BANK

**MICHIGAN**

**GRAND RAPIDS**  
FIFTH THIRD BANK

**MISSISSIPPI**

**JACKSON**  
TRUSTMARK NATIONAL BANK

**KOSCIUSKO**  
MERCHANTS AND FARMERS BANK

**STARKVILLE**  
CADENCE BANK, N.A.

**TUPELO**  
BANCORPSOUTH BANK



**MISSOURI**

**CREVE COEUR**  
FIRST BANK

**NEVADA**

**LAS VEGAS**  
CITIBANK, N.A.

**NEW YORK**

**NEW YORK CITY**  
BANCO POPULAR NORTH AMERICA  
INTERVEST NATIONAL BANK

**NORTH CAROLINA**

**CHARLOTTE**  
BANK OF AMERICA, N.A.  
WACHOVIA BANK, N.A.

**RALEIGH**  
RBC BANK (USA)

**WINSTON-SALEM**  
BRANCH BANKING & TRUST COMPANY

**OHIO**

**CLEVELAND**  
NATIONAL CITY BANK

**WILMINGTON**  
LIBERTY SAVINGS BANK, F.S.B.

**SOUTH CAROLINA**

**GREENVILLE**  
CAROLINA FIRST BANK

**TEXAS**

**HOUSTON**  
ENCORE BANK, N.A.

**WISCONSIN**

**MILWAUKEE**  
M&I MARSHALL & ILSLEY BANK

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THE FOLLOWING IS A LIST OF INSTITUTIONS THAT  
HAD A CHANGE SINCE THE LAST PUBLICATION OF  
THIS REPORT.

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**ENTERPRISE NATIONAL BANK OF PALM BEACH**  
NORTH PALM BEACH  
ENTERPRISE NATIONAL BANK OF PALM BEACH HAS  
CHANGED ITS NAME TO ENTERPRISE BANK OF  
FLORIDA.

**FIRST NATIONAL BANK OF NASSAU COUNTY**  
FERNANDINA BEACH  
FIRST NATIONAL BANK OF NASSAU COUNTY WAS  
MERGED WITH AND INTO LOWCOUNTRY NATIONAL  
BANK LOCATED IN BEAUFORT, SOUTH CAROLINA  
EFFECTIVE AUGUST 10, 2008. LOWCOUNTRY  
NATIONAL BANK WAS NOT A QPD BUT BECAME A  
QPD AUTOMATICALLY WITH THIS MERGER.  
LOWCOUNTRY NATIONAL BANK SIMULTANEOUSLY  
CHANGED THEIR NAME TO CBC NATIONAL BANK  
AND THEIR HOME OFFICE LOCATION TO  
FERNANDINA BEACH AT THE TIME OF THE MERGER.  
CBC NATIONAL BANK LOCATED IN FERNANDINA  
BEACH HAS NOW COMPLETED THE NECESSARY  
PAPERWORK TO REMAIN A QPD IN THE FLORIDA  
PUBLIC DEPOSITS PROGRAM.

**INTERNATIONAL BANK OF MIAMI, N.A.**  
CORAL GABLES  
INTERNATIONAL BANK OF MIAMI, N.A. HAS  
CHANGED ITS NAME TO THE BANK OF MIAMI, N.A.

**SYNOVUS BANK OF TAMPA BAY**  
ST. PETERSBURG  
SYNOVUS BANK OF TAMPA BAY HAS CHANGED ITS  
NAME TO SYNOVUS BANK.

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**FINANCIAL SERVICES COMMISSION**

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, 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, 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 14, 2008):

APPLICATION TO MERGE

Constituent Institutions: Community South Credit Union, Chipley, Florida and Holmes Washington Credit Union, Bonifay, Florida

Resulting Institution: Community South Credit Union

Received: October 13, 2008

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN October 6, 2008  
 and October 10, 2008

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

5K-4.020	10/8/08	10/28/08	34/35	
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**DEPARTMENT OF CORRECTIONS**

33-208.506	10/9/08	10/29/08	34/36	
33-208.507	10/9/08	10/29/08	34/36	
33-602.701	10/9/08	10/29/08	34/34	

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Medicaid Program Office

59G-9.070	10/9/08	10/29/08	34/33	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Condominiums, Timeshares, and Mobile Homes**

61B-3.0001	10/8/08	10/28/08	34/32	
61B-3.001	10/8/08	10/28/08	34/32	
61B-3.008	10/8/08	10/28/08	34/32	
61B-5.0022	10/8/08	10/28/08	34/32	
61B-5.0026	10/8/08	10/28/08	34/32	
61B-5.003	10/8/08	10/28/08	34/32	
61B-6.001	10/8/08	10/28/08	34/32	
61B-6.004	10/8/08	10/28/08	34/32	
61B-6.006	10/8/08	10/28/08	34/32	
61B-6.010	10/8/08	10/28/08	34/32	
61B-7.011	10/8/08	10/28/08	34/32	
61B-9.0011	10/8/08	10/28/08	34/32	
61B-9.003	10/8/08	10/28/08	34/32	
61B-9.032	10/8/08	10/28/08	34/32	
61B-9.036	10/8/08	10/28/08	34/32	
61B-13.003	10/8/08	10/28/08	34/32	
61B-13.011	10/8/08	10/28/08	34/32	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
61B-13.102	10/8/08	10/28/08	34/32	
61B-24.006	10/8/08	10/28/08	34/32	

**Board of Professional Surveyors and Mappers**

61G17-4.001	10/6/08	10/31/08	34/36	
61G17-4.002	10/6/08	10/31/08	34/34	
61G17-4.004	10/6/08	10/31/08	34/34	
61G17-4.006	10/6/08	10/31/08	34/34	

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-305.100	10/9/08	10/29/08	34/32	34/36
62-305.200	10/9/08	10/29/08	34/32	
62-305.300	10/9/08	10/29/08	34/32	34/36
62-305.400	10/9/08	10/29/08	34/32	34/36
62-305.900	10/9/08	10/29/08	34/32	34/36
62-730.171	10/8/08	10/28/08	34/31	34/37
62-730.182	10/8/08	10/28/08	34/31	34/37
62-730.900	10/8/08	10/28/08	34/31	34/37

**DEPARTMENT OF HEALTH**

**Board of Optometry**

64B13-4.004	10/10/08	10/30/08	34/36	
64B13-15.006	10/10/08	10/30/08	34/36	
64B13-15.009	10/10/08	10/30/08	34/36	

**Board of Psychology**

64B19-12.0075	10/6/08	10/26/08	34/16	34/36
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**Division of Disease Control**

64D-4.002	10/7/08	10/27/08	34/34	
64D-4.003	10/7/08	10/27/08	34/34	

**FINANCIAL SERVICES COMMISSION**

**OIR Insurance Regulation**

69O-144.007	10/9/08	10/29/08	34/14	34/26
69O-149.205	10/9/08	10/29/08	34/25	
69O-149.206	10/9/08	10/29/08	34/25	
69O-149.207	10/9/08	10/29/08	34/25	
69O-203.210	10/9/08	10/29/08	34/24	