

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:
5E-14.117 Application for Examination for Pest Control Operator’s Certificate and Special Identification Card

PURPOSE AND EFFECT: The purpose of these rule changes is to define requirements for individuals seeking the Limited Commercial Fertilizer Certificate applying fertilizers commercially in Florida and to correct the application fee for category examination to reflect the increase to \$300.00.

SUBJECT AREA TO BE ADDRESSED: Limited Fertilizer Applicators Certificate and correction of the application fee for category examination to reflect the increase to \$300.00.

RULEMAKING AUTHORITY: 482.051, 482.1562 FS.

LAW IMPLEMENTED: 482.132, 482.141, 482.151, 482.152, 482.156, 482.1562 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: Mr. Michael J. Page, Chief of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961; (850)921-4177

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

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.”

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.: RULE TITLES:
18-24.001 General and Definitions
18-24.002 Public Purposes and Categories of Projects Qualifying for Funding

18-24.003 Application Procedures and Requirements
18-24.004 Initial Review of Project Proposals
18-24.005 Full Review of Project Proposals
18-24.006 Council Evaluation and Grouping
18-24.007 Board of Trustees Consideration
18-24.008 Capital Improvement and Restoration Proposals

PURPOSE AND EFFECT: To comply with new statutory requirements, rules applying to criteria, goals and measures for the Florida Forever land acquisition, management and restoration program and the Council’s evaluation, selection and ranking of Florida Forever projects shall be developed for consideration of the Board of Trustees.

SUBJECT AREA TO BE ADDRESSED: Revision of the Florida Forever Program’s criteria, goals and performance measures and the Council’s procedures for evaluating and ranking Florida Forever projects.

RULEMAKING AUTHORITY: 259.035, 259.105 FS.

LAW IMPLEMENTED: 259.035, 259.105 FS.

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

DATES AND TIMES: September 14, 2009, 10:00 a.m.; HEARING: October 8, 2009, 9:00 a.m.; MEETING: October 9, 2009, 9:00 a.m.

PLACE: Department of Environmental Protection, Conference Room A, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Greg Brock, Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Blvd., MS. 140, Tallahassee, Florida 32399-3000; phone: (850)245-2784; E-mail: greg.brock@dep.state.fl.us

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

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program
RULE NOS.: RULE TITLES:
58L-1.001 Confidentiality and Disclosure
58L-1.0011 Definitions

- 58L-1.005 Access
- 58L-1.006 Conflict of Interest
- 58L-1.007 Complaint Procedures
- 58L-1.008 Administrative Assessment

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to add additional language; incorporate conflict of interest language into this rule chapter, which is currently included in Rule Chapter 58L-2, F.A.C.; and develop three new rules for definitions, complaint procedures and administrative assessments, including two forms incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments and new rules address confidentiality and disclosure of information, access to information, conflict of interest, definitions, complaint procedures and administrative assessments, including two forms incorporated by reference.

RULEMAKING AUTHORITY: 400.0071, 400.0077(5), 400.0081(2) FS.

LAW IMPLEMENTED: 400.0071, 400.0073, 400.0075, 400.0077, 400.0081 FS.

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

DATE AND TIME: September 15, 2009, 9:30 a.m. – 1:30 p.m. EDT

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone: (850)414-2000; Email address: crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone: (850)414-2000; Email address: crochethj@elderaffairs.org

THE TEXT OF THE PROPOSED RULE DEVELOPMENT IS ALSO AVAILABLE ON THE WEBSITE LISTED BELOW, ALONG WITH THE 2 FORMS INCORPORATED BY REFERENCE, UNDER THE HEADING ENTITLED "LONG-TERM CARE OMBUDSMAN PROGRAM, RULE CHAPTER 58L-1, F.A.C. <http://elderaffairs.state.fl.us/english/rulemaking.php>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 58L-1.001, follows. See Florida Administrative Code for present text.)

58L-1.001 Confidentiality and Disclosure.

(1) APPLICABILITY.

The confidentiality and disclosure of information requirement applies to the complaint files maintained by the entities below, which are established under Chapter 400, Part I, F.S.:

(a) The staff of the Office of the State Long-Term Care Ombudsman;

(b) Members of the State Long-Term Care Ombudsman Council; and

(c) Members of the district long-term care ombudsman councils.

(2) REQUIREMENTS.

(a) Individuals specified in subsection (1) of this rule must follow the requirements in this subsection regarding the confidentiality and disclosure of information involving complaint files in the performance of their duties:

1. Section 400.0077, F.S.; and

2. Title VII, Chapter 2, of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C., Section 3058g(d).

(b) Complaint case files cannot be released by the program until the case is closed as defined in Rule 58L-1.0011, F.A.C.

Rulemaking Specific Authority 400.0077(5) FS. Law Implemented 400.0077 FS. History–New 7-25-95, Amended _____.

58L-1.0011 Definitions:

In addition to the terms defined in Section 400, Part I, F.S., the following terms are defined in this rule chapter:

(1) COMPLAINT INVESTIGATION DEFINITIONS.

(a) CASE: Each inquiry brought to, or initiated by, the ombudsman on behalf of a resident or group of residents involving one or more complaints which requires opening a case and includes ombudsman investigation, strategy to resolve and follow-up.

(b) CASE CLOSED: A case where none of the complaints within the case require any further action on the part of the ombudsman and every complaint has been assigned the appropriate disposition code. For purposes of this rule, each complaint must be reviewed and approved by the long-term care district ombudsman manager, or designee, before it meets this definition.

(c) CLOSED CASE: Same as case closed.

(d) COMPLAINT: A concern brought to, or initiated by, the ombudsman for investigation and action by or on behalf of one or more residents of a long-term care facility relating to health, safety, welfare or rights of a resident. One or more complaints constitute a case.

(e) COMPLAINANT: An individual or a party, (i.e., husband and wife; siblings), who files one or more complaints made by, or on behalf of, residents with the ombudsman program.

(2) COMPLAINT INVESTIGATION DISPOSITION CODES.

(a) NO ACTION NEEDED: The complaint/problem required no action.

(b) NOT RESOLVED: The complaint/problem was not addressed to the satisfaction of the resident or complainant.

(c) PARTIALLY RESOLVED: The complaint/problem has been addressed to some degree to the satisfaction of the resident or complainant, but not completely.

(d) REFERRED, AGENCY FAILED TO ACT: The complaint/problem was referred to an agency having jurisdiction over the complaint/problem, but the agency failed to act.

(e) REFERRED, NO REPORT: The complaint/problem was referred to an agency having jurisdiction over the complaint/problem, but no report was filed.

(f) REQUIRES POLICY, REGULATORY or LEGISLATIVE CHANGE TO RESOLVE: The complaint/problem cannot be addressed to the satisfaction of the resident or complainant without a policy, regulatory or statutory change.

(3) COMPLAINT INVESTIGATION VERIFICATION CODES.

(a) RESOLVED: The complaint/problem was addressed to the satisfaction of the resident or complainant.

(b) VERIFIED: It is determined after work (interviews, record inspection, and observation, etc.) that the circumstances described in the complaint are generally accurate.

(4) CONFLICT OF INTEREST DEFINITIONS.

(a) CONFLICT OF INTEREST: A conflict of interest is a competing interest, obligation or duty which compromises, influences, interferes with (or gives the appearance of compromising, influencing or interfering with) the integrity, the activities or the conduct of the program's representatives, including the State Long-Term Care Ombudsman, in faithfully and effectively fulfilling his or her official duties. Types of conflicts include:

1. Conflicts of loyalty involve issues of judgment and objectivity, including, but not limited to, financial incentives that shape an individual's judgment or behavior in such a way that is contrary to residents' interests.

2. Conflicts of commitment involve issues of time and attention that direct an individual's time and attention away from the residents' interests.

3. Conflicts of control involve issues of independence, including limitations or restrictions that effectively prevent an individual's ability to advocate for residents' interests.

(b) IMMEDIATE FAMILY: Father, mother, stepfather, stepmother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, great-grandmother, great-grandfather, grandson, granddaughter, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(c) INDIRECT REMUNERATION: Receiving remuneration from a company providing a service to a long-term care facility, such as a consulting pharmacist.

(d) LONG-TERM CARE SERVICES: Services provided by a long-term care facility, home health agency, adult day care center, hospice, intermediate care facility, home for special services or transitional living facility as those terms are defined in Chapters 400 and 429, F.S. Long-term care services also include services provided to residents by geriatric care managers, guardians or representative payees, who are not immediate family members.

(3) OTHER DEFINITIONS:

(a) DISTRICT: A geographic area in which the ombudsman program is administered and services are delivered.

(b) DOM: Abbreviation for long-term care district ombudsman manager.

(c) PROGRAM: The Office of the State Long-Term Care Ombudsman, its representatives and employees, the State Long-Term Care Ombudsman Council, and the district long-term care ombudsman councils as established in Chapter 400, Part I, F.S.

Rulemaking Authority 400.0070, 400.0071 FS. Law Implemented 400.0070, 400.0071, 400.0073, 400.0075 FS. History—New

(Substantial rewording of Rule 58L-1.005 follows. See Florida Administrative Code for present text.)

58L-1.005 Access.

(1) Long-term care facilities must follow the provisions below regarding an ombudsman's access to the facility, residents and records:

(a) Section 400.0081, F.S.; and

(b) Title VII, Chapter 2, of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C. § 3058g(b).

(2) Upon entering a long-term care facility, the ombudsman must identify himself or herself to the administrator or designee.

(3) In the event that a facility should deny an ombudsman access as outlined in subsection (1) of this rule, the ombudsman must report the incident to the DOM, who must immediately contact the Office of the Long-Term Care Ombudsman.

Rulemaking Specific Authority 400.0081(2) FS. Law Implemented 400.0081 FS. History—New 7-31-95, Formerly 58L-3.001, Amended _____.

58L-1.006 Conflict of Interest.

This rule incorporates conflict of interest language that was formerly included under Rule Chapter 58L-2, Long-Term Care Ombudsman Conflict of Interest, F.A.C.

(1) PROHIBITIONS.

(a) In addition to the conflict of interest prohibitions set forth in Section 400.0070(1), F.S., and Title VII, Chapter 2 of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C. § 3058g(f), the following situations constitute prohibited conflicts of interest involving an ombudsman; an ombudsman's immediate family member; an officer, employee or representative of the Office of State Long-Term Care Ombudsman or of the state or district long-term care ombudsman councils:

1. Having, or an immediate family member having, an ownership or investment interest, represented by equity, debt or other financial relationship, in a long-term care facility or long-term care service as defined in Rule 58L-1.0011, F.A.C.;

2. Providing, or having an immediate family member providing, long-term care services, including the provision of personnel for long-term care facilities or the operation of programs which control access to, or services for, long-term care facilities;

3. Participating, or having an immediate family member participating, in the management of a long-term care facility or serving as the medical director of a long-term care facility;

4. Being involved, or having an immediate family member involved, in the licensing and certification of a long-term care facility or provision of a long-term care service to a facility or its residents;

5. Receiving, or having an immediate family member receiving, direct or indirect remuneration under a compensation arrangement with an owner or operator of a long-term care facility;

6. Accepting, or having an immediate family member accepting, substantial or consequential gifts or gratuities from a long-term care facility, facility owner, administrator, resident or resident's representative;

7. Performing ombudsman duties in a facility in which an immediate family member resides;

8. Standing to gain financially through an action or potential action brought on behalf of residents by ombudsman services;

9. Participating in activities which compromise the ability of the Long-Term Care Ombudsman Program to serve residents or are likely to create an appearance that the Long-Term Care Ombudsman Program's primary interest is other than as a resident advocate.

10. Being a current employee of the Agency for Health Care Administration, the Department of Business and Professional Regulation, the Department of Children and Family Services and the Department of Health.

(b) Past employment in a long-term care facility or being related to a long-term care facility resident shall not, in and of itself, be construed as an impermissible conflict of interest.

(2) PROCEDURES.

(a) Upon approval, employment or affiliation with the program, each appointee, officer, employee or representative shall sign and date a conflict of interest statement that includes the following:

1. Acknowledgement that the individual has reviewed Title VII, Chapter 2, of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C., Section 3058g(f), Section 400.0070(1), F.S., and this rule;

2. Acknowledgement that the individual understands the prohibitions contained in subsection (1) of this rule; and

3. A statement that the individual has no conflict of interest as defined in this rule.

(b) All acknowledgements referenced in this subsection must be submitted to the Office of the State Long-Term Care Ombudsman at the following address: Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The Office of the State Long-Term Care Ombudsman must keep the statements on file.

(c) The State Long-Term Care Ombudsman shall receive and review all allegations of conflict of interest and, if appropriate, shall request that the individual remove the conflict of interest.

(d) If the individual does not remove the conflict of interest, the State Long-Term Care Ombudsman shall de-designate the representative from performing any authorized ombudsman duty or responsibility, or shall terminate for cause any such employee.

(e) Deliberate failure to disclose any conflict of interest, or the violation of any prohibition set forth in this rule, shall be considered sufficient grounds for de-designating the representative from performing any authorized ombudsman duty or responsibility, or terminating for cause such an employee.

Rulemaking Authority 400.0070 FS. Law Implemented 400.0070 FS. History—New _____.

58L-1.007 Complaint Procedures.

This rule outlines the procedures for receiving complaints and conducting complaint investigations on behalf of residents in long-term care facilities or involving facility employees.

(1) RECEIVING COMPLAINTS.

(a) Any person may make a written or verbal complaint to the Office of State Long-Term Care Ombudsman or its representatives. A complaint may be anonymous.

(b) The receipt of a complaint by the DOM, or designee, triggers the opening of a case as defined in Rule 58L-1.0011, F.A.C.

1. The DOM, or designee, must code complaints based on the requirements of the National Ombudsman Reporting System published by the U.S. Department of Health and Human Services, Administration on Aging.

2. The DOM, or designee, must complete and provide DOEA Form LTCOP-001 to the ombudsman conducting the investigation. DOEA Form LTCOP-001, Case Investigation, 2009, is hereby incorporated by reference and available from the Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The form may also be obtained at the following Web site: (TBA).

(2) INVESTIGATIVE PROTOCOL.

(a) An investigation is initiated when an ombudsman makes contact with the complainant or resident. The investigation must be initiated within 7 calendar days after the district ombudsman manager receives the complaint.

(b) To the extent possible, the ombudsman must make every effort to visit the resident, or representative or immediate family member on whose behalf the complaint was filed. If unable to do so, the ombudsman must document the reason why he or she was unable to visit the resident, or representative or immediate family member.

(c) The complaint investigation must focus on the rights, health, safety and welfare of the resident or residents and may include direct observation, interviews with residents and other individuals, and record reviews, as permitted in 42 U.S.C., Section 3058g(b), and Section 400.0081, F.S.

(d) Investigations must be closed within 90 calendar days after receiving the complaint unless additional time is requested by the ombudsman and granted by the DOM, or designee. The DOM, or designee, may grant an extension of the 90-calendar day period when the ombudsman is unable to complete the investigation due to circumstances beyond his or her control. Such circumstances may be:

1. The investigation is undergoing legal or administrative proceedings;

2. One of the parties is ill and cannot participate in the investigation;

3. There is an act of God or a designated threat to public safety that would warrant an extension; or

4. Any other circumstance that would warrant an extension in the opinion of the DOM, or designee.

(e) At the conclusion of a case investigation, the ombudsman must:

1. Complete DOEA Form LTCOP-0001, using disposition codes referenced in subparagraph (1)(b)1. of this rule.

2. Contact the resident, or representative, to inform him or her of the preliminary disposition, pending the review and final approval of the DOM, or designee, pursuant to paragraph (f) of this subsection.

3. Conduct an exit interview with the facility administrator, or designee, to discuss the preliminary complaint findings and provide an opportunity for comment. All comments must be documented and become part of the complaint record. The ombudsman must inform the administrator, or designee, that an official report of the findings will be submitted after review and final approval by the DOM, or designee, pursuant to paragraph (f) of this subsection.

4. Submit the complaint investigation form to the DOM, or designee, within 7 calendar days.

(f) The DOM, or designee, must review and approve the complaint investigation.

1. Within 21 calendar days after case closure as defined in Rule 58L-1.0011, F.A.C., the DOM, or designee, must submit a written summary of the case disposition to the resident or representative, and the facility.

2. The facility may submit written comments regarding the summary to the DOM, or designee, within 21 calendar days from the date on the summary letter. If timely received, the DOM, or designee, must include the facility's written comments as part of the official complaint record.

Rulemaking Authority 400.0071 FS. Law Implemented 400.0071, 400.0073, 400.0075 FS. History—New _____.

58L-1.008 Administrative Assessments.

This rule outlines procedures for conducting administrative assessments of long-term care facilities.

(1) MINIMUM ASSESSMENT REQUIREMENT.

Pursuant to Section 400.0074, F.S., all long-term care facilities must have at least one onsite administrative assessment conducted annually. For purposes of this rule, the annual period shall be the federal reporting year, which is October 1 through September 30.

(2) ASSESSMENT ASSIGNMENTS.

(a) By October 1 of each year, the DOM, or designee, must assign all facilities within his or her district to individual members of the local council for administrative assessments to be completed by September 30 of the following year.

(b) The DOM, or designee, must keep original completed assessment forms in the district office and forward copies to the facility administrator and the local Agency for Health Care Administration field office within 30 calendar days after review and approval.

(3) ADMINISTRATIVE ASSESSMENT PROCESS.

Administrative assessments may include observations, interviews with residents and other individuals, and review of facility records as permitted in Section 400.0081, F.S. The

assessment must focus on issues affecting residents' rights, health, safety, quality of life, quality of care and welfare from their perspective.

(4) ADMINISTRATIVE ASSESSMENT FORM.

The results of an administrative assessment must be recorded on the DOEA Form LTCOP-0002, 2009, Administrative Assessment, which is incorporated by reference and available from the Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The form may also be obtained from the following Website: (TBA).

(5) OMBUDSMAN RESPONSIBILITY.

At the conclusion of the assessment, the ombudsman must do the following:

(a) Conduct an exit interview with the facility administrator, or designee, to discuss the preliminary assessment findings and provide an opportunity for the administrator, or designee, to comment. All comments must be documented and become part of the assessment record. The ombudsman must inform the administrator, or designee, that an official report of the findings will be submitted after review and approval by the DOM, or designee, pursuant to subsection (6) of this rule.

(b) Document the preliminary steps and target dates agreed upon for remedial action if any problems are identified during the assessment.

1. Preliminary identified problems and preliminary target dates must be recorded on the assessment form referenced in subsection (4) of this rule, a copy of which must be provided to the facility administrator, or designee, during the exit interview.

2. The ombudsman must inform the administrator, or designee, that an official report of the identified problems and target dates will be submitted after review and final approval by the DOM, or designee, pursuant to subsection (6) of this rule.

(c) Submit the administrative assessment form to the DOM, or designee, within 7 calendar days.

(6) DOM RESPONSIBILITY.

(a) The DOM, or designee, must review and approve the administrative assessment after the ombudsman completes the form.

1. As required by Section 400.0075(1)(a), F.S., within 21 calendar days after the DOM, or designee, receives the assessment form from the ombudsman, he or she must submit a written summary of the assessment to the facility, including any changes to the preliminarily agreed upon actions and target dates at the exit conference.

2. The written summary shall be the official administrative assessment.

3. The facility may submit written comments regarding the summary to the DOM, or designee, within 21 calendar days from the date on the summary letter. If timely received, the DOM, or designee, must include the facility's written comments as part of the official administrative assessment.

(7) UNRESOLVED PROBLEMS.

If problems identified during an assessment remain unresolved, the ombudsman, the district long-term care ombudsman council and the State Long-Term Ombudsman Council, in consultation with the State Ombudsman, shall proceed with actions pursuant to Section 400.0075, F.S.

Rulemaking Authority 400.0071 FS. Law Implemented 400.0071, 400.0073 FS. History—New

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-7.020 Definitions

PURPOSE AND EFFECT: The agency is proposing to amend the rule that defines laboratory terms including "Biomedical Waste", laboratory directors, certain free standing centers and "kickback".

SUBJECT AREA TO BE ADDRESSED: Revisions to update the rule to reference current regulations, correct federal agency names, delete definitions in statute, and revise the definition of kickback.

RULEMAKING AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.041(7), 483.181, 483.245 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: September 14, 2009, 2:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room D, 2727 Mahan Drive, 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109. If you are 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-7.020 Definitions.

In addition to definitions set forth in Section 483.041, F.S., as used in this chapter the following terms shall mean:

(1) Approved Accreditation Program – a non profit organization granted deemed status or a state licensure program granted exempt status by the Centers for Medicare and Medicaid Services Health Care Financing Administration under the federal Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.

(2) through (4) No change.

(5) Biomedical Waste – any solid or liquid waste which presents a threat of infection to humans as defined under subsection 64E-16.002(2) ~~10D-104.002(2)~~, F.A.C.

(6) through (7) No change.

~~(8) Clinical Laboratory or Laboratory – a laboratory where examinations are performed on materials or specimens taken from the human body to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or the assessment of a medical condition.~~

~~(9) Collection Station – a facility where materials or specimens are withdrawn or collected from patients or are assembled after being collected elsewhere, for subsequent delivery to a clinical laboratory for examination.~~

~~(8)(10) Director – a person qualified under Rules promulgated pursuant to Chapter 483, Part III IV, F.S., who is responsible for and assures the overall administration of the technical and scientific operations of a laboratory.~~

~~(9)(11) Direct Supervision – supervision by a director, supervisor, or technologist who is on the premises, and is available to the laboratory when test procedures are being performed.~~

~~(10)(12) Exclusive Use Laboratory – a clinical laboratory operated by one or more of the following exclusively in connection with the diagnosis and treatment of their own patients:~~

(a) through (e) No change.

~~(11)(13) Free-standing Histology, Oral Pathology, or and Cytology Center – any location outside a clinical laboratory licensed under Chapter 483, Part I, F.S., which is engaged in and limits its activities to the preparation of human cellular material for microscopic interpretation by laboratories licensed in the specialty of pathology or and subspecialties of histopathology, oral pathology pathology, and cytology.~~

~~(12)(14) General Supervision – supervision by a director or supervisor who is responsible for the overall performance of laboratory testing.~~

~~(13)(15) Kickback – a remuneration, payment back, or other inducement, direct or indirect, in cash or in kind, pursuant to an investment interest, compensation arrangement, or otherwise, made by any person as defined in Section 483.041(7), F.S., including any clinical laboratory as defined in~~

Section 483.041(2), F.S., to any physician, surgeon, organization, agency, or person as an incentive or inducement to refer any individual or specimen to a laboratory licensed under Chapter 483, Part I, F.S., such as the following:

(a) Provision of an actual payment or investment interest;

(b) Rental of real estate or equipment where the lease agreement does not comply with the criteria set forth in Section 456.053 ~~455.236~~, F.S.;

(c) through (f) No change.

(g) Provision of personnel or assistance of any kind at less than fair market value to perform any duties for the collection or processing of specimens. ~~Such personnel or assistance is authorized to be provided on a temporary basis for the collection of specimens at a patient's residence.~~ These collections must meet the requirements of Chapter 59A-7, F.A.C.

~~(14)(16) Kit – all components of a test that are packaged together.~~

~~(15)(17) License – shall refer to a licensure certificate or licensure certificate of exemption issued under Chapter 483, Part I, F.S.~~

~~(16)(18) Licensure Certificate – evidence of current licensure issued to a clinical laboratory upon application and qualification as required in this Rule and Chapter 483, Part I, F.S. Such license shall be issued for testing for one or more of the following specialties or subspecialties:~~

(a) Histocompatibility.

(b) Microbiology composed of the subspecialties of Bacteriology, Mycobacteriology, Mycology, Parasitology, or Virology, ~~or Microbiology (Other).~~

(c) Diagnostic Immunology composed of the subspecialties of Syphilis Serology or General Immunology.

(d) Chemistry composed of the subspecialties of Routine Chemistry, Urinalysis, Endocrinology, or Toxicology ~~or Chemistry (Other).~~

(e) Hematology.

(f) Immunohematology composed of the subspecialties of ABO Group & Rh Group, Antibody Detection (Transfusion), Antibody Detection (Non-Transfusion), Antibody Identification, or Compatibility Testing ~~or Immunohematology (Other).~~

(g) Pathology composed of the subspecialties of Histopathology, Oral Pathology or Cytology.

(h) Clinical Cytogenetics.

(i) Radiobioassay.

(j) Free-standing histology or cytology center limited to those activities described in subsection 59A-7.020~~(11)(12)~~, F.A.C.

(k) Provider-performed microscopy tests limited to the CLIA category of Provider-Performed Microscopy tests found in 42 CFR 493.19(c)(1)-(9).

~~(19) Licensure Certificate of Exemption or Certificate of Exemption — evidence of current licensure issued to a laboratory upon application and qualification as stipulated in Section 483.106, F.S., when such facility performs only waived tests. Such license shall be issued authorizing testing only for specialties or subspecialties for a certificate of exemption.~~

~~(17)(20) Moderately Complexity Complex Test — procedures defined as moderately complexity complex by the federal Centers for Medicare and Medicaid Services Health Care Financing Administration under the federal Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.~~

~~(18)(21) Performance Characteristic — a property of a test that is used to describe its quality including accuracy, precision, analytical sensitivity, analytical specificity, reportable range, and reference range.~~

~~(19)(22) Performance Specification — a value or range of values for a performance characteristic, established or verified by the laboratory, that is used to describe the quality of patient test results.~~

~~(20)(23) Referee Laboratory — means a laboratory that has a record of satisfactory proficiency testing performance for all testing events for at least one year for a specific test, analyte, subspecialty, or specialty and has been designated by an approved proficiency testing program that meets the requirements of Rule 59A-7.026, F.A.C., as a referee laboratory analyzing proficiency testing specimens for the purpose of determining the correct response for the specimens in a testing event for that specific test, analyte, subspecialty, or specialty.~~

~~(21)(24) Reference Range — means the range of test values expected for a designated population of individuals.~~

~~(22)(25) Supervisor — a person licensed under Chapter 483, Part III IV, F.S., who is responsible for the day-to-day supervision or oversight of the technical and scientific operations in a laboratory specialty or who, under the general supervision of a director, supervises and evaluates the performance of technical personnel, performs tests requiring special scientific skill, performs functions delegated by the director, and who, in the absence of the director, is held responsible for proper performance of testing procedures, testing personnel, reporting of results and compliance with applicable regulations.~~

~~(23)(26) Sample — in proficiency testing means the material contained in a vial, on a slide, or other unit that contains material to be tested by proficiency testing program participants. When possible, samples are of human origin.~~

~~(24)(27) Separate Premises — buildings that are not located on the same or adjoining grounds.~~

~~(25)(28) Technologist — a person licensed under Chapter 483, Part III IV, F.S., who under the general supervision of the director or supervisor, processes specimens, performs and interprets tests that require the exercise of independent~~

judgment and responsibility, and reports results in those specialties or subspecialties in which the technologist is licensed. A technologist is authorized to oversee the work of technicians in the absence of a supervisor in the specialty(ies) in which the technologist is licensed.

~~(26)(29) Technician — a person licensed under Chapter 483, Part III IV, F.S., who functions under the direct supervision of a director, supervisor, or technologist and performs routine clinical laboratory procedures which require limited responsibility and minimal exercise of independent judgment. A technician is authorized to function under general supervision in exclusive use laboratories.~~

~~(27)(30) Transfusion Service — for purposes of this part, a blood bank transfusion service shall include the collection of blood and blood components, performance of therapeutic collection or pheresis, preparation of red blood cells and the recovery of human plasma.~~

~~(28)(31) Target Value — for quantitative tests refers to the mean established by the approved proficiency testing program.~~

~~(29)(32) Unsatisfactory Proficiency Testing Performance — failure to attain the minimum satisfactory score for an analyte, test, subspecialty, or specialty for a testing event.~~

~~(30)(33) Unsuccessful Proficiency Testing Performance — a failure to attain the minimum satisfactory score for an analyte, test, subspecialty, or specialty for two consecutive or two of three consecutive testing events.~~

~~(34) Waived Test — a test that the federal Health Care Financing Administration has determined qualifies for a certificate of waiver under the federal Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.~~

~~Rulemaking Specific Authority 483.051 FS. Law Implemented 483.035, 483.041, 483.051, ~~483.106~~, 483.191 FS. History—New 11-20-94, Amended 8-13-95, 12-27-95, 6-22-06,_____.~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

<p>RULE NOS.:</p> <p>61B-20.004</p> <p>61B-20.005</p> <p>61B-20.006</p>	<p>RULE TITLES:</p> <p>Definitions and Purpose</p> <p>Educational Resolution</p> <p>Enforcement Resolution and Civil Penalties</p>
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PURPOSE AND EFFECT: The amendments are intended to make the condominium association resolution guidelines consistent with the 2008 revised legislation affecting the division’s jurisdiction and the experience gained in applying the rules since their adoption in 1998.

SUBJECT AREA TO BE ADDRESSED: The amendments clarify the definition of an accepted complaint; who has standing to file a complaint; provide point values for calculating aggravating and mitigating factors; change the

beginning range of penalties to a set point; re-word descriptions for clarity; increase some minor violations to major violations; add new statutory citations to the list of described violations; remove some statutory citations from the list of described violations; and increase the penalties for violations.

RULEMAKING AUTHORITY: 718.501(1)(d)6., (f) FS.

LAW IMPLEMENTED: 455.2273, 718.301, 718.501(1)(a), (b), (d)6., (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: September 14, 2009, 10:00 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, at (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.myflorida.com/dbpr/lsc/LSCMHRulePromulgation.html>

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-21.001	Definitions and Purpose
61B-21.002	Educational Resolution
61B-21.003	Enforcement Resolution and Civil Penalties

PURPOSE AND EFFECT: The amendments are intended to make the condominium association resolution guidelines consistent with the 2008 revised legislation affecting the Division’s jurisdiction, and the experience gained in applying the rules since their adoption in 1998.

SUBJECT AREA TO BE ADDRESSED: The amendments clarify the definition of an accepted complaint; who has standing to file a complaint; and the change in jurisdiction over

post-turnover associations. The rule amendments also provide a uniform system for applying aggravating and mitigating factors; re-word descriptions for clarity; increase some minor violations to major violations; add new statutory citations to the list of described violations; and remove some statutory citations from the list of described violations.

RULEMAKING AUTHORITY: 718.501(1)(d)6., (f) FS.

LAW IMPLEMENTED: 455.2273, 718.501(1)(a), (b), (d)6., (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: September 14, 2009, 10:00 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, at (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.myflorida.com/dbpr/lsc/LSCMHRulePromulgation.html>

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.:	RULE TITLE:
61B-40.0062	Waiver of Reserves

PURPOSE AND EFFECT: Section 721.13(3)(c)3., Florida Statutes, allows for the waiver or reduction of reserves for capital expenditures and deferred maintenance in a Florida timeshare plan. The purpose of this rule amendment is to delete subsection 61B-40.0062(2), F.A.C., which conflicts with Section 721.13(3)(c)3., Florida Statutes, by prohibiting the waiver or reduction of reserves in Florida timeshare plans.

SUBJECT AREA TO BE ADDRESSED: This rule addresses reserve funding for capital expenditures and deferred maintenance in Florida timeshare plans.

RULEMAKING AUTHORITY: 718.501(1)(f), 721.03(2), 721.26(6) FS.

LAW IMPLEMENTED: 718.112(2)(f), 721.03(3), 721.07(5)(t) 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: September 14, 2009, 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, at (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 text of the proposed rule development is also available on line at <http://www.myflorida.com/dbpr/lsc/LSCMHRulePromulgation.html>

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-24.002	Continuing Education Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a revised handbook.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Approval of Subjects and Providers.

RULEMAKING AUTHORITY: 455.2177(3), 455.2179, 481.215(4) FS.

LAW IMPLEMENTED: 481.215(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: Anthony

Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-7.002	Definitions
63E-7.004	Youth Intake
63E-7.010	Residential Case Management Services
63E-7.011	Delinquency Intervention and Treatment Services
63E-7.012	Transfer, Release and Discharge
63E-7.016	Program Administration

PURPOSE AND EFFECT: The amendments incorporate the Residential Positive Achievement Change Tool (RPACT) as the risk/needs assessment instrument for use in residential settings. Change is also made to the requirements under which direct care staff may assist in administering the mental health and substance abuse screening instrument at intake. Finally, the requirement that residential programs partner with community stakeholders is expanded to include agreements with local law enforcement. Specifically, such agreements shall identify the criteria for law enforcement involvement at residential facilities.

SUBJECT AREA TO BE ADDRESSED: Amending rules governing intake, case management, intervention, release, and program administration.

RULEMAKING AUTHORITY: 985.64, 985.601(3)(a), 20.316 FS.

LAW IMPLEMENTED: 985.601(3)(a), 985.03(44), 985.441(1)(b) FS.

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

DATE AND TIME: Tuesday, September 15, 2009, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (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

Division of Medical Quality Assurance

RULE NO.: RULE TITLE:
64B-4.003 Office Surgery Registration
 Requirements, Fees

PURPOSE AND EFFECT: To update, reorganize, and add questions to the registration applications in accordance with legislation passed during the 2009 Session.

SUBJECT AREA TO BE ADDRESSED: Office Surgery Registration Requirements, Fees.

RULEMAKING AUTHORITY: 456.004, 458.309(3), 459.005(2) FS.

LAW IMPLEMENTED: 458.309(3), 459.005(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Melinda Gray, Regulatory Supervisor, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-30.012 Physician Assistant Performance

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address deletion of the requirement for co-signing medical charts pursuant to recent legislation removing the requirement.

SUBJECT AREA TO BE ADDRESSED: Deletion of the requirement for co-signing medical charts pursuant to recent legislation removing the requirement.

RULEMAKING AUTHORITY: 456.073(3), 458.309, 458.347(7)(e), (g), (12) FS.

LAW IMPLEMENTED: 456.073(3), 458.331, 458.347(7)(g), (12) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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:

64B8-30.012 Physician Assistant Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. ~~During the initial six months of supervision of each physician assistant all documentation by the physician assistant in a medical chart must be reviewed, signed and dated by a supervising physician within seven days. Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts within 30 days.~~

(4) No change.

~~Rulemaking Specific~~ Authority 458.309, 458.347(4)(a), (13) FS. Law Implemented 458.347(2), (3), (4), (13) FS. History--New 5-13-87, Amended 7-7-87, 11-15-88, 9-15-92, Formerly 21M-17.012, Amended 11-4-93, Formerly 61F6-17.012, 59R-30.012, Amended 10-13-98, 3-28-99, 11-17-03, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-6.010 Physician Assistant Performance

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address deletion of the requirement for co-signing medical charts pursuant to recent legislation removing the requirement.

SUBJECT AREA TO BE ADDRESSED: Deletion of the requirement for co-signing medical charts pursuant to recent legislation removing the requirement.

RULEMAKING AUTHORITY: 459.005, 459.022(4)(a), (13) FS.

LAW IMPLEMENTED: 459.022(2), (3), (4), (13) 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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.010 Physician Assistant Performance. (1) through (2) No change. (3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. During the initial six months of supervision of each physician assistant all documentation by the physician assistant in a medical chart must be reviewed, signed and dated by a supervising physician within seven days. Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts within 30 days. (4) No change.	64B16-28.150 64B16-28.202 64B16-28.201 64B16-28.203 64B16-28.301 64B16-28.303 64B16-28.404 64B16-28.405 64B16-28.450 64B16-28.451 64B16-28.501 64B16-28.502 64B16-28.503 64B16-28.602 64B16-28.6021 64B16-28.603 64B16-28.604 64B16-28.605 64B16-28.606 64B16-28.607 64B16-28.702 64B16-28.800 64B16-28.810 64B16-28.820 64B16-28.830	Record Maintenance Systems for Institutional Pharmacies – Nursing Homes Closing of a Pharmacy; Transfer of Prescription Files Change of Ownership Transfer of Medicinal Drugs; Change of Ownership; Closing of a Pharmacy Destruction of Controlled Substances - Institutional Pharmacies Destruction of Controlled Substances All Permittees (excluding Nursing Homes) Regulation of Daily Operating Hours Remote Medication Order Processing for Community Pharmacies Centralized Prescription Filling, Delivering and Returning Pharmacy Common Database Institutional Permit – Consultant Pharmacist of Record Labels and Labeling of Medicinal Drugs Institutional Permit I. (Nursing Homes) Transmission of Starter Dose Prescriptions for Patients in Class I Institutional or Modified II B Facilities Class II Institutional Dispensing Class II Institutional Pharmacy – Emergency Department Dispensing Class II Institutional Pharmacy Operating Hours Class II Institutional Pharmacy Department Security Class II Institutional Pharmacies – Automated Distribution and Packaging Remote Medication Order Processing for Class II Institutional Pharmacies Automated Pharmacy System – Long-Term Care, Hospice or Prison Modified Class II Institutional Pharmacies Special Pharmacies Special Pharmacy – Limited Community Permit Sterile Products and Special Parenteral/Enteral Compounding Special – Closed System Pharmacy
<u>Rulemaking Specific Authority</u> 459.005, 459.022(4)(a), (13) FS. Law Implemented 459.022(2), (3), (4), (13) FS. History–New 10-28-87, Amended 4-18-89, 9-26-90, Formerly 21R-6.010, 61F9-6.010, Amended 3-13-96, Formerly 59W-6.010, Amended 10-13-98, 3-17-99, 1-12-04,_____.		
DEPARTMENT OF HEALTH		
Board of Pharmacy		
RULE NOS.:	RULE TITLES:	
64B16-28.101	Prescription Area Accessible to Inspection	
64B16-28.102	Sink and Running Water, Sufficient Space, Refrigeration, Sanitation, Equipment	
64B16-28.1035	Patient Consultation Area	
64B16-28.108	All Permits – Labels and Labeling of Medicinal Drugs	
64B16-28.1081	Regulation of Daily Operating Hours	
64B16-28.109	Prescription Department; Padlock; Sign: “Prescription Department Closed.”	
64B16-28.110	Outdated Pharmaceuticals	
64B16-28.113	Permits; Single Entity; Single Location	
64B16-28.114	Prescription Refills	
64B16-28.118	Unit Dose and Customized Patient Medication Package Returns by In-patients	
64B16-28.1191	Unclaimed Prescriptions	
64B16-28.120	All Permits – Storage of Legend Drugs; Prepackaging	
64B16-28.140	Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits	
64B16-28.141	Requirements for an Automated Pharmacy System in a Community Pharmacy	

64B16-28.840	Special – Non Resident (Mail Service)
64B16-28.850	Special Pharmacy – ESRD
64B16-28.860	Special Pharmacy – Parenteral/Enteral Extended Scope Permit
64B16-28.870	Special-ALF
64B16-28.900	Definitions – Nuclear Pharmacy
64B16-28.901	Nuclear Pharmacy – General Requirements
64B16-28.902	Nuclear Pharmacy – Minimum Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment and for a substantial re-write and reorganization of the Chapter; and to review the existing language in the rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Prescription Area Accessible to Inspection; Sink and Running Water, Sufficient Space, Refrigeration, Sanitation, Equipment; Patient Consultation Area; All Permits – Labels and Labeling of Medicinal Drugs; Regulation of Daily Operating Hours; Prescription Department; Padlock; Sign: “Prescription Department Closed.” Permits; Single Entity; Single Location; Prescription Refills; Unit Dose and Customized Patient Medication Package Returns by In-patients; Unclaimed Prescriptions; All Permits – Storage of Legend Drugs; Prepackaging; Record Maintenance Systems for a Community, Special-Limited Community Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits; Requirements for an Automated Pharmacy System in a Community Pharmacy; Closing of a Pharmacy; Transfer of Prescription Files; Change of Ownership; Transfer of Medicinal Drugs; Change of Ownership; Closing of a Pharmacy; Destruction of Controlled Substances – Institutional Pharmacies; Destruction of Controlled Substances All Permittees (excluding Nursing Homes); Centralized Prescription Filling, Delivering and Returning; Pharmacy Common Database; Institutional Permit – Consultant Pharmacist of Record; Labels and Labeling of Medicinal Drugs Institutional Permit I (Nursing Homes); Transmission of Starter Dose Prescriptions for Patients in Class I Institutional or Modified II B Facilities; Class II Institutional Pharmacies; Class II Institutional Pharmacy – Emergency Department Dispensing; Class II Institutional Pharmacy Operating Hours; Class II Institutional Pharmacy Department Security; Class II Institutional Pharmacies – Automated Distribution and Packaging; Remote Medication Order Processing for Class II Institutional Pharmacies; Automated Pharmacy System – Long Term Care, Hospice or Prison; Modified Class II Institutional Pharmacies Special Pharmacies; Special Pharmacy – Limited Community Permit; Sterile Products and Special Parenteral/Enteral Compounding; Special – Closed System Pharmacy; Special – Non Resident (Mail Service); Special Pharmacy – ESRD; Special Pharmacy –

Parenteral/Enteral Extended Scope Permit; Special-ALF; Definitions – Nuclear Pharmacy; Nuclear Pharmacy – General Requirements; Nuclear Pharmacy – Minimum Requirements. RULEMAKING AUTHORITY: 465.005, 465.007, 465.0125, 465.0155, 465.0156, 465.016(1), 465.019(4), 465.022, 465.022(1)(a), (g), 465.0255, 465.0265, 893.04 FS.

LAW IMPLEMENTED: 465.003(10)(a), (11)(a), (14), (16), 465.007, 465.0125, 465.014, 465.016(1)(l), 465.017, 465.018, 465.019(2)(b), (c), (4), 465.019, 465.0126, 465.0156, 465.0193, 465.0196, 465.022(1), (1)(e), (1)(g), (7), 465.022, 465.0235, 465.026, 465.0265, 465.0266, 893.07 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.:	RULE TITLES:
64B16-28.108	All Permits – Labels and Labeling of Medicinal Drugs
64B16-28.1081	Regulation of Daily Operating Hours
64B16-28.120	All Permits – Storage of Legend Drugs; Prepackaging
64B16-28.502	Labels and Labeling of Medicinal Drugs Institutional Permit I. (Nursing Homes)
64B16-28.602	Class II Institutional Dispensing
64B16-28.6021	Class II Institutional Pharmacy – Emergency Department Dispensing
64B16-28.603	Class II Institutional Pharmacy Operating Hours
64B16-28.604	Class II Institutional Pharmacy Department Security
64B16-28.702	Modified Class II Institutional Pharmacies
64B16-28.800	Special Pharmacies
64B16-28.820	Sterile Products and Special Parenteral/Enteral Compounding
64B16-28.870	Special-ALF
64B16-28.902	Nuclear Pharmacy – Minimum Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to make corrections; for consideration of hour and day requirement; for clarification of language; for consideration of requirements; to add application; to add specific application information; to add application; to clarify language; and to review the existing language in the rules to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: All Permits – Labels and Labeling of Medicinal Drugs; Regulation of Daily Operating Hours; All Permits – Storage of Legend Drugs; Prepackaging; Labels and Labeling of Medicinal Drugs Institutional Permit I (Nursing Homes); Class II Institutional Pharmacies; Class II Institutional Pharmacy – Emergency Department Dispensing; Class II Institutional Pharmacy Operating Hours; Class II Institutional Pharmacy Department Security; Modified Class II Institutional Pharmacies Special Pharmacies; Sterile Products and Special Parenteral/Enteral Compounding; Special-ALF; Nuclear Pharmacy – Minimum Requirements.

RULEMAKING AUTHORITY: 465.005, 465.007, 465.019(4), 465.022 FS.

LAW IMPLEMENTED: 465.007, 465.018, 465.019(2)(b), (c), (4), 465.0193, 465.0196, 465.022(1), 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.:	RULE TITLES:
64B16-30.001	Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
64B16-30.002	Minor Violations
64B16-30.003	Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to consider changes to the guidelines; to consider changes to minor violations; to consider changes to citation; and to review the existing language in the rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances. Minor Violations; Citations.

RULEMAKING AUTHORITY: 456.072, 456.073, 456.077, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.073(3), 456.077, 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.:	RULE TITLE:
64B23-2.001	Documentation for Licensure

PURPOSE AND EFFECT: To update, reorganize, and add questions to the licensure application in accordance with legislation passed during the 2009 Session.

SUBJECT AREA TO BE ADDRESSED: Documentation for Licensure.

RULEMAKING AUTHORITY: 456.004, 456.013, 483.901(6)(b) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vicki Grant, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.:	RULE TITLE:
64B23-7.001	Application for Physicist-in-Training

PURPOSE AND EFFECT: To update, reorganize, and add questions to the licensure application in accordance with legislation passed during the 2009 Session.

SUBJECT AREA TO BE ADDRESSED: Application for Physicist-in-Training.

RULEMAKING AUTHORITY: 483.901(6)(j) FS.
 LAW IMPLEMENTED: 483.901(6)(j) FS.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vicki Grant, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3250
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.603 RULE TITLE: Food Stamp Program Income and Expenses

PURPOSE AND EFFECT: The proposed rule amendment amends the standard utility allowance, the basic utility allowance and the telephone standard.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment amends the amounts of the utility standards.

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.31 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: September 14, 2009, 10:30 a.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

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

**Section II
 Proposed Rules**

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-72.100 RULE TITLE: Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories,

Certification Agencies, Quality Assurance Agencies and Accreditation Bodies

PURPOSE AND EFFECT: To adopt criteria by which the Florida Building Commission shall approve evaluation entities for the State system of product approval.

SUMMARY: Adds criteria by which the Commission will approve additional evaluation entities and adds the International Association of Plumbing and Mechanical Officials as an approved evaluation entity.

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.

RULEMAKING AUTHORITY: 553.842(8) FS.

LAW IMPLEMENTED: 553.842(8) 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: September 21, 2009, 10:00 a.m. – hearing to be held via teleconference, the information for which will be provided by meeting notice for a meeting of the Florida Building Commission.

PLACE: Public point of access – 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091. If you are 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

(1) Approved Product Evaluation Entities. Approval by the Commission is limited to the scope established by Section 553.842, F.S.

(a) The following entities are approved evaluation entities:

1. The National Evaluation Service (NES);
2. The International Conference of Building Officials Evaluation Services (ICBO ES);
3. The Building Officials and Code Administrators International Evaluation Services (BOCA ESI);
4. The Southern Building Code Congress International Evaluation Services (PST ESI);
5. The Miami-Dade County Building Code Compliance Office Product Control Division (MDCBCCOPCD); ~~and~~
6. The International Code Council, International Evaluation Services (IES); ~~and-~~
7. The International Association of Plumbing and Mechanical Officials Evaluation Service (IAMPO).

(b) Architects and engineers licensed in this state are also approved to conduct product evaluation.

(c) Evaluation entities and certification agencies accredited as meeting the requirements of ISO/IEC Guide 65, other than architects and engineers registered in this state, shall apply to the Commission for approval as an evaluation entity by submitting correspondence to the Commission substantiating accreditation and independence. Upon approval by the Commission, paragraph 9B-72.100(1)(a) above shall be amended to include the applicant as an evaluation entity by filing an application in accordance with subsections 9B-72.130(1) and 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C.

(2) through (6) No change.

Rulemaking Specific Authority 553.842(8)(9) FS. Law Implemented 553.842(8)(9) FS. History—New 5-5-02, Amended 9-4-03, 3-9-04, 11-22-06, 4-10-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-26.0041	Definitions and Terms
14-26.00411	Procedure for Issuance of Permits
14-26.0042	Exemption from Permit Requirements
14-26.00425	Criteria for Issuance of Permits
14-26.0043	Multi-State Travel
14-26.0044	Interstate Movements
14-26.007	Liability of Permittee
14-26.008	Schedule of Fees
14-26.009	Exemptions from Fee Requirement
14-26.0091	Tire Requirements
14-26.011	Waiver of Axle Limitations
14-26.012	Movement Conditions and Restrictions
14-26.013	Permits to Move Buildings
14-26.01311	Permits to Move Sealed Containerized Loads
14-26.014	Non-Compliance
14-26.015	Penalties

PURPOSE AND EFFECT: Rule Chapter 14-26, F.A.C., is being amended to include revised definitions, repealed rules, and other overall revision restructuring of the chapter.

SUMMARY: Rule Chapter 14-26, F.A.C., is being amended to incorporate Federal Regulations for safety devices, changes to Chapter 316, F.S., and existing practices for issuance of permits, provide clarification to existing rule language, and to grant relief from some existing permit requirements and costs.

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.

RULEMAKING AUTHORITY: 316.302, 316.535, 316.550, 334.044(2) FS.

LAW IMPLEMENTED: 316.515, 316.535, 316.550, 316.560, 316.565, 320.0104 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-26.0041 Definitions and Terms.

All terms in this rule chapter shall have the same meaning as defined in Section 316.003, F.S., except that "Department" shall refer to the Department of Transportation. Additionally, the following terms are defined: As used in this Rule Chapter, the following terms shall have the following meanings:

(1) "Applicant" means a person or entity requesting a permit. "Agricultural" means pertaining to, or dealing with husbandry, agriculture, or farm, including horticulture, floriculture, dairying, poultry, livestock, and other commodities with a situs of production upon the farm.

(2) "Axle Spacing Measurements" means the measurement between the centers of the axles as measured from center-to-center of wheel hubs.

(3) "Escort" means a person authorized in the manner prescribed in paragraph 14-26.012(3), F.A.C., to perform accompanying duties for overweight or overdimensional vehicles. "Blanket Permit" means the same as "Multi Trip Permit."

(4) "Daytime Hours" is as defined by Section 316.003(7), F.S. Movement is prohibited at any time when visibility is impaired due to smoke, fog, rain, or visibility is less than 1,000 feet.

(5) "Department's Permit Office" means the Permit Section State Maintenance Office, Florida Department of Transportation, with offices located in Tallahassee, Florida. Mailing address is:

Florida Department of Transportation
Permit Section
605 Suwannee Street, M.S. 62
Tallahassee, Florida 32399-0450

(6) "Emergency Move" means movement is necessary anytime life or property is in danger, requiring immediate response.

(4)(7) "Escort Vehicles" means a separate vehicle independent of the permitted vehicle, equipped with a working, amber warning light device located on top of the escort vehicle, and operated by a qualified escort, law enforcement escort, or any combination shown in Rule 14-26.012, F.A.C.

(5)(8) "Excluding Weekends and Holidays" means movement on Saturday and Sunday is limited to the period of time beginning one-half hour before sunrise and ending at 12:00 noon, and is prohibited all day on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, the day after Thanksgiving, and Christmas. If any of these holidays fall on Saturday, the preceding Friday shall also be observed as a holiday. If any of these holidays fall on a Sunday, the following Monday shall also be observed as a holiday. When any of these holidays are observed on a day other than the calendar date of that holiday, the observed dates shall be recognized as a holiday for the purposes of this requirement. Further, when additional days are observed around the calendar date of the holiday, such as the day before and the day after Thanksgiving, Christmas, and New Year's Day, the additional observed date(s) shall be recognized as a holiday for the purposes of this requirement.

(6)(9) "Expired Permit" means a trip permit which has lapsed for less than 24 hours or a multi-trip permit which has lapsed for less than 30 days; all other lapsed permits shall cause the vehicle to be considered to be operating without a permit.

(7)(10) "External Bridge" or "outer bridge" (also called "outer bridge") means the distance from the center of the front steering axle of the vehicle (or combination of vehicles) to the center of the last axle of the vehicle (or combination of vehicles).

(8)(11) "Fifth Wheel" means a device mounted on a truck tractor or similar towing vehicle (e.g., converter dolly) which interfaces with and couples to the upper coupler assembly of a semitrailer mechanism designed to couple a semi-trailer to a truck tractor which supports the forward portion of the semi-trailer and is designed to allow swivel or turning of the trailer at the point located over the rear axles of the truck.

(9)(12) "Flag" means a red or florescent orange device at least 18 1/2 inches square made of red or florescent orange cloth or plastic used to warn approaching traffic of a safety hazard.

(13) "Gross Vehicle Weight Rating" (GVWR) means the loaded weight of a single vehicle specified by the manufacturer and as provided in 49 C.F.R Section 383.5.

(14) "Gross Weight" means the total weight imposed on the road surface by all axles on the vehicle, including weight of the vehicle and any load thereon.

(10) "Government Entity" means a unit of government, or any officially designated public agency or authority of a unit of government, that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

(15) "Implement of Husbandry" is as defined in Section 316.003(16), F.S.

~~(11)(16)~~ “Inner-Bridge” means the distance between the centers of any two or more consecutive axles on a vehicle (or combination of vehicles) traveling on the interstate system only, exclusive of the external bridge, refers to the following: For the Interstate Highway System, inner bridge legal weight limits are established. There is a weight limit for the truck tractor portion of the truck tractor/semi trailer combination and a weight limit for the latter part of the combination. The extreme axle distances for each of the two portions are both designated as inner bridge limits. The inner bridge for the truck tractor portion is the distance from the center of the steering axle to the center of the last truck tractor axle. The inner bridge for the latter portion is the distance from the center of the rear axle of the tractor or the center of the first axle of the rear axle group of the tractor to the center of the last axle of the trailer.

~~(12)(17)~~ “Kingpin Setting” means the distance between the kingpin or other peg which locks into the fifth wheel and the center of the rear axle or the center of the rear axle grouping (whichever applies).

~~(13)(18)~~ “Law Enforcement Escort” means any vehicle, including police motorcycles, recognized as police vehicle equipped with a permanent, external, blue light bar and operated by a police officer as defined in Section 316.003(32), F.S., operating any vehicle owned by a law enforcement agency using blue or red and blue warning lights to accompany an oversize/overweight vehicle. A law enforcement escort may be used in place of a qualified escort. However, a qualified escort may not be used in place of a law enforcement escort.

~~(19)~~ “Legal Loads” means the truck and item being hauled do not exceed the maximum length, width, height, and weight limitations established in Florida Statutes.

~~(20)~~ “Limited Access Facility” is as defined in Section 316.003(19), F.S.

~~(14)(21)~~ “Local Moves” means hauling not more than a 50 mile radius from the point of origin.

~~(22)~~ “Local Road” means a route providing service which has relatively low average traffic volume, short average trip length or minimal through traffic movements, and high land access for abutting property.

~~(15)(23)~~ “Manufactured Building” or “modular building” means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems made for installation or erection as a finished building or part of a finished building, which shall include, but not be limited to residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds made and assembled offsite by a manufacturer certified in conformance with Section 553.381, F.S. is as defined in Section 553.36(11), F.S.

~~(16)(24)~~ “Manufactured Home” means is as defined in Section 320.01(2)(b), F.S.

~~(25)~~ “Maximum Dimension” means the maximum out-to-out dimensions of the vehicle and load thereon, including all protrusions.

~~(17)(26)~~ “Mobile Home” means is as defined in Section 320.01(2)(a) 553.36(12), F.S.

~~(18)(27)~~ “Multiple Loading” means the placing of more than one item on a vehicle so as to cause the overall measurements to in a manner which exceeds the maximum length, width, height, or weight limitations established in Sections 316.515 and 316.535, F.S.

~~(19)(28)~~ “Multi-Trip Permit” or “blanket” or “annual permit” means authorization a permit issued to allow authorize multiple trips for a period not to exceed 12 months. With the exception of inner bridge and wrecker permits, multi trip permits shall not be used in combination with other permits.

~~(20)~~ “Non-Routine Permit” means authorization issued with a structural evaluation or override authorization.

~~(21)~~ “Overdimensional” or “oversize” means any vehicle configuration, including the load, which exceeds the limitations provided in Section 316.515, F.S.

~~(22)(29)~~ “Overhang” means that portion of a load or vehicle attachment that projects beyond the front or rear wheels of a vehicle or the front or rear bumper of a vehicle if it is equipped with a front or rear bumper.

~~(23)~~ “Overweight” means any vehicle configuration, including the load, which exceeds the limitations provided in Section 316.535, F.S.

~~(24)~~ “Permit Office” means the Permit Section of the Office of Maintenance, Florida Department of Transportation, with offices located in Tallahassee, Florida. Website: www.fdotmaint.com/permit/.

~~(25)(30)~~ “Permittee” means the applicant person to whom an oversize/overweight permit is issued.

~~(26)~~ “Routine Permit” means authorization issued by the Department for an overweight or overdimensional load that did not require a structural evaluation, local movement restrictions, or override authorization.

~~(27)(32)~~ “Self-Propelled Equipment” means a single rigid frame unit propelled with its own power source, which does not transport a divisible load, and includes equipment such as earth handling equipment, cranes (which may include a dolly attachment), derricks, and fire trucks.

~~(33)~~ “Semi-trailer” is as defined in Section 316.003(46), F.S.

~~(34)~~ “Straight Truck” is as defined in Section 316.003(70), F.S.

~~(35)~~ “Trailer” is as defined in Section 316.003(58), F.S.

~~(28)~~(36) "Trip Permit" means authorization ~~a permit~~ issued to allow a single authorize hauling of a load from point of origin to destination, ~~one trip only. With the exception of~~ inner-bridge and wrecker permits, trip permits shall not be used in combination with other permits.

(37) "Truck" is as defined in Section 316.003(59), F.S.

~~(29)~~(38) "Truck Crane" means any ~~motorized truck~~ vehicle (which may include a dolly attachment) designed and constructed to be used primarily for lifting, lowering, or traversing while operating from either a secure stationary position, or in a rolling position if specifically designed for rolling operation.

(39) "Truck Tractor" is as defined in Section 316.003(60), F.S.

~~(40) "Unrestricted Movement" means movement is allowed all days, all hours.~~

~~(30)~~(41) "Valid Permit" means authorization ~~a special permit~~ issued pursuant to Section 316.550, F.S., including attachments thereto, that has been issued by the Department that and has not been altered, changed, or otherwise modified, unless except in writing by the Department, accompanied by original issuing authority and such written amendment accompanies the original permit.

~~(42) "Vertical Height Indicator" means a device located on the escort vehicle used to determine vertical clearance. This device must be manufactured of non-conductive and non-destructive material and must be a minimum of 6 inches higher than the load being escorted.~~

~~(31)~~(43) "Warning Light" means an electrical lighting device located on permitted vehicle and escort vehicles, used to warn all approaching traffic of a possible safety hazard. The device shall be any one or combination of the following:

- (a) Rotating.
- (b) Strobe.
- (c) Flashing.

~~(32)~~(44) "Warning Sign" means a sign device, located on permitted vehicle and escort vehicles, used to warn all approaching traffic of a possible safety hazard.

~~(33)~~(45) "Wrecker Permit" means authorization ~~a special permit~~ issued for the operation of a wrecker where the combined weight of the wrecker plus towed disabled vehicle exceeds the maximum weight established by Section 316.535, F.S. It may be used in combination with a disabled vehicle's permit.

Rulemaking Specific Authority 316.550(5), 334.044(2) FS. Law Implemented 316.515(5), 316.550 FS. History--New 9-15-87, Amended 7-21-91, 6-23-96, 11-10-98, _____.

14-26.00411 Procedure for Issuance of Permits.

(1) Purpose. The purpose of this ~~r~~Rule ~~c~~Chapter is to protect the public safety, to reduce interference with traffic flow on state owned highways and structures maintained roads, and to preserve the state's transportation facilities by providing

standards and procedures to govern issuance of permits for overweight and overdimensional vehicles and loads operating over state owned roadways and structures maintained roads. All Department actions taken pursuant to this Rule Chapter shall be in accordance with Chapter 120, Florida Statutes. The ~~These~~ rules of this rule chapter apply to all persons or entities operating overweight and overdimensional vehicles and loads not specifically exempt under Chapter 316, F.S. over state maintained roads.

(2) Intent. It is the intent of the Department to require that all reasonable steps be taken to reduce the vehicle load to legal limits of weight and dimensions. ~~The P~~permits for overweight and overdimensional vehicles and loads are intended for a single item load which cannot reasonably be dismantled or disassembled and which cannot reasonably be shipped by rail, water, or air. The Department encourages shipment of overweight or overdimensional loads by rail or water whenever possible.

(3) The administration of these rules is assigned to the Department's Permit Office, located in Tallahassee, Florida, whose mailing address is:

Florida Department of Transportation
Permit Section
605 Suwannee Street, M.S. 62
Tallahassee, Florida 32399-0450

Travel authorization and/or permits for travel on local roadways and structures must be obtained from local authorities.

(4) Permitting Process. Payment for permits shall be in cash, by cashier's check, personal or company check, money order, credit card, or bond/escrow account. Permit requests must be received at least ten business days before scheduled movement for non-routine permits. The applicant must complete all required fields on Form 850-040-02, Request for Special Road Use Permit, rev. 03/04, incorporated herein by reference and provide the following: When requesting a permit, the following information should be furnished three days before the proposed date of movement:

- ~~(a) Requested date for permit to begin.~~
- ~~(b) Date and time request was made.~~
- ~~(c) Type of vehicle/vehicle combination to be permitted (Example: truck, special mobile equipment, factory home, tractor/trailer, truck/trailer, etc.).~~
- ~~(d) Method of movement (Example: hauled, towed, or self propelled.).~~
- ~~(e) Name and phone number of permittee/applicant.~~

~~(a)~~(f) Total gross weight of vehicle/vehicle combination to include permitted load if over legal weight. Otherwise, the applicant must state that the gross weight is legal.

~~(b)~~(g) External bridge ~~Extreme axle measurement~~ and individual axle spacings of vehicle/vehicle combination (center of hub to center of hub) if over legal weight.

~~(c)(h)~~ Total number of axles and total weight on each axle of vehicle/vehicle combination if over legal weight. Otherwise, the applicant must state that the axle weights are legal.

~~(d)(i)~~ Total wWidth of vehicle and/or load at widest point if over legal requirements.

~~(e)(j)~~ Total length of the vehicle/vehicle combination and/or load from front to rear to include front and rear overhang. If there is any overhang, separate measurements are to be provided in addition to the total length.

~~(f)~~ Total height of the vehicle and/or load from the pavement to the highest point of the vehicle and/or load.

~~(g)(k)~~ Description of load to be transported.

~~(l)~~ Origin and destination of load.

~~(h)(m)~~ Requested route(s) of travel containing should contain detailed information, such as state highway and interstate route numbers.

~~(n)~~ Permit applications, other than requests for multi-state permits, must be on Form 850-040-02, Request for Special Road Use Permit, Rev. 08/98, incorporated herein by reference. Copies of this form are available from the Department's Permit Office.

(5) No permit will be issued until it has been verified that the route can accommodate the vehicle and load. The Department is responsible for verifying the load carrying capacity of the route. The applicant is responsible for verifying adequate vertical (height) and horizontal (length and width) clearance. Permit applications requesting a height greater than 15 feet and/or a width greater than 22 feet shall be supported by an affidavit from the applicant. The affidavit must include the name of the transporting company, the signature of the applicant, a statement verifying that the route has been surveyed, and clearances exceed the requested permitted dimension by a minimum of 6 inches for height and 2 feet on each side for width. The surveyed route and the route shown on the application must be identical. The survey must be completed by a qualified escort as described in this rule or a driver with a valid Commercial Driver's License. Special Request. A request requiring structural analysis must be submitted in writing at least ten working days before proposed date of movement. In addition to the information required for issuance of a permit, a schematic of vehicle showing all spacings, axle weights, and dimensions must be provided.

(6) Structural Evaluation. In addition to the information required for issuance of a permit, a schematic of the vehicle showing all longitudinal and transverse spacings, axle weights and dimensions must be provided at least ten business days before a proposed move when the vehicle's gross weight exceeds 199,000 pounds so that a structural analysis can be performed. Applicants, whose vehicles have a gross weight of less than 199,000 pounds, will be required to provide a schematic as well when an Engineer of the Office of Maintenance, Bridge Section, determines that a structural analysis is needed.

~~(6) Multi-Trip Permits. With the exception of "inner bridge" multi-trip permits, all multi-trip permits include a Department map and list indicating routes over which the permitted vehicle and load can or cannot travel. In order for the permit to be valid, the map and list must be attached to the permit. With the exception of an "inner-bridge" and wrecker permit, multi-trip permits shall not be used in combination with other permits.~~

~~(7) Operational use of permits. A valid permit is defined in subsection 14-26.0041(4), F.A.C. The configuration and weight(s) of a vehicle and its load traveling under a special permit must match the configuration and weight(s) described on the permit and any authorized amendments to that permit. For vehicles traveling under a trip permit, the vehicle or load must match either the truck tag number, trailer tag number, vehicle identification number, the bill of lading number, or the load identification number identified in the permit; for vehicles traveling under a multi-trip permit, the vehicle type and load must match the vehicle type and load described in the permit. Under both types of permits, the permitted vehicle's size, weight, number of axles, axle spacings, and any unique characteristics must comply with the limits for that item if addressed in the permit or any amendment to that permit.~~

Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.515, 316.535, 316.550 FS. History-New 8-26-82, Formerly 14-26.06, Amended 9-15-87, 7-21-91, 6-23-96, 11-10-98,

14-26.0042 Exemption from Permit Requirements.

Certain dimensional (width, height, length) exemptions from permit requirements are enumerated in Section 316.515, F.S. and Section 316.535, F.S. Exempted entities Entities so exempted are also exempt exempted from the requirements for qualified escorts. No permit exemptions are allowed for weight.

Rulemaking Specific Authority 316.550, 334.044(2), 316.535 FS. Law Implemented 316.515(5)(a), 316.535(6) FS. History-New 9-15-87, Amended 7-21-91, 4-19-94, 6-23-96, 11-10-98,

14-26.00425 Criteria for Issuance of Permits.

(1) The Department must consider interference with traffic flow, effect on public safety, and the preservation of state maintained roads. The Department shall consider the following criteria when evaluating permit requests exercising the discretion to issue or deny a permit and when prescribing conditions limiting which limit the use of said permit:

(a) All details relevant to the proposed move as presented by the applicant and as requested by the Department.

(a)(b) Whether the load can be reasonably dismantled or disassembled;

(b)(c) Protection of the motoring public from traffic hazards created by the movement of overweight and overdimensional vehicles or loads on state owned highways and structures maintained roads;

~~(c)(d) Prevention of The convenience and comfort of the other motorists including undue delays in the normal flow of traffic;~~

~~(d)(e) Prevention of damage to the highway pavement, facilities, and structures;~~

~~(e)(f) Assistance needed for by persons, companies, or organizations with special transportation problems involving excess size or weight;~~

~~(f)(g) Whether vehicle(s) meet the Department's established axle load and axle spacing requirements based upon structural analysis of the bridge structures to be crossed;~~

~~(g)(h) The number of lanes, width of lanes, and the condition of the pavement to be traversed;~~

~~(h)(i) The number, adequacy, and availability of access routes;~~

~~(i) The adequacy of the width of the driving lanes to be used;~~

~~(i)(k) The number and types of accidents and fatalities occurring on the roads of the proposed route;~~

~~(j)(l) The shoulder conditions and widths on the proposed route;~~

~~(k)(m) The average daily volume of traffic;~~

~~(l)(n) The volume of traffic during peak periods;~~

~~(m)(o) The number of traffic signals per mile;~~

~~(n)(p) The frequency of necessary vehicular lane changes;~~

~~(o)(q) The availability of emergency lanes;~~

~~(p) Temporary conditions such as construction or impending adverse weather;~~

~~(q)(r) The applicant's certification of available vertical clearance on the proposed route for all loads/vehicles over 15 feet high;~~

~~(r) The applicant's certification of available horizontal clearance on the proposed route for all loads/vehicles over 22 feet wide;~~

~~(s) The applicant's previous permit compliance history; Failure to comply with this Rule Chapter when operating overweight or overdimensional vehicles or loads over state maintained roads pursuant to previously issued permits, consistent with the provisions of Section 316.550(5), F.S.;~~

~~(t) Other items which affect traffic flow or safety; Failure to comply with the permitting requirements of this Rule Chapter.~~

~~(u) All details relevant to the proposed move as presented by the applicant and as requested by the Department.~~

(2) Override Authority. Authority to override Sections 316.550 and 336.535, F.S., Florida Statutes, and Rule Chapter 14-26, F.A.C.

(a) Pursuant to Section 316.550, F.S., those in authority over the Department of Transportation operations, such as the Governor, Secretary of the Department of Transportation, Assistant Secretary for Engineering and Operations Transportation Policy, and the State Highway Engineer have

powers by which they, in extenuating circumstances, may authorize the Department's Permit Office to issue permits for vehicles or loads not specifically authorized by statute or rule, thereby exceeding the normal daily operational safety standards and procedures of Sections 316.515, 316.535, F.S., Chapter 316, Florida Statutes and Rule Chapter 14-26, F.A.C.

(b) To obtain a permit for vehicles or loads not specifically authorized in this rule chapter, an applicant must include, with the permit application, a letter of essentiality from a government entity or the ultimate recipient of an essential service, providing justification for issuance of a non-routine permit. A letter from the hauler, distributor, or manufacturer will not be accepted. The letter must verify that the load has been reduced to the smallest size possible, cannot be shipped by any other means of transportation, and state why the move is essential in the interest of public safety, national defense or other extenuating circumstances. These permits must be:

1. Initiated with a letter signed by the person in authority authorizing issuance of the permit.

2. Documented in the Department's Permit Office files.

3. Concurred with by state coordinators (military and civilian) listed in the Department of Army's Mobilization Movement Control (MOBCON) Coordinators directory for all military defense movements.

(c) The applications, supporting documentation, authorizations, and permits will be documented and maintained by the Department.

(d)(e) In case of Emergencies, Upon a Governor's Declaration of Emergency, in order to allow response to the emergency, and after safety considerations, the Department may temporarily suspend certain permit restrictions by issuing an emergency permit letter.

1. Authorized persons may verbally authorize permit issuance, if authorization is documented with a letter within 48 hours with a letter to be filed in the Department's Permit Office files.

2. All military defense movement operations need concurrence with state coordinators (military and civilian) listed in the Department of Army's Mobilization Movement Control (MOBCON) Coordinators directory.

(5) Under no circumstances shall a permit be issued until it has been verified that the route can accommodate the vehicle and load. The Department is responsible for verifying the load carrying capacity of the route. The applicant is responsible for verifying adequate vertical and horizontal clearance. Permit applications requesting a height greater than 15 feet shall be supported by an affidavit from the applicant. The affidavit must include the name of the transporting company, the signature of the permittee, and a statement verifying that the route has been surveyed, and clearances exceed the requested permitted dimension by a minimum of 6 inches, thereby allowing all loads to clear the route safely. The surveyed route and the route shown on the application must be identical.

Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.515, 316.550, 316.565, 334.044(27) FS. History--New 9-15-87, Amended 6-23-96, 11-10-98, _____.

14-26.0043 Multi-State Travel SASHTO Agreement on Multi-State Permitting of Oversize and Overweight Vehicles.

The Southeastern Association of State Highway Transportation Organizations (SASHTO) Agreement on Multi-State Permitting of Oversize and Overweight Vehicles, rev. 08/03, dated August 21, 2003, dated July 26, 1994, and the standard permit application form, approved therein, entitled "Multi State Overweight/Oversize Application/Permit", and effective November 22, 1994, are hereby incorporated by reference and made a part of the rules of the Department. The Florida Department of Transportation, representing the State of Florida, is a member state of SASHTO and signator to the agreement. Permittees seeking permits for multi-state moves which include travel in the State of Florida must either apply for permits pursuant to the SASHTO Agreement on Multi-State Permitting of Oversize and Overweight Vehicles, or apply for permits under the provisions otherwise provided in this rule chapter. Copies of this agreement may be obtained at no more than cost pursuant to the provisions of Section 120.53(2), F.S., by contacting Florida Department of Transportation, State Permits Engineer, 605 Suwannee Street, Mail Station 62, Tallahassee, Florida 32399-0450.

Rulemaking Specific Authority 316.550 FS. Law Implemented 316.550, 320.0104(2) FS. History--New 11-22-94, Amended _____.

14-26.0044 Interstate Movements.

Rulemaking Specific Authority 316.550 FS. Law Implemented 316.550, 310.0104(2) FS. History--New 3-28-95, Repealed _____.

14-26.007 Liability of Permittee.

Permits are granted with the specific understanding that the permittee shall be responsible and liable for any damage to state roadways and structures accident, damage or injury to any person or property resulting from the operation of the equipment, including escorts, upon public streets and highways of the state. The permittee shall hold blameless and harmless and shall indemnify the State of Florida Department of Transportation and members thereof, its officers, agents and employees against any and all claims, demands, loss, injury, damage, actions and costs of actions whatsoever, which they or any of them may sustain by reason of any and all unlawful or negligent acts of omission or commission arising in any manner out of the issuance of the permit or the operation of the vehicle, load, or escort and load.

(1) In order to obtain a permit to operate a vehicle or combination of vehicles and load in excess of the legal height, legal length, and a width, or weight limitations of Section 316.515, F.S., or 316.535, F.S., of ten feet six inches, the permittee will be required to have one of the following:

- (a) Insurance in the amount of \$100,000 per person and \$200,000 per accident or occurrence for property damage; or
- (b) A bond in the amount of \$100,000 per person and \$200,000 per accident or occurrence made payable to the Governor of the State of Florida.

(2) Permittees operating a commercial motor vehicle as defined in Section 207.002(2), F.S., shall be required to comply with the minimum insurance requirements of Section 627.7415, F.S.

Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.535, 316.550, 316.560 FS. History--New 8-26-82, Formerly 14-26.07, Amended 9-15-87, Repromulgated 4-22-92, Amended 6-23-96, _____.

14-26.008 Schedule of Fees.

The following schedule of fees shall be charged by the Department for permits for overweight and/or overdimensional vehicles operating on state owned roadways and bridges:

TABLE 1A – SCHEDULE OF FEES FOR OVERDIMENSION PERMITS		
	TRIP PERMIT 5 Days	MULTI-TRIP 12 Months
(1) OVERDIMENSION		
(a) Straight Trucks and Semi-truck-tractor-trailer.		
Up to 12 Feet Wide, or up to 13 Feet 6 inches High or up to 85 Feet Long.	\$5.00	\$20.00
Up to 14 Feet Wide or up to 14 Feet 6 inches High or up to 95 Feet Long.	\$15.00	\$150.00
Up to 14 Feet Wide or up to 18 Feet High or up to 120 Feet Long.	\$25.00	\$250.00
Over 14 Feet Wide or over 18 Feet High or over 120 Feet Long.	\$25.00	NOT ISSUED
(b) Overlength Semi-trailers of Legal Width, Height, and Weight, Which Exceed 53 Feet in Length up to 57 feet 6 inches in length or overlength semi-trailer with kingpin setting greater than 41 Feet.	\$10.00	\$30.00
(c) Truck Crane or Earth Handling Equipment Moving under Own Power, up to 12 Feet Wide or 14 Feet 6 inches High, or 85 Feet Long.	\$15.00	\$150.00
(d) Trailers or Equipment Towed with Ball or Pintle		
Up to 10 Feet Wide or up to 13 Feet 6 inches High or up to 80 Feet Long.	\$5.00	\$20.00
Up to 12 Feet Wide or up to 13 Feet 6 inches High or up to 105 Feet Long.	\$5.00	\$330.00
Up to 14 Feet Wide or up to 14 Feet 6 inches High or up to 105 Feet Long.	\$15.00	\$500.00
Over 14 Feet Wide or over 14 Feet 6 inches High or over 105 Feet Long.	\$25.00	NOT ISSUED

NOTE: All permitted dimensions (length, height, width) must be within limits shown for permit fee.

TABLE 1B – SCHEDULE OF FEES FOR OVERWEIGHT VEHICLES		
	TRIP PERMIT 5 Days	MULTI-TRIP 12 Months
(2) OVERWEIGHT		
(a) Up to 95,000 pounds.	\$0.27 Per Mile	**\$240.00
(b) Up to 112,000 112,100 pounds.	\$0.32 Per Mile	**\$280.00
(c) Up to 122,000 pounds.	\$0.36 Per Mile	**\$310.00
(d) Up to 132,000 pounds.	\$0.38 Per Mile	**\$330.00
(e) Up to 142,000 pounds.	\$0.42 Per Mile	**\$360.00
(f) Up to 152,000 pounds.	\$0.45 Per Mile	**\$380.00
(g) Up to 162,000 pounds.	\$0.47 Per Mile	** \$400.00
(h) Up to 199,000 Over 162,000 pounds.	\$0.003 Per 1,000 Pounds Per Mile	\$500.00
(i) Over 199,000 pounds.	\$0.003 Per 1,000 Pounds Per Mile	NOT ISSUED
(j) Containerized Cargo Unit.	\$0.27 Per Mile	\$500.00
(k) Overall Wheel Base (Inner Bridge/External Bridge).	\$10.00	\$35.00
(3) SPECIAL PERMIT FEES		
Transmission Fee	\$5.00	NOT APPLICABLE

**Dimensions greater than 12 feet wide or 13 feet 6 inches high or 85 feet long will have an additional dimension fee with a combined fee not to exceed \$500.00.
 NOTE: For weights over 80,000 pounds [Items (2)(a) through (h) above], add an administrative cost of \$3.33 for issuance of permit by the Permit Office, which does not include the costs charged by wire services for their services. Permit fees shall be based on 25 mile increments rounded up to the nearest dollar. Example: A 112,000 pound load traveling 67.5 miles would cost (75 miles X \$0.32) plus \$3.33 = \$27.33 rounded up to \$28.00 in addition to the \$5.00 transmission fee when applicable.

Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History–New 8-26-82, Formerly 14-26.01, Amended 12-6-83, Formerly 14-26.08, Amended 9-15-87, 7-21-91, Amended 4-22-92, 3-1-94, 6-23-96, 11-10-98, _____.

14-26.009 Exemptions from Fee Requirement.

The following entities ~~agencies~~ are exempt from the fee requirements specified in Rule 14-26.008, F.A.C., above:

- (1) The United States Government.
- (2) Departments of the State of Florida.
- (3) The Florida National Guard.
- (4) Counties.
- (5) Cities.
- (6) Municipalities.
- (7) Special taxing districts.

(8) Seminole Tribe as ~~“Tribe”~~ is defined in Chapter 285, F.S.

(9) Any person or entity moving portable public school buildings.

(10) Implement of husbandry, farm equipment, agricultural trailers and forestry equipment.

(11) Movement of loads in response to a Governor’s Declaration of Emergency.

The above ~~entities or agencies~~ are exempt from the fee requirements only when being operated for non-commercial purposes. These vehicles must obtain an overweight and/or overdimensional permit to operate on state owned roadways.

Rulemaking Specific Authority 316.550 FS. Law Implemented 316.550, 316.565 FS. History–New 8-26-82, Formerly 14-26.09, Amended 6-23-96, 11-10-98, _____.

14-26.0091 Tire Requirements.

(1) Each axle must have tires of the same size and construction. Tires must be properly inflated for the load to be carried. In no event shall any tire, wheel or rim exceed the manufacturer’s maximum load-carrying limit. Tires and tire usage must be consistent with the requirements of 49 C.F.R., Section 393.75, rev. 10/08, as required by Section 316.302(1), F.S.

(2) A vehicle equipped with dual tires may have the dual tires replaced by a single tire so long as the vehicle, axle, and tire load ratings are not exceeded.

(3) No tire may exceed 550 pounds per inch of tire section width (plus scale tolerance) as defined by the rating molded in the tire sidewall. For example, a designation of 445/50R22.5 designates a tire section width of 445 mm (17.5 inches).

Rulemaking Authority 316.302(1), 334.044(2) FS. Law Implemented 316.302(1), 316.535(6) FS. History–New _____.

14-26.011 Waiver of Axle Limitations.

Rulemaking Specific Authority 316.550 FS. Law Implemented 316.550 FS. History–New 8-26-82, Amended 12-6-83, Formerly 14-26.11, Amended 11-10-98, Repealed _____.

14-26.012 Movement Conditions and Restrictions.

(1) Operational use of permits. The configuration and weight(s) of a vehicle and its load traveling under permit must match the configuration and weight(s) described on the permit and any authorized amendments to that permit. For vehicles traveling under a trip permit, the vehicle or load must match either the truck tag number, trailer tag number, vehicle identification number, the bill of lading number, or the load identification number identified in the permit. Vehicles traveling under a multi-trip permit, the vehicle type and load must match the vehicle type and load described in the permit. Under both types of permits, the permitted vehicle’s size, weight, number of axles, axle spacings, and any unique characteristics must comply with the limits for that item if addressed in the permit or any amendment to that permit. Trip

permits are valid only for those routes specified in the permit. Multi-trip permit vehicles are not allowed to travel on any restricted bridges or any restricted roadways identified in the permit or its attachments. No vehicle may cross any posted bridge when the vehicle exceeds the prescribed limits of the bridge.

(2) Multi-Trip Permits. With the exception of "inner-bridge" multi-trip permits, all multi-trip permits include a Department map and list indicating routes over which the permitted vehicle and load can travel. The map and list must remain attached to the permit. With the exception of "inner-bridge" and wrecker permits, multi-trip permits shall not be used in combination with other permits.

(3)(4) Escorts accompanying overdimensional loads as required by permit or pursuant to subsection 14-26.012(6), (7), or (8), F.A.C., are limited to:

(a) Law enforcement escorts.

~~1. For nighttime moves.~~

~~2. When required by permit pursuant to Rule 14-26.012(6), (7), or (8), F.A.C.~~

~~3. Must be a currently certified law enforcement person having jurisdiction within the State of Florida~~

(b) Escorts qualified by another state state's authorizing agency, provided that the other state has equal or more stringent standards as those required by Florida for qualified escorts and the escort has been qualified or re-qualified within the past four years.

(c) Qualified escorts.

~~1. Up to and including July 1, 2000, escorts qualified by successfully completing a Department worksite traffic course currently offered by sponsors approved by the Department's Maintenance of Traffic Committee will be allowed to escort overdimensional loads. Such sponsors are selected according to prior experience and performance record in presenting instruction courses, demonstrated course content and methods of instruction, familiarity with state and federal standards, and familiarity with Department goals and objectives for the training to be presented.~~

~~2. After July 1, 2000, the Department Worksite Traffic Course will no longer be recognized and will be replaced by a requirement to complete an Escort Qualification Course offered by Department approved sponsors.~~

~~3. Mandatory requirements:~~

~~1.a. Must be at least 18 years of age and must possess a valid driver's license in the state or jurisdiction in which he or she is a resident.~~

2.b. Must have successfully completed a minimum eight hour defensive driving course as provided by a National Safety Council qualified instructor or hold a currently valid Commercial Driver's License (CDL) (Class A, B, or C). The instructor shall not be an employee of the employing escort service.

~~3.e. Must have successfully completed a minimum eight hour pilot/escort flagging course in management of highway movements or oversize vehicles and loads and must be qualified to perform such functions within Florida or any other state in the nation. The qualification must be current and must be from an entity approved by the Department based upon that entity's course content, methods of instruction, and familiarity with state and federal standards.~~

~~4.e. Shall maintain in his or her possession, for prompt presentation upon request by a law enforcement person or Department representative, a copy or copies of the qualification document or documents verifying completion of the required qualification courses, required in Rule 14-26.012(2)(b)2. and 3., F.A.C., above.~~

5.e. Shall be requalified every four years by successfully completing a four hour Department approved refresher course.

~~(4)(2) Escort Vehicle and Equipment Requirements for Qualified Escorts.~~

(a) Escort Vehicles.

1. Escort vehicle(s) must be a single unit vehicle with a gross vehicle weight rating of at least weighing more than 2,000 pounds and with a manufacturer's gross vehicle weight rating less than 26,000 45,000 pounds. ~~The vehicle must be properly licensed, registered, and must be operated by a qualified escort.~~

2. Identification signs or placards showing the name of the company or the owner or driver of the escort vehicle must be in a conspicuous place on both the right and left sides of the escort vehicle. The signs or placards shall be at least 8 inches x 12 inches, or contain the equivalent square inches, and shall also contain the telephone number of the owner or driver plainly legible and visible to the motoring public.

3. All escort vehicles must be equipped with high visibility rotating, strobe or flashing class 2 Class 2 ~~Class 2~~ amber warning lights mounted so as to be seen by all approaching traffic at a distance of at least 500 feet that meet (Society of Automotive Engineers Recommended Practice) SAE J845 or SAE J1318, incorporated herein by reference. Copies of this document are available from the Department's Permit Office.

4. Escort vehicles shall display either a bumper mounted or a roof mounted yellow sign (or may display both) reading "OVERSIZE LOAD" with black letters with a minimum brush stroke of 10 inches high and 1 1/2 inches wide, which must be visible from front and rear.

5. Two flags, either red or fluorescent orange in color, which must be at least 18 42 inches x 18 42 inches, shall be mounted at approximately a 40 to 70 degree angle on the escort vehicle's roof rack.

(b) On board Equipment. During escort operations, all escort vehicles shall have onboard the following equipment and such equipment shall be in working order:

1. Operable two-way electronic communications. Qualified escorts must be in radio contact with load drivers at all times during movements.

2. Two fire extinguishers (minimum five pounds each).

3. "STOP" and "GO" or "STOP" and "SLOW" paddles ~~paddle~~ a (minimum 18 inches in diameter with 6 inch high letters).

4. A high visibility, fluorescent class 2 ~~Safety orange~~ vest for flagging during daytime hours or, ~~shirt, or jacket~~ a high visibility, fluorescent class 3 safety vest when flagging at night.

5. One hand-held flag, either red or fluorescent orange in color, which must be at least 18 1/2 inches x 18 1/2 inches.

6. Two warning signs (yellow with black lettering) with a minimum brush stroke of 10 inches high and 1 1/2 inches wide. Each warning sign shall have a total dimension of not less than 7 feet long by 18 inches high. These signs shall be used in the event the permitted vehicle or load loses its sign(s).

7. Hard hat (~~no color specified~~).

8. Three 36 inch traffic cones. Traffic cones must be reflective if used at night.

9. For over height loads, the lead vehicle must have a vertical height indicator, i.e., height pole used to determine vertical clearance. This device must be manufactured of non-conductive and non-destructive material and must be positioned at a height of at least 6 inches above the height of the load being escorted.

~~10. Additional equipment recommended, but not mandated:~~

~~a. Hand-held two-way electronic communications.~~

~~b. Flares or approved alternatives.~~

~~c. Map(s).~~

~~d. Height indicator for all loads.~~

~~(5)(3) Escort Functions. Escorts are required to watch and direct traffic or the load to ensure public safety. Escorts may, when actively escorting permitted loads, perform necessary traffic control functions as defined in Section 316.079(2), F.S. Florida Statutes. No escort or escort vehicle may be used to perform any other function that could distract from the escort responsibilities. The total number of escorts required will be determined based upon safety considerations. In cases where If one qualified escort is required for an over width load, the qualified escort shall precede the load on two lane highways or follow the load on four lane divided highways. In cases where If two qualified escorts are required, one must precede the load and one must follow. If the load is over length only, the escort vehicle shall be in the rear of the load at all times. Qualified Escorts shall operate no more than 300 feet in front of or behind the load unless road conditions or permit stipulations dictate otherwise. Escort vehicles in the process of escorting a permitted vehicle or load must proceed through weigh stations and must not bypass such stations.~~

~~(6)(4) Other Safety Requirements and Restrictions for the Permitted Load/ and Vehicle.~~

~~(a) Flags. Flags shall be clean, have high visibility, and be at least 18 1/2 inches x 18 1/2 inches. They shall be displayed so as to wave freely on all four corners of the vehicle over width loads and at the extreme ends of all protrusions, projections, or overhangs.~~

~~(b) Warning Lights.~~

~~1. Required Display. All Vehicles or loads exceeding 10 ten feet in width, 80 feet in length (or over 3 feet of front overhang for self-propelled equipment), or 14 feet 6 inches in height shall have warning lights- which shall:~~

~~a. Be high visibility rotating, strobe or flashing amber warning lights and;~~

~~b. Be mounted so as to be seen by all approaching traffic at a distance of at least 500 feet.~~

~~2. Description. Warning lights shall be Class 2 amber warning lights that, ect SAE J845 or SAE J1318.~~

~~3. Mounting. Warning lights are to be mounted so as to be seen by approaching traffic at all distances between 500 feet and 50 feet under clear atmospheric conditions.~~

~~(c) Warning Signs.~~

~~1. Required Display. All Vvehicles or loads exceeding 10 feet in width, 80 feet in exceeding legal length (or 60 feet in length for self-propelled equipment), or 14 feet 6 inches in height, or exceeding legal overhang must display two warning signs. Voids (holes) can be cut in warning signs for lights.~~

~~2. Description. Each warning sign shall:~~

~~a. Consist of black letters 12 inches high with a brush stroke of not less than 1 1/2 inches wide on a yellow background.~~

~~b. The sign shall Sstate "OVERSIZE LOAD."~~

~~c. Each warning sign shall Hhave a total dimension of not less than 7 feet long by 18 inches high.~~

~~3. Location.~~

~~d. One sign shall Bbe fastened with one sign at the front of the power unit and the other at the rear of the towed unit or at the rear of the load. Voids (holes) may be cut in warning signs as SSigns must not cover any vehicle light or reflector.~~

~~(d) Movement During Periods of Poor Visibility. No travel is allowed when road conditions, weather conditions or horizontal visibility is less than 1,000 feet. Vehicles which are underway when inclement weather occurs must exit the road at the first available location and park until the weather clears or until road conditions improve.~~

~~(e) Movements on Weekends and Holidays. Unless otherwise noted on the permit, movements are prohibited on weekends and holidays. A The request of a government entity, meeting the criteria of Rule 14-26.0051, F.A.C., are met, shall be allowed to travel all days, all hours with a valid permit.~~

(f) Nighttime movement Unrestricted Movement. When the criteria of Rule 14-26.00425 and 14-26.012, F.A.C., are met, trip or multi-trip permits shall be issued providing:

1. Nighttime travel is recommended by the Department's District Traffic Engineering Office(s) or determined to be a requirement of the permit by the Office of Maintenance.

2. Law enforcement escort(s) are used.

3. Warning Steady burning, amber lights shall delineate the shape and size of the load.

4. The sides and rear of trailers and loads shall be lighted in the manner prescribed in 49 C.F.R. Sections 393.11 through 393.26, as required by Section 316.302(1)(a), F.S. Florida Statutes.

3. ~~Qualified escorts will be required when, based upon a consideration of the nature of the load, the road to be traveled, the area to be traversed, and the time of travel, it is determined that a qualified escort is necessary to ward or direct traffic of the load.~~

(7) Permitted vehicles must proceed through all open weigh stations. All vehicles, including vehicles equipped with an automatic vehicle identification system, must stop at the weigh station when directed by a motor carrier compliance officer or other law enforcement officer.

~~(8)(5) Width Limitations.~~

(a) Vehicles Limitations up to 10 Feet. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted all days, during daytime hours only. Flags are required.

(b) Vehicles oOver 10 Feet up to 12 Feet. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement permitted daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. Except for local moves, this is the maximum width allowed on a straight truck.

(c) Vehicles oOver 12 Feet up to 14 Feet. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays; ~~as defined by Rule 14-26.0041(8), F.A.C.~~ Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle is required. A mMinimum of one escort vehicle, with qualified escort, is required at all times.

1. All manufactured buildings, manufactured homes, mobile homes, modular buildings, sheds, and swimming pools shall use a minimum of four warning lights mounted, with two in the front and two in the rear at each corner of the towed or hauled unit.

2. All other loads shall have a minimum of two one warning lights light mounted with one on at the front and one on warning light mounted at the rear of the load.

3. On roadway lanes less than 12 feet wide, bridges with less than 30 feet curb to curb, and in rural areas with traffic volume greater than 12,000 Average Daily Traffic (~~hereinafter~~ ADT) per lane or in urbanized areas (more than 50,000 population) with ADT greater than 8,000 vehicles per lane, two qualified escorts are required except on loads with a minimum of four warning lights mounted two in the front and two in the rear of the towed or hauled unit. ~~Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle required with minimum four tires on rear axle(s).~~

4. ~~No mMovement will be allowed restricted~~ in congested areas during peak traffic hours ~~unless, based upon a consideration of the size and shape of the load and the anticipated times of travel through a congested area, the distance of travel in the congested area and the length and time of day of the peak traffic periods, it is shown that the safety and efficiency of state maintained roads will not be adversely affected.~~

(d) Vehicles oOver 14 Feet up to 16 Feet. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, trip permits only shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle is required. Two escort vehicles, with qualified escorts, are required at all times during the move, one in the front and one in the rear of the load.

1. All loads consisting of manufactured buildings, manufactured homes, mobile homes, modular buildings, sheds, and swimming pools shall use a minimum of four warning lights mounted with two on the front and two on the rear at each corner of the towed or hauled unit.

2. All other loads shall have a minimum of two one warning lights mounted with one on at the front and one on warning light mounted at the rear of the load. ~~Flags, warning signs, and warning lights are required.~~

3. Two lane roadways shall not be used as a connector route whenever viable four lane routes are available. Requests for two lane roadways as connector routes may require justification from the customer and ultimate approval from the Department. ~~No mMovement will be allowed may be restricted~~ in congested areas during peak traffic hours.

4. The maximum width for manufactured buildings is 16 feet. ~~Except for local moves, minimum 26,001 pound registered GVW tow vehicle required.~~

(e) Vehicles oOver 16 Feet. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, only trip permits only shall be issued. Same as criteria for "Vehicles over 14 Feet up to 16 Feet" except movement will be restricted to local moves ~~unless based upon the size and shape of the load, and the anticipated times of travel through a congested area, the~~

~~distance of travel in the congested area, and the length and time of day of the peak traffic periods, that the safety and efficiency of state maintained roads will not be adversely affected. Applications for permits over 16 feet wide are subject to review by the Department's District Traffic Engineering Office(s).~~

1. Law enforcement escort(s) shall be required for all moves.

2. ~~Items~~ Item must be moved by rail, air, or water when possible.

3. Trip permit requests for vehicles over 22 feet wide will require an affidavit verifying that the proposed route has adequate horizontal clearance to accommodate the requested width in addition to two feet on each side.

~~(9)(6)~~ Height Limitations.

(a) Vehicles uUp to 14 Feet 6 Inches. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted all days; and all hours. Except for local moves, this is the maximum height for loads hauled on straight trucks. ~~Automobile transporters may obtain a trip or multi-trip permit for a load up to 14 feet high.~~

(b) Vehicles oOver 14 Feet 6 Inches up to 16 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted daytime hours only, excluding weekends and holidays; as defined by Rule 14-26.0041(8), F.A.C. Flags, warning signs, and warning lights are required. A minimum of two wWarning lights light are required; one mounted on the front and one on the rear of the load. An eEscort vehicle with a vertical height indicator is required to precede the load.

(c) Vehicles oOver 16 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Multi-trip permits shall be limited to vehicles up to 18 feet. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required with one mounted on the front and one on the rear of the load. In addition, movement is restricted to local moves only; with no movement allowed on limited access facilities unless, based upon a consideration of the size and shape of the load, the anticipated times of travel through a congested area, the peak traffic periods, the distance of the travel in the congested area, and the length of the transported load, it is shown that the safety and efficiency of the state maintained road will not be adversely affected.

1. Trip permit requests for movement of vehicles over 15 feet high will require an affidavit verifying the proposed route has clearance to accommodate the request plus six inches.

2. One law enforcement escort in addition to one escort is required. One escort must precede the load with a vertical height indicator. Two qualified escorts are required, a minimum of one must be law enforcement.

3. Appropriate utility personnel will also be required whenever the load will encounter low barriers, such as overhead structures, traffic signals, and low wires.

~~(10)(7)~~ Length Limitations.

(a) Vehicles Limitations up to 80 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Applicable to all permitted vehicles (combination vehicles, e.g., semi-trailer truck combinations, and straight trucks and trailers) and all hours. Minimum 26,001 pound registered GVW vehicle required. Movement is permitted all days; and all hours.

1. Rear overhang, as defined by Rule 14-26.0041(28), F.A.C., is limited to a maximum of 10 feet during nighttime movement unless otherwise stated on the permit.

2. When overhang exceeds 4 feet, a warning light is required on the top of the vehicle; At the extreme rear of the load there must shall be two red lamps and two red reflectors and on each side of the load shall be one red lamp. Each required warning lamp shall be visible from a distance of at least 500 feet.

(b) Vehicles oOver 80 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Minimum 26,001 pound registered GVW vehicle required. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required to be mounted: one on the front top of the vehicle and one on the rear of the load

1. No movement will be allowed in congested areas during peak traffic hours for vehicles over 85 feet in length.

2. An eEscort vehicle is required when the length exceeds 95 feet.

3. Truck tractor semi-trailers with three points of articulation are allowed up to 105 feet without an escort vehicle.

4. Maximum length for a manufactured home, tractor combination is 105 feet provided the length of the towed housing does not exceed 81 feet, including all overhangs and tongue. Movement over 85 feet shall have time restrictions in areas with traffic volume greater than 12,000 ADT per lane or in urbanized areas (more than 50,000 population) with ADT greater than 8,000 vehicles per lane.

5. Two qualified escorts are required when the length exceeds 150 feet unless the vehicle is travelling on a limited access facility, then only one qualified escort is required.

6. One law enforcement escort and one qualified escort are required when the length exceeds 250 feet.

(c) Self-Propelled Equipment Length Limitations. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. For all self-propelled equipment, the boom must be fully retracted. Nighttime movement requires that the front overhang has a minimum of 80 inches clearance above the roadway. In addition, no

movement is allowed on limited access facilities with units designed for off road use. Flags and one warning light are required. In addition the following restrictions will apply:

~~1. Total length up to 40 Feet.~~

~~a. Front Overhang over 3 Feet up to 9 Feet. When the criteria of Rule 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement may be permitted all days, all hours. Warning light is required to be mounted at the extreme end of the boom.~~

~~b. Front Overhang over 9 Feet. When the criteria of Rule 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted daytime hours only unless required in direct support of emergency utility operations, all days. Flag and warning light required. Warning light is required to be mounted in such a way as to be seen by all approaching traffic.~~

~~1.2. Total length up to 60 Feet.~~

~~a. Front Overhang over 3 Feet up to 9 Feet. When the criteria of Rule 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is may be permitted on all days, all hours. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic boom.~~

~~b. Front Overhang over 9 Feet. When the criteria of Rule 14-26.0051, F.A.C. are met, trip or multi-trip permits shall be issued. Movement is permitted all days, during daytime hours only unless required in direct support of emergency utility operations, all days. Flag and warning light required. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.~~

~~2.4. Total Length over 60 Feet up to 85 Feet Maximum. When the criteria of Rule 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays. Flag and warning signs required. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.~~

~~(11)(8) Multiple Loading. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, trip or multi-trip permits only shall be issued. Multiple loading will be permitted providing:~~

~~(a) Multiple loading does not cause an increase in the overdimension being permitted (either width, length, or height) the dimensions of the load to exceed those limits established in Section 316.515, F.S., and~~

~~(b) Multiple loading does not cause the gross vehicle weight to exceed those limits established in Section 316.535, F.S.~~

~~1. Legal weight may be exceeded when the gross vehicle weight does not exceed 100,000 pounds and no more than two overlength items are being carried by the permitted vehicle; and~~

~~(c)2. Vehicles will only be allowed to exceed the gross vehicle weight limits established in Section 316.535, F.S., when eomponents:~~

~~1. Attachments (e.g. blade, rake, bucket, counterweights) that are a normal part of the permitted working equipment have been removed to reduce the size of the load for safety reasons e.g. blade, rake. Multiple attachments may be transported if they are attachable to the equipment and necessary for operation. For example, a load consisting of a bulldozer along with an unattached blade and rake, both of which can be attached to the bulldozer, would be acceptable; however, a bulldozer may not be transported with two blades where only one blade can be attached for normal use on the bulldozer.~~

~~2. The gross vehicle weight does not exceed 100,000 pounds and no more than two overlength items are being hauled.~~

~~(12)(9) Designated Permits.~~

~~(a) An “Implements of Husbandry, farm equipment, agricultural trailers, and forestry equipment are exempt by Section 316.515, F.S., from certain size requirements, however, these vehicles are not exempt from any overweight limitations set forth in Section 316.535, F.S. When the vehicle configurations exceed any of the weight limits described in Section 316.535, F.S., an overweight permit must be obtained from the Department.” will be issued trip or multi-trip permits for local moves on local roads in farming areas when, based upon a consideration of the size and shape of the load and the anticipated times of travel through a congested area, the distance of travel in the congested area and the length and time of day of the peak traffic periods, it is shown that the safety and efficiency of the state maintained roads will not be adversely affected.~~

~~(b) Movement of an empty truck tractor semi-trailers up to 11 feet in width and not over, not exceeding 105 feet in length, traveling on or within five miles of limited access roadways, when operating with an existing valid permit will be allowed to travel during nighttime hours. Warning lights are required to be mounted in such a way as to be seen by all approaching traffic. The truck tractor semi trailer must be lighted in accordance with Florida Statutes and have at least one 360 degree amber warning light located on the top of the truck tractor, visible from front, rear, and sides. When traveling empty, it is acceptable to load Eextra axles and stingers may be hauled on the trailer onto the associated trailer to reduce overall dimensions for safety purposes.~~

~~(c) Semi-trailers greater than 53 feet up to but not exceeding 57 feet 6 inches in length may haul with no overhang of load in a truck trailer combination hauling a divisible load when operating in a truck tractor semi-trailer combination with a valid may obtain a trip or multi-trip permit when the criteria of Rule 14-26.0051, F.A.C., are met.~~

(d) Truck tractor semi-trailer combinations hauling automobiles/boats may obtain a trip or multi-trip permit when the semi-trailer is greater than 50 feet up to 53 feet with an overall length not to exceed 80 feet inclusive of any overhang. This applies to both stinger and non-stinger steered vehicles.

(e) Straight truck and trailer combinations hauling automobiles/boat may obtain a trip or multi-trip permit when the trailer exceeds 28 feet with an overall length not to exceed 80 feet. No overhang is allowed.

(f) ~~Trip or multi-trip permits will be issued to truck tractor semi-trailers combinations may obtain a trip or multi-trip permit~~ to deviate from inner-bridge requirements when traveling on interstate highways and when the criteria of Rule ~~14-26.00425~~ ~~14-26.0051~~, F.A.C., are met. ~~These vehicles are not allowed to exceed the external bridge or~~ ~~The vehicle must comply with all outer-bridge and axle weight limitations described in Section 316.535, F.S. requirements.~~

~~(10) Proceeding through Weigh Station. Escort vehicles in the process of escorting a permitted vehicle or load must proceed through weigh stations and must not bypass such stations.~~

~~(13)(14) Wrecker Permits.~~

(a) When the combined weight of the wrecker and disabled vehicle being towed exceeds the maximum weight limits established by Section 316.535, F.S., the wrecker must be operating under a ~~current~~ wrecker ~~special use~~ permit ~~or permits~~ as provided in ~~S~~section 316.55(4), ~~F.S. Florida Statutes.~~

(b) Escort requirements, ~~if any~~, for towing disabled permitted vehicles shall be as prescribed in the original permit or amendment thereto for the towed vehicle.

(c) It is the responsibility of the wrecker operator to secure permits necessary to cover the attached load ~~when otherwise required.~~

(d) In all instances where legal weight is exceeded, all available brakes on the towed vehicle will be functional and in operation at all times while being towed ~~actuated.~~

(e) An illegally loaded vehicle shall not become legal by being attached to a permitted wrecker. A legally permitted wrecker shall not cause an illegally loaded vehicle to become legal by attaching to it.

(f) The combined gross vehicle weight of the wrecker and towed vehicle shall ~~Blanket permits shall be issued, when the criteria of Rule 14-26.0051, F.A.C., are met, for weights not to exceed 132,000 pounds and lengths not to exceed 120 feet.~~

(g) The combined weight or length of the wrecker and the towed disabled vehicle shall not exceed 120 feet.

(h) The permitted vehicle combination must be operated with attached map(s) showing acceptable routes for specific axle and vehicle configurations.

~~(i)(g) Trip permits shall be issued, When the criteria of Rule 14-26.00425~~ ~~14-26.0051~~, F.A.C., are met trip permits shall be issued, if the specific vehicle information concerning

number of axles, axle spacing, axle weights and specified route of travel are provided for the combination and vehicle weight ~~(wrecker and disabled vehicle is provided).~~

~~Rulemaking Specific Authority 316.515, 316.550, 334.044(2) FS. Law Implemented 316.550, 334.044(27) FS. History—New 8-26-82, Amended 12-6-83, Formerly 14-26.12, Amended 9-15-87, 5-2-90, 7-21-91, 6-23-96, 11-10-98,_____.~~

14-26.013 Permits to Move Buildings.

~~Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History—New 8-26-82, Formerly 14-26.13, Amended 7-21-91, 6-23-96, Repealed_____.~~

14-26.01311 Permits to Move Sealed Containerized Loads.

(1) Definitions. For the purposes of this rule:

(a) In accordance with Section 316.302(4), F.S., “Hazardous waste,” or “hazardous materials” means ~~are those~~ as defined in Title 49, C.F.R., Part 171, Subpart A, Sec.171.8.

(b) A “Sealed Containerized Load” means ~~is~~ a freight container as defined by the International Standards Organization, Series 1, Freight Containers – Classification, dimensions and ratings, ISO668-1988 [E], which freight container may or may not have wheels.

(c) “Destination point” means ~~is~~ the location where the packer’s seal or U.S. Customs’ seal is broken.

(d) “Point of origin” means ~~is~~ the location where the packer’s seal is affixed.

(2) General. ~~The Department shall treat a~~ Sealed containerized loads ~~load~~ being moved via a truck or trucks and rail in conjunction with a maritime shipment will be considered, as a “nondivisible” load, eligible for an overweight or overdimensional permit, when the following conditions are met:

(a) The sealed containerized load ~~container~~ does not transport hazardous waste or hazardous materials which require placarding per Title 49, C.F.R., Part 172, Subpart F, as required by Section 316.302, F.S.; and Hazardous materials meeting these packaging exceptions will be eligible for overweight permits; and

(b) The sealed containerized load ~~container~~ is being moved by a vehicle qualified to do so under the provisions of this rule:

1. From a maritime port to the destination point; or
2. From a maritime port to a railroad facility for movement to the destination point; or
3. From the point of origin to a maritime port; or
4. From the point of origin to a railroad facility for movement to a maritime port; and

(c) The sealed containerized load ~~container~~ retains the original unbroken seal or a replacement U. S. Customs’ seal throughout its transit until reaching its destination point ~~of destination.~~

~~(3) Unless at least one of the conditions in (2)(b) above is met, no sealed containerized load movements will be permitted under this rule for overweight loads moved by truck or truck and rail from one point to another within the state or from a point within the state to a point in another state.~~

(3)(4) Required On-Board Documents.

(a) The operators of vehicles transporting sealed containerized loads ~~by~~ under the provisions of permits issued pursuant to this rule shall at all times have on board at least one of the following documents under their control and available for inspection ~~at least one of the following documents:~~

1. A short form master bill of lading;
2. A copy of an electronically transmitted way bill; or
3. A completed U.S. Customs Service Authority to move (Form 75-12) valid for the permitted load.

(b) The document(s) ~~in (a) required in Section 14-26.01311(3)~~ shall include the following readily identifiable information:

1. Consignor;
2. Point of origin;
3. Consignee;
4. Point of destination; and
5. Either the number of the packer's cargo seal or the number of the U.S. Customs seal; and

6. A statement that the load being transported does not contain any hazardous material ~~or that any hazardous material is packaged as provided in 49 C.F.R. Part 172.101 Hazardous Material Table as defined in Section 14-26.01311(1)(a).~~

(c) The document(s) ~~in (a) required in Section 14-26.01311(3)(a)~~ shall be in the form of a hard copy having a signature on each document ~~authenticating the document or a certification signed and dated or by an authorized agent of the permit holder stating that the attached documents are authentic. The required document(s) may be either originals or copies. Original documents shall bear original signatures and copies shall bear original signatures unless they bear a copy of a signature made before copying.~~

~~(4)(5) No Straight Trucks.~~ Because of the nature of the load to be carried and the potential for increased wear to the highway from vehicles so loaded, no straight truck, as defined in Section 316.003(70), F.S., shall be eligible for a permit to haul sealed containerized loads ~~be issued pursuant to this rule.~~

~~(5)(6) Trip or Multi-Trip Permits.~~ When applying for ordering a trip or multi-trip permit to transport sealed containerized loads, the hauler must furnish all relevant details on the proposed move to the Department's Permits Section. At a minimum, this shall include:

- (a) Maximum gross weight;
- (b) Axle spacing (center to center of each axle);

(c) The total number of axles and total weight on each axle of the vehicle/vehicle combination;

~~(d)(e) The origin and destination of the highway move (for trip permits), specifying intersections at which the vehicle will enter and leave the State Highway System;~~

~~(e)(d) Either the number of the packer's cargo seal or the number of the U.S. Customs' seal; and~~

~~(f)(e) The State highway(s) requested to be traveled (for trip permits); and~~

~~(f) An affidavit providing:~~

~~(g) A reasonable description of the contents of the sealed containerized load to be moved, under the requested trip permit;~~

~~2. A statement that movements under the requested trip permit will not contain any hazardous material as defined in (1)(a) of this rule; and~~

~~3. A statement that the sealed containerized loads to be moved under the requested trip permit will involve domestic maritime movements, international maritime movements or both;~~

~~(7) Multi-Trip Permits.~~ When requesting a multi-trip permit, the applicant shall furnish the following details on the proposed move:

~~(b) The axle spacing from center to center of each axle of vehicles to be utilized under the requested blanket permit. (a) The maximum gross vehicle weight (GVW) of the vehicle and load to be transported under the requested multi-trip permit; and~~

~~(c) An affidavit providing:~~

~~1. A reasonable description of the probable cargo uses to be made of the sealed containers to be moved under the requested blanket permit;~~

~~2. A statement that movements under the requested trip permit will not contain any hazardous material as defined in (1)(a) of this rule; and~~

~~3. A statement that the sealed containerized loads to be moved under the requested trip permit will involve domestic maritime movements, international maritime movements or both;~~

~~(8) Allowable Axle Weights.~~ The gross weight imposed on the highway by the wheels of any axle of a vehicle operating under a permit issued pursuant to this rule shall not exceed the legal limit for the type of axle configuration being assessed as provided in Section 316.535, Florida Statutes.

~~(6)(9) Overall Gross Vehicle Weight.~~ Vehicles operating under a permit issued pursuant to this rule shall not exceed an overall gross vehicle weight (GVW) of 95,000 pounds.

~~(7)(10) Axle Spacings.~~ All vehicles operating under a permit issued pursuant to this rule shall meet the minimum axle spacing requirements described in the permit, dictated by structural analyses of the bridge structures to be involved.

~~(8)(11)~~ Number of Axles. All vehicles operating under a permit issued pursuant to this rule shall have a minimum of five full-time, load-bearing axles in operation at all times during movement.

~~(9)(12)~~ Outer Bridge Length. All vehicles operating under a permit issued pursuant to this rule shall have an outer bridge length of 51 feet or greater ~~(the outer bridge length is described in Section 316.535(3), Florida Statutes, as being the distance between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot).~~

~~(13) The provisions of Rules 14-26.005 and 14-26.0051 shall not apply to permits to move sealed containerized loads.~~

~~Rulemaking Specific Authority 420.53(1)(b), 316.550, 334.044(2) FS. Law Implemented 316.535, 316.550, 334.044(27) FS. History—New 9-14-93, Amended 6-23-96, _____.~~

14-26.014 Non-Compliance.

(1)(a) Suspension or revocation of permits.

(b) The Department, for good cause, ~~will~~ may suspend for a specified period of time or revoke a ~~multi-trip blanket permit~~ or a trip permit. Good cause ~~shall include includes~~, but is not limited to, ~~circumstances as follows~~ the following:

1. The permittee fails to comply with the regulations of this rule chapter or the requirements of Florida Statutes.
2. ~~The permittee~~ The Department determines that has submitted a false, deceptive, or fraudulent permit application.
3. The permittee fails to comply with the terms of the permit.
4. The permittee travels on other than approved routes.
5. The permittee fails to submit a list of specified routes over which the load can or cannot travel, when required.
6. The permittee fails to pay fees/penalties owed to the Department or its agent(s).
7. The company has been placed out-of-service based upon a compliance review performed by Motor Carrier Compliance.
8. The Department determines that continued operation under an existing valid permit poses a safety issue for state owned bridges or roadways.

~~(b) Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

(2)(a) Denial of future permits.

(b) In addition to a suspension or revocation of a current permit for good cause as set forth in subsection (1) of this rule, the Department, for good cause, as defined by paragraph (1)(a) of this rule, will deny issuance of future permits as follows:

VIOLATION	PERMIT DENIAL PERIOD
(a) First	Written warning
(b) Second	30 Days
(c) Third	90 Days
(d) Fourth	12 Months

~~(b) The Applicant shall be informed by written notice that the Department intends to deny the application for permit(s). Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

~~Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 420.569, 420.57, 420.60, 316.550 FS. History—New 8-26-82, Amended 12-6-82, 3-18-84, Formerly 14-26.14, Amended 9-15-87, 4-22-92, 6-23-96, 1-17-99, _____.~~

14-26.015 Penalties.

(1) Any vehicle in violation of any permit criteria, or operating without a permit where one is required, will be required to correct all offending irregularities or obtain a new permit based on the vehicle's actual load prior to release of the vehicle. Additionally, the following penalties for violation of permit requirements will apply:

~~(a) A vehicle operated WITH a special permit that has been FORGED or ALTERED shall be reported to the appropriate State Attorney's Office for filing of criminal charges as a prerogative of the said State Attorney.~~

~~(a)(b) An oversize or overweight vehicle eligible for a special permit but is being operated WITHOUT such permit will have penalties assessed in accordance with Section 316.545, F.S., for overweight vehicles and Section 316.515, F.S., for overdimensional vehicles.:~~

1. For overweight vehicles, the penalties as provided in Section 316.545, F.S.
2. For vehicles which exceed the dimensional criteria of Section 316.515, F.S., the penalties as provided in Section 316.516, F.S.
3. Where both overweight and overdimensional violations occur, both overweight and overdimensional penalties shall apply.
4. Prior to release of the vehicle, the driver shall either correct all offending irregularities or obtain a special permit in accordance with Section 316.550, F.S.

~~(c) An oversize or overweight vehicle not eligible for a permit. Penalties prescribed in paragraph (1)(b) shall apply, but the cited vehicle shall be detained until the load is modified or can be moved safely, as determined by the enforcement officer or Department weight inspector, as provided in Section 316.545(10), F.S.~~

~~(b)(d) A vehicle operated with WITH a valid special permit which exceeds the weight criteria EXCEEDS WEIGHT CRITERIA contained in the permit, will be assessed a the penalty for every per pound or portion thereof exceeding the permitted weight as provided in Section 316.545, F.S. Florida Statutes.~~

~~(c)(e) A vehicle operated with WITH a valid special permit which exceeds the dimensional criteria EXCEEDS DIMENSIONAL CRITERIA contained in the permit, will be assessed a penalty for every foot or portion thereof exceeding to the extent that the violation exceeds the permitted dimension, as provided in Section 316.516, F.S., except that the total penalty for the vehicle shall not exceed \$1,000.00, as provided in Section 316.550(9)(b), F.S. Florida Statutes~~

~~(d)(f) A vehicle operated with WITH a valid special permit which vehicle violates an operational or safety provision VIOLATES AN OPERATIONAL OR SAFETY STIPULATION OR PROVISION contained in the permit, will be assessed a penalty of \$100.00 per safety violation (lights, flags, signs, etc.) and \$250.00 per absent escort as provided below, except that the total penalty for the vehicle shall not exceed \$1,000.00, as provided in Section 316.550(9)(c), F.S.:~~

- ~~1. Per safety stipulation (lights, flags, signs, etc.) violation: \$100.00.~~
- ~~2. Per absent escort: \$250.00.~~
- ~~3. The cited vehicle shall be detained until the qualified or law enforcement escort(s) required by the permit is provided at owner's expense and responsibility.~~

~~(e)(g) A vehicle operated with WITH a valid special permit which violates daytime, nighttime, or restricted hours of travel VIOLATES DAYTIME restrictions shown on the permit; which violates weekend and holiday travel WEEKEND and HOLIDAYS restrictions shown on the permit; or which vehicle which violates the PROHIBITION AGAINST MOVEMENT DURING PERIODS OF POOR VISIBILITY: restrictions against movement during periods of poor visibility will be~~

- ~~1. aAssessed a penalty of \$1,000.00: and the~~
- ~~2. vehicle will be parked at owner's expense and responsibility until the next authorized travel period.~~

~~(h) Vehicle operated WITH a valid special permit which vehicle VIOLATES OUTER BRIDGE DIMENSION because the outer bridge dimension is less than the minimum specified on the permit and the permit has not been declared null and void under Rule 14-26.015(2)(i), F.A.C.:~~

~~1. One foot or any portion thereof: 0.20 x \$.05/lb x (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.):~~

~~2. Two feet or any portion thereof: 0.40 x \$.05/lb x (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.):~~

~~3. Three feet or any portion thereof: 0.60 x \$.05/lb x ((actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.):~~

~~4. Four feet or any portion thereof: 0.80 x \$.05/lb x (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.):~~

~~5. Five feet or more: \$.05/lb x (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.):~~

~~(i) Vehicle operated WITH a special permit BUT which permit has been declared to be NULL AND VOID under Section 14-26.015(2), F.A.C.:~~

~~1. Penalties will be assessed based upon those dimensions and weights which, respectively, exceed the limits established in Sections 316.515 and 316.535, F.S.~~

~~2. For weight category violations per Section 14-26.015(1)(d), F.A.C.: As provided in Section 316.545, F.S.~~

~~3. For all other violation categories per Sections 14-26.015(1) (a), (b), (c), (e), (f), (g), and (h), F.A.C.: As prescribed per violation but not to exceed the per category limit plus:~~

~~4. Total penalty per vehicle. Cumulative for the vehicle. However, such total assessed penalty will not exceed a combined amount equal to:~~

- ~~a. For weight penalty assessments: The amount of the penalty based upon the weight of the vehicle and load as provided in Section 316.535, F.S.; plus~~
- ~~b. For all other penalty assessments. An amount not to exceed \$2,000.~~

~~5. Where the cited vehicle is eligible for a permit, penalties shall be in addition to the requirement that the appropriate permit be obtained prior to release of the cited vehicle. Where the cited vehicle/load is not otherwise eligible for a permit, accrued penalty(ies) shall apply and the cited vehicle shall be detained until disposition can be resolved by appropriate authorities.~~

~~(2) Null and Void Criteria. Any vehicle found to be operating under one or more of the following conditions shall be determined to be out of conformity with the provisions of the permit, in which case the vehicle is considered to be in non-compliance and the permit will be declared to be null and void for that vehicle for that trip.: Penalties will be assessed as provided in Sections 316.516 and 316.545, F.S., and the vehicle must remain until the load is brought into compliance.~~

~~(a) The vehicle does not have the required number of axles. Penalty to be assessed for the weight only.~~

(b) The vehicle has an expired blanket permit (lapsed for less than 30 days). Penalty to be assessed for both weight and size.

(c) The vehicle is not on the route designated on the permit or on an approved route on the multi-trip permit attachments. Penalty to be assessed for both weight and size.

(d) The vehicle is a self-propelled truck crane towing a motor vehicle that exceeds the 5,000 pound limit allowed in Section 316.550, F.S. Penalty to be assessed for weight only.

(e) The vehicle is operating with a permit which has been altered or forged. Penalty to be assessed for both weight and size.

(f) The vehicle is not as represented by the facts on the permit application. Penalty to be assessed for both weight and size. Note: This item will not be utilized. This violation will not be applicable if it duplicates another violation noted non-conforming factor in a specific citation.

(g) The vehicle contains multiple loading (except as allowed per this rule for safety). Penalty to be assessed based upon the nature of the violation (weight or size).

(h) The vehicle was operating during nighttime hours when not allowed by the permit or its attachments but the permit prohibited operations during those hours. Penalty to be assessed for size only.

(i) The tires on the vehicle are smaller than those specified on the permit. Penalty to be assessed for weight only.

(j) The vehicle has an outer-bridge dimension which is less than the minimum specified on the permit and the outer-bridge dimension cannot be adjusted to meet the permit requirements or the difference exceeds five feet. Penalty to be assessed for weight only.

(k) The vehicle is being operated under a multi-trip permit and there is no attached map and list indicating routes over which the load can or cannot travel if the requirement for such map and list is stated on the permit is not accompanied by the attachments described in the permit. Penalty to be assessed based upon the nature of the violation (weight or size).

(l) The vehicle is being operated with a permit which does not meet the definition of expired permit. Penalty to be assessed for both weight and size.

(m) The vehicle bypasses an open weigh station. Penalty to be assessed for both weight and size.

Rulemaking Specific Authority 316.516(4), 334.044(2) FS. Law Implemented 316.516(4), 316.550(6), (8) FS. History—New 6-23-96, Amended 11-10-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Lattner, Director, Office of Maintenance
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.223
RULE TITLE: Special Management Meal
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to permit the placement of inmates on close or maximum management status on the special management meal as a result of intentional, unauthorized exposure of genitalia to staff.

SUMMARY: The proposed rule permits the placement of an inmate on close or maximum management status on the special management meal if the inmate intentionally exposes genitalia to staff without authorization.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.223 Special Management Meal.

(1) through (2) No change.

(3) Inmates in any confinement status may be placed on the special management meal for creating a security problem by any of the following acts:

(a) The throwing or misuse of food, beverage, food utensils, food tray, or human waste products, ~~or spitting at staff;~~

(b) Spitting at staff;

(c) ~~(b)~~ The destruction of food trays or utensils;

(d) ~~(c)~~ Any other acts of violence that would place staff in jeopardy if a serving tray or utensils were provided.

(4) Inmates on close or maximum management status may be placed on the special management meal as a result of intentional, unauthorized exposure of genitalia to staff.

(4) through (8) renumbered (5) through (9) No change.

Rulemaking Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-12-88, Amended 3-4-92, 5-27-97, 11-25-98, Formerly 33-3.0085, Amended 8-1-00, 1-2-02, 11-3-03, 2-18-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Redd, Assistant Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.607
 RULE TITLE: Permit Processing Fee

PURPOSE AND EFFECT: The rulemaking is intended to set forth the permit fees for applicants electing to apply for a 20 year water use permits as being proposed in related rulemaking in Chapter 40D-2, F.A.C.

SUMMARY: The proposed amendments set forth the permit fees for new, renewal and modifications of Individual, General and Small General Permits for 20 year water use permits and permits for greater and less than 20 years.

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.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(2) 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: Ken Weber, Water Use Permitting Program Director, Strategic Program Office, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4303

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

- (1) through (6) No change.
- (7) Water use permit application fees shall be as follows:
 - (a) Chapter 40D-2, F.A.C., new individual permit no greater than 10 years permit new \$1,000.00
 - (b) Chapter 40D-2, F.A.C., new individual permit no greater than 20 years \$2,000.00
 - (c)(b) Chapter 40D-2, F.A.C., renewal individual permit no greater than 10 years permit renewal \$750.00
 - (d) Chapter 40D-2, F.A.C., renewal individual permit no greater than 20 years permit renewal \$1,500.00
 - (e)(e) Chapter 40D-2, F.A.C., individual permit modification \$300.00
 - (f)(d) Chapter 40D-2, F.A.C., individual permit temporary \$200.00
 - (g)(e) Chapter 40D-2, F.A.C., new general permit new no greater than 10 years \$250.00
 - (h) Chapter 40D-2, F.A.C., new general permit no greater than 20 years \$500.00
 - (i)(f) Chapter 40D-2, F.A.C., renewal general permit renewal greater than 10 years \$185.00
 - (j) Chapter 40D-2, F.A.C., renewal general permit no greater than 20 years \$370.00
 - (k)(g) Chapter 40D-2, F.A.C., general permit modification \$75.00
 - (l)(h) Chapter 40D-2, F.A.C., general permit temporary \$50.00
 - (m)(i) Chapter 40D-2, F.A.C., new Small General Permit new no greater than 10 years \$50.00
 - (n) Chapter 40D-2, F.A.C., new Small General Permit no greater than 20 years Permit new \$100.00
 - (o)(j) Chapter 40D-2, F.A.C., renewal Small General renewal Permit no greater than 10 years \$35.00
 - (p) Chapter 40D-2, F.A.C., renewal Small General Permit no greater than 20 years \$70.00
 - (q)(k) Chapter 40D-2, F.A.C., Small General Permit modification \$15.00

(r) Chapter 40D-2, F.A.C., permit fees for those new and renewal permits and modifications to permits that are issued for a duration greater than 20 years shall be equal to the ratio of the number of years granted to 20 years multiplied by the corresponding 20 year permit fee specified above.

(s)(4) For those public supply utilities which are solely wholesale customers of water supplied by another entity and are required to obtain a permit for such activities pursuant to Chapter 40D-2, F.A.C., permit fees shall be one-half of the applicable fee provided in paragraphs (a) through (r)(4) above.

(8) through (11) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08, 12-30-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Weber, Water Use Permitting Program Director, Strategic Program Office, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4303

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2008 and February 13, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.301	Conditions for Issuance of Permits
40D-2.321	Duration of Permits
40D-2.322	20 Year Permit Requirements

PURPOSE AND EFFECT: The rulemaking is intended to set forth the conditions to be met to obtain a water use permit with a 20 year duration and eliminates six year permit durations. The proposed amendments also set forth the conditions under which a 10 year duration will be issued and those conditions for which permit durations for greater or less than 10 years or 20 years is appropriate. In addition, the rulemaking is intended to set forth environmental resource permitting requirements for issuance of a water use permit for multi-phase projects that require both a water use permit and an environmental resource permit.

SUMMARY: The proposed amendments are to the District’s water use permitting rules in Chapter 40D-2, F.A.C., and Part B, Basis of Review For Water Use Permit Applications, of the

Water Use Permit Information Manual regarding the standards that must be met if an applicant elects to apply for a water use permit with a duration of 20 years, and also addresses durations for permits that do not meet the criteria for a 20 year permit. Small General permits will be issued with a 20 year duration. General or Individual permits applicants may elect to request a permit with up to a 20 year permit duration the applicant elects to demonstrate or commit to development of alternative water supplies; or a per capita water use rate of 110 gallons or less; or exceptional implementation of reclaimed water; or an approved FARMS system and meets other conditions; and if there are any pre-existing adverse impacts resulting from the permittee’s existing permit being addressed through a mitigation plan that includes a minimum flow and level recovery strategy the impacts must be eliminated by the tenth year of the permit. The proposed rules describe when permit compliance reports are required and the information to be reported for 20 year permits. Agricultural permits issued for 20 year permits will be required to submit documentation confirming property ownership and water use activities as specified in the permit. The proposed rules also eliminate six year duration permits so that longer durations of 10 or 20 years are issued instead subject to environmental or other considerations. Finally, the rulemaking sets forth environmental resource permitting requirements for issuance of a water use permit for multi-phase projects that require both a water use permit and an environmental resource permit. The rulemaking specifies that phosphate mining projects are not required to have a complete environmental resource permit application prior to the issuance of a water use permit.

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.

RULEMAKING AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.103, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.236, 373.239, 373.243 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: Ken Weber, Water Use Permitting Program Director, Strategic Program Office, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4303

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) Water Use Permit Information Manual Part B, "Basis of Review" (_____ 07-01-09);
- (2) through (3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, _____.

40D-2.301 Conditions for Issuance of Permits.

(1) In order to obtain a Water Use Permit, an Applicant must demonstrate that the water use is reasonable and beneficial, is consistent with ~~in~~ the public interest, and will not interfere with any existing legal use of water, by providing reasonable assurances, on both an individual and a cumulative basis, that the water use:

- (a) through (n) No change.

(2) For projects that require both an Environmental Resource Permit (ERP) and a Water Use Permit (WUP), an application for an ERP must be deemed complete prior to issuance of the WUP when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands. The applicant may submit an application for a Conceptual ERP to satisfy this requirement, provided that the application contains information from which supplemental irrigation demands, potable water demands, other water use demands, and water supply quantities derived from the surface water management system can be calculated. Otherwise, the applicant shall submit an application for an Individual or General ERP. Phosphate mining projects are not required to have complete ERPs prior to WUP issuance. If the District determines that a permit application involves an area where there are the Water Use Permit may not be granted because of water resource problems and due to the quantity, type or location of the proposed withdrawal it is unlikely that a water use permit will be issued, the requirement for a complete ERP permit application shall may be waived by the District. Where such waivers are granted, and if a WUP the Water Use Permit is issued, it shall specify that a well construction permit will not be issued and that withdrawals cannot commence until the appropriate ERP District surface water permit is issued.

- (3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229 FS. History—Readopted 10-5-74, Amended 12-31-74, 2-6-78, 7-5-78, Formerly 16J-2.11, 16J-2.111, Amended 1-25-81, 10-1-89, 2-10-93, 8-3-00, 4-14-02, 1-1-07, _____.

(Substantial rewording of Rule 40D-2.321 follows. See Florida Administrative Code for present text.)

40D-2.321 Duration of Permits.

(1) When requested by an applicant, a water use permit shall have a duration of 20 years if the applicant provides reasonable assurance that the proposed withdrawals and use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in Rule 40D-2.091, F.A.C., there is a demonstrated demand of at least 20 years, that one or more of the criteria in paragraphs (a)-(f) will be met and where mitigation measures are proposed by the applicant (g) is met:

(a) The permit is for the development of an Alternative Water Supply. A longer duration shall be granted where the permittee demonstrates a longer duration is required by the bonding authority for the retirement of bonds issued for the construction of the project and the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, and that there is a demonstrated demand for the requested duration.

(b) The applicant demonstrates that at least 75 percent of their total annual average water needs will be met using an Alternative Water Supply or Supplies by the tenth year of the permit.

(c) The applicant demonstrates that it has achieved and will maintain a compliance per capita rate of less than 110 gallons per day per person, or will achieve such per capita by the tenth year of the permit. For regional water supply authorities, the per capita rate requirements shall refer to the weighted average compliance per capita rate of the member governments.

(d) The applicant demonstrates for its system-wide use of reclaimed water including imports and exports that it will beneficially reuse at least 75 percent of its treated domestic waste water, and at least 75% of that quantity will offset existing and planned water supplies by the tenth year of the permit. The term offset means the amount of traditional, potable quality water supplies that will be replaced by reclaimed water, expressed as an annual average in MGD.

(e) The applicant demonstrates that the project meets the Conditions of Eligibility of the Facilitating Agricultural Resource Management System (FARMS) program as specified in Rule 40D-26.101, F.A.C. and has an approved Facilitating Agricultural Resource Management System (FARMS) application and, by the tenth year of the permit, demonstrates

that it will develop an Alternative Water Supply or Supplies that offset a minimum of 50 percent of the applicant's current fresh or brackish water supply.

(f) The permit to be issued is a Small General.

(g) Any pre-existing adverse impacts resulting from the permittee's existing permit being addressed through a mitigation plan that includes a minimum flow and level recovery strategy must be eliminated by the tenth year of the permit.

(2) Permits that do not qualify for a 20 year permit duration pursuant to subsection 40D-2.321(1) above, shall have a duration of 10 years provided the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, and that there is a demonstrated demand of at least 10 years.

(3) When an applicant fails to provide reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, for a 10 year permit duration, a permit may be issued for a shorter duration that reflects the period for which such reasonable assurances can be provided.

(4) Permits with a duration greater than 10 but less than 20 years as provided in subsection (2) above shall be granted based upon facts presented by an applicant.

(5) The District is authorized to issue permits for a period up to 50 years in accordance with Section 373.236(3), F.S.

(6) Permits based upon non-renewable leases less than 10 years shall be granted for 10 years. If the permitted water use activity ceases for more than 2 years the permit shall be subject to revocation unless documentation is provided indicating that use will recommence within the next year. Permits based upon non-renewable leases greater than 10 years or with renewable leases will be issued under the provisions of this Rule 40D-2.321, F.A.C., with a permit condition requiring submittal of a new or a renewed lease in order for the permit to remain in force.

(7) Permits that are modified prior to renewal will maintain the original expiration date unless the applicant requests the modification be deemed by the District to be substantial as described in the Basis of Review Section 1.12, and treated as a renewal with modification. If the District determines that the criteria of Basis of Review Section 1.12 are met, the application shall be processed as a renewal application with modification.

(8) Subject to the limitations on groundwater allocations explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUNDWATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Section 3.6 of the Basis of Review ("the Provisions"), within

the portion of the Central Florida Coordination Area that does not lie within the Southern Water Use Caution Area the maximum permit duration for a Public Supply Utility or Similar Applicant proposing to withdraw groundwater shall be limited to December 31, 2013, unless the applicant will satisfy the requirements of B.2.a. or b., of the Provisions. If the applicant satisfies the requirements of B.2.a., or b., the permit duration shall be up to 20 years.

Rulemaking Specific Authority 373.044, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.236 FS. History--Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, 1-1-03, 1-1-07, 2-13-08, 12-30-08.

40D-2.322 20 Year Permit Requirements.

(1) This Rule 40D-2.322, F.A.C., shall apply to new and renewal permits issued after [effective date of rule] and permits that are substantially modified after [effective date of rule].

(2) Except for permits issued pursuant to Section 373.236(6), F.S., where necessary to maintain reasonable assurance that the conditions for issuance of a 20 year permit or greater continue to be met during the term of a General or Individual permit, the District will require the permittee to submit a compliance report at year 10 and 15. Compliance reports shall be submitted every 5 years for permits issued pursuant to Section 373.236(6), F.S. The report shall contain sufficient information to provide reasonable assurance that the permittee's use of water will continue, for the remaining duration of the permit, to meet the conditions for permit issuance set forth in the existing District rules. In providing such reasonable assurance, the compliance report must, at a minimum, include all information specifically required by the compliance report condition(s) on the permit. The District shall take action on compliance reports only in cases where the District finds that the report indicates that the conditions for issuance are not continuing to be met. In those cases, the District shall modify the permit as necessary to ensure that the use of water authorized by the permit will continue to meet the conditions for permit issuance set forth in District rules. Only in those cases shall the District provide notice of intent to modify the permit as required by Sections 120.569 and 120.60, F.S., and Rule 40D-1.1010, F.A.C., which allows the permittee or substantially affected persons to petition for a hearing on the proposed action.

(3) For 20 year General and Individual Public Supply Permits, if the actual population growth in the tenth year of the permit is less than 90 percent of what was predicted for the preceding 10 year period, the permitted quantities shall be reduced consistent with the actual growth rate experienced unless the projected population for the final year of the permit has not changed by more than 10% based on the District's BEBR medium based GIS model or equivalent methodology or non-population based factors such as large industrial or other uses are demonstrated to require the allocated quantity.

(4) Where data indicate adverse impacts to environmental or other water resources, offsite land use or a legal existing use, non-compliance with a minimum flow or level or associated recovery or prevention strategy, or interference with a reservation, or where data indicate the impacts predicted at the time of permit issuance were underestimated to the degree that the previous analysis is inadequate, an updated ground-water modeling analysis and data analysis shall be required to address compliance with conditions for issuance.

(5) Permits that are issued for 20 year duration based on meeting the requirements set forth in paragraph 40D-2.321(1)(b), (c), (d) or (e), F.A.C., within 10 years shall include a timeline of activities proposed to result in achieving these requirements, and progress reports. If these requirements are not achieved within 10 years, the permit duration shall revert to the applicable duration provided in Rule 40D-2.321, F.A.C., unless this reversion would result in the permit having expired or less than a year of remaining duration. In such cases, the permit will expire one year following the final determination of non-achievement and will be limited to a permitted quantity that equals an additional two years future demand beyond current demand, as determined pursuant to section 3.0 of Part B, Basis of Review, of the Water Use Permit Information Manual incorporated by reference in Rule 40D-2.091, F.A.C., from the point of final determination of non-achievement.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.236 FS. History—New _____.

WATER USE PERMIT INFORMATION MANUAL
PART B, BASIS OF REVIEW
Incorporated by Reference in Rule 40D-2.091, F.A.C.

1.0 PERMITTING PROCEDURES

1.1 through 1.8 No change.

1.9 PERMIT DURATION

Revised 8-23-07, 2-13-08, 12-30-08, Repealed _____.

1.9.9 through 1.14 No change.

2.0 ADMINISTRATIVE CONSIDERATIONS

This section describes administrative requirements which may apply to certain water users. All water users must demonstrate legal control over the property and activities for which they are requesting a permit. Certain water users may be required to comply with other requirements described in this section.

2.1 CONTROL OF PROPERTY AND ACTIVITIES

Paragraphs 1.-5. No change.

6. As specified in the permit, agricultural permittees shall periodically submit written documentation confirming property ownership and that the permitted water use activities are consistent with the approved permit.

2.2 WATER USE INTEGRATED WITH A SURFACE WATER MANAGEMENT SYSTEM

1. For projects that require both an Environmental Resource Permit (ERP) and a Water Use Permit, an application for an ERP must be deemed complete prior to issuance of the Water Use Permit when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands from other sources. The applicant may submit an application for a Conceptual ERP to satisfy this requirement, provided that the application contains information from which supplemental irrigation demands, potable water demands, other water use demands, and water supply quantities derived from the surface water management system can be calculated. Otherwise, the applicant must submit an application for an Individual or General ERP. Phosphate mining projects are not required to have complete ERPs prior to WUP issuance. For projects which require both a water use permit and a surface water management permit, the Water Use Permit Application will not be deemed complete until the Surface Water Management Permit Application required by District rules is deemed complete. This requirement is based on the fact that design changes may occur during the Surface Water Permit evaluation process which may impact the water use aspects of the project. The impact of withdrawals on the Applicant's existing or conceptually permitted surface water management system must be evaluated and submitted with the Water Use Permit Application. This evaluation shall include an assessment of the impacts of withdrawals and discharges on the surface water management system design in terms of percolation rates, storage volumes, and design discharge, etc.

2. If the District determines that a permit application involves an area where ~~there are the Water Use Permit may not be granted because of~~ water resource problems, and due to quantity, type or location of the proposed withdrawal it is unlikely that a water use permit will be issued, the requirement for a complete ERP ~~surface water permit~~ application shall ~~may~~ be waived by the District. Where such waivers are granted, and if a ~~the~~ Water Use Permit is issued, it shall specify that a well construction permit will not be issued and withdrawals cannot commence until the appropriate District ERP ~~surface water management permit~~ is issued.

3. Where a project requires a complete ERP pursuant to subsection 40D-2.302(2), F.A.C., and Basis of Review Section 2.2.1, the permittee shall be required to re-evaluate water demands and sources at the submittal of any General or Individual ERP applications pertaining to the project. If the re-evaluation indicates sources or demands have changed from those presented in the original application, or that required water conservation elements have not been achieved, the water use permit shall be modified, to take into account the updated information, provided, however, that the water use shall continue to meet all conditions for issuance of a water use permit.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Weber, Water Use Permitting Program Director, Strategic Program Office, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4303

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2008, December 12, 2008, February 13, 2009, August 14, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to incorporate by reference a revised Appendix dated July 2009 to the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District. The revised Appendix adds the Alaric Area Groundwater Plume, Helena Chemical Company and Stauffer Chemical Company Combined Superfund Sites, located in Hillsborough County, to the list of Superfund sites to be addressed by the Agreement.

SUMMARY: In 2008, the District entered into a Memorandum of Agreement (MOA) with the U.S. Environmental Protection Agency, Region IV, Superfund Division, which outlines a cooperative relationship and protocol for sharing information when the District is reviewing permit applications for activity near selected Superfund sites. The MOA enables each agency to implement their respective regulatory practices in a manner that best minimizes the potential for ground water contamination impacts in areas that are or could be affected by a Superfund site. The District anticipates that this will occur most often in the context of reviewing applications for well construction permits. Information concerning groundwater contamination plumes and buffer areas for the selected sites will be developed by EPA and provided to the District which will make it available to the public on the District’s website. Persons interested in applying for District permits for activities located near the selected sites will be able to view the affected areas and thereby avoid activities that could potentially cause contaminants to spread. The proposed rule amendment will incorporate by reference a revised MOA appendix listing the affected sites, which will include the Alaric Area Groundwater Plume, Helena Chemical Company and Stauffer Chemical Company Combined Superfund Site located in Hillsborough County.

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.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.046, 373.103, 373.308, 373.309, 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: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (3) No change.

(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) and Appendix I dated July 2009 is incorporated by reference.

Rulemaking Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.103, 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, 1-5-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

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.

SUMMARY: These rules provide parameters for reviewing education and training programs filed by education providers.

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.

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

LAW IMPLEMENTED: 718.501(1)(j) 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: September 21, 2009, 10:30 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. 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 at (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 RULES IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

Education Programs COMPLAINTS

61B-19.001 Filing Education and Training Programs.

(1) Anyone seeking to be considered as a Condominium Education Provider (“provider”) and have their Condominium Education Program (“program”) listed on the department’s website may file the education materials (“materials”) that make up the program with the division for consideration as part of the division’s list of approved programs and providers.

(2) All materials must be submitted to the division via electronic media in CD ROM format to the following address:

Division of Florida Condominiums, Timeshares, and Mobile Homes
Bureau of Compliance
1940 North Monroe Street
Tallahassee, FL 32399-1030

(3) The division shall have 45 days from receipt of the materials to review and either cite deficiencies in the materials or approve the materials. If approved, the department will list the provider and program on the department’s website as part of the list of approved programs and providers. If the division does not approve the materials or issues a notice of deficiency within 45 days from the date such materials were received by the division then the materials are deemed approved.

(4) The provider shall have 45 days from receipt to respond to a notice of deficiency. If the provider fails to respond in the required timeframe, the request shall expire and be rejected.

(5) The division shall have 20 days to review deficiency corrections submitted by providers. If the division has not approved the materials or issued a notice of deficiency within 20 days from date such corrections or responses were received by the division then the materials are deemed approved.

(6) Approved materials may be provided via web-based training programs, seminars, or printed media.

(7) The division will maintain a list of all approved programs and providers on the Department of Business and Professional Regulation’s website at <http://www.myflorida.com/dbpr/lsc/index.html>.

Rulemaking Authority 718.501(1)(f) FS. Law Implemented 718.501(1)(j) FS. History–New _____.

61B-19.002 Required Information.

(1) Providers shall include the following information regarding their education programs:

(a) A price list for the programs and a copy of all materials.

(b) The physical locations where programs will be available, if not web-based.

(c) Dates when programs will be offered.

(2) Programs shall communicate information about:

(a) Budgets;

(b) Reserves;

(c) Elections;

(d) Financial reporting;

(e) Condominium operations;

(f) Records maintenance, including unit owner access to records; or,

(g) Dispute resolution.

(3) Programs and materials shall not contain editorial comments.

(4) The division reserves the right to require changes to education and training programs.

Rulemaking Authority 718.501(1)(f) FS. Law Implemented 718.501(1)(j) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Cochran, Director, Division of Florida
Condominiums, Timeshares, and Mobile Homes, 1940 North
Monroe Street, Tallahassee, Florida 32399-1030

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 24, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:
61B-80.124 Department Fee

PURPOSE AND EFFECT: This rule provides for the recovery
of division fees and costs incurred in the implementation of the
homeowners' association arbitration program.

SUMMARY: This rule addresses the alternative dispute
resolution program administered by the Division of Florida
Condominiums, Timeshares, and Mobile Homes for
homeowner association election and recall disputes.

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.

RULEMAKING AUTHORITY: 720.311 FS.

LAW IMPLEMENTED: 720.311 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: September 21, 2009, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room,
1940 N. 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
at (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 IS: Sharon A. Malloy, Senior Management
Analyst II, Division of Florida Condominiums, Timeshares,
and Mobile Homes, 1940 North Monroe Street, Tallahassee,
Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-80.124 Department Fee.

(1) The department fee will be an amount adequate to cover all costs and expenses incurred by the department in conducting an arbitration proceeding pursuant to Section 720.311, F.S.

(2) The fee shall be the sum of the following costs:

(a) The sum of the "Labor Cost" for all employees who perform work on the case. The "Labor Cost" for an employee shall be calculated as follows: [(P x 1.35)/W] x H. Where P = the biweekly pay of the lowest pay grade for the employee's position title; 1.35 is a multiplier that takes into account the cost of pay and benefits for an employee; W = the biweekly contract hours for the employee; and H = hours directly related to the arbitration proceeding worked by the employee.

(b) The cost a contractor charges the department for any work directly related to the arbitration proceeding.

(c) Other proceeding costs directly related to the proceeding. For example direct costs include, but are not limited to, travel, long distance charges and photocopy expenses.

(3) If the arbitration proceeding involves an election dispute, petitioner and respondent shall be charged an equal share of the department's fee. Where the arbitration dispute involves a recall dispute, only the association shall be charged the department's fee.

(4) The department will send the party or parties an invoice for the department's fee. The petitioner and respondent shall pay the fee within thirty days of the date of the invoice. The department's acceptance of less than full payment by a party shall not be considered a waiver of its right to the full amount of the fee. The department's acceptance of the payment by one party does not relieve the other party or parties from payment of their share of the fee.

(5) The department shall have the right to collect any unpaid fee to the fullest extent permitted by the laws of this state.

Rulemaking Authority 720.311(1) FS. Law Implemented 720.311(1) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Cochran, Director, Division of Florida
Condominiums, Timeshares, and Mobile Homes, 1940 North
Monroe Street, Tallahassee, Florida 32399-1030

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 5, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-15.019
 RULE TITLE: Examiners in Practical Examinations; Criteria for Selection

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: This rule is being repealed.

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.

RULEMAKING AUTHORITY: 455.217(1)(b), 476.064(4) FS.

LAW IMPLEMENTED: 455.217(1)(b), 476.134 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 OF THE PROPOSED RULE IS:

61G3-15.019 Examiners in Practical Examinations; Criteria for Selection.

~~(1) Persons selected to conduct practical examinations for licensure as a barber shall hold an active license to practice barbering in Florida, shall have held such active license in Florida for five years immediately preceding selection as an examiner, and shall have been engaged in the active practice of barbering for five years immediately preceding selection as an examiner. Further, each person selected as an examiner shall be in good standing with the Board with no disciplinary violations, including citations, within five years immediately preceding selection as an examiner and shall remain in good standing during the time a person is an examiner.~~

~~(2) Information concerning persons to be selected as examiners and lead examiners shall be submitted to the Board for verification of their qualifications and approval by the Board. Examiners shall be selected by the Department from a pool of Board approved examiners.~~

~~(3) No person may be selected as an examiner who is in any way affiliated with barber supply companies or with barber schools. Professional members of the Board may serve as examiners with consent of the Board. Examiners and Board~~

~~members wishing to conduct examinations shall undergo the necessary training in standardization as established by the Board.~~

~~Rulemaking Specific Authority 455.217(1)(b), 476.064(4) FS. Law Implemented 455.217(1)(b), 476.134 FS. History—New 4-6-82, Formerly 21C-15.19, Amended 7-7-86, 8-31-88, 7-15-91, Formerly 21C-15.019, Amended 12-9-97, Repealed.~~

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: August 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.007
 RULE TITLE: Examination for Restricted Licensure

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the amended changes to the rule will not have an impact on 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.

RULEMAKING AUTHORITY: 455.217, 476.064(4), 476.134, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.064(4), 476.134, 476.144 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 OF THE PROPOSED RULE IS:

61G3-16.007 Examination for Restricted Licensure.

(1) The examination for restricted licensure to practice barbering shall consist of ~~two parts~~, a written exam ~~and a practical exam~~. Applicants for a restricted license to practice barbering must achieve a passing grade on ~~both portions~~ of the examination to be eligible for a restricted license to practice barbering.

(2) The ~~written portion~~ of the examination for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida.

(3) ~~The practical portion of the examination for restricted licensure shall test the applicant's ability to perform the barbering services authorized by a restricted license to practice barbering. The practical examination for licensure shall have a maximum time limit of 1 1/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair and perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:~~

GRADING AREA	RELATIVE WEIGHT
Haircut	45%
Shampoo	5%
Safety and Sanitation	50%

~~The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas for comment shall be drawn from the following grading criteria:~~

~~(a) Haircut:~~

- ~~1. The top is even and without holes;~~
- ~~2. The top blends with the sides and back;~~
- ~~3. The front outline is even;~~
- ~~4. The haircut is proportional;~~
- ~~5. The sides and the back are without holes or steps;~~
- ~~6. The sides blend with the back;~~
- ~~7. The sideburns are equal in length;~~
- ~~8. The outlines are even;~~
- ~~9. The sideburns, outline, and neckline are clean shaven;~~
- ~~10. The model's skin was not cut or nicked during the haircut;~~
- ~~11. The neckline is properly tapered.~~

~~(b) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.~~

~~(c) Safety and Sanitation:~~

- ~~1. The candidate used the proper draping for the shampoo;~~
- ~~2. The candidate used the proper protection on the shampoo bowl;~~
- ~~3. The candidate properly stored clean and dirty linen during the shampoo;~~
- ~~4. The candidate washed his or her hands before beginning work on the model;~~
- ~~5. The candidate used the proper draping for the haircut;~~
- ~~6. The candidate properly stored clean and dirty linen during the haircut;~~

~~7. The candidate placed tools in the sanitizer before and after each use;~~

~~8. The candidate used all tools in a safe manner and without any blood contact during the haircut;~~

~~(4) Failure of the examinee to complete the services required in a particular category tested in the practical examination shall result in the examinee losing the possible points assigned to that area.~~

~~(3)(5) The score necessary to achieve a passing grade on the written portion of the restricted licensure examination shall be no less than seventy-five (75) percent out of one hundred (100) percent of the total possible points on the written examination. The score necessary to achieve a passing grade on the practical portion of the restricted licensure examination shall be no less than seventy five (75) percent (based on the average of the examiners' scores) out of one hundred (100) percent of the total possible points on the practical examination. All examiner's scores will be averaged before any percentages are rounded according to the formula stated below. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.~~

~~Rulemaking Specific Authority 455.217, 476.064(4), 476.134, 476.144 FS. Law Implemented 455.217, 476.134, 476.144 FS. History--New 11-12-87, Amended 3-22-92, 1-26-93, Formerly 21C-16.007, Amended 9-15-94, 12-9-98, 11-27-02, 4-26-04, 8-1-05, _____.~~

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: August 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.008
RULE TITLE: Manner of Application

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the amended changes to the rule will not have an impact on 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.

RULEMAKING AUTHORITY: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2228 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 OF THE PROPOSED RULE IS:

61G3-16.008 Manner of Application.

Every person desiring to be examined for either full or restricted licensure as a barber shall apply to the Department in writing upon forms prepared and furnished by the Department and pay an examination fee as required by Rule 61G3-20.002, F.A.C.

(1) The applicant must present with the application two (2) 2" x 2" photographs taken within the past twelve (12) months and evidence of completion of barber training as defined in Chapter 476, F.S.

~~(2) Completed applications received later than thirty (30) days prior to the next available practical exam shall automatically be scheduled for the following available practical examination. The Department shall notify the applicant fourteen (14) days prior to the practical examination if the applicant is eligible to take the practical examination. A professional testing service. Qualified outside testing vendor shall notify applicants of their eligibility for a written examination within five (5) working days after receipt of Board notification of the applicant's eligibility.~~

(3) Applicants for an unrestricted license who have completed one thousand (1,000) actual school hours or more but less than one thousand two hundred (1,200) actual school hours are required to have the school or program attended certify on that portion of the application so designated that said applicant has completed the stated number of hours, the required services as established by Rule 61G3-16.001, F.A.C., and is competent to sit for the licensure examination.

~~Rulemaking Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2228 FS. History--New 11-12-87, Formerly 21C-16.008, Amended 8-11-98, 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: August 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:

61G3-16.010 Supervised Practice Exception

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the amended changes to the rule will not have an impact on 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.

RULEMAKING 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 OF THE PROPOSED RULE IS:

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 a passing scores on the examination 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 qualified outside 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 the qualified outside 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.

Rulemaking 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, 12-29-08,_____.

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: August 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.:
61G3-20.002

RULE TITLE:
Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the amended changes to the rule will not have an impact on 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.

RULEMAKING AUTHORITY: 455.213(1), 455.2171, 476.064(4), 476.192 FS.

LAW IMPLEMENTED: 455.2171, 476.192 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 OF THE PROPOSED RULE IS:

61G3-20.002 Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) The application fee for licensure by means of endorsement or examination and reexamination for barbers shall be as follows:

Method of Licensure:	Application Fee:
(a) Endorsement	The application fee for licensure by endorsement shall be One hundred fifty dollars and, zero cents (\$150.00). All fees shall be payable to the Department.
(b) Examination and Reexamination	

~~1. Practical Portion The application fee for both the examination and reexamination for the practical portion shall be seventy five dollars (\$75.00). All fees shall be payable to the Department.~~

~~2. Written portion The application fee for both the examination and reexamination for the written portion shall be One hundred, fifty dollars and zero cents (\$150.00) ~~seventy five dollars (\$75.00). Sixty one dollars and fifty cents (\$61.50)~~ of both the examination and reexamination application fee for the written portion of the examination shall be paid to the Department and ~~thirteen dollars and fifty cents (\$13.50)~~ shall be paid to the professional testing service.~~

(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

Method of Licensure: Application Fee:

(a) Examination and Reexamination

~~1. Practical Portion The application fee for both the examination and reexamination for the practical portion shall be seventy five dollars (\$75.00). All fees shall be payable to the Department.~~

~~2. Written Portion The application fee for both the examination and reexamination for the written portion shall be One hundred, fifty dollars and zero cents (\$150.00) ~~seventy five dollars (\$75.00). Seventy dollars and fifty cents (\$70.50)~~ of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and ~~four dollars and fifty cents (\$4.50)~~ shall be paid to the professional testing service.~~

(3) Applicants for licensure as a barber or restricted barber shall pay both the original licensure fee set forth in Rule 61G3-20.014, F.A.C., and the applicable part of the examination or reexamination application fee specified in subsections (1) and (2) above.

(a) All fees payable to the Department shall be paid at the time the applicant submits his or her application for licensure by endorsement, examination or reexamination.

(b) All parts of the examination or reexamination application fee payable to aqualified outside testing vendor ~~professional testing service~~ shall be paid to that service upon notification that the applicant's application for licensure by examination or reexamination has been approved.

(c) In the event that a aqualified outside testing vendor ~~professional testing service~~ is not used for examination or reexamination, all fees shall be paid to the Department.

~~Rulemaking Specific Authority 455.213(1), 455.2171, 476.064(4), 476.192 FS. Law Implemented 455.2171, 476.192 FS. History—New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, 11-6-00, 2-19-04, 8-8-04, 1-1-06.~~

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: August 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-23.001 Seals Acceptable to the Board

PURPOSE AND EFFECT: To update requirements for the seal.

SUMMARY: The Board proposes to update requirements for the seal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 471.008, 471.025 FS.

LAW IMPLEMENTED: 471.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-23.001 Seals Acceptable to the Board.

(1) Pursuant to Section 471.025, F.S., the Board hereby establishes as indicated below the forms of ~~embossing impression~~ seals which are acceptable to the Board.

(a) Any seal capable of leaving a permanent ink representation or other form of opaque and permanent impression which contains the information described herein is acceptable to the Board.

(b) Said seal shall be a minimum of 1 7/8 inches in diameter and shall be of a design similar to those set forth below. All engineers must be utilizing a seal as illustrated in this rule no later than January 1, 2006.



(c)(2) The type of seal in the center may be used only by registrants who are in good standing under both Chapters 471 and 472, F.S.

(d) The seal may contain an abbreviated form of the licensee's given name or a combination of initials representing the licensee's given name provided the surname listed with the Board appears on the seal and in the signature.

(2) Embossing impression seals which otherwise comply with these provisions and which do not provide an opaque and permanent impression or permanent ink representation are also acceptable to the Board.

Rulemaking Specific Authority 471.008, 471.025 FS. Law Implemented 471.025 FS. History—New 1-8-80, Amended 6-23-80, Formerly 21H-23.01, 21H-23.001, Amended 4-1-97, 2-5-04, 8-8-05,_____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-502.001
RULE TITLE: Continuing Education
PURPOSE AND EFFECT: To update the provisions relating to obtaining credits relating to domestic violence.

SUMMARY: The department proposes to amend the rule to clarify that the required 2 hours of coursework on domestic violence are to be taken once every six years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has been prepared by the agency.

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.

RULEMAKING AUTHORITY: 490.007(2), 490.0085, 490.015 FS.

LAW IMPLEMENTED: 456.013, 490.007(2), 490.0085 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-502.001 Continuing Education.

Every applicant for licensure renewal shall complete 30 hours of continuing education credit. ~~Two of the 30 hours must be taken every third period of licensure renewal on domestic violence consistent with Section 456.031, F.S.~~ Two of the 30 hours must be on the prevention of medical errors consistent with Section 456.013, F.S. Every six years, each licensee shall complete two hours of continuing psychological education on domestic violence as defined in Section 741.28, F.S., as a part of and not in addition to the hours required for biennial licensure renewal. The licensee shall retain for six years certificates of attendance or other records to document the completion of the continuing education requirement. The Department will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met.

Rulemaking Specific Authority 490.007(2), 490.0085, 490.015 FS. Law Implemented 456.013, 490.007(2), 490.0085 FS. History—New 4-13-82, Amended 11-27-83, 2-21-85, Formerly 21U-502.01, Amended 12-26-91, 6-24-92, Formerly 21U-502.001, 61E9-502.001, Amended 10-16-01, 10-22-02, 12-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Allen Hall
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.,
State Surgeon General
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 12, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 19, 2009

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: 64J-2.019 RULE TITLE: Funding for Verified Trauma Centers
PURPOSE AND EFFECT: This notice is to alert the public that the Office of Trauma is proposing revisions to Rule 64J-2.019, F.A.C., to implement revisions to this rule pursuant to requirement in subsections 318.18 and 395.4036, F.S. enacted in Chapter 2009-138, Laws of Florida (Enrolled HB 481).

SUMMARY: The proposed rule revisions include the following:

Adds another trauma center funding distribution methodology; adds a definition for "public hospital;" revises the definition of "attestation;" adds another attestation requirement, and statutory references to Section 318.18 to implement the 2009 statutory revisions under Section 395.4036, F.S. for the funds collected under Section 318.18(5)(c) and (19), F.S. (Chapter 2009-138, Laws of Florida). Deletes a portion of the definition of "Severe Injury Patient" to remove language regarding ICISS Ps<.90, which became obsolete after December 31, 2007. Technical amendment to correct the section reference of Section 395.4036, F.S., to correct an error in the section number; and technical amendment to correct the date of the Florida Trauma Registry Manual from December 2005 to February 2008 and to correct page number reference.

Technical amendment to add the word "verified" clarify the definition of "certified trauma center," "verified trauma center" and "trauma center" to mean a Level I, Level II, or Pediatric Verified Trauma Center.

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.

RULEMAKING AUTHORITY: 395.4036 FS.

LAW IMPLEMENTED: 395.4036 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Priscilla Davidson at (850)245-4444, ext: 2749. If you are 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: Susan McDevitt, Office of Trauma Director, Department of Health, 4052 Bald Cypress Way, Bin #C-18, Tallahassee, FL 32399-1738; (850)245-4444, ext: 2760; email: Susan_McDevitt@doh.state.fl.us; fax: (850)488-2512

THE FULL TEXT OF THE PROPOSED RULE IS:

64J-2.019 Funding for Verified Trauma Centers.

(1) For purposes of Sections 318.14, 318.18 and 395.4036, F.S., and this rule, in addition to those terms defined in the Florida Trauma Registry Manual, February 2008 ~~December 2005~~, (see Rule 64J-2.006, F.A.C.) and elsewhere in these rules, the following definitions also apply:

(a) "Attestation" – means a letter on hospital letterhead, signed under oath consistent with Section 92.50, F.S., by the person with direct or delegated authority to make such a statement as required in accordance with this rule, ~~stating that the proceeds received by the hospital under Section 395.4036, F.S., were used in compliance with law.~~ a statement, stating that: the proceeds received by the hospital under Section 395.4036, F.S., were used in compliance with law.

(b) "Certified trauma center," "verified trauma center" and "trauma center" – all mean a Level I, Level II or Pediatric Verified Trauma Center.

(c) "Caseload volume," "trauma caseload volume," "and "volume of trauma cases" – all mean the number of verified trauma patients served by a trauma center during a calendar year, after 2004, on whom data timely supplied by the trauma center to the trauma registry satisfies the *Florida Trauma Registry Manual*, February 2008 ~~December 2005~~ reporting requirements for determining trauma caseload volume (see page 65 of the manual).

(d) "International Classification Injury Severity Score" (ICISS) means a mathematical system of risk stratification based on anatomic diagnosis of trauma patients as initially defined and validated in the following reference: "Osler T, Rutledge R, Deis J, Bedrick E., ICISS: an international classification of disease-9 based injury severity score, Journal of Trauma. 1996 Sep;41(3):380-6; discussion 386-8."

(e) "Public hospital" – means a hospital licensed under Chapter 395, Part I, F.S., which is owned by a state or local government, or local healthcare tax district.

~~(f)(e)~~ “Severe Injury Patient” – ~~Through December 31, 2007, means a verified trauma patient with a computed ICISS Ps<.90 and, after December 31, 2007, means a verified trauma patient with computed ICISS Ps<.85.~~

~~(g)(f)~~ “Verified Trauma Patient” means a patient treated at a state certified trauma center with at least one ICD-9-CM discharge diagnosis between 800 and 959.9 with a Survival Risk Ratio (SRR)<1 whose data is used by the trauma registry to determine caseload volume. SRRs for each diagnosis code will be determined from analysis of data in the trauma registry by the Department consistent with ICISS and shall be published by the Department.

~~(h)(g)~~ “Year” – means the most recent complete calendar year for which caseload volume is available from the trauma registry.

(2) Funds collected under Sections 318.14(5), ~~318.18(5)(c) and (19)~~ and 318.18(15), F.S., and deposited into the department’s administrative trust fund shall be distributed quarterly to the certified trauma centers.

(a) All distribution shall be consistent with subsection (2) or upon resolution of all relevant administrative and judicial challenges, whichever is later.

(b) Funds collected under Section 318.14(5), F.S., and deposited into the department’s administrative trust fund shall be distributed to the trauma center as follows: [($.5 \times \text{funds}$)/Current total number of trauma centers]] + [($.5 \times \text{funds}$) x (Caseload volume for the trauma center for the year/The sum of caseload volume for all trauma centers during the year)].

(c) Funds collected under Section 318.18(15), F.S., and deposited into the department’s administrative trust fund under Section 395.4036~~4095~~(1), F.S., shall be distributed as follows:

1. To each trauma center in a region receiving a local funding contribution as of December 31 of the previous year: ($.2 \times \text{funds}$) x (Caseload volume for the trauma center for the year/The sum of caseload volume for the year for all trauma centers receiving funding under subparagraph (2)(c)1. of this rule).

2. To each trauma center: ($.4 \times \text{funds}$) x (Caseload volume of the trauma center during the year/The sum of caseload volume for all trauma centers during the year).

3. To each trauma center: ($.4 \times \text{funds}$) x (The total number of severe injury patients served by the trauma center for the year/The total number of all severe injury patients served by all trauma centers for the year).

~~(d) Funds collected under Section 318.18(5)(c) and (19), F.S., and deposited into the department’s administrative trust fund shall be distributed as follows.~~

~~1. To each Level II trauma center operated by a public hospital that provides an attestation certifying that the hospital is governed by an elected board of directors as of December 31, 2008: ($.30 \times \text{funds}$).~~

2. To each trauma center: ($.35 \times \text{funds}$) x (Caseload volume of the trauma center during the year/The sum of caseload volume for all trauma centers during the year).

3. To each trauma center: ($.35 \times \text{funds}$) x (The total number of severe injury patients served by the trauma center for the year/The total number of all severe injury patients served by all trauma centers for the year).

(3) Hospitals that are not subject to audit pursuant to Section 215.97, F.S. and operate a verified trauma center that receives proceeds under Section 395.4036, F.S., must annually submit to the department an attestation stating the proceeds received by the hospital were used in compliance with Section 395.4036(3)(a), F.S.

Rulemaking Specific Authority 395.4036 FS. Law Implemented 395.4036 FS. History–New 4-25-06, Amended 1-9-07, Formerly 64E-2.040, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan McDevitt, Director, Office of Trauma

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana Viamonti-Ros, M.D., M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Domestic Violence

RULE NOS.:

- 65H-1.001
- 65H-1.002
- 65H-1.003
- 65H-1.004
- 65H-1.005
- 65H-1.010
- 65H-1.011
- 65H-1.012
- 65H-1.013
- 65H-1.014
- 65H-1.015
- 65H-1.016
- 65H-1.017
- 65H-1.018

RULE TITLES:

- Certification
- Procedures for Funding
- Standards for Certification
- Confidentiality
- Evaluation
- Purpose
- Definitions
- Application and Certification Process
- Administration and Operations
- Services
- Emergency Shelter Facilities
- Confidentiality
- Monitoring and Evaluation
- Funding Procedures

PURPOSE AND EFFECT: The purpose is to repeal all current rules in Chapter 65H-1, F.A.C. and concurrently replace with new rules which have been restructured and renumbered to promote clarity regarding the minimum standards for domestic

violence centers. Additionally, the new rules incorporate Governor Crist's plain language initiative, revises funding procedures, and adds purpose and definitions.

SUMMARY: These rules establish minimum standards for the certification and evaluation of domestic violence centers.

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.

RULEMAKING AUTHORITY: 39.903 FS.

LAW IMPLEMENTED: 39.903, 39.905, 39.908 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: September 18, 2009, 2:30 p.m.

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 319, Tallahassee, FL

Pursuant to the provisions of 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: Renee Starrett at (850)921-4766 or renee_starrett@dcf.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: Renee Starrett, (850)921-4766 or renee_starrett@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

DOMESTIC VIOLENCE CENTER CERTIFICATION
MINIMUM STANDARDS

65H-1.001 Certification.

Rulemaking Specific Authority 39.903, 39.905 FS. Law Implemented 39.905 FS. History--New 5-13-79, Amended 12-4-79, 12-3-85, Formerly 10A-8.03, Amended 6-22-87, Formerly 10A-8.003, 10M-48.002, Amended 3-12-00, Formerly 65C-6.002, Repealed _____.

65H-1.002 Procedures for Funding.

Rulemaking Specific Authority 39.903, 39.905 FS. Law Implemented 39.903 FS. History--New 5-13-79, Amended 12-4-79, 11-1-83, 12-3-85, Formerly 10A-8.04, Amended 6-22-87, Formerly 10A-8.004, 10M-48.003, Amended 3-12-00, Formerly 65C-6.003, Repealed _____.

65H-1.003 Standards for Certification.

Rulemaking Specific Authority 39.903, 39.905 FS. Law Implemented 39.905 FS. History--New 5-13-79, Amended 12-4-79, 1-11-83, 12-3-85, Formerly 10A-8.05, Amended 6-22-87, Formerly 10A-8.005, 10M-48.004, Amended 3-12-00, Formerly 65C-6.004, Repealed _____.

65H-1.004 Confidentiality.

Rulemaking Specific Authority 415.608, 120.53 FS. Law Implemented 415.601 et seq. FS. History--New 5-13-79, Amended 12-4-79, 12-3-85, Formerly 10A-8.06, 10A-8.006, 10M-48.005, 65C-6.005, Repealed _____.

65H-1.005 Evaluation.

Rulemaking Specific Authority 39.903 FS. Law Implemented 39.903 FS. History--New 5-13-79, Amended 12-4-79, 12-3-85, Formerly 10A-8.07, 10A-8.007, 10M-48.006, Amended 3-12-00, Formerly 65C-6.006, Repealed _____.

65H-1.010 Purpose.

The purpose of this rule chapter is to establish the minimum standards and procedures for the provision of services to victims of domestic violence as authorized in Section 39.903, F.S.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History--New _____.

65H-1.011 Definitions.

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

(1) "Administrator" means the full-time employee who is responsible for the overall operation and day-to-day management of a certified domestic violence center.

(2) "Advisory Board" means a group of individuals whose purpose is to make recommendations to the board of directors regarding the operation of the domestic violence center, if the board of directors does not directly oversee that operation.

(3) "Board of Directors" means a legally constituted group of individuals whose function is to oversee operations of a certified domestic violence center either directly or through an advisory board.

(4) "Certification" means the Department's formal recognition that a domestic violence center meets the minimum standards set forth in Section 39.905, F.S., and these rules.

(5) "Competency-based Core" means specialized knowledge and skills for the effective performance of domestic violence advocacy activities.

(6) "Dating Violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature as defined in Section 784.046, F.S.

(7) “Department” means the Florida Department of Children and Families, an employee of the Department, or a designated agent of the Department.

(8) “Domestic Violence” means the perpetration of violence between intimate partners, spouses, ex-spouses, or those who share a child in common or who are cohabitants in an intimate relationship, for the purpose of exercising power and control by one over the other as defined in Section 741.28, F.S.

(9) “Domestic violence advocate” means an employee or volunteer of a certified domestic violence center who: provides direct services to individuals victimized by domestic violence; has received 30 hours of domestic violence core competency training; and, has been identified by the domestic violence center as an individual who may assert a claim to privileged communications with domestic violence victims under Section 39.905, F.S.

(10) “Domestic violence center” means an agency that provides services to victims of domestic violence as its primary mission and is certified under these rules.

(11) “Evaluation” means a process of reviewing the administrative and programmatic components of a certified domestic violence center to ensure compliance with minimum standards as set forth in this rule chapter and Section 39.905, F.S., and, if applicable, as stipulated in contract.

(12) “Florida Coalition Against Domestic Violence” (the Coalition) means the statewide association whose primary purpose is to represent and provide technical assistance to certified domestic violence centers, evaluate all services provided by certified domestic violence centers, and approve or reject applications for funding of certified domestic violence centers as provided for in Section 39.903, F.S.

(13) “Participant” means a person who receives services from a certified domestic violence center.

(14) “Power and Control Model” means intervention that recognizes domestic violence where one partner in an intimate relationship systematically uses tactics of emotional and physical abuse in order to maintain power and control over the other.

(15) “Privilege” means confidential communications, including any related records, made between a person seeking or receiving services from a certified domestic violence center and the domestic violence advocate.

(16) “Provider” means an agency that provides services to victims of domestic violence and is an applicant for certification or certified under Section 39.905, F.S., and these rules.

(17) “Shelter” means a facility that provides temporary emergency housing to victims of domestic violence and their dependents.

(18) “Victim” means the spouse, ex-spouse, co-habitant in an intimate relationship, or individual who shares a child in common with a batterer who has perpetrated an act, alleged act, or attempted act of violence against them for the purpose of exercising power and control. The victim may also be an individual who has or had a dating relationship with the batterer.

(19) “Volunteer” means unpaid staff members trained in the dynamics of domestic violence who provide direct and indirect services to those seeking and receiving services from a domestic violence center.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History–New _____.

65H-1.012 Application and Certification Process.

(1) Certification Eligibility.

(a) To be eligible for certification an applicant shall be a not-for-profit corporation created for the purpose of operating a domestic violence center. The not-for-profit corporation may be affiliated with a local government entity or a larger private organization, but must be a distinct entity with its own corporate structure and budget. Existing domestic violence centers certified prior to the effective date of this rule shall be exempt from the foregoing requirement. All funding and budget issues pertaining to the operation of the domestic violence program must be reported independently from other activities. The domestic violence center’s primary mission shall be the provision of services to victims of domestic violence, as defined in Section 741.28, F.S.

(b) When an applicant is seeking certification within the service area of an existing certified center, the applicant shall make efforts to subcontract with the existing center to avoid duplication of services. Efforts to partner with the existing center shall be documented. If sub-contracting is not an option, an application for certification shall be made to the Department.

(c) Only applicants that have been in operation and providing domestic violence services for 18 consecutive months, including 12 months operation of an emergency shelter, as detailed in this rule chapter and Section 39.905, F.S., may apply to the Department for certification.

(d) Applicants for initial certification and renewal of certification must demonstrate an ability to operate, garner community support, and maintain solvency by providing proof of the following:

1. Satisfactory environmental health inspection report completed within the last 365 days by the local health department.

2. Satisfactory fire safety inspection report completed within the last 365 days by the local fire authority.

3. Financial ability to provide services and shelter.

4. Maintenance of all records pertaining to the operation of the domestic violence program and provision of services in a manner such that the records are readily accessible.

(e) An applicant must agree to become a member of the Florida Coalition Against Domestic Violence as a condition of certification. Failure to join the Coalition shall be grounds for revocation of certification.

(2) Application. Application for initial certification shall be made on Form CF 613, Domestic Violence Center Certification Application, August 2009, which is incorporated by reference. Form CF 613 may be obtained from the Domestic Violence Program Office or on the Department's website at www.dcf.state.fl.us/domesticviolence by clicking on the link for the Domestic Violence Program. The full-time administrator, board president, or the designated representative of a corporation shall complete the application. The application shall include the following attachments:

(a) Business Plan. The business plan shall provide a comprehensive description of all administrative and programmatic activities for current and future operations. The plan must include the following:

1. Executive Summary. The executive summary shall include, at a minimum, the mission, goals, objectives, and history of organization.

2. Community Support. The applicant must demonstrate that the organization is publicly supported, both programmatically and financially. The financial documentation shall demonstrate a 25 percent local match in the form of cash, in-kind services, or a combination thereof. Written endorsement by local law enforcement agencies, three letters of support from community partners, and documentation of efforts to subcontract with existing certified centers in the service area shall also be included.

3. Financial Plan. The financial plan shall include the organization's income statement, which identifies revenues by source and expenditures by category; 25 percent local match in the form of cash, in-kind services, or a combination thereof; an independent financial audit covering the previous 18 months operation as a domestic violence program, conducted by a certified public accountant licensed under Chapter 473, F.S.; and a plan for sustainability with projected revenues and expenditures for the 24 months of operation following date of certification.

4. Management Plan. The management plan shall include a detail description of the organization's legal and organizational structure, including names, contact information and resumes for the management team, board of directors, and, if applicable, any advisory boards. The plan must include documentation of the selection process, code of conduct, duties and responsibilities, training requirements, and minutes from the past six meetings of the board of directors, and, if applicable, any advisory boards. Copies of by-laws, IRS tax exemption determination letter, Federal Employment

Identification (FEID) number, city business license, county business license, and certificate of status or acknowledgement letter of registration from the Florida Department of State shall also be included.

5. Market Analysis and Plan. The market analysis shall include a description of the local need for domestic violence services and how those needs are met or unmet. The applicant must demonstrate that services address a need identified in the most current statewide needs assessment approved by the Department. The current needs assessment may be obtained from the Domestic Violence Program Office or on the Department's website at www.dcf.state.fl.us/domesticviolence/publications. Descriptions of the service area and demographics, as well as strategies for public awareness and fundraising, shall also be included.

6. Personnel Plan. The personnel plan shall include an organizational chart identifying all center employees. The plan must clearly describe each employee's responsibilities, and include clear lines of authority, accountability, and lines of communication; processes for evaluations and disciplinary action; position descriptions; and the shift schedule for the emergency shelter. The personnel plan must also include the provider's staff training and development plan and meet the requirements provided in Rule 65H-1.013, F.A.C.

7. Operations Plan. The operations plan shall include a description of the facilities with city of location, equipment, and assets. Approval of the shelter facilities signed by local authorized zoning, building, and other applicable permitting agencies, based upon inspections not more than 60 days prior to the date of filing the certification application is also required. Those buildings that have pre-established schedules with local regulatory agencies for annual re-inspection may submit written documentation of the results of such inspection held within the past calendar year. The operations plan must also include the provider's emergency management plan and meet the requirements provided in Rule 65H-1.013, F.A.C.

8. Service Plan. The service plan shall include an identification and comprehensive description of each service required by Section 39.905, F.S., and any additional services and programs provided by the provider. The description must illustrate the manner in which services will be integrated with existing resources for domestic violence victims, for example, inter-agency agreements. For each of the core services, the applicant must address the needs of underserved populations, including populations that are underserved because of disabilities, ethnicity, race, language, or geographic isolation, and specific efforts to reach each of these populations within the organization's service area. Documentation of services shall include services provided during the previous 18 months of operation as a domestic violence program, and include the number of persons served for each required service, and the gender, age, and ethnicity of the people served.

(b) Operating Policies and Procedures Manual. The applicant's operating policies and procedures manual must meet the requirements provided in Rule 65H-1.013, F.A.C.

(3) Certification.

(a) Certification is for one year and automatically expires on the termination date provided on the certificate.

(b) Failure to comply with any of the requirements in Section 39.905, F.S. or this rule chapter constitutes grounds to revoke the certification.

(c) Certification is non-transferable and valid only for the center and location(s) listed on the certificate issued by the Department.

(d) The provider may operate satellite service centers at different locations. If the provider wishes to change the location of service, close a service center, or open additional service centers during an existing certification period, the provider must notify the Department, in writing, at least 30 days prior to the change or addition, and request approval from the Department for an amendment of the certification. The Department will amend the certification if the provider is financially and programmatically capable of supporting additional service locations, the new or additional location is within the center's designated service area, and there is no pending corrective action pertaining to the provider. If the Department does not amend the certification to include additional sites, the provider may not utilize Department funds to operate those locations.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History--New _____.

Editorial Note: Formerly 65H-1.001, 65H-1.002.

65H-1.013 Administration and Operations.

(1) Admission. The provider shall identify who is eligible for services and how those services are accessed. Services shall not be denied to any person because of age, race, religion, color, disability, national origin, marital status, or gender as outlined in 45 CFR Parts 80, 83, 84, and 90. Prospective participants must be informed of the admission criteria and, if ineligible, the provider must provide referrals to other organizations that can provide assistance. The provider shall develop and implement written policies and procedures that ensure compliance with all provisions of this rule chapter and Sections 39.905 and 39.908, F.S. The provider shall provide a copy to all employees and volunteers upon their beginning date of employment or service, and, thereafter, as revised. Employees and volunteers must indicate in writing that they have read and understand the policies and procedures, which must be documented in their personnel file. At a minimum, the operating policies and procedures shall include the following:

(2) Board of Directors. The provider shall establish and maintain a board of directors, which shall be composed of at least three citizens who reside within the center's service area,

one of whom must be an employee of a local, municipal, or county law enforcement agency whose jurisdiction includes some or all of the center's service area. The board of directors should racially and ethnically reflect, to the extent possible, the participants served by the domestic violence center. The board of directors shall serve as the governing body responsible for fiscal oversight and strategic leadership specific to the operation of the center. The provider shall create an advisory board to make recommendations to the board of directors regarding operational functions specific to the domestic violence center if the board of directors does not directly oversee the domestic violence center's operations. The provider shall develop by-laws, which must include membership selection process, term limits, code of conduct, conflict of interest, duties and responsibilities, and orientation and training requirements for the board of directors and any advisory boards.

(3) Confidentiality. The provider shall establish and implement policies and procedures for maintaining safety, confidentiality, and privacy of persons receiving services. The provider shall also ensure that employees and volunteers receive information on the restrictions relating to the disclosure of information about center participants and the location of shelter as provided in Section 39.908, F.S.

(4) Electronic Communication. The Department's primary communication with a provider will be electronic. A provider shall have the capability to access the Internet and to electronically submit certification documentation as required by the Department. A provider shall maintain a functional email address with the capability of receiving attachments and shall provide that address, and revisions as needed, to the Department.

(5) Endorsement. The provider must obtain annual written endorsements from the law enforcement agencies within the center's service area, preferably through the establishment of written cooperative agreements.

(6) Emergency Management. The provider shall develop an emergency management plan that is coordinated with the applicable local emergency management agency.

(a) The plan must outline a comprehensive and effective program to ensure the safety and well-being of employees, volunteers, and center participants in the event of an emergency. The plan should address emergencies that the provider may reasonably expect in the center facilities. Examples are: natural or manmade disasters such as hurricanes or tornados; contamination of the air, ground, water, or food; fire; public health hazards such as outbreak of communicable, reportable diseases such as avian influenza, arboviral encephalitis, salmonella, severe acute respiratory syndrome (SARS), West Nile virus, etc.; significant incidents such as participant death or injury; security incidents such as intruders, hostage situations, kidnapping,

and workplace violence; or human acts that may jeopardize the health, safety, or welfare of center employees, volunteers, or participants.

(b) The emergency management plan must include, at a minimum, the following elements: procedures for reporting emergencies or incidents as identified in subsection (6) above; identification of essential functions, programs, and personnel; procedures to implement the plan and personnel notification; delegations of authority and lines of succession; identification of alternative facilities; procedures for evacuation, including type of evacuation and exit route assignments; procedures to account for all staff members and participants; and identification and protection of records and databases.

(c) The provider must annually review and update the plan. A current plan shall be maintained in the center records and made available for inspection upon request.

(7) Financial Management. The provider is responsible for the sound financial management of the domestic violence center by ensuring proper financial controls are in place and by maintaining current financial documents described in Rule 65H-1.012, F.A.C.

(8) Incident Reporting. The provider shall notify the Department as soon as practical, and in no event more than 24 hours, after any incident that involves death or serious injury of a participant or their dependent, as well as any action by the participant or provider staff that results in an inquiry by public media.

(9) Personnel. The provider may not discriminate against employees, applicants for employment, or participants because of their age, race, religion, color, disability, national origin, marital status, or gender. Personnel should racially and ethnically reflect, to the extent possible, the participants they serve. The provider shall ensure that there is adequate staff coverage at all center facilities for the provision of required core services, as well as any additional services the center provides.

(a) A certified domestic violence center must have, at a minimum, the following paid staff positions:

1. One full-time administrator responsible for the management of the domestic violence center who reports to the board of directors. Qualifications include a Bachelor's degree from an accredited college or university and two years experience working in the domestic violence field, or four years minimum experience in an administrative/management capacity and two years experience working in the domestic violence field. The administrator must successfully complete 30 hours of domestic violence competency-based core training within 90 days of their date of employment. Upon successful completion, the administrator must register, according to Section 39.905, F.S., as someone who may claim privilege under Section 90.5036, F.S. In the event the administrator position becomes vacant, an interim administrator must be appointed until the position can be filled permanently. A board member may not serve in the position at any time.

2. One full-time advocate services manager responsible for managing all advocacy, counseling, and volunteer services. Qualifications include a Bachelor's degree from an accredited college or university, or four years of direct service experience in the field of domestic violence. The advocate services manager must successfully complete 30 hours of domestic violence competency-based core training within 90 days of their date of employment. Upon successful completion, the advocate services manager must register according to Section 39.905, F.S., as someone who may claim privilege under Section 90.5036, F.S.

3. One full-time or part-time accounting manager responsible for ensuring the integrity of the center's financial records and preparation of financial statements. Qualifications include a minimum of two years accounting experience.

4. The provider must select one full-time employee within the center to be designated as the emergency coordinator and another to be the alternate emergency coordinator. The emergency coordinator is responsible for implementing the center's emergency management plan and providing training to all employees and volunteers on their duties and responsibilities for implementing the plan.

(b) If the administrator or accounting manager positions listed above become vacant, or if the employee assigned to the position is unable to fulfill their duties and responsibilities due to an extended absence, the provider shall notify the Department within five business days of the vacancy or absence.

(c) The provider may determine other positions and their qualifications as needed within the center.

(d) The provider shall ensure that employees and volunteers comply with policies and procedures for maintaining the safety, confidentiality, and privacy of persons receiving services and with the prohibition against disclosure of any information about center participants and shelter location as provided in Section 39.908, F.S.

(e) The provider shall develop and implement standards of conduct and disciplinary action for violation of standards.

(f) The provider shall maintain current, accurate, and complete personnel records for all employees and direct-service volunteers, which shall include position descriptions and training records.

(10) Privilege. The provider shall ensure that all employees and volunteers who provide direct services register for advocate-victim privilege according to Section 90.5036, F.S. The provider shall ensure that a current and accurate list of said employees and volunteers with their position title is filed with the Department. The provider, as necessary, shall file amendments to the list.

(11) Record Keeping. The provider shall provide for the maintenance of records, including electronic storage media, regarding the administrative, fiscal, and programmatic operation of the domestic violence center. Records shall be current, complete, accurate, and maintained in such form as to

permit Department evaluation during the hours of operation. Information received by the Department concerning participant identity is confidential and exempt from the provisions of Section 119.07(1), F.S., and shall not be disclosed without the written consent of the participant to whom the records or information pertains. All records and files, including electronic storage media, shall be kept for a minimum period of six years after termination of certification, or if an audit has been initiated and audit findings have not been resolved at the end of six years, the records and files shall be retained until resolution of the audit findings. The Department shall make the final determination as to what constitutes a satisfactory resolution of audit findings. Records include, but are not limited, to the following:

(a) Case Management Records. The provider shall maintain case management records in compliance with Rule 65H-1.014, F.A.C.

(b) Fiscal Records. The provider shall maintain an accounting system capable of distinguishing between all revenue sources and expenditures and in accordance with generally accepted accounting principles (GAAP) as defined by Rule 61H1-20.007, F.A.C., 9-29-02, which is incorporated by reference and may be obtained at <https://www.flrules.org/gateway/ruleNo.asp?ID=61H1-20.007>. The provider's fiscal records shall provide an accounting of the revenue and expenditures of the certified center that is separate and distinct from other programs and services that may be operated by a parent entity such as a local government or an umbrella agency. The provider's fiscal records must be available for inspection by the Department upon request.

(c) Service Reports. The provider shall collect and compile a monthly record of all services provided. The record shall include the gender, age, ethnicity, and, if applicable, other information as required by contract, of the people served. The provider shall forward a monthly summary report to the Department each month for evaluation of domestic violence service trends.

(12) Staff Training and Development. The provider shall develop, implement, and revise annually a staff training and development plan to ensure that all new employees, current employees, and volunteers meet training requirements as required by this rule. The plan shall include policies and procedures for implementing training activities, course titles, descriptions, objectives, number of hours, names of instructors with title or position or source, dates or timeframes, and training requirements for each staff position. The training of each employee and volunteer shall be documented in the staff member's personnel file or training record and shall include activities or course titles, number of hours, names of instructors and title or position, and dates of completion. The minimum training must include:

(a) Competency-Based Core Training. Advanced-level training on domestic violence that includes the knowledge and skills needed to work in domestic violence program areas such

as crisis intervention, safety planning, and advocacy. All staff members who supervise, coordinate, and/or provide direct advocate or counseling services to center participants shall successfully complete 30 hours of domestic violence competency-based core training. The successful completion of this training is required in order for an employee and participant to assert the evidentiary privilege afforded by Section 90.5036, F.S.

(b) In-Service Training. Training designed to help employees and volunteers develop their knowledge and skills related to domestic violence and the successful performance of their job. All staff members who supervise, coordinate, and/or provide direct advocate or counseling services are required to successfully complete 16 hours of in-service training each state fiscal year. The training requirement is effective upon the first anniversary of their employment or service.

(c) Emergency Training. In addition to in-service training, all staff members shall receive, at a minimum, annual training on implementing the center's emergency management plan as identified in subsection (6) above.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History—New _____.

Editorial Note: Formerly 65H-1.001, 65H-1.003

65H-1.014 Services.

To be eligible for certification, a domestic violence center shall provide the minimum core services as set forth below and in Section 39.905, F.S. Providers may provide additional services beyond the minimum requirements.

(1) Information and Referral. Education and recommendations on services to those persons seeking assistance. The provider shall maintain a comprehensive and current database of information and referral resources, which shall be made available for use by all direct service staff.

(2) Counseling. Supportive activities with victims of domestic violence.

(a) Counseling services shall incorporate supportive advocacy services such as crisis intervention, safety planning, assessment of risk, and intervening with the various social and legal agencies on behalf of the center participant, including legal advocacy, medical advocacy, housing advocacy, interpretation services, and additional services as needed.

(b) Counseling services may be based on the peer-counseling model. Individuals who need mental health counseling services may be served through referral to an outside provider.

(3) Case Management. A collaborative process of assessment, planning, facilitation, and advocacy for options and services to meet a center participant's needs.

(a) The provider shall provide one-on-one case management to participants who reside in shelter for 72 hours or more, and to non-resident participants upon two sessions with an advocate. This provision does not preclude providers

from providing case management to residents housed less than 72 hours or to non-resident participants who have received less than two sessions with an advocate.

(b) Individual case records shall be maintained, shall be current, and shall include at a minimum:

1. Identification data including name, age, ethnicity, and other relevant information for the participant and any dependents; and

2. A case management plan that includes safety planning and service referrals.

(c) The provider shall develop procedures and maintain documentation for case management staffings. Case management staffings shall be held bi-weekly for the purposes of ensuring effective communication among staff about the progress of participants toward meeting their goals and objectives, as well as addressing individual participant issues.

(d) In order to ensure the safety of participants and their dependents the provider shall protect the confidentiality and privacy of persons receiving services. Center staff shall not disclose any personally identifying information collected in connection with services or reveal individual participant information without the informed, written, time-limited consent of the participant, except in limited circumstances described in the Section 39.908, F.S.

(4) Emergency Shelter. Safe housing provided for adult victims of domestic violence and their dependents. The provider shall provide temporary emergency shelter to victims and their dependants for more than 24 hours. Shelters shall be staffed by domestic violence advocates 24 hours a day, seven days a week, including holidays.

(5) Hotline Services. A telephone operated 24 hours a day, seven days a week to provide crisis intervention, safety planning, information, and referral to victims of domestic violence or on behalf of a victim.

(a) The provider shall provide hotline services, available 24 hours a day, seven days a week staffed by domestic violence advocates who have successfully completed the 30 hours of domestic violence competency-based core training and are registered for privileged communications. The hotline telephone shall have a TDD/telephone relay service.

(b) The use of commercial telephone answering services or automated voice mail to cover the hotline are not permitted, except for the purpose of directing calls to a domestic violence advocate.

(6) Child Assessment: Evaluation of the basic needs of children served by the center and the referral of children to services if needed.

(a) Each child in emergency shelter for 72 hours or more shall be assessed for basic needs and given service recommendations by a domestic violence advocate with experience working with children. This provision does not preclude providers from providing an assessment of children housed less than 72 hours.

(b) Any person who knows, or has reasonable cause to suspect, that a child is abused or neglected shall report such knowledge or suspicion to the Department as provided for in Section 39.201, F.S.

(7) Professional Training. Education on the dynamics of domestic violence provided to law enforcement personnel, other professionals, and paraprofessionals who have contact, as part of their work, with victims of domestic violence.

(8) Community Education. The efforts, activities, and presentations performed to increase public awareness about domestic violence and the availability of services for victims of domestic violence.

(a) The provider shall provide community education to promote awareness of the incidence, causes, and prevention strategies of domestic violence. Community education shall be presented both face-to-face and through the utilization of various media.

(b) Center employees shall participate in community task forces, interagency councils, and other organizational groups whose efforts are intended to improve services for victims of domestic violence.

(9) Exempted Services. The Department may exempt the 24-hour hotline, professional training, and community education requirement for centers where this requirement is already being met by another certified center in the same service area, pursuant to Section 39.905(1)(c), F.S.

Rulemaking Authority 39.903 FS. Law Implemented 39.905, 39.908 FS. History—New _____.

Editorial Note: Formerly 65H-1.001, 65H-1.003

65H-1.015 Emergency Shelter Facilities.

(1) Design, Construction, and Accessibility. The provider shall ensure that the design and construction of new shelter facilities or alterations to an existing facility meet the minimum requirements of the applicable state and local governing agencies. No new certifications shall be issued after the effective date of this rule to any provider whose shelter facility does not meet the requirements of Sections 553.501-553.513, F.S., and the Americans with Disabilities Act Standards for Accessible Design in the Code of Federal Regulations, Title 28, part 36, appendix A. Facilities certified prior to the effective date of this rule must meet these minimum standards except where the cost of compliance with a particular standard would impose an undue burden on the provider, as described in the Code of Federal Regulations, Title 28, Section 35.150. Any alteration to a shelter facility certified prior to the effective date of this rule must meet the accessibility guidelines described above, as provided in the Code of Federal Regulations, Title 28, Section 36.402.

(2) Physical Safety and Well-being. The provider shall take precautionary measures to provide for the safety, confidentiality, privacy, and well-being of shelter residents.

(a) All shelter facilities maintained by the provider or its subcontractors shall meet all applicable county and municipal building code enforcement requirements as provided in Chapter 162, F.S., and Section 166.0415, F.S.

(b) All shelter facilities must be in good repair, free from health and safety hazards, clean, and free from vermin infestation.

(c) To protect the privacy of shelter participants, electronic surveillance systems may not be installed in the participants' living quarters of the shelter facilities. Electronic surveillance systems may be installed at entrance and exit doors and parking areas.

(d) All outside doors shall remain locked from the outside at all times; all windows shall be secured against entry; and outside and entrance way lighting shall be in place and functioning.

(e) If an outside play area is made available for children, the area shall be free of debris and broken or dangerous materials, and shall be routinely checked for safety. Play areas shall be fenced in accordance with local ordinances to prevent access by children to all water hazards within or adjacent to outdoor play areas, such as pools, ditches, retention, and fish ponds. The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level and be free from erosion or build-up to prevent inside or outside access by children or animals. If the play area is in view of the public, privacy fencing is required.

(f) No firearms or weapons as defined in Section 790.001, F.S., shall be allowed within any building or upon any person located on the premises, excluding federal, state, or local law enforcement officers.

(g) No narcotics, alcohol, or other impairing drugs shall be present on the premises.

(h) Smoking is prohibited within the shelter facilities, all outdoor play areas, and in vehicles when being used to transport center participants pursuant to Chapter 386, F.S. The provider may designate specific areas for smoking.

(i) Fire Safety. The provider shall ensure that each shelter facility has sprinklers or smoke alarms in each bedroom, and in all hallways and common areas. The provider shall ensure that an annual fire safety inspection, which conforms to fire safety standards as determined by each municipality, county, and special district with fire safety responsibilities as defined in Section 633.025, F.S., is conducted for each shelter facility. A current inspection report shall be maintained in the center records and made available for inspection upon request.

(j) Health Inspections. The provider shall ensure that each shelter facility has an annual sanitation inspection through their county health department. A current inspection report shall be maintained in the center records and made available for inspection upon request.

(3) Telephone. The shelter facility shall have telephones that are centrally located and readily available for staff member and participant use. Emergency numbers such as emergency medical services, fire department, law enforcement, hospital, and poison control center shall be posted by each telephone. There shall be at least one cellular telephone available for use at all times in the event of power and telephone line outages. TDD/telephone relay service for the hearing impaired is required.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History—New _____.

Editorial Note: Formerly 65H-1.001, 65H-1.003

65H-1.016 Confidentiality.

(1) To ensure the safety, confidentiality, and privacy of persons receiving services, the provider shall safeguard information identifying domestic violence emergency shelters and center participants as provided in Section 39.908, F.S. Confidential information may be in hardcopy or electronic format and may include name, address, phone number, case management plan and notes, safety plan, service plan, services provided, referrals, and other related information. Access to any participant identifying information shall be limited to staff members who have a legitimate interest in the case and have a need to know to carry out their job duties.

(2) The Department and the Coalition shall have access to shelters and center records to the extent necessary to perform the oversight function. Providers may not provide individual participant records to stakeholders, partner agencies, and other entities that have an interest in provider operations, except as expressly authorized in Section 39.908, F.S. Client communications that satisfy the criteria for a privileged communication under Section 90.5036, F.S., may be disclosed only as provided in that statute.

(3) The provider shall ensure all center employees and volunteers are aware of and understand their obligation to comply with Section 39.908, F.S., which prohibits the disclosure of shelter location and any information regarding center participants without their express written, time-limited consent, except in limited circumstances described in the statute.

Rulemaking Authority 39.903 FS. Law Implemented 39.908 FS. History—New _____.

Editorial Note: Formerly 65H-1.004

65H-1.017 Monitoring and Evaluation.

(1) The Department will conduct evaluations of certified centers to ensure compliance with the minimum standards provided in this rule chapter and in Section 39.905, F.S.

(a) To conduct evaluations, the Department shall have access to a center or subcontractor, its location, records relevant to the operation of said center or subcontractor.

records of participants served, and any other information necessary for evaluation of compliance with this rule chapter and Section 39.905, F.S.

(b) The evaluation shall occur annually, on-site or desktop, as determined by the Department. However, an evaluation may occur at any time there is a complaint to the Department.

(c) Within 60 days after the evaluation, the provider will receive a written report from the Department whether or not standards have been met. If any deficiencies were cited, the provider will be given ten business days from the date of the written report to submit a corrective action plan. The corrective action plan is subject to approval by the Department. The severity of the noncompliance may affect the period of time allowed for correction, but in no event shall the corrective action period exceed 90 days. Follow up visits or a desk review will be made by the Department to determine if the plan of correction is acceptable, has been implemented, or completed.

(d) Failure to successfully complete the corrective action plan will result in suspension of a center’s certification, unless the circumstances are beyond the provider’s reasonable control, such as manmade or natural disasters, local zoning ordinances, or permitting processes. However, the Department will suspend a center’s certification immediately without allowing a corrective action in cases of recurring violations or if the violation poses a serious risk of imminent harm to the health or safety of participants or staff members.

(e) A suspension will continue until the provider completes a corrective action plan, but will not exceed six months. If the provider does not successfully complete the corrective action plan within six months, the center’s certification will be revoked.

Rulemaking Authority 39.903 FS. Law Implemented 39, 903, 39.905 FS. History–New _____.

Editorial Note: Formerly 65H-1.005

65H-1.018 Funding Procedures.

(1) For each funding cycle, the Florida Coalition Against Domestic Violence will provide all eligible certified domestic violence centers with an application for funding with instructions for completion.

(2) Newly certified centers without previous funding from the Coalition must request an application for funding by July 1 for the following state fiscal year. Certification does not guarantee funding.

(3) In accordance with Section 39.905(7)(a), F.S., all funds collected and appropriated for certified domestic violence centers will annually be distributed by the Coalition through an allocation formula developed by the Coalition. The Department will review the allocation formula and any revisions to ensure that it includes the factors required by Sections 39.903 and 39.905, F.S.

(4) The Coalition shall provide final approval of applications for and shall award funds appropriated for certified domestic violence centers as provided in Section 39.903(7), F.S. The Coalition shall contract with successful applicants for the operation of certified domestic violence centers.

(5) The Coalition will conduct evaluations of certified domestic violence centers to ensure quality services are being provided to center participants.

(6) Funding is contingent upon completion of any corrective action required by the Coalition, unless the failure to complete the corrective action is attributable to circumstances that are beyond the provider’s reasonable control.

Rulemaking Authority 39.903 FS. Law Implemented 39.903, 39.905 FS. History–New _____.

Editorial Note: Formerly 65H-1.002

NAME OF PERSON ORIGINATING PROPOSED RULE: Trula E. Motta, Director, Office of Domestic Violence Program
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Don Winstead, Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 2009

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0012 RULE TITLE: Application Information

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. 35, No. 32, August 14, 2009 issue of the Florida Administrative Weekly.

Paragraph (1)(a) and (b) are amended to reflect the correct effective year.

(a) A completed Form CG-10 and a nonrefundable application fee. Form CG-10, Application for Florida Educator’s Certificate, effective October 2009 ~~2008~~, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or

may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is prescribed below:

(b) A completed Form CG-10R and a nonrefundable application fee. Form CG-10R, Application for Renewal or Reinstatement of a Professional Florida Educator's Certificate effective October ~~2009~~ 2008, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is \$75.00. An application for renewal of a professional certificate that is received by the Bureau of Educator Certification or by a district school board office after the expiration of the professional certificate as specified in Rule 6A-4.0051, F.A.C., shall be submitted with a \$30.00 late fee in addition to the nonrefundable application fee.

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:
14-10.025 Wall Murals

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

The Notice of Withdrawal of Rule 14-10.025, F.A.C., is being corrected to reflect the date of publication of the Notice of Proposed Rule. The Notice of Withdrawal stated the publication as being July 18, 2008, in Vol. 34, No. 29. The correct publication date for the Notice of Proposed Rule was February 22, 2008, in Vol. 34, No. 8.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.: RULE TITLES:
40C-4.021 Definitions
40C-4.091 Publications Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 24, June 19, 2009 issue of the Florida Administrative Weekly.

APPLICANT'S HANDBOOK SECTIONS

12.2.7. Secondary Impacts

- (b) 1. No change.
- 2. wildlife corridors, except for those limited areas of uplands necessary for ingress and egress to the nest or den site from the wetland or other surface water.

Table 12.2.7-1 identifies those aquatic or wetland dependent listed species that use upland habitats for nesting and denning.

For those aquatic or wetland dependent listed animal species for which habitat management guidelines have been developed by the U.S. Fish and Wildlife Service (USFWS) or the Florida Fish and Wildlife Conservation Commission (FWC) compliance with these guidelines will provide reasonable assurance that the proposed system will not adversely impact upland habitat functions described in paragraph (b). For those aquatic or wetland dependent listed animal species for which habitat management guidelines have not been developed or in cases where an applicant does not propose to use USFWS or FWC habitat management guidelines, the applicant may propose measures to mitigate adverse impacts to upland habitat functions described in paragraph (b) provided to aquatic or wetland dependent listed animal species.

Secondary impacts to the functions of wetlands or uplands for nesting of bald eagles (*Haliaeetus leucocephalus*) will not be considered adverse if the applicant holds a valid permit ~~has been issued to the applicant~~ pursuant to subsection 68A-16.002(1)(a), F.A.C. (May 15, 2008) or a valid authorization as described in subsection 68A-16.002(1)(c), F.A.C. (May 15, 2008) for the same activities proposed by the applicant under part IV of Chapter 373, F.S., or if the applicant demonstrates compliance with the FWC Eagle Management Guidelines incorporated by reference in Rule 68A-16.002, F.A.C. (May 15, 2008).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:
61G1-22.003 Education Requirements for Interior Designers

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. 35, No. 20, May 22, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (2) shall now read as follows:

(2) An applicant must meet the requirements of Section 481.209(2)(c), F.S., or must have obtained a degree from a board approved program of study according to the diversity of programs as required in Section 481.209(2), F.S. Board approved educational standards are based on the Professional Standards established by the CIDA. Course work involving practical applications such as studio, technical and graphic skills shall be completed in residence or delivered through alternate methods such as distance education. The Professional Standards, effective July 1, 2009, are hereby incorporated by reference and can be obtained at <http://www.accredit-id.org/profstandards.php>.

(a) The First-Professional Degree program of study available at a 3 year professional certificate or degree program, a 4 or 5 year professional degree program or a first-professional master's degree program in interior design, which meets the requirements of Section 481.209(2)(a), (b), (c), F.S., based on an accumulation of not less than 120 semester, or equivalent, credit hours including a minimum of 30 semester, or equivalent, credit hours of diverse university-level liberal arts, sciences and humanities obtained at an institution which has been recognized by the appropriate regional or national institutional crediting body. The first-professional degree program curriculum shall conform to the Professional Standards with a minimum of 60 semester, or equivalent, credit hours in first-professional degree, or related coursework. Where applicable, those programs requiring in excess of these requirements shall, after fulfilling the minimum requirements, determine the type of additional studies to promote their individualized mission.

(b) The 2 year degree program which meets the requirements of Section 481.209(2)(d), F.S., shall include an accumulation of not less than 60 semester, or equivalent, credit hours including a minimum of 15 semester, or equivalent, credit hours of diverse post-secondary level liberal arts, sciences and humanities obtained at an institution which has been recognized by the appropriate regional or national accrediting body. The 2 year degree program shall conform to the Professional Standards with a minimum of 45 semester, or equivalent, credit hours in interior design, or related course work. Where applicable, those programs requiring in excess of these requirements shall, after fulfilling the minimum requirements, determine the type of additional studies to promote their individualized mission.

2. Section 481.2055, F.S., will be removed from the Law Implemented.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-6.001
 RULE TITLE: Experience Requirement
 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. 35, No. 17, May 1, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (5)(b)1. shall now read as follows:

(b) Mass appraisals:

1. Mass appraisals must be as set forth in Standard 6 of the 2008-2009 Edition of the Uniform Standards of Professional Appraisal Practice, hereby incorporated by reference, available at <http://commerce.appraisalfoundation.org> as defined in Section 475.611(1)(q), F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas W. O'Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-6.001
 RULE TITLE: Experience Requirement
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 17, May 1, 2009 issue of the Florida Administrative Weekly.

Although the Notice of Proposed Rulemaking stated that a Statement of Estimated Regulatory Costs (SERC) had been prepared and was available, the Notice did not summarize the SERC. The following is a Summary of the Statement of Estimated Regulatory Costs:

- The estimate of the number of individuals likely to be required to comply with this rule amendment is approximately 134.
- The type of individuals likely to be affected by the rule are employees of any of Florida's county property appraiser offices who wish to apply for credentials to perform federally related financial transaction and do not currently hold

real property appraiser credentials.

- The department implementing the proposed rule will incur no additional costs because the department intends to enforce the proposed rule within its current workload with existing staff.
- There will be minimal costs to the impacted employees of county appraiser offices who apply on a voluntary basis.
- There is no small county or small city that will be impacted by the proposed rule.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Thomas W. O'Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite #N801, Orlando, Florida 32801

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Office of Statewide Research

RULE NO.: 64H-2.002 RULE TITLE: Institutional Review Board Applications
 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. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly.

Section (1) now reads: Requests for Institutional Review Board review shall be submitted electronically using the Department's electronic system. Payment shall be remitted to the Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Bin #A-24, Tallahassee, Florida 32399, (850)245-4585

Section (9) now reads: Fees are nonrefundable, except if a fee is paid when none is due.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.001 RULE TITLE: Installation of Monuments
 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. 35, No. 28, July 17, 2009 issue of the Florida Administrative Weekly.

The changes are as follows:

(3) Pursuant to subsection 497.273(3) and Section 497.555, F.S., all cemeteries shall permit during normal business hours licensed monument establishments to install, inscribe or repair a monument, marker or private mausoleum. Cemeteries may adopt bylaws to establish minimum standards for access. These minimum standards shall not unreasonably restrict access to the cemetery grounds, the method of transporting burial merchandise to the burial space, or increase the cost to the owner of interment or burial rights. In all cases, monument establishments and cemeteries shall comply with these minimum standards.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~February 13, 2009~~ January 30, 2009

THE PERSON TO BE CONTACTED REGARDING THESE CHANGES IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-137.001 RULE TITLE: Annual and Quarterly Reporting Requirements
 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. 35, No. 32, August 14, 2009 issue of the Florida Administrative Weekly.

(a) Annual statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Annual Statement Instructions, Property and Casualty, ~~2009 2008~~;
2. The NAIC's Annual Statement Instructions, Life, Accident and Health, ~~2009 2008~~;
3. The NAIC's Annual Statement Instructions, Health, ~~2009 2008~~; and
4. The NAIC's Quarterly and Annual Statement Instructions, Title, ~~2009 2008~~.
5. The NAIC's Accounting Practices and Procedures Manual, as of March ~~2009 2008~~.

The remainder of the rule reads as previously published.

**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 ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67ER09-6	Purpose and Intent
67ER09-7	Definitions
67ER09-8	Implementation
67ER09-9	Community Workforce Housing Innovation Pilot Program
67ER09-10	State Apartment Incentive Loan Program

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: These rules are created for the purpose of implementing the action of the Legislature to address the revenue shortfall of the 2008-2009 fiscal year.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Corporation has been granted emergency rulemaking authority under s. 12, Ch. 2009-2, L.O.F., formerly Senate Bill No. 4-A. The rules shall be effective immediately upon filing with the Florida Department of State and said rules are exempt from Section 120.54(4)(c), F.S.

SUMMARY: These rules provide the procedures by which the Corporation shall return unexpended funds held by the Corporation to the State Treasury as directed by Ch. 2009-2, L.O.F. These rules replace Emergency Rules 67ER09-1 through 67ER09-5 which expires September 9, 2009.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Stephen P. Auger, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULES IS:

67ER09-6 Purpose and Intent.

The purpose of this rule chapter is to establish the procedures by which the Corporation shall de-obligate the unexpended balance of funds appropriated by the Legislature in Specific Appropriation 1616 of Chapter 2008-152, Laws of Florida, Chapter 2006-69, section 31, Laws of Florida, and Specific Appropriation 1694 of Chapter 2007-72, Laws of Florida, as directed by Chapter 2009-2, Laws of Florida.

Rulemaking Authority ch. 2009-2, s. 12, L.O.F. Law Implemented ch. 2009-1, s. 5, 44, 45, 46, and 47, L.O.F. History—New 8-19-09.

67ER09-7 Definitions.

(1) "Applicant" means any person or legally formed entity that (i) has received a funding award or (ii) is seeking a loan or funding from the Corporation by submitting an application or responding to a request for proposal for one or more of the Corporation's programs.

(2) "Balance of the Unexpended Funding to be De-obligated" means the remaining amount of Unexpended Funding that must be de-obligated to meet the requirements of Chapter 2009-1, section 47, Laws of Florida.

(3) "Board of Directors" or "Board" means the Board of Directors of the Corporation.

(4) "Calendar Days" means the seven (7) days of the week. For computing any period of time allowed by this rule chapter, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

(5) "Commercial Fishing Worker" means Commercial fishing worker as defined in Section 420.503, F.S.

(6) "Corporation" means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(7) "Credit Underwriter" means the independent contractor under contract with the Corporation having the responsibility for providing stated credit underwriting services.

(8) "CWHIP" or "CWHIP Program" means the Community Workforce Housing Innovation Pilot Program created pursuant to Chapter 2006-69, section 27, Laws of Florida, and as defined in Section 420.5095, F.S.

(9) "Development" means Project as defined in Section 420.503, F.S.

(10) "EHCL" or "EHCL Program" means the Elderly Housing Community Loan Program as defined in Section 420.5087, F.S.

(11) "ELI Supplemental Funds" means supplemental funds awarded through the 2007 and 2008 Universal Application Cycles.

(12) "Farmworker" means Farmworker as defined in Section 420.503, F.S.

(13) "FHR/SHAD" or "FHR/SHAD Program" means the Farmworker Housing Recovery and Special Housing Assistance and Development Program authorized by Ch. 2006-69, Laws of Florida.

(14) "Florida Keys Area" means Florida Keys Area as defined in Rule Chapter 67-48, F.A.C.

(15) "HAP" or "HAP Program" means the Florida Homeownership Assistance Program as defined in Section 420.5088, F.S.

(16) “HC” or “Housing Credit Program” means the rental housing program administered by the Corporation pursuant to Section 42 of the IRC, Section 420.5099, F.S., and Rule Chapter 67-48, F.A.C.

(17) “Homeless” means Homeless as defined in Rule Chapter 67-48, F.A.C.

(18) “Percentage of 2007 Large County Funding to be De-obligated” means the percentage resulting from the division of the Unexpended 2007 large county amount by the total 2007 Unexpended amount, rounded to four (4) decimal places.

(19) “Percentage of 2007 Medium County Funding to be De-obligated” means the percentage resulting from the division of the Unexpended 2007 medium county amount by the total 2007 Unexpended amount, rounded to four (4) decimal places.

(20) “Percentage of 2007 Unexpended Funding to be De-obligated” means the percentage resulting from the division of the total 2007 Unexpended amount by the total 2007/2008 Unexpended amount, rounded to four (4) decimal places.

(21) “Percentage of 2008 Large County Funding to be De-obligated” means the percentage resulting from the division of the Unexpended 2008 large county amount by the total 2008 Unexpended amount, rounded to four (4) decimal places.

(22) “Percentage of 2008 Medium County Funding to be De-obligated” means the percentage resulting from the division of the Unexpended 2008 medium county amount by the total 2008 Unexpended amount, rounded to four (4) decimal places.

(23) “Percentage of 2008 Small County Funding to be De-obligated” means the percentage resulting from the division of the Unexpended 2008 small county amount by the total 2008 Unexpended amount, rounded to four (4) decimal places.

(24) “Percentage of 2008 Unexpended Funding to be De-obligated” means the percentage resulting from the division of the total 2008 Unexpended amount by the total 2007/2008 Unexpended amount, rounded to four (4) decimal places.

(25) “RRLP” or “RRLP Program” means the Rental Recovery Loan Program which was created pursuant to Chapter 2005-92, section 3, and Chapter 2006-69, section 31, Laws of Florida, to facilitate the allocation of RRLP loans.

(26) “SAIL” or “SAIL Program” means the State Apartment Incentive Loan Program as defined in Sections 420.507(22) and 420.5087, F.S. and as provided in Rule Chapter 67-48, F.A.C.

(27) “SAIL Special Needs Program” means the SAIL funds redirected by the Board and awarded in response to Request for Proposal No. 2008-01.

(28) “SHIP” or “SHIP” Program” means the State Housing Initiatives Partnership Program as defined in Section 420.9072, F.S.

(29) “Unexpended.” “Unexpended Funds” or “Unexpended Funding” shall mean (i) funds, other than ELI Supplemental Funds awarded in conjunction with an HC allocation, that were awarded by the Corporation through an application or request for proposal process and, as of January 27, 2009, have not been previously withdrawn or de-obligated by the Board and the Applicant does not have a Valid Firm Commitment and loan closing has not yet occurred or, (ii) funds that were appropriated but, as of January 27, 2009, have not been awarded through any of the Corporation’s programs.

(30) “Unexpended 2007 List” means the Unexpended Developments funded between March 12, 2007 (the opening of the 2007 Universal Application Cycle) and March 7, 2008 (the opening of the 2008 Universal Application Cycle), except for Developments funded in the 2007 Universal Application Cycle in the HC Florida Keys Area special set-aside or Developments that committed to the SAIL Farmworker/Commercial Fishing Worker demographic category or the Homeless demographic category.

(31) “Unexpended 2008 List” means the Unexpended Developments funded between March 7, 2008 (the opening of the 2008 Universal Application Cycle) and January 27, 2009, except for Developments funded in the 2008 Universal Application Cycle in the HC Florida Keys Area special set-aside or Developments that committed to the SAIL Farmworker/Commercial Fishing Worker demographic category or the Homeless demographic category.

(32) “Universal Application Cycle” means any funding cycle provided for in Rule Chapter 67-48, F.A.C.

(33) “Valid Firm Commitment” means a commitment issued by the Corporation to an Applicant following the Board’s approval of the credit underwriting report for the Applicant’s proposed Development which has been accepted by the Applicant and subsequent to such acceptance there have been no material, adverse changes in the financing, condition, structure or ownership of the Applicant or the proposed Development, or in any information provided to the Corporation or its Credit Underwriter with respect to the Applicant or the proposed Development.

Rulemaking Authority ch. 2009-2, s. 12, L.O.F. Law Implemented ch. 2009-1, s. 5, 44, 45, 46, and 47, L.O.F. History–New 8-19-09.

67ER09-8 Implementation.

To facilitate the transfer and return of the appropriated funding, as required by Chapter 2009-1, section 5 (Specific Appropriation 685) and sections 44 through 47, Laws of Florida, the Corporation shall:

(1) Reduce \$5,027,511 of the Unexpended SAIL funding from Specific Appropriation 1616 of Chapter 2008-152, Laws of Florida, as required by Chapter 2009-1, section 5 (Specific Appropriation 685).

(2) Transfer \$10,000,000 of the Unexpended homeownership funding from Specific Appropriation 1616 of Chapter 2008-152, Laws of Florida, to the SHIP Program, as required by Chapter 2009-1, section 44 of Laws of Florida.

(3) Transfer \$9,846,695 of the Unexpended FHR/SHAD Program funds appropriated in Chapter 2006-69, section 31, Laws of Florida, to the SHIP Program, as required by Chapter 2009-1, section 45, Laws of Florida. The Corporation shall de-obligate Unexpended Funds awarded to Developments funded under the provisions of Emergency Rules 67ER06-49 through 67ER06-57, and Emergency Rules 67ER07-01 through 67ER07-10, as follows:

(a) FHR/SHAD Developments shall be listed according to the FHR/SHAD application instructions.

(b) Funding reductions shall be made by de-obligating Unexpended Funds from the lowest ranked FHR/SHAD Development to the highest ranked FHR/SHAD Development. FHR/SHAD Developments which proposed new construction shall have funds de-obligated before FHR/SHAD Developments which proposed rehabilitation.

(c) Funding shall be de-obligated in this manner until the required reduction of \$9,846,695 in funds from these programs is met.

(d) Applicants with remaining program funds shall have all funding de-obligated if the amount remaining is not at least 75 percent of the funded amount.

(4) Transfer \$23,000,000 of Unexpended SAIL funds appropriated in Specific Appropriation 1694 of Chapter 2007-72, Laws of Florida, and Specific Appropriation 1616 of Chapter 2008-152, Laws of Florida, to the SHIP Program, as required by Chapter 2009-1, section 46, Laws of Florida. For purposes of this rule, the following Corporation funding is excluded from consideration for de-obligation: SAIL Special Needs Program and EHCL. The Corporation shall de-obligate Unexpended SAIL funding awarded to Developments on the Unexpended 2007 List and the Unexpended 2008 List, as set out below. If a Development that has its total SAIL funds de-obligated also received ELI Supplemental Funds, such ELI Supplemental Funds will also be de-obligated. However, the de-obligated ELI Supplemental Funds will not be used for the purposes of transferring the Unexpended SAIL funds.

(a) The total 2007 Unexpended amount will be added to the total 2008 Unexpended amount, resulting in the total 2007/2008 Unexpended amount.

(b) The \$23,000,000 amount to be transferred will then be multiplied by the Percentage of 2007 Unexpended Funding to be De-obligated, resulting in the 2007 Unexpended amount to be de-obligated.

(c) The \$23,000,000 amount to be transferred will then be multiplied by the Percentage of 2008 Unexpended Funding to be De-obligated, resulting in the 2008 Unexpended amount to be de-obligated.

(d) The 2007 Unexpended medium county amount and the 2007 Unexpended large county amount will be determined by listing the Developments on the Unexpended 2007 List within each geographic category (medium county and large county) in the order selected for funding. There is no small county Unexpended Funding on the Unexpended 2007 List. To determine the amount of 2007 Unexpended medium and large county funding to be de-obligated, the Corporation shall:

1. Multiply the 2007 Unexpended amount to be de-obligated by the Percentage of 2007 Medium County Funding to be De-obligated, resulting in the 2007 Unexpended medium county amount to be de-obligated.

2. Multiply the 2007 Unexpended amount to be de-obligated by the Percentage of 2007 Large County Funding to be De-obligated, resulting in the 2007 Unexpended large county amount to be de-obligated.

(e) The 2008 Unexpended small county amount, the 2008 Unexpended medium county amount, and the 2008 Unexpended large county amount will be determined by listing the Developments on the Unexpended 2008 List within each geographic category (small county, medium county and large county) in the order selected for funding. To determine the amount of 2008 Unexpended small, medium and large county funding to be de-obligated, the Corporation shall:

1. Multiply the 2008 Unexpended amount to be de-obligated by the Percentage of 2008 Small County Funding to be De-obligated, resulting in the 2008 Unexpended small county amount to be de-obligated.

2. Multiply the 2008 Unexpended amount to be de-obligated by the Percentage of 2008 Medium County Funding to be De-obligated, resulting in the 2008 Unexpended medium county amount to be de-obligated.

3. Multiply the 2008 Unexpended amount to be de-obligated by the Percentage of 2008 Large County Funding to be De-obligated, resulting in the 2008 Unexpended large county amount to be de-obligated.

(f) Working in reverse order of funding within each geographic category, the Corporation will de-obligate Developments as follows:

1. Developments on the Unexpended 2008 List will be de-obligated until the total 2008 Unexpended amount is reached, by first de-obligating Developments in the 2008 large county category until the 2008 Unexpended large county amount to be de-obligated is reached, and then de-obligating Developments in the 2008 medium county category until the 2008 Unexpended medium county amount to be de-obligated is reached, and finally de-obligating Developments in the 2008 small county category until the 2008 Unexpended small county amount to be de-obligated is reached.

2. Next, Developments on the Unexpended 2007 List will be de-obligated until the total 2007 Unexpended amount is reached, by first de-obligating Developments in the large county category until the 2007 Unexpended large county

amount to be de-obligated is reached, and then de-obligating Developments in the 2007 medium county category until the 2007 Unexpended medium county amount to be de-obligated is reached.

(5) Return \$190,000,000 to the Treasury of the State of Florida, as required by Chapter 2009-1, section 47, Laws of Florida. For purposes of this rule, the following Corporation funding is excluded from consideration for de-obligation: SAIL Special Needs Program, EHCL, HAP, SHIP and SHIP compliance monitoring. The Corporation shall de-obligate Unexpended Funding from the following Corporation programs, in the following order, until such dollar amount is reached:

(a) All Developments awarded CWHIP Program funding, except for the following:

1. Developments that selected "Rehabilitation" in Part III.A.3. of the 2007 CWHIP application;

2. The highest ranked 2006 CWHIP Development, based on the January 26, 2007 final ranking approved by the Board, that has not closed on its CWHIP loan, withdrawn or been de-obligated by the Board and has timely paid the extension fee required by subsection 67-58.020(6) or 67-58.070(6), F.A.C.; and

3. The highest ranked, eligible 2007 CWHIP Development, based on the May 2, 2008 final ranking approved by the Board, that has not withdrawn or been de-obligated by the Board.

A CWHIP Development that is not de-obligated because it met the above criteria will be required to meet specific program requirements as outlined in Rule 67ER09-9.

(b) All Developments awarded RRLP Program funding that have not closed on the RRLP loan or were not previously withdrawn or de-obligated by the Board.

(c) All Developments awarded SAIL Program funding prior to the 2007 Universal Application Cycle that have not closed on the SAIL loan or were not previously withdrawn or de-obligated by the Board, except for Developments funded in said Universal Applications in the HC Florida Keys Area special set-aside or Developments that committed to the SAIL Farmworker/Commercial Fishing Worker or Homeless demographic categories.

(d) All Developments on the Unexpended 2008 List with funds remaining that have not been previously de-obligated under this rule. If a Development that has its total SAIL funds de-obligated also received ELI Supplemental Funds, such ELI Supplemental Funds will also be de-obligated. However, the de-obligated ELI Supplemental Funds will not be used for the purposes of transferring the Unexpended SAIL funds.

(e) The Balance of the Unexpended Funding to be De-obligated will be met by de-obligating funds from the remaining Developments on the Unexpended 2007 List, as set out below. If a Development that has its total SAIL funds de-obligated also received ELI Supplemental Funds, such ELI

Supplemental Funds will also be de-obligated. However, the de-obligated ELI Supplemental Funds will not be used for the purposes of transferring the Unexpended SAIL funds.

1. The Balance of the Unexpended Funding to be De-obligated will be multiplied by the Percentage of 2007 Medium County Funds to be De-obligated, resulting in the balance of Unexpended 2007 medium county amount to be de-obligated. Next, the Balance of the Unexpended Funding to be De-obligated will be multiplied by the Percentage of 2007 Large County Funds to be De-obligated, resulting in the balance of Unexpended 2007 large county amount to be de-obligated.

2. Working in reverse order of funding within each geographic category, the Corporation will de-obligate Developments on the Unexpended 2007 List that have not been previously withdrawn or de-obligated, as follows:

a. Beginning with the large county category, Developments will be de-obligated until the balance of Unexpended 2007 large county amount to be de-obligated is reached; and

b. Next, Developments in the medium county category will be de-obligated until the balance of Unexpended 2007 medium county amount to be de-obligated is reached.

A SAIL Development funded prior to the 2007 Universal Application Cycle that is not de-obligated will be required to meet specific program requirements as set out in Rule 67ER09-10, below.

A SAIL Development that is not de-obligated because it was excluded from the Unexpended 2007 List or the Unexpended 2008 List will be required to meet specific program requirements as set out in Rule Chapter 67-48, F.A.C.

Rulemaking Authority ch. 2009-2, s. 12, L.O.F. Law Implemented ch. 2009-1, s. 5, 44, 45, 46, and 47, L.O.F. History—New 8-19-09.

67ER09-9 Community Workforce Housing Innovation Pilot Program.

CWHIP Developments that are not de-obligated under the provisions of paragraph 67ER09-8(5)(a) to meet the requirements of Chapter 2009-1, section 47, Laws of Florida, will be required to meet the following specific program requirements:

(1) Upon approval of the de-obligation by the Board, the Corporation will issue a notice to such Developments. Within 90 Calendar Days of the date of the notice, the Applicant must have received Board approval of a final credit underwriting report; and

(2) The CWHIP loan must close within 60 Calendar Days of the issuance of the firm commitment, with the option of one (1) 60 Calendar Day extension. All extension requests must be submitted in writing to the program administrator and contain the specific reason for requesting the extension. The Corporation shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if

available, prior to determining whether to grant the requested extension. The Corporation shall charge a fee of 1 percent of the CWHIP loan amount if the loan is extended.

(3) If a 2006 CWHIP Development that is not de-obligated is unable to meet the specific program requirements in subsections (1) and (2) above, then those CWHIP funds will be offered to the highest ranking unfunded eligible 2006 CWHIP Development, including those Developments that have been de-obligated, based on the final ranking approved by the Board at its January 26, 2007 meeting, provided the Applicant has not (i) withdrawn its request for funding, or (ii) closed on its CWHIP loan, or (iii) failed to pay the extension fee required by subsection 67-58.020(6) or 67-58.070(6), F.A.C.

(4) If a 2007 CWHIP Development that is not de-obligated is unable to meet the specific program requirements in subsections (1) and (2) above, then those CWHIP funds will be offered to the highest ranking unfunded eligible 2007 CWHIP Development, including those Developments that have been de-obligated, based on the final ranking approved by the Board at its May 2, 2008 meeting, provided the Applicant has not withdrawn its request for funding.

(5) CWHIP Developments funded under the provisions of subsection (3) or (4) above, will be required to meet the following specific program requirements.

(a) If the CWHIP funds that become available are less than the amount requested by an Applicant for an eligible Development, the Applicant may choose to accept the lesser amount or have the funds offered to the next highest ranked eligible unfunded application. In the event that there are no Developments that choose to accept the lesser amount, then the funds will be held until a time that additional funds may become available as a result of a funded Development being unable to proceed or until they are allocated as the Board deems appropriate.

(b) Within 90 Calendar Days from the award of funding, the Applicant must have received Board approval of a final credit underwriting report.

(c) The CWHIP loan must close within 60 Calendar Days of the issuance of the firm commitment, with the option of one (1) 60 Calendar Day extension. All extension requests must be submitted in writing to the program administrator and contain the specific reason for requesting the extension. The Corporation shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested extension. The Corporation shall charge a fee of 1 percent of the CWHIP loan amount if the loan is extended.

Failure to meet the requirements in paragraphs (b) and (c) above shall result in de-obligation of the funding.

Except as provided above, the Applicant shall be governed by the provisions of Rule Chapter 67-58, F.A.C.

Rulemaking Authority ch. 2009-2, s. 12, L.O.F. Law Implemented ch. 2009-1, s. 44, 45, 46, and 47, L.O.F. History—New 8-19-09.

67ER09-10 State Apartment Incentive Loan Program.

SAIL Developments that were funded prior to the 2007 Universal Application Cycle that are not de-obligated under the provisions of paragraph 67ER09-8(5)(c) above to meet the requirements of Chapter 2009-1, section 47, Laws of Florida, will be required to meet the following specific program requirements. Failure to meet these requirements shall result in de-obligation of the funding.

(1) Upon approval of the de-obligation by the Board, the Corporation will issue a notice to such Developments. Within 90 Calendar Days of the date of the notice, the Applicant must have received Board approval of a final credit underwriting report; and

(2) The SAIL loan must close within 60 Calendar Days of the issuance of the firm commitment, with the option of one (1) 60 Calendar Day extension. All extension requests must be submitted in writing to the program administrator and contain the specific reason for requesting the extension. The Corporation shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested extension. The Corporation shall charge a fee of 1 percent of the SAIL loan amount if the loan is extended.

Except as provided above, the Applicant shall be governed by the provisions of Rule Chapter 67-48, F.A.C.

If there is a conflict between this rule chapter and Rule Chapter 67-48, F.A.C., this rule chapter will govern.

Rulemaking Authority ch. 2009-2, s. 12, L.O.F. Law Implemented ch. 2009-1, s. 44, 45, 46, and 47, L.O.F. History—New 8-19-09.

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: August 19, 2009

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN THAT on August 14, 2009, the Department of State, received a petition for Variance of subparagraph IT-1.001(15)(b)9., Florida Administrative Code, which requires that organizations approved by the Department of State for a \$240,000 Cultural Endowment state matching share, but have not yet received funding due to lack of appropriation, may be placed on a priority list to maintain their eligibility. However, in order to maintain eligibility, organizations may not expend their \$360,000 matching shares and there are no exceptions to this requirement. This Petition is seeking a variance from this rule requirement so that it may

spend its matching share until such time that funds are appropriated by the legislature for the Cultural Endowment Program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Charlotte Wheeler, Agency Clerk, Office of the General Counsel, Department of State, 500 Bronough Street, Tallahassee, FL 32399-0250, (850)245-6536.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on August 6, 2009, the Criminal Justice Standards and Training Commission has issued an order.

A petition for waiver of subsection 11B-27.002(4), F.A.C., was received from Orange County Sheriff's Office and Deputy Clemente Martin on June 20, 2009. Notice of the petition was published in the Florida Administrative Weekly, Vol. 35, No. 28, July 17, 2009. Deputy Martin requested a waiver of subsection 11B-27.002(4), F.A.C. He wished to waive that portion of the rule requiring an officer to become employed within four years of starting basic recruit training. Deputy Martin completed cross-over correctional to law enforcement basic recruit training on August 14, 2000. At that time he had four years from August 14, 2000, to obtain employment. He applied for employment as a deputy with the Orange County Sheriff's Office (OCSO) on June 24, 2004. Deputy Martin was conditionally employed by OCSO on August 2, 2004. He was officially hired on October 1, 2004. He believed that he had four years from the date he passed the State Officer Certification Examination to become employed. Deputy Martin was employed continuously as a deputy after his initial employment and met all of the mandatory requirements for continuing as an active duty law enforcement officer. The Commission met on August 6, 2009, and considered Deputy Martin's petition. The Commission found that Deputy Martin's circumstances are unique and that he demonstrated a that strict application of the rule in his case would violate the principles of fairness. Specifically, Deputy Martin was employed actively as a certified law enforcement officer by his agency from the inception after laboring under a misunderstanding concerning the timeframe under which he was to become employed. Neither the deputy, nor his agency, were aware of the problem until an audit disclosed the timing issue. Deputy Martin demonstrated that the requirements of the underlying statute have been met and will continue to be met through granting this waiver. Accordingly, the Commission granted Deputy Martin's request for a waiver of subsection 11B-27.002(4), F.A.C., on August 6, 2009, at its regularly scheduled Business Agenda meeting in Ponte Vedra Beach, Florida. Deputy Martin's law enforcement certification will be activated retroactive to November 5, 2004, the date his processed fingerprints were received. His employment date, October 1,

2004, is the valid and correct hiring date. He is eligible to resume his duties as a law enforcement officer as of August 6, 2009, following the Commission's action.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, FL 32302, (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on August 11, 2009, the Suwannee River Water Management District has issued an order.

This Order (2009-0010) denies variance under Section 120.542, F.S., to Ryan Bell, for a Works of the District existing deck (ERP08-0245). A petition for variance was received on June 29, 2009. Notice of receipt of petition requesting variance was published in F.A.W. in Vol. 35, No. 28, July 17, 2009. No public comment was received. This Order denies variance of SRWMD's criteria for paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirements within Township 10 South, Range 14 East, Section 31, Dixie County. SRWMD denied the petition because the petitioner did not demonstrate that underlying statute will be or has been achieved by other means.

A copy of the Order may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on August 17, 2009, the Suwannee River Water Management District, received a petition for variance from Village Properties, LLC, P. O. Box 4329, Dowling Park, FL 32064, pursuant to Section 120.542, F.S. Petitioner is seeking variance from subsection 40B-4.3030(9), F.A.C., as to the zero rise certification requirement, and paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. Petitioner intends to reconstruct a retaining wall in the same location of the existing structure, in Suwannee County, in Township 3 South, Range 11 East, Section 5. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060,

within 14 days of publication of this notice. The petition has been assigned ERP Number 09-0159, and the project name is Advent Christian Village Carter House Project.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

The St. Johns River Water Management District (District) announces its intent to deny a petition for a variance from paragraph 40C-4.302(1)(c), F.A.C., and Section 12.2.5(c) of the Applicant's Handbook: Management and Storage of Surface Waters, from Warren T. Michael on behalf of Channel Marker 71 Barrier Island Inn & Restaurant, LLC (f/ka Channel Marker 71 Barrier Island Bed and Breakfast, LLC). Pursuant to Section 373.414(17), Florida Statutes, the Petitioner sought a variance with respect to Environmental Resource Permit application 4-109-56595-2 to construct a floating dock adjacent to an existing dock at the Barrier Island Bed and Breakfast in St. Johns County. Notice of receipt of the Petition for Variance was published in the Florida Administrative Weekly on May 16, 2003. The District's Governing Board is scheduled to take final action on the Petition for Variance and the related permit application at its September meeting, which begins at 1:00 p.m., September 8, 2009, or at the next Governing Board meeting thereafter.

A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of: District Clerk, District Headquarters, P. O. Box 1429, Palatka, Florida 32178-1429 (4049 Reid Street, Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within 19 days of the District depositing the notice of intended District decision in the mail (for those persons to whom the District mails actual notice) or within 14 days of newspaper publication of the notice of intended District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax). Mediation pursuant to Section 120.573, Florida Statutes, is not available.

If the District takes action that substantially differs from the notice of intended District decision, a person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the District, but this request for administrative hearing shall only address the substantial deviation. Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the

petition must be filed (received) at the office of the District Clerk at the mail/street address or email address described above, within 19 days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice) or within 14 days of newspaper publication of the notice of final District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. Mediation pursuant to Section 120.573, Florida Statutes, is not available.

Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.

Failure to observe the relevant time frames for requesting a hearing or seeking judicial review will result in waiver of that right to review.

The Petition for Variance and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at: St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177. Request for copies or inspection of those files should be made to: Tara E. Boonstra, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)328-4448.

NOTICE IS HEREBY GIVEN THAT on August 13, 2009, the South Florida Water Management District (District or SFWMD) Governing Board has issued an order.

SFWMD Order No. 2009-202-DAO-ROW was issued to Collier County Transportation Services (Application No. 09-0227-1). The petition for waiver was received by the SFWMD on May 15, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 22, on June 5, 2009. No public comment was received. This Order provides a waiver of the District's criteria to allow a bus shelter, concrete pad, rip-rap and pathway located within the west right of way of Airport Road Canal; Section 11, Township 49 South, Range 25 East, Collier County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as

follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the County from a suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on August 13, 2009, the South Florida Water Management District (District or SFWMD) Governing Board has issued an order.

SFWMD Order No. 2009-203-DAO-ROW was issued to Collier County Board of County Commissioners (Application No. 09-0309-2). The petition for waiver was received by the SFWMD on March 30, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 15, April 17, 2009. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing bus shelter and concrete sidewalk located within the west right of way of Airport Road Canal; Section 11, Township 49 South, Range 25 East, Collier County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the County from a suffering a substantial hardship and violate principles of fairness.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561) 682-6268 or by email: jurussel@sfwmd.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on August 11, 2009, the Agency For Health Care Administration has issued an order.

The Final Order is an order denying the Petition for Variance from or Waiver of Rule 59A-18.006, F.A.C. The Order concerned the Petition for Waiver or Variance, filed on May 29, 2009, by Burke Consulting Corporation d/b/a Granny Nannies of Sarasota. The Petitioner requested a variance from or waiver of: Rule 59A-18.006, F.A.C., with regard to that

portion of Rule 59A-18.006, F.A.C., which limits a nurse registry administrator from serving as the administrator of only one nurse registry at a time.

The basis for the Agency's denial of the petition is the failure of the petitioner to establish that the requirements for a variance or waiver under Section 120.542(2), F.S., had been met.

A copy of the Order may be obtained by contacting: Richard Joseph Saliba, Esquire, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, FL 32308, (850)922-4445, Fax: (850)921-0158, salibar@ahca.myflorida.com. Written comments should also be sent to this contact person.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTE: This notice was printed incorrectly in the August 21, 2009, Vol. 35, No. 33 issue, Florida Administrative Weekly.

NOTICE IS HEREBY GIVEN THAT on June 18, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

That order granted a variance to Matthew Golden of Thyssen Krupp Elevator on behalf of Metropolitan, West Palm Beach, FL, SN 88271 through 88274 to not comply with Chapter 3001.2, 2004 Florida Building Code: Referenced Standards. Rule 2.20.4, A.S.M.E. 17.1, 2000 edition: Minimum Number and Diameter of Suspension Ropes. Rule 2.20.4, A.S.M.E. 17.1, 2000 edition: Minimum number and Diameter of Suspension Ropes. Rule 2.24.2.1, A.S.M.E. 17.1, 2000 edition: Material and Grooving, (VW 2009-060) as advertised in F.A.W., Vol. 35, No. 15.

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 31, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance as per Section 120.542, Florida Statutes. The petitioner, L&W Commercial Property Management, on behalf of Realty Associates Fund VIII, and location of Reo, 405 North Reo Street, Tampa, FL, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Sara M. Sneen, RPA, Senior Property Manager (VW 2009-367).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on July 31, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Collier Association Management, 3400 Tamiami Trail North, Suite 300, Naples, FL 34103, and location of the Fairway Building, 1000 Tamiami Trail, North, Naples, FL, Serial Number 31962, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Keith Tompkins, Association Manager (VW 2009-368).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on July 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Midtown Centre Office Park, 3947 Boulevard Center Drive, Suite #5, Jacksonville, FL 32207, and location of the same, Serial Number 05714, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Michael D. McLaughlin, Chief Engineer (VW 2009-369).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on July 31, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Midtown Centre Office Park, 3947 Boulevard Center Drive, Suite #5, Jacksonville, FL 32207, and location of The 1100 Building, 3947 Boulevard Center Drive, Suite #5, Jacksonville, FL 32207, Serial Number 37970 and 37971, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mr. Michael D. McLaughlin, Chief Engineer (VW 2009-370).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on July 31, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Midtown Centre Office Park, 3947 Boulevard Center Drive, Suite #5, Jacksonville, FL 32207, and location of The 2200 Building, Serial Number 06347, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mr. Michael D. McLaughlin, Chief Engineer (VW 2009-371).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 3, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C., involving Bureau of Elevator Safety violation codes H105A, H118A and H603F. The petitioner, City of Brooksville, 201 Howell Avenue, Brooksville, FL 34601-2041, and location of the same, Serial Number 23823, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lindsay A. Morgan, Administrative Assistant II/Records Manager (VW 2009-372).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 1.2, Section 3.11.3, and Section 2.7.4 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Elevator Consulting Services Inc., 3389 Sheridan Street, Suite 508, Hollywood, FL 33021, on behalf of CNL SP Plaza Partners, LLC, and location of the Wachovia Bank Building, 150 Second Avenue, North, St. Petersburg, FL 33701-3339, Serial Number 37188, requests

the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mr. William Snyder, Consultant (VW 2009-373).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 1.2, Section 3.11.3, and Section 2.7.4 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Elevator Consulting Services Inc., 3389 Sheridan Street, suite 508, Hollywood, FL 33021 on behalf of CNL SP Plaza Partners, LLC, and location of the Wachovia Bank Building, 150 Second Avenue, North, St. Petersburg, FL 33701-3339, Serial Number 37186, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mr. William Snyder, Consultant (VW 2009-374).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 1.2, Section 3.11.3, and Section 2.7.4 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Elevator Consulting Services Inc., 3389 Sheridan Street, suite 508, Hollywood, FL 33021 on behalf of CNL SP Plaza Partners, LLC, and location of the Wachovia Bank Building, 150 Second Avenue, North, St. Petersburg, FL 33701-3339, Serial Number 37190, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mr. William Snyder, Consultant (VW 2009-375).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 1.2, Section 3.11.3, and Section 2.7.4 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Elevator Consulting

Services Inc., 3389 Sheridan Street, suite 508, Hollywood, FL 33021 on behalf of CNL SP Plaza Partners, LLC, and location of the Wachovia Bank Building, 150 Second Avenue, North, St. Petersburg, FL 33701-3339, Serial Number 37187, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mr. William Snyder, Consultant (VW 2009-376).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 1.2, Section 3.11.3, and Section 2.7.4 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Elevator Consulting Services Inc., 3389 Sheridan Street, Suite 508, Hollywood, FL 33021, on behalf of CNL SP Plaza Partners, LLC, and location of the Wachovia Bank Building, 150 Second Avenue, North, St. Petersburg, FL 33701-3339, Serial Number 37189, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mr. William Snyder, Consultant (VW 2009-377).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on July 31, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Blake Medical Center, 2020 59th Street, West, Bradenton, FL 34209, and location of the Serial Number 33491, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from David Lee Matthews, Director of Plant Operations (VW 2009-379).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on July 31, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2

Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Blake Medical Center, 2020 59th Street, West, Bradenton, FL 34209, and location of the Serial Number 33492, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from David Lee Matthews, Director of Plant Operations (VW 2009-380).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 3, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 2.7.4, Section 3.11.1 and Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Florida Hospital Memorial Medical Center, Reflections Building, 770 West Granada Blvd., Ormond Beach, FL 32174, and location of the same, Serial Number 36376 and 36377, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Joe Longo, Director Facilities (VW 2009-381).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 3, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ocean Sands South Condominium Association, 2725 Highway A1A, Indialantic, FL 32903, and location of the Ocean Sands South, Serial Number 32465, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from James E. O'Grady, President, Ocean Sands South, Board of Directors (VW 2009-383).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 3, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.1 and A17.3, Section 1.3, as adopted by Chapter 30, Section

3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Austin Companies, 1211 North Westshore Boulevard, P. O. Box 22197, Tampa, FL 33622, and location of the Team Staff Building, 1211 North Westshore Blvd., Tampa, FL 33607, Serial Number 07977, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Nelson J. Guagliardo, Vice President, A. S. Austin Company (VW 2009-384).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 3, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bermuda Cay Condominium Association, Inc., 641 S. E. 15th Avenue, Boynton Beach, FL 33435, and location of buildings 611, 621 631, 641 and 651 S. E. 15th Avenue, Boynton Beach, FL 33435, Serial Number(s) 21384, 21385, 21386, 21387, 21388, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Alex Cohen, President (VW 2009-385).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on August 3, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance. The petitioner, Plant City Towers, U.S. Department of Housing and Urban Development, 103 West Mahoney Street, Plant City, Florida 33563 and location of the same, Serial Number 33586, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Jeanne Anne Ratliff, Administrator (VW 2009-386).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN that on August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.1, Section 2.20.21, 2.20.9 and 2.24.2 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Barker Barrios Architects, 100 E. Madison Street, Suite 100, Tampa, FL

33602, and agent for petitioner is Otis Elevator Company, 55 West Pineloch Avenue, Orlando, FL 32806 and location of building is Outpatient Building, LLC, 1222 S. Orange Avenue, Orlando, FL 32806, requests the variance due to "Application of Rules to New Technology". The petition was received from Colleen Ansell, Project Manager (VW 2009-387).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on August 5, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.27.4 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, District Court of Appeal, First District, State of Florida, Tallahassee, FL 32399-1850 and location of 301 South Martin Luther King, Jr., Tallahassee, FL, requests the variance due to the construction of a new building at a new location next summer. The Florida State University School of Law will be receiving the existing building in question and renovations will be legislatively funded for their use. The petition was received from Stephen M. Nevels, Marshal, First DCA (VW 2009-388). A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on August 5, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.1 and A17.3, (specific codes unspecified), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Tequesta Towers Condominium Association, Inc., 400 Beach Rd., Tequesta, FL 33469 and location of the same, Serial Number(s) 11831 and 11832, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from H. Ghalam, Property Manager (VW 2009-389).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on August 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for An emergency temporary variance from A17.3, Section 2.7.4, Section 3.4.5, Section 3.10.3 Section 3.10.4(q), Section 3.10.4(u), Section 3.11.1, Section 3.11.3 and A17.1 8.6.5.8 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C.

The petitioner, Vertical Assessment Associates, on behalf of, Florida A&M University (Housing), 8830 Freedom Road, Tallahassee, FL 32305 and locations of Copper Hall, Serial Number (SN) 31241, Diamond Hall-SN 31239, Truth Hall-SN 31238, Paddyfote A-SN 03917, Paddyfote C-SN 03918, and Gibbs Hall-SN 33468, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mr. Lee S. Rigby, President, Vertical Assessment Associates (VW 2009-390).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on August 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, High Point Country Club Group XII, c/o Resort Management, 2685 Horseshoe Drive, South, #215, Naples, FL 34104, and locations of the same, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mr. G. A. (Geoff) Young, CAM, Manager (VW 2009-392).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on August 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Boca Bayou Condominium Association, Inc., 30 Royal Palm Way, Boca Raton, FL 33432, and location of Building 1-The Antigua-Serial Number (SN) 09718; Building 2-The Barbados-SN 09773; Building 3-The Curacao-SN 09896; Bldg. 4-The Dominique-SN 09598; Bldg. 6-The Finisterre-SN 10875; Bldg. 7-The Grenada-SN 10950; Bldg. 8-The Harbor Cay-SN 21556; Bldg. 9-The Islander-SN 21557; Bldg. 10-The Jamaican-SN 21259; Bldg. 11-The Kingston-SN 21260; Bldg. 12-The Largo-SN 21558; Bldg. 13-The Montego-SN 21559; Bldg. 14-The Nassau-SN 21560; Bldg. 15-The Oceana-SN 21561; Bldg. 16-The Port au Prince-SN 26415; Bldg. 17-The Queens Towne-SN 26416; Bldg. 18-The Roseau-SN 28771; Bldg. 19-The St. Thomas-SN 29050; Bldg. 20-The Trinidad-SN 29049; Bldg. 21-The Ultera-SN 29986; Bldg. 22-The Vista Rio-SN 32214, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Ms. Lisa Heide, LCAM, Property Manager (VW 2009-393).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on August 10, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Holiday Inn Select Hotel, 2001 Martin Luther King Blvd., Panama City, FL 32405, and location of the same, Serial Numbers 35733 and 35734, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Kevin J. Gazia, General Manager (VW 2009-403).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on August 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, High Point Country Club Group XII, c/o Resort Management, 2685 Horseshoe Drive South, #215, Naples, FL 34104, and location of the same, Serial Number 36284, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mr. G. A. (Geoff) Young, CAM, Manager (VW 2009-405).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 1.2A, Section 3.11.3, Section 2.7.4 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. and Section 120.542, Florida Statutes. The petitioner, Constellation Condominium Association, 9425 Blind Pass Road, St. Pete Beach, Florida 33706, and location of the same, SN 26490 and 26491, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mr. William Snyder, Florida Certified Elevator Inspections, Inc. (VW 2009-406).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 13, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Island Winds Association, 6610 Estero Boulevard, Ft. Myers, FL 33931, and location of the same, Serial Numbers 20804 and 20805, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Stephen Dilluvio, CAM, Property Manager (VW 2009-415).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 29, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on July 21, 2009 for a Routine Variance for subsection 61C-4.010(5), Florida Administrative Code, Paragraph 4-301.12(A), 2001 FDA Food Code, Paragraph 5-204.11(A), 2001 FDA Food Code and subsection 61C-1.004(1), Florida Administrative Code, from Best Western University Inn located in Boca Raton. The above referenced F.A.C. addresses the requirement that each establishment have facilities for washing, rinsing and sanitizing dishes and utensils and an accessible hand wash sink in the food preparation area. They are requesting to utilize the food preparation area, dishwashing facility and hand wash sink located within another licensed establishment.

This variance request was published in Vol. 35, No. 31, August 7, 2009, and approved contingent upon the Petitioner ensuring the three-compartment sink and food preparation are located within Bentley's Seafood & Grill Restaurant are maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and available during all hours of operation. If the owner of Bentley's Seafood & Grill Restaurant (First Nova Star Enterprises, LLC) changes, an updated signed agreement for use of the three-compartment sink and food preparation are is required immediately. 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: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 5, 2009, the The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on July 30, 2009 for an Emergency Variance for subsection 61C-4.010(5), Florida Administrative Code, Paragraph 4-301.12(A), 2001 FDA Food Code, Section 509.221(1)(b), Florida Statutes, subsection 61C-1.004(1) and paragraph 61C-1.004(1)(d), Florida Administrative Code, and Paragraph 5-202.11(A), 2001 FDA Food Code from Cantina located in Lake Buena Vista. The above referenced F.A.C. addresses the requirement that each establishment have facilities for washing, rinsing and sanitizing dishes and utensils and requirement that each establishment must discharge sewage into an approved collection system and have an approved plumbing system installed. They are requesting to utilize the dishwashing facilities located within another licensed establishment and use holding tanks to provide potable water and to collect waste water at the hand wash sink.

The variance request was published in Vol. 35, No. 32, August 14, 2009, and approved contingent upon the Petitioner ensuring the three-compartment sink located within San Angel Inn Restaurant and Lounge and hand wash sink in the temporary Cantina are maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and available during all hours of operation. The waste water holding tanks must be emptied at a frequency as to not create a sanitary nuisance; and the potable water provided must come from an approved source and be protected from contamination during handling. If the owner of San Angel Inn Restaurant and Lounge (San Angel Inn LLC) changes, an updated signed agreement for use of the three-compartment sink is required immediately. 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: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 5, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received a Petition on June 26, 2009 for a routine Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Vend PSL located in Port St. Lucie. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

This variance request was published in Vol. 35, No. 2, July 24, 2009. However, on August 5, 2009 the variance order was corrected and approved contingent upon the Petitioner maintaining the casters in good repair. No additional equipment is to be installed. The unit must report to its commissary each day of operation for support services. The operation of this unit is restricted to the Home Depot, 220 Southwest Gatlin Boulevard, Port St. Lucie. 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: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on June 1, 2009, the Electrical Contractors' Licensing Board, received a petition for Brian Prat, seeking a variance or waiver of Rule 61G6-6.017, Florida Administrative Code, which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on August 6, 2009, the Department of Environmental Protection has issued an order. The order, OGC No.: 08-2125, granted a petition for variance received on August 21, 2008, from the City of Tallahassee ("Petitioner") to reduce the water treatment plant staffing requirements in paragraph 62-699.310(2)(e) and subsection 62-699.311(4), F.A.C., and a request for variance received on May 14, 2009, from the Petitioner to reduce the water

treatment plant staffing requirements in subsection 62-699.311(10), F.A.C. Petitioner petitioned for, and requested, the variance in order to provide a level of water treatment plant operator staffing that is less than what is required or allowed by the above rules. The notice of receipt of the petition was published in the Florida Administrative Weekly on September 19, 2008. No public comment was received. Petitioner demonstrated that this variance was appropriate and meets the underlying purpose of the statutes, which is protection of public health, because Petitioner can properly operate its water treatment plants by staffing them at the level discussed in the Petition and request. Petitioner demonstrated a substantial hardship because a strict application of the above rules would result in a significant amount of unneeded staffing at Petitioner's water treatment plants, resulting in a financial hardship to the Petitioner.

A copy of the Order may be obtained by contacting: Virginia Harmon, DEP, MS #3520, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400, (850)245-8630.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on August 14, 2009, the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services, received a petition for permanent waiver from paragraph 64E-2.004(3)(c), Florida Administrative Code, (converted to paragraph 64J-1.004(3)(c), F.A.C., effective 10/1/2008) from Florida State Hospital.

Nature of Rule: Requires a medical director shall be board certified and active in a broad-based clinical medical specialty with demonstrated experience in perceptual care and hold an ACLS certificate or equivalent as determined in Rule 64J-1.022, F.A.C. Prehospital care experience shall be documented by the provider.

Petitioner is a state mental facility that provides ground Basic Life Support ambulance service to residents of both Florida State Hospital and the Agency for Persons with Disabilities in rural Gadsden County. The Medical Director, who was previously board-certified and is currently board-eligible, is certified as an Advanced Cardiac Life Support provider and has served as the Medical Director for Petitioner's ambulance service since March 2008. He is requesting a permanent waiver from this rule requirement.

All comments and requests for copies of the petition must be received in writing by September 11, 2009.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax: (850)488-9408, email lisa_walker2@doh.state.fl.us.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on August 17, 2009, the Florida Housing Finance Corporation, received a petition for Waiver/Variance From paragraph 67-48.020(2)(b), F.A.C. The petition is seeking a waiver to allow North Central Heights to qualify for a 0% interest rate HOME loan.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation 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: www.florida housing.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.

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
- Division of Bond Finance
- Financial Services Commission:
- Office of Insurance Regulation
- Office of Financial Regulation
- Agency for Enterprise Information Technology
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: September 15, 2009, 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 to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

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; reports 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 of the Office of Insurance Regulation 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 matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The Agency for Enterprise Information Technology will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

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, administrative procedure matters, and consideration of other matters within its authority.

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 various statutes including 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 for which it is responsible pursuant to law (including duties pursuant to Title 18 of the Florida Statutes and Title 18 of the Florida Administrative Code) and that are duly presented on its agenda, which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services; mineral leases or sales; state or sovereign land leases, sales, exchanges, dedications, and easements; conservation and preservation lands and other land purchases; land planning matters and other matters within its authority.

The Department of Environmental Protection will present for consideration those matters required by law to be reviewed by the Governor and Cabinet, sitting as the Siting Board, which may include, but are not limited to siting of power plants and electric and natural gas transmission lines.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/> or by contacting each individual agency.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to provide at least 48 hours' notification before the meeting by contacting the Governor's Cabinet Affairs Office, (850)488-5152.

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, FL

DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: September 17, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: Mission San Luis Archaeology Lab, 2100 West Tennessee St., Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FOMSL Board of Directors will meet to discuss the new Visitor Center, annual audit, and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)487-1666.

Pursuant to the provisions of 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: Jessica Shiver at (850)487-1666. If you are 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: Jessica Shiver at (850)487-1666 or jbshiver@dos.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Pesticide Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 24, 2009, 9:00 a.m.

PLACE: North Florida Research and Education Center, 155 Research Road, Fountain H. May Sr. Building, Quincy, Florida 32351

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the council during which there will be a review of pertinent pesticide issues impacting on human health and the environment.

A copy of the agenda may be obtained by contacting: Bureau of Pesticides, 3125 Conner Boulevard, Lab #6, Tallahassee, Florida 32399-1650, (850)487-0532.

For more information, you may contact: Bureau of Pesticides, 3125 Conner Boulevard, Lab #6, Tallahassee, Florida 32399-1650, (850)487-0532.

The **Subcommittee on Imperiled Species** announces a public meeting to which all persons are invited.

DATE AND TIME: September 30, 2009, 10:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building #6, Tallahassee, Florida, (850)487-0532

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Subcommittee is charged with developing recommendations to the Coordinating Council for Mosquito Control regarding conduct of mosquito control that will: 1) allow for management and recovery of imperiled species by state and federal agencies and 2) allow the Mosquito Control Districts to continue to provide mosquito control as required by State Law under Chapter 388, Florida Statutes.

A copy of the agenda may be obtained by contacting: Mr. Max Feken, Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, Florida 32399-1650, (850)487-0532. Instructions for joining via teleconference may be obtained by contacting: Bureau of Pesticides at (850)487-0532.

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: September 16, 2009, 2:00 p.m.

PLACE: Disney’s Boardwalk Inn and Villas, 2101 North Epcot Resorts Boulevard, Lake Buena Vista, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Florida Amusement Device and Attraction Advisory Committee.

A copy of the agenda may be obtained by contacting: Robert Jacobs, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, or by calling Robert Jacobs at (850)488-9790.

Pursuant to the provisions of 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: Robert Jacobs at (850)488-9790. If you are 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 EDUCATION

The **Department of Education** announces a public meeting to which all persons are invited.

DATES AND TIME: October 7-9, Mathematics 9-12; October 21-23, Mathematics 9-12; November 4-5, Mathematics K-5 & 6-8, 8:30 a.m.

PLACE: Sheraton Orlando Downtown, 60 South Ivanhoe Boulevard, Orlando, Florida 32804

GENERAL SUBJECT MATTER TO BE CONSIDERED: Education Commissioner Dr. Eric J. Smith announces the fall adoption meetings of the State Instructional Materials Committees. The Committees will evaluate instructional materials that were submitted for consideration by publishers in May of 2009 and will recommend titles to be placed on the state-adopted list of instructional materials for use by public schools beginning with the 2010-2011 school year.

The meetings are open to the public. Copies of the agenda and committee rosters, and further information about the meetings may be obtained by contacting: Department of Education's Instructional Materials Office at (850)245-0425. A copy of the agenda is posted at http://www.fldoe.org/BII/Instruct_Mat/.

For more information, you may contact: Department of Education's Instructional Materials Office at (850)245-0425.

The **Florida Conflict Resolution Consortium Consensus Center** and the Stormwater Management System Design Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 16, 2009, 9:00 a.m. – 5:00 p.m. (including public workshop)

PLACE: Betty Easley Conference Center, Room 152. 4075 Esplanade Way, Tallahassee, FL 32399 (and via communications media technology, specifically a telephone conference call) Call-In Number: 1(888)808-6959, Code: 6447064

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the 3rd meeting of the Stormwater Management System Design Task Force and the first of two public workshops. The public workshop will begin as soon as the task force meeting is concluded. Expect to start at approximately 3:00 p.m.

A copy of the agenda may be obtained by contacting: Lisa Fowler, Jeff Blair or Robert Jones at (850)644-6320.

The **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATE AND TIME: September 16, 2009, Commission Meeting, 9:00 a.m.

PLACE: Orlando Marriott – Lake Mary, 1501 International Parkway, Lake Mary, Florida 32646

GENERAL SUBJECT MATTER TO BE CONSIDERED: On September 16, 2009 the Commission for Independent Education will consider: All Degree Granting Institutions and Non-Degree granting institutions on September 16, 2009 for the following: Disciplinary Matters, Informal Hearings, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, Institutional Applications for Program Modifications and Additional Programs, Application for Annual License, Motions for Extension of License, Motions for Request for Extension of Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent,

Licenses Sent, Closed Schools, Agent Training Programs, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Substantive Change Applications, Name Change Applications, Attorney and Executive Director Reports, Applications for Exemption for Religious Colleges.

A copy of the agenda may be obtained by contacting: Commission 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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are 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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Communities Trust** announces a hearing to which all persons are invited.

DATE AND TIME: September 8, 2009, 1:30 p.m. – continuing until business is concluded on that date

PLACE: Department of Community Affairs, 2555 Shumard Oak Blvd., Kelley Training Room, 3rd Floor, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a continuation of the Notice of Proposed Rulemaking Hearing that initially occurred on July 15, 2009, and a continuation of that hearing was requested. To conduct a rule hearing on Rule Chapter 9K-9, Florida Administrative Code, which implements the rules that govern the Stan Mayfield Working Waterfronts program.

ACTION TO BE TAKEN: Consideration of above-stated business.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to insure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Florida Communities Trust at (850)922-2207.

Pursuant to the provisions of 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 Communities Trust at (850)922-2207. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Communities Trust at (850)922-2207.

The **Florida Communities Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: September 24, 2009, 1:00 p.m. – 5:00 p.m. or until business is concluded on that date, whichever time occurs first

PLACE: Department of Community Affairs, 2555 Shumard Oak Blvd., Kelley Room 3rd Floor, Tallahassee, Florida 32399
GENERAL SUBJECT MATTER TO BE CONSIDERED: To review request for disposal of property, to review and approve amendments to Chapters 9K-7 and 9K-8, Florida Administrative Code, and conduct other business that the Governing Board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to insure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Florida Communities Trust at (850)922-2207.

Pursuant to the provisions of 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 Trust at (850)922-2207. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Communities Trust at (850)922-2207.

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal and Juvenile Justice Information Systems (CJJIS) Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 22, 2009, 8:30 a.m.

PLACE: Florida Department of Law Enforcement, Headquarters, 2331 Phillips Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Various topics related to the criminal justice community.

A copy of the agenda may be obtained by contacting: Rachel Truxell at (850)410-7116 or racheltruxell@fdle.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: Rachel Truxell at (850)410-7116 or racheltruxell@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rachel Truxell at (850)410-7116 or racheltruxell@fdle.state.fl.us.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing conference and a hearing in the following dockets to which all persons are invited:

DOCKET NOS. AND TITLES: Docket No. 090079-EI – Petition for increase in rates by Progress Energy Florida, Inc.; Docket No. 090144-EI – Petition for limited proceeding to include Bartow repowering project in base rates, by Progress Energy Florida, Inc.; Docket No. 090145-EI – Petition for expedited approval of the deferral pension expenses, authorization to charge storm hardening expenses to the storm damage reserve, and variance from or waiver of paragraphs 25-6.0143(1)(c), (d), and (f), F.A.C., by Progress Energy Florida, Inc.

PREHEARING CONFERENCE

DATE AND TIME: Monday, September 14, 2009, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

HEARING

DATES AND TIME: Monday, September 21, 2009, 9:30 a.m.; September 22-25, 2009; September 28-October 2, 2009, have also been reserved for the continuation of the hearing, if needed.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing is for the Commission to take final action on the petition for rate increase filed on March 20, 2009, in Docket No. 090079-EI, by Progress Energy Florida, Inc. (PEF); to take final action concerning Docket Nos. 090144-EI and 090145-EI; and to consider any motions or other matters that may be pending at the time of the hearing.

The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow PEF to present evidence and testimony in support of its petition; (2) permit any intervenors to present testimony and exhibits concerning these matters and; (3) allow for such other purposes as the Commission may deem appropriate.

Any member of the public who wishes to offer testimony should be present at the beginning of the hearing on Monday, September 21, 2009. By providing public testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for Intervention at least five days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code (F.A.C.). All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The hearing will be governed by Sections 366.04, 366.05, 366.06, Florida Statutes, and any other relevant sections of Chapter 366, Florida Statutes, are applicable to these proceedings, as well as Chapter 120, Florida Statutes, and Chapters 25-6, 25-17, 25-22 and 28-106, Florida Administrative Code.

Emergency Cancellation of Customer Meeting – If a named storm or other disaster requires cancellation of the prehearing or hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

Any person requiring some accommodation at the prehearing or hearing because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: September 15, 2009, 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: 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.florida.psc.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 a hearing to which all persons are invited.

DATE AND TIME: September 15, 2009, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision at its regularly scheduled agenda conference regarding comments filed pertaining to Rule 25-4.083, F.A.C. This hearing has been deferred from the previously scheduled August 18, 2009 agenda conference. Docket No. 080641-TP.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. (\$1.00, see copying Charges for

Commission Records). The agenda and recommendation are also accessible on the PSC Website: 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 a record of the proceedings, and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: September 15, 2009, 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: <http://www.psc.state.fl.us/agendas/internalaffairs/>.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Volunteer Florida**, Executive Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 25, 2009, 8:00 a.m. – until business is complete

PLACE: The Elliot Bldg., 401 South Monroe Street, Tallahassee, Florida 32301 (subject to change – contact: Kristin Mullikin at (850)921-5172 or kristin@volunteerflorida.org for updates)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Executive Committee business.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Kristin Mullikin at (850)921-5172 or kristin@volunteerflorida.org.

The **Florida Faith-Based and Community-Based Advisory Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, September 3, 2009, 3:30 p.m. (EDT)

PLACE: Please Contact: Frances Rhodes at (850)410-0696 for the conference call in number and pass code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Nomination sub-committee business.

A copy of the agenda may be obtained by contacting: Frances Rhodes at (850)410-0696.

For more information, you may contact: Frances Rhodes at (850)410-0696.

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning** and the **Regional Utility Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 10, 2009, RUA Joint Board and Technical Advisory Committee meeting, 1:00 p.m. – 3:00 p.m. (CDT)

PLACE: WFRPC, 4081 East Olive Road, Suite A. Seating is limited; you may Teleconference: 1(800)747-5150, Access Code: 2804887

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the RUA.

A copy of the agenda may be obtained by contacting: www.wfrpc.org/regional-utility-authority.

Pursuant to the provisions of 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 business days before the workshop/meeting by contacting: Mary Gutierrez at 1(800)226-8914, ext. 226 or (850)332-7976, ext. 226. If you are 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: Mary Gutierrez at 1(800)226-8914, ext. 226 or (850)332-7976, ext. 226.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 9, 2009, 8:30 a.m.

PLACE: ECFRPC Offices, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly Executive Director meeting.

A copy of the agenda may be obtained by contacting: Tuesday Brunsonbyrd-Bowden, East Central Florida Regional Planning Council, 309 Cranes Roost, Suite 2000, Altamonte Springs, Florida 32701.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 16, 2009, 10:00 a.m.

PLACE: 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, FL 32701 (Visit www.ecfrpc.org for map and directions)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Tuesday Brunsonbyrd-Bowden at (407)262-7772 or tbyrd@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 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.

For more information, you may contact: Tuesday Brunsonbyrd-Bowden at (407)262-7772 or tbyrd@ecfrpc.org.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2009, 9:30 a.m.

PLACE: Colonial Bank of Bartow, Third Floor, Conference Room, 600 North Broadway Avenue, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Central Florida Regional Planning Council and/or its Executive Committee to consider the Polk Commerce Center Development of Regional Impact Substantial Deviation Application for Development Approval.

A copy of the agenda may be obtained by contacting: Kathryn Hall, Program Coordinator at (863)534-7130, khall@cfrpc.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130.

The **South Florida Regional Planning Council** announces a public meeting of the State Road 7/U.S. 441 Collaborative Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, September 10, 2009, 2:00 p.m. – 3:30 p.m.

PLACE: City of Coconut Creek, Coconut Creek Recreation Complex, Cypress Room, 4455 Sol Press Blvd., Coconut Creek, FL 33073, (954)956-1580

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue deliberations regarding economic development, aesthetic improvement and increased intergovernmental cooperation along the corridor.

A copy of the agenda may be obtained online: www.sfrpc.com/sr7/htm or by contacting: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Pursuant to the provisions of 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: South Florida Regional Planning Council at (954)985-4416. If you are hearing or speech impaired, please contact the agency at (954)967-4152, ext. 40 (TDD).

If any person decides to appeal any decision made by the State Road 7/U.S. 441 Collaborative Steering Committee with respect to any matter considered at this meeting 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: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 11, 2009, 8:30 a.m.

PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709.

Pursuant to the provisions of 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: Commission on Ethics at (850)488-7864. If you are 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.

METROPOLITAN PLANNING ORGANIZATIONS

The **Pinellas County Local Coordinating Board for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 1, 2009, 9:15 a.m.

PLACE: Pinellas County Planning Department, Conference Room, 600 Cleveland Street, Suite 750, Clearwater, FL 33755

GENERAL SUBJECT MATTER TO BE CONSIDERED: review Medicaid transportation program.

A copy of the agenda may be obtained by contacting: Heather Sobush at hsobush@pinellascounty.org or (727)464-8200.

Pursuant to the provisions of 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 Human Rights, 400 S. Fort Harrison Avenue, Suite 300, Clearwater, Florida 33756, (727)464-4062 (V/TDD). If you are 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: Heather Sobush at hsobush@pinellascounty.org or (727)464-8200.

The **Charlotte County Transportation Disadvantaged Local Coordinating Board** (LCB) announces a public meeting to which all persons are invited.

DATE AND TIME: September, 10, 2009, 10:00 a.m.

PLACE: Charlotte County Transit Division Conference Room, 25490 Airport Road, Punta Gorda, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ongoing Transit and TD issues.

A copy of the agenda may be obtained by contacting: Charlotte County-Punta Gorda MPO, (941)883-3535 or on our website: www.ccmpo.com.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 15, 2009, 5:05 p.m. (CDT)

PLACE: Crestview Field Office, 800 Hospital Drive, Crestview, Florida 32539, (850)683-5044

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Adoption of Proposed Millage Rate for fiscal year 2009-2010 and Consideration of Adoption of the District's fiscal year 2009-2010 Tentative Proposed Budget.

A copy of the agenda may be obtained by contacting: Robin Tucker at (850)539-5999, email: robin.tucker@nwfwmd.state.fl.us or Internet: www.nwfwmd.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 72 hours before the workshop/meeting by

contacting: Mr. Larry Wright. If you are 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 **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2009, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED:

3:00 p.m. Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

5:00 p.m. First Public Hearing on FY 2009-2010 budget and proposed millage rate.

A copy of the agenda may be obtained by contacting: Kristel Callahan or Lisa Cheshire at (386)362-1001, by emailing: KJC@srwmd.org, or on the District's website: www.my.suwanneeriver.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. If you are 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: Kristel Callahan or Lisa Cheshire at (386)362-1001.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

Hosted by the University of Florida Water Institute

DATES AND TIME: Wednesday, September 23, 2009; Thursday, September 24, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: Hilton University of Florida Conference Center, 1714 S. W. 34th Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Exchange of technical information among District staff and non-staff experts involved in District study of the impact of potential future water withdrawals from the St. Johns and Ocklawaha rivers. Public comment will be taken at the conclusion of each day's proceedings.

PURPOSE: Water Supply Impact Study Technical Symposium. The Symposium may be attended by one or more District Governing Board members.

For more information you may go to the District's website at: www.sjrwm.com/surfacewaterwithdrawals/sumposium.

Pre-registration is required at the District's website. The District will also provide a live video of the sumposium on the Internet.

Pursuant to the provisions of 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 **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 8, 2009, 3:30 p.m.

PLACE: East Hernando Branch Library, 6457 Windmere Road, Brooksville, FL 34602

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of task force business for the Hernando County Task Force of the Citrus/Hernando Waterways Restoration Council. Hernando County residents are encouraged to attend and provide suggestions for restoration projects to enhance fish and wildlife habitat.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4227.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: September 9, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: September 10, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in

Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, J. Collins, M. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: September 9, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: September 10, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. State of Florida, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50-2008-CA-031975XXXXMB. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members). ATTENDEES: Governing Board Members E. Buermann, J. Collins, M. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone, R. Hanna, C. Lamia, K. Artin, F. Springer, J. Nutt. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: September 9, 2009, 9:00 a.m. – completed
PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: September 10, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in

United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members). ATTENDEES: Governing Board Members E. Buermann, J. Collins, M. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: September 9, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: September 10, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. The subject matter shall be

confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, J. Collins, M. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, M. Compagno, J. Nutt, B. Lewis, S. Martin.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: September 9, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: September 10, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Florida Wildlife Federation, et al. v. Johnson, et al., United States District Court, Northern District of Florida, Case No. 08-cv-00324-RH-WCS. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, J. Collins, M. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt, C. Pettit.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

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If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Audit & Finance Committee Meeting

DATE AND TIME: September 9, 2009, 9:00 a.m.

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Human Resources & Outreach Committee Meeting

DATE AND TIME: September 9, 2009, 11:00 a.m.

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Workshop Meeting

DATE AND TIME: September 9, 2009, 1:00 p.m.

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Regular Business Meeting

DATE AND TIME: September 10, 2009, 9:00 a.m.

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of

the meeting pursuant to Section 120.525, Florida Statutes. If Workshop items are not discussed on 9/9, the items may be discussed on 9/10.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and may include an amendment to the District's Fiscal Year 2009 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty at (561)682-2087 or at: https://my.sfwmd.gov/portal/page?_pageid=2574,13014318&_dad=portal&_schema=PORTAL.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 9, 2009, 5:15 p.m. – until complete

PLACE: South Florida Water Management District, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive and consider public comment and vote on the tentative FY09/10 millage rates and budget.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: (1) District Website www.sfwmd.gov or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Special Meeting of the Everglades Technical Oversight Committee (TOC) or TOC Technical Working Group, September 14, 2009, 10:00 a.m.

PLACE: South Florida Water Management District, Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting (if needed) of the Everglades Technical Oversight Committee (TOC) or a meeting of the TOC Technical Working Group

A copy of the agenda may be obtained by contacting: (1) District Website (http://www.sfwmd.gov/org/ema/toc/draft_agenda.html) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Quarterly meeting of the Everglades Technical Oversight Committee (TOC), September 15, 2009, 10:00 a.m.

PLACE: South Florida Water Management District, Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website (http://www.sfwmd.gov/org/ema/toc/draft_agenda.html) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 22, 2009, 5:15 p.m. – until complete

PLACE: South Florida Water Management District, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment, vote on the final FY09/10 millage rates and budget. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: (1) District Website www.sfwmd.gov or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

DEPARTMENT OF ELDER AFFAIRS

NOTICE OF CANCELLATION – The **Department of Elder Affairs**, Elder Rights Bureau announces a workshop to which all persons are invited.

DATE AND TIME: August 27, 2009, 9:30 a.m. – 12:00 Noon (EDT)

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide technical assistance initiative addressing elder abuse for criminal justice personnel and the professionals working with elders.

This meeting published in the Florida Administrative Weekly on August 14, 2009 has been cancelled.

For more information, you may contact: Larry E. Baxter, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Email: baxterl@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2009, 10:00 a.m. (EST)

PLACE: Elder Source, 4160 Woodcock Drive, Bldg. 2800, 2nd Floor, Jacksonville, FL 32207

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Michael Milliken at (904)391-3942.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Michael Milliken at (904)391-3942. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Michael Milliken at (904)391-3942 or by email: millikenm@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2009, 1:00 p.m. (EST)

PLACE: 1400 West Commercial Blvd., 2nd Floor, Ft. Lauderdale, FL 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: Broward District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: John McGovern at (954)474-7919.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: John McGovern at (954)474-7919. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: John McGovern at (954)474-7919 or by email: mcgovernj@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2009, 10:00 a.m. (EST)

PLACE: 210 North Palmetto Ave., Rm. 148, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast South District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Claudia Dinardo at (386)226-7846.

Pursuant to the provisions of 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: Claudia Dinardo at (386)226-7846. If you are 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: Claudia Dinardo at (386)226-7846 or by email: dinardoc@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2009, 10:00 a.m. (EST)

PLACE: St. Anne Byzantine Catholic Church, 7120 Massachusetts Avenue, New Port Richey, FL 34653

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pasco and North Pinellas District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Lynn Penley at (727)943-4955.

Pursuant to the provisions of 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: Lynn Penley at (727)943-4955. If you are 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: Lynn Penley at (727)943-4955 or by email: penleyl@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2009, 10:30 a.m. (EST)

PLACE: North Miami Beach Public Library, 1601 N. E. 164th Street, North, North Miami Beach, FL 33162

GENERAL SUBJECT MATTER TO BE CONSIDERED: North Dade District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ramon Keppis at (786)336-1418.

Pursuant to the provisions of 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: Ramon Keppis at (786)336-1418. If you are 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: Ramon Keppis at (786)336-1418, or by email: keppisra@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2009, 12:00 Noon – 2:45 p.m. (EST)

PLACE: Mayor William Beardall Senior Center, 800 South Delaney Avenue, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: East Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Lashea Heidelberg at (407)228-7752.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Lashea Heidelberg at (407)228-7752. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lashea Heidelberg at (407)228-7752 or by email: heidelbergl@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2009, 2:00 p.m. (EST)

PLACE: Rath Senior CoNEXTions and Education Center, 1350 E. Main Street, Ste. 200, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Tresa Johnston at (863)413-2764.

Pursuant to the provisions of 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: Tresa Johnston at (863)413-2764. If you are 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: Tresa Johnston at (863)413-2764 or by email: johnstont@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: September 11, 2009, 10:00 a.m. (EST)

PLACE: First Presbyterian Church of Brandon, 121 Carver Ave., Room D, Brandon, FL 33510

GENERAL SUBJECT MATTER TO BE CONSIDERED: West Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Robin Baker at (813)558-5591.

Pursuant to the provisions of 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: Robin Baker at (813)558-5591. If you are 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: Robin Baker at (813)558-5591 or by email: baker@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: September 14, 2009, 10:00 a.m. (EST)

PLACE: 3501 Kirby Loop Road, Ft. Pierce, FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: Treasure Coast District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Nancy Schoemig at (772)595-1385.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Nancy Schoemig at (772)595-1385. If you are

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

For more information, you may contact: Nancy Schoemig at (772)595-1385 or by email: schoemign@elderaffairs.org.

The Florida **Department of Elder Affairs, Statewide Public Guardianship Office** announces a telephone conference call to which all persons are invited.

DATES AND TIME: September 1, 8, 15, 22, and 29, 2009, 8:00 a.m. – 9:00 a.m.

PLACE: Callers within Tallahassee and outside of Tallahassee: 1(888)808-6959. When prompted, enter Conference Code: 9247380 followed by #

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting of the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting: Ms. Lynn Visk at (850)414-2381.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Visk at (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2009, 9:30 a.m. – 10:30 a.m.

PLACE: Agency for Health Care Administration, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308. Those not able to attend in person may participate via conference phone by calling 1(888)808-6959 and entering Conference Code: 8504885420.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Enhanced Benefits Panel will discuss issues related to the technical aspects of the Enhanced Benefits program, under Medicaid Reform.

A copy of the agenda may be obtained by contacting: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308, (850)488-3560.

Pursuant to the provisions of 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: Aldria White, at the address and phone number

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

For more information, you may contact: Aldria White, at the address and phone number written above.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services (DMS)** announces a weekly public meeting to which all persons are invited.

DATES AND TIME: Thursdays, 3:30 p.m. – 5:00 p.m. Check for status of DMS Broadband-ARRA meetings at: www.dms.myflorida.com/SUNCOM

PLACE: Building 4030, 4030 Esplanade Way, Room 225A, Capital Circle Office Center, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Weekly meeting to facilitate discussion on the deployment of Broadband to maximize the potential receipt of federal Stimulus funding for the State of Florida.

A copy of the agenda may be obtained by contacting: Bill Price at (850)410-0709, bill.price@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Linda Collins at (850)487-9971, linda.collins@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).

For more information, you may contact: Bill Price at (850)410-0709, bill.price@dms.myflorida.com.

The **Office of Early Learning** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 22, 2009, 1:00 p.m. – 2:00 p.m. or until business is concluded

PLACE: Room B-49, Caldwell Building, 107 E. Madison Street, Tallahassee, Florida 32399, (850)921-3180

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 2010-2011 Child Care Development Fund State Plan will be available September 11, 2009, on the Agency for Workforce Innovation, Office of Early Learning website: www.florida.jobs.org.

A copy of the agenda may be obtained by contacting: Office of Early Learning website: www.floridajobs.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Pilot Commissioners** announces a public meeting to which all persons are invited.

DATES AND TIMES: October 1, 2009, 1:00 p.m.; October 2, 2009, 9:00 a.m.

PLACE: Tampa Marriott Westshore, 1001 North Westshore Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel, which portions may be closed to the public, and regular board business.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe Street, Tallahassee, FL 32399-0773.

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

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.

NOTICE OF AMENDMENT – The Florida **Board of Professional Engineers**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 15, 2009, 8:30 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303, Conference Call: 1(888)895-8146, Passcode: 30295716

GENERAL SUBJECT MATTER TO BE CONSIDERED: AMENDED NOTICE. Although this meeting is open to the public, the Probable Cause Panel meeting may be closed consistent with law.

A copy of the agenda may be obtained by contacting: Wendy Gregory at (850)523-1619.

Pursuant to the provisions of 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: Wendy Gregory (850)523-1619. If you are 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: Wendy Gregory, Executive Assistant, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303, (850)523-1619, wgregory@fbpe.org.

The **Florida Engineers Management Corporation**, Board Operations Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 15, 2009, 9:00 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303, Conference Call: 1(888)895-8146, Passcode 30295716

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee.

A copy of the agenda may be obtained by contacting: Wendy Gregory at (850)523-1619.

Pursuant to the provisions of 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: Wendy Gregory at (850)523-1619. If you are 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: Wendy Gregory, Executive Assistant, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303, (850)523-1619, wgregory@fbpe.org.

The **Building Code Administrators and Inspectors Board** announces a public meeting to which all persons are invited.

DATES AND TIME: October 13, 14, 15, 16, 2009, 9:00 a.m. each day

PLACE: Homewood Suites, 8745 International Drive, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings and general board business.

A copy of the agenda may be obtained by contacting: Building Code Administrators and Inspectors Board, 1940 N. Monroe Street, Tallahassee, FL 32399-0221.

Pursuant to the provisions of 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 days before the workshop/meeting by contacting: the board office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Probable Cause Panel of the **Florida Real Estate Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, September 14, 2009, 2:30 p.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public.

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. If you are 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: Division of Real Estate at (407)481-5662.

The **Florida Real Estate Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, September 15, 2009; Wednesday, September 16, 2009, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2009, 9:00 a.m.

PLACE: Videoconferencing Rooms as follows: Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, FL 32399, Video Conference Room 609; 2295 Victoria Avenue, Fort Myers, FL 33901, Video Conference Room 38H; 7825 Baymeadows Way, Jacksonville, FL 32256, Video Conference Room 213A; 3319 Maguire Blvd., Orlando, FL 32803, Video Conference Room F; 160 Government Center, Pensacola, FL 32502, Video Conference Room 501A; 13051 North Telecom Parkway, Temple Terrace, FL 33637, Video Conference Room 111; 400 North Congress Avenue, West Palm Beach, FL 33401, Video Conference Room (no number)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the seventh meeting of an advisory committee composed of technical experts from both government and private industry whose purpose is to help develop compliance assistance educational materials for the generation, segregation, packaging, transport, and disposal of biomedical and universal pharmaceutical wastes that are regulated by three Florida agencies: DEP for waste management, DOH for infectious waste, drug distribution and diversion and DOT for transportation.

A copy of the agenda may be obtained by contacting: Yvonne Peters by e-mail: yvonne.peters@dep.state.fl.us or by calling (850)245-8707.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Yvonne Peters by e-mail: yvonne.peters@dep.state.fl.us or by calling (850)245-8707. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 10, 2009, 9:00 a.m.

PLACE: Jacksonville City Hall (St. James Building), Exam Room 3, 117 West Duval Street Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the kick off meeting for the second Lower St. Johns River Tributaries (LSJRT) Fecal Coliform Basin Management Action Plan. Topics for this meeting include discussion of issues related to the LSJRT TMDLs and the implementation of those TMDLs into a Basin Management Action Plan.

A copy of the agenda may be obtained by contacting: Ms. Amy Tracy, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS #3565, Tallahassee, Florida 32399-2400, (850)245-8506.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Amy Tracy at (850)245-8506. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 11, 2009, 9:00 a.m.

PLACE: Gainesville Regional Utilities, 1st Floor, Conference Room, 301 S. E. 4th Avenue, Gainesville, Florida 32601

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Orange Creek Basin (OCB) TMDL Working Group was formed to provide a forum for stakeholders to discuss issues related to the OCB TMDLs, including development, allocation, and implementation of projects that address the TMDLs. The Orange Creek BMAP was adopted on May 15, 2008. Topics for this meeting include discussion of the status of current water quality improvement projects that address adopted TMDLs, annual project reporting required by the BMAP, and Newnans Lake research and proposed water quality improvement activities.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS #3565, Tallahassee, Florida 32399-2400, (850)245-8560.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Mary Paulic at (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 11, 2009, 9:30 a.m.

PLACE: Brevard County Ag Center, 3695 Lake Drive, Cocoa FL 32396

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the first technical meeting for the North Indian River Lagoon (IRL) Basin Management Action Plan (BMAP) to discuss implementation of Total Maximum Daily Loads (TMDLs) in the North IRL basin and its tributaries. The primary topics for discussion are an overview of the TMDL in the North Basin and associated technical issues related to BMAP development.

A copy of the agenda may be obtained by contacting: Ms. Amy Tracy, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS #3565, Tallahassee, Florida 32399-2400, (850)245-8506.

Pursuant to the provisions of 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: Mrs. Amy Tracy at (850)245-8506. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a hearing to which all persons are invited.

DATE AND TIME: October 14, 2009, 2:00 p.m.

PLACE: The Bob Martinez Center, Room 611, 2600 Blair Stone Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and take final action on adoption of the FY 2010 Small Community Wastewater Facilities Grants priority list and management of the FY 2006 Financially Disadvantaged Small Community Grants priority list under Chapter 62-505, Florida Administrative Code

(F.A.C.), and management of the FY 2010 State Revolving Fund priority list for water pollution control loan projects under Chapter 62-503, F.A.C.

New projects which are eligible to receive grants under Chapter 62-505, F.A.C. will be considered for the FY 2010 priority list for use of grant allocation assessment funds available or expected to be available in FY 2010. To be eligible for a grant under this rule. Request for Inclusion form 62-505.900(1) must have been submitted prior to July 1, 2009. Additionally, project sponsors shall be allowed only one open grant in the preconstruction or construction phase at a time. Sponsors with an open grant are not eligible to compete. For construction grants, all documentation required under subsections 62-505.700(1) and (2), F.A.C., shall be complete and approved by the Department by September 1, 2009. To insure facility planning document approval by this date, project sponsors should have submitted planning documentation by June 15, 2009.

Eligible grant amounts may be adjusted for projects already listed on the FY 2006 Financially Disadvantaged Small Community Grants priority list which remain incompletely funded, or which have been closed out.

Pursuant to subsection 62-503.600(4), F.A.C., the Department's funding commitment to projects currently assigned to the water pollution control loan priority list may be withdrawn at the hearing if a local government is delinquent in submitting documents as scheduled. No new projects will be considered for addition to the fundable or contingency portion of the priority list at this hearing.

Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding the lists and any proposed actions. The Department may adopt, modify, or deny the proposed actions at the hearing.

After the hearing, the Department will file the written Record of Final Agency Action. A copy of the Record of Final Agency Action will be made available to persons sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with the Department's Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing.

A copy of the agenda may be obtained by contacting: Gary Powell at the same address as above, or phone (850)245-8358 or e-mail: gary.powell@dep.state.fl.us. The agenda and associated documents will also be available on the Department's web site at <http://internetdev/water/notices.htm> on or before October 7, 2009.

Pursuant to the provisions of 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: Gary Powell at the same address, telephone number

and e-mail address as shown above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, September 22, 2009, 9:30 a.m.,

PLACE: Meet Me Number 1(888)808-6959, Conference Code: 9849329103; Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-4357

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Chiropractic Medicine, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or accessing: www.doh.state.fl.us/mqa/chiro/index.html.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a public meeting to which all persons are invited.

DATES AND TIMES: October 28, 2009, 2:00 p.m.; October 29, 2009, 8:30 a.m.

PLACE: Sandpearl Resort, 500 Mandalay Ave., Clearwater, FL 33767, (727)674-4114

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are

hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474 at least one week prior to the meeting.

The **Board of Dentistry** announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2009, 7:30 a.m.

PLACE: Crowne Plaza Universal, 7800 Universal Blvd., Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474 at least one week prior to the meeting.

The **Board of Hearing Aid Specialists** announces a public meeting to which all persons are invited.

DATES AND TIMES: November 12, 2009, 3:00 p.m. (Reconsiderations); November 13, 2009, 9:00 a.m. (General Business)

PLACE: Crowne Plaza Universal, 7800 Universal Blvd., Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: PCP with Reconsiderations and General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474 at least one week prior to meeting date.

The Florida **Board of Nursing**, North Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 8, 2009, 5:30 p.m. – 7:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Code: 2454640

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Rick García, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Nursing**, South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 16, 2009, 10:00 a.m. – 12:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Code: 2458182

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Rick García, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Opticianry** announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2009, 9:00 a.m.

PLACE: The Greater Ft. Lauderdale, Broward County Convention Center, Rooms #220-221, 1950 Eisenhower Blvd., Ft. Lauderdale, FL 33316, (954)765-5900

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Opticianry 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which records include the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474 at least one week prior to the meeting date.

The **Board of Pharmacy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 8, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be in conjunction with the Rules Committee Meeting and general business will be discussed.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254. The agenda will also be available one week prior to the meeting date at www.doh.state.fl.us/mqa/pharmacy.

For more information, you may contact: Board of Pharmacy at (850)245-4292.

The **Board of Speech-Language Pathology and Audiology** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 17, 2009, 9:00 a.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Pursuant to the provisions of 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: Christy Robinson at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Respiratory Care** announces telephone conference calls to which all interested persons are invited.

DATES AND TIME: February 16, 2010; April 20, 2010; June 15, 2010; August 17, 2010; October 19, 2010; December 14, 2010, 8:30 a.m. or soon thereafter

PLACE: The Meet Me Number may be obtained by contacting the Board office at (850)245-4373, ext. 3467

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255 or by calling the board office at (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Division of Environmental Health**, Bureau of Onsite Sewage Programs announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2009, 1:00 p.m. (EST)
 PLACE: Florida Department of Health, Southwood Complex, Betty Easley Conference Center, 4075 Esplanade Way, Room 180, Tallahassee, FL 32399, Or via conference call: Toll Free Call In Number: 1(888)808-6959, Conference Code: 1454070
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and guide current, proposed, and potential future onsite sewage research projects. This meeting will include a discussion on the Town of Suwannee Research Study and the Florida Nitrogen Reduction Strategies Study. Part of this meeting may be accessible via web conference with details to be posted on the Bureau website: <http://www.doh.state.fl.us/environment/ostds/research/index.html>.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070 or 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 or by 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).

For more information, you may contact: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070 or by e-mail: Susan_Polangin@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services** announces a meeting of the state's Council on Homelessness to which all parties are invited.

DATE AND TIME: October 28, 2009, 9:00 a.m. – 2:00 p.m.
 PLACE: Hilton Airport Westshore, 2225 North Lois Avenue, Tampa, FL 33607-2355, Conference Call: 1(888)808-6959, Code: 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will receive reports and recommendations from its committees for use in developing its annual report. The council will also hear from invited interest groups on issues related to homeless children and criminalization of homeless activities.

A copy of the agenda for the meeting can be obtained from the Office on Homelessness by calling (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: Office on Homelessness, (850)922-4691 at least 48 hours in advance of the meeting.

The **Family Care Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2009, 12:00 Noon
 PLACE: Faith Lutheran Church, 211 Easton Drive, Lakeland, FL 33803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Sara_Howerton@apd.state.fl.us or (863)413-3360.

Pursuant to the provisions of 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: Sara_Howerton@apd.state.fl.us or (863)413-3360. If you are 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: Sara_Howerton@apd.state.fl.us or (863)413-3360.

NOTICE OF CANCELLATION – The **Agency for Persons with Disabilities** announces a workshop to which all persons are invited.

DATE AND TIME: CANCELLATION OF RULE DEVELOPMENT WORKSHOP, September 8, 2009, 6:00 p.m. – 8:00 p.m. (EST)

PLACE: Hillcrest Baptist Church, 800 East Nine Mile Road, Northwest Hall, Pensacola, Florida 32514, ADA Contact: Area 1 Office at (850)595-8351

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule workshop for Rule 65G-11.001, F.A.C., has been cancelled and will be re-scheduled at a later date.

A copy of the agenda may be obtained by contacting: Denise Arnold, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)488-3673.

For more information, you may contact: Denise Arnold, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)488-3673.

The **Developmental Disabilities Prepaid Services**, Study Group announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2009, 1:00 p.m. – 4:00 p.m.
 PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- Presentation from Mr. Phil Blank, Attorney
- Discussion regarding tax implications for Developmental Disabilities Prepaid Services Account
- Recommendations to be made, begin voting process
- Update from State Board of Administration
- Update regarding pertinent Federal legislation – ABLE Account Legislation

A copy of the agenda may be obtained by contacting: Kimberly Copley at (850)487-3763 or by email: Kimberly_Copley@apd.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: Kimberly Copley at (850)487-3763 or by email: Kimberly_Copley@apd.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).

NOTICE OF CHANGE – The Agency for Persons with Disabilities announces a workshop to which all persons are invited.

DATE AND TIMES: September 22, 2009, 1:00 p.m. (EST), Oriented toward providers; 3:00 p.m. (EST), Oriented toward consumers and families

PLACE: The location for this workshop has been changed to: University Area Community Development Corporation, 14013 North 22nd Street, Tampa, Florida 33613, (813)558-5212

GENERAL SUBJECT MATTER TO BE CONSIDERED: A presentation of information about agency goals and initiatives such as CDC+ expansion, the flexible services benefit, and the development of a plan for individual budgeting (iBudget Florida) and opportunity for the public to provide comment. Pursuant to the provisions of 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 the individual or entity listed under “ADA Contact” for each meeting location. If you are 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: Hillary Brazzell at (850)488-4877.

A copy of the agenda may be obtained by contacting: Hilary Brazzell, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)488-4877.

Pursuant to the provisions of 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: Hilary Brazzell, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)488-4877. If you are 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: Hilary Brazzell, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)488-4877.

The **Agency for Persons with Disabilities** announces a workshop to which all persons are invited.

DATE AND TIME: September 22, 2009, 6:00 p.m. – 8:00 p.m. (EST)

PLACE: University Area Community Development Corporation, 14013 North 22nd Street, Tampa, Florida 33616, ADA Contact: Suncoast Region (813)233-4300

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Purpose of the rule development is to solicit public input to be used in developing a rule for the process and procedures for prioritizing the wait list for enrollment on the Developmental Disabilities Home and Community Based Services Waiver. This rule is required to implement statutory language adopted during the 2009 Florida legislative session.

SUBJECT AREA TO BE ADDRESSED: DD/HCBS Waiver Waitlist Prioritization.

RULEMAKING AUTHORITY: 393.065(5), F.S.

LAW IMPLEMENTED: 393.065(5), F.S.

A copy of this agenda will be available on the website: www.apd.myflorida.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: Suncoast Region, Agency for Persons with Disabilities at (813)233-4300. If you are 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: Suncoast Region, Agency for Persons with Disabilities at (813)233-4300.

The **Family Care Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 25, 2009, 10:00 a.m.

PLACE: Visions ADT, 155 US 27 North, Suite 2, Sebring, Florida 33872

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Sara_Howerton@apd.state.fl.us or (863)413-3360.

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: Sara_Howerton@apd.state.fl.us or (863)413-3360.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: September 4, 2009, 10:00 a.m. – until adjourned

PLACE: Telephonic Meeting Call In Number: 1(888)808-6959, Conference Code: 4884197

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of all necessary actions relating to:

- Approval of credit underwriting reports;
- Approval of market studies; and
- Approval to commence rule development to implement the provisions of Chapter 2009-96, Laws of Florida, with regard to Section 420.5087(6)(c) and (l), F.S.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, approximately two days prior to the meeting or by visiting the Corporation's website: www.floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Housing Finance Corporation**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: September 17, 2009, 3:00 p.m. – 6:00 p.m.

PLACE: 301 Senate Office Building, 404 South Monroe Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Florida Housing Finance Corporation's Strategic Plan.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida

32301-1329, (850)488-4197, approximately two days prior to the meeting or by visiting the Corporation's website: www.floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney, Florida Housing Finance Corporation 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Fish and Wildlife Conservation Commission** (FWCC) announces a public meeting to which all persons are invited.

DATE AND TIME: September 15, 2009, 6:00 p.m. – 8:00 p.m. (EDT)

PLACE: Antique Car Museum, 6800 Mahan Drive, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Fish and Wildlife Conservation Commission (FWC), as part of its deer management strategic plan and in response to input received from the public is considering changes to deer hunting zones and seasons. This meeting is being held to invite members of the public to learn about possible changes and share their views with agency staff on this topic.

A copy of the agenda may be obtained by contacting: Cory R. Morea at (850)410-0656, ext. 17256.

Pursuant to the provisions of 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 ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Cory R. Morea at (850)410-0656, ext. 17256.

The **Florida Fish and Wildlife Conservation Commission** (FWCC) announces a public meeting to which all persons are invited.

DATE AND TIME: September 22, 2009, 6:00 p.m. – 8:00 p.m. (EDT)

PLACE: Osceola Heritage Park, Extension Services Building, 1921 Kissimmee Valley Lane, Kissimmee, Florida 34744-8947

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Fish and Wildlife Conservation Commission (FWC), as part of its deer management strategic plan and in response to input received from the public is considering changes to deer hunting zones and seasons. This meeting is being held to invite members of the public to learn about possible changes and share their views with agency staff on this topic.

A copy of the agenda may be obtained by contacting: Cory R. Morea at (850)410-0656, ext. 17256.

Pursuant to the provisions of 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 ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Cory R. Morea at (850)410-0656, ext. 17256.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: September 15, 2009, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Chapter 69O-156, Part 1, Florida Administrative Code, published on June 19, 2009 in Vol. 35, No. 24, Florida Administrative Weekly. A notice of change was published on August 14, 2009, in Vol. 35, No. 32.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

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

For more information, you may contact: Gerry Smith, Office of Insurance Regulation, E-mail: Gerry.Smith@flor.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-156.003 Definitions.

For purposes of this rule:

(1) through (16) No change.

(17) “Pre-Standardized Medicare supplement benefit plan,” “Pre-Standardized benefit plan” or “Pre-Standardized plan” means a group or individual policy of Medicare supplement insurance issued prior to January 1, 1992.

(18) “1990 Standardized Medicare supplement benefit plan,” “1990 Standardized benefit plan” or “1990 plan” means a group or individual policy of Medicare supplement insurance issued on or after January 1, 1992, and with an effective date for coverage prior to June 1, 2010.

(19) “2010 Standardized Medicare supplement benefit plan,” “2010 Standardized benefit plan” or “2010 plan” means a group or individual policy of Medicare supplement insurance with an effective date for coverage on or after June 1, 2010.

(20)(47) “Replacement” is any transaction wherein new Medicare supplement insurance is to be purchased and it is known to the agent, broker or insurer at the time of application that, as a part of the transaction, existing accident and health insurance has been or is to be lapsed or the benefits thereof substantially reduced.

(21)(48) “Secretary” means the Secretary of the United States Department of Health and Human Services.

Rulemaking Specific Authority 624.308(1), 627.674(2), 627.6741(5) FS. Law Implemented 624.307(1), 627.674, 627.6741 FS. History—New 1-1-81, Formerly 4-51.03, Amended 11-7-88, 9-4-89, 12-9-90, Formerly 4-51.003, Amended 1-1-92, 7-14-96, 7-26-99, 3-4-01, Formerly 4-156.003, Amended 9-15-05,_____.

69O-156.005 Policy Provisions.

(1) Except for permitted preexisting condition clauses as described in paragraphs 69O-156.006(1)(b), ~~and~~ 69O-156.007(1)(a) and 69O-156.0075(1)(a), F.A.C., of this chapter, no policy or certificate may be advertised, solicited or issued for delivery in this State as a Medicare supplement policy if such policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare.

(2) through (4) No change.

Rulemaking Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.674(2) FS. History—New 1-1-81, Formerly 4-51.04, Amended 9-4-89, Formerly 4-51.004, Amended 1-1-92, Formerly 4-156.005, Amended 9-15-05,_____.

69O-156.006 Minimum Benefit Standards for Pre-Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery Prior to January 1, 1992.

As it relates to Pre-Standardized Medicare Supplement Benefit Plan Policies or certificates issued for delivery prior to January 1, 1992, nNo policy or certificate may be advertised, solicited, issued, delivered or issued for delivery in this State as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are

minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(a) Medicare supplement coverage shall provide at least, but not be limited to, the benefits provided in Section 627.674, F.S.

(b) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.

(c) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(d) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible, ~~amount and copayment, or coinsurance amounts~~ ~~percentage factors~~. Premiums may be modified to correspond with such changes. ~~However, the changes and corresponding~~ The premium changes ~~charges~~ must be submitted to and approved by the Office pursuant to Sections 627.410, 627.411 and 627.674, F.S.

(e) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement policy shall not:

1. Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium; or

2. Be cancelled or nonrenewed by the issuer solely on the grounds of deterioration of health.

(f) ~~1. Except as authorized by the Office, a~~ An issuer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

2.a. If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in subparagraph 69O-156.006(1)(f)4., F.A.C., the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:

(I) An individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and

(II) An individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in subsection ~~69O-156.0075(2), 69O-156.008(5)(a) or (b)~~, F.A.C.

b. In either case, if the group policy was issued on an issue age basis, the individual Medicare supplement policy is issued at the original issue age of the terminated certificateholder, and is at the duration of the terminated certificate at the time of conversion.

3. If membership in a group is terminated, the issuer shall:

a. Offer the certificateholder such conversion opportunities as are described in subparagraph 69O-156.006(1)(f)2., F.A.C.; or

b. At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

4.a. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding issuer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

b. If the terminated group policy was issued on an issue age basis and the policy reserves are transferred to the new insurer, the new group certificates shall retain the original issue ages of the insureds and shall commence at the same duration as the terminated certificates.

(g) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(h) If a Medicare supplement policy eliminates an outpatient drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this subsection.

(2) No change.

~~Rulemaking Specific~~ Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.411, 627.674, 627.6741 FS. History--New 1-1-81, Formerly 4-51.05, Amended 9-4-89, 12-9-90, Formerly 4-51.005, Amended 1-1-92, 3-4-01, 3-31-02, Formerly 4-156.006, Amended 9-15-05, _____.

69O-156.007 Benefit Standards for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued or Delivered on or After January 1, 1992, and with an Effective Date for Coverage Prior to June 1, 2010.

The following standards are applicable to all 1990 standardized Medicare supplement benefit plan policies or certificates delivered or issued for delivery in this state on or after January 1, 1992, and with an effective date for coverage prior to June 1, 2010. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(a) through (b) No change.

(c) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible, ~~amount and copayment, or coinsurance amounts, percentage factors.~~ Premiums may be modified to correspond with such changes. The premium changes must be submitted to and approved by the Office pursuant to Sections 627.410, ~~and~~ 627.411 and 627.674, F.S.

(d) through (g) No change.

(h) If an issuer makes a written offer to the Medicare Supplement policyholders or certificateholders of one or more of its plans, to exchange during a specified period from his or her 1990 Standardized benefit plan, as described in Rule 69O-156.008, F.A.C., to a 2010 Standardized benefit plan, as described in Rule 69O-156.0085, F.A.C., the offer and subsequent exchange shall comply with the following requirements:

1. An issuer need not provide justification to the Office if the insured replaces a 1990 Standardized benefit plan policy or certificate with an issue age rated 2010 Standardized benefit plan policy or certificate at the insured's original issue age and duration. If an insured's policy or certificate to be replaced is priced on an issue age rate schedule at the time of such offer, the rate charged to the insured for the new exchanged policy shall recognize the policy reserve buildup, due to the pre-funding inherent in the use of an issue age rate basis, for the benefit of the insured. The method proposed to be used by an issuer must be submitted to and approved by the Office pursuant to Sections 627.410, 627.411 and 627.674, F.S.

2. The rating class of the new policy or certificate shall be the class closest to the insured's class of the replaced coverage.

3. An issuer may not apply new preexisting condition limitations or a new incontestability period to the new policy for those benefits contained in the exchanged 1990 Standardized benefit plan policy or certificate of the insured, but may apply preexisting condition limitations of no more

than six (6) months to any added benefits contained in the new 2010 Standardized benefit plan policy or certificate not contained in the exchanged policy.

4. The new policy or certificate shall be offered to all policyholders or certificateholders within a given plan, except where the offer or issue would be in violation of state or federal law.

(2) No change.

(3) Standards for Additional Benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by Rule 69O-156.008, F.A.C.

(a) through (h) No change.

(i) 1. Preventive Medical Care Benefit: Coverage for the following preventive health services not covered by Medicare:

i. ~~1.~~ An annual clinical preventive medical history and physical examination that may include tests and services from sub-subparagraph ~~subparagraph~~ 69O-156.007(3)(i)1.ii., ~~69O-156.007(3)(i)2.,~~ F.A.C., and patient education to address preventive health care measures.

ii. ~~2.~~ Preventive screening tests or preventive services, the selection and frequency of which is determined to be medically appropriate by the attending physician.

2. ~~3~~ Reimbursement shall be for the actual charges up to one hundred percent (100%) of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of one hundred twenty dollars (\$120) annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

(j) No change.

(4) No change.

Rulemaking Specific Authority 624.308, 627.674(2)(a) FS. Law Implemented 624.307(1), 627.410, 627.674, 627.6741 FS. History--New 1-1-92, Amended 7-26-99, 3-4-01, 3-31-02, Formerly 4-156.007, Amended 9-15-05, _____.

69O-156.0075 Benefit Standards for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery with an Effective Date for Coverage on or After June 1, 2010.

The following standards are applicable to all 2010 Standardized Medicare supplement policies or certificates delivered or issued for delivery in this state with an effective date for coverage on or after June 1, 2010. No policy or certificate may be advertised, solicited, delivered, or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards. No issuer may offer any 1990 Standardized Medicare supplement benefit plan for sale on or after June 1, 2010. Benefit standards applicable to Medicare supplement policies and certificates

issued with an effective date for coverage prior to June 1, 2010, remain subject to the requirements of Rules 69O-156.006, 69O-156.007, and 69O-156.008, F.A.C.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this rule.

(a) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.

(b) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(c) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible, co-payment, or coinsurance amounts. Premiums may be modified to correspond with such changes. The premium changes must be submitted to and approved by the Office pursuant to Sections 627.410, 627.411, and 627.674, F.S.

(d) No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(e) Each Medicare supplement policy shall be guaranteed renewable.

1. The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual.

2. The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation.

3.a. If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under subparagraph 69O-156.0075(1)(e)5., F.A.C., the issuer shall offer certificateholders an individual Medicare supplement policy which, at the option of the certificateholder:

(I) Provides for continuation of the benefits contained in the group policy; or

(II) Provides for benefits that otherwise meet the requirements of this rule.

b. In either case, if the group policy was issued on an issue age basis, the individual Medicare supplement policy is issued at the original issue age of the terminated certificateholder, and is at the duration of the terminated certificate at the time of conversion.

4. If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:

a. Offer the certificateholder the conversion opportunity described in subparagraph 69O-156.0075(1)(e)3., F.A.C.; or

b. At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

5.a. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

b. If the terminated group policy was issued on an issue age basis and the policy reserves are transferred to the new insurer, the new group certificates shall retain the original issue ages of the insureds and shall commence at the same duration as the terminated certificates.

6. If an individual Medicare supplement policy/certificate is issued to replace an existing issue age rated policy/certificate of the same insurer, the replacing policy/certificate shall be issued at the original issue age of the policyholder/certificateholder, and is at the duration of the terminated policy/certificate at the time of replacement.

(f) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(g)1. A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed twenty-four (24) months) in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of the policy or certificate within ninety (90) days after the date the individual becomes entitled to assistance.

2. If suspension occurs and if the policyholder or certificateholder loses entitlement to medical assistance, the policy or certificate shall be automatically reinstated (effective as of the date of termination of entitlement) as of the termination of entitlement if the policyholder or certificateholder provides notice of loss of entitlement within

ninety (90) days after the date of loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.

3. Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for any period that may be provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226 (b) of the Social Security Act and is covered under a group health plan (as defined in Section 1862 (b)(1)(A)(v) of the Social Security Act). If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy shall be automatically reinstated (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within ninety (90) days after the date of the loss and pays the premium attributable to the period, effective as of the date of termination of enrollment in the group health plan.

4. Reinstatement of coverages as described in Subparagraphs 2. and 3.:

1. Shall not provide for any waiting period with respect to treatment of preexisting conditions;

2. Shall provide for resumption of coverage that is substantially equivalent to coverage in effect before the date of suspension; and

3. Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.

(2) Standards for Basic (Core) Benefits Common to Medicare Supplement Insurance Benefit Plans A, B, C, D, F, F with High Deductible, G, M, and N. Every issuer of Medicare supplement insurance benefit plans shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic core package, but not in lieu of it.

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(b) Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;

(c) Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of one hundred percent (100%) of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of

an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

(d) Coverage under Medicare Parts A and B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;

(e) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the co-payment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible;

(f) Hospice Care: Coverage of cost sharing for all Part A Medicare eligible hospice care and respite care expenses.

(3) Standards for Additional Benefits. The following additional benefits shall be included in Medicare supplement benefit Plans B, C, D, F, F with High Deductible, G, M, and N as provided by Rule 69O-156.0085, F.A.C.

(a) Medicare Part A Deductible: Coverage for one hundred percent (100%) of the Medicare Part A inpatient hospital deductible amount per benefit period.

(b) Medicare Part A Deductible: Coverage for fifty percent (50%) of the Medicare Part A inpatient hospital deductible amount per benefit period.

(c) Skilled Nursing Facility Care: Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A.

(d) Medicare Part B Deductible: Coverage for one hundred percent (100%) of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

(e) One Hundred Percent (100%) of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare Part B charges as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(f) Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for eighty percent (80%) of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first sixty (60) consecutive days of each trip outside the United States, subject to a calendar year deductible of \$250, and a lifetime maximum benefit of \$50,000. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.

Rulemaking Authority 624.308, 627.674(2)(a) FS. Law Implemented 624.307(1), 627.410, 627.674, 627.6741 FS. History—New

690-156.008 Standard Medicare Supplement Benefit Plans for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery on or After January 1, 1992, and with an Effective Date for Coverage Prior to June 1, 2010.

The following applies to all 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates issued for delivery on or after January 1, 1992, and with an effective date for coverage prior to June 1, 2010.

(1) through (4) No change.

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

(d) Standardized Medicare supplement benefit plan “D” shall include only the following: The Core Benefit (as defined in subsection paragraphs 690-156.007(2)(a), (b), (h) and (j), F.A.C., of this rule), plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Medically Necessary Emergency Care in a Foreign Country and the At-Home Recovery Benefit as defined in paragraphs 690-156.007(2)(a), (b), (h) and (j), F.A.C., respectively.

(e) through (l) No change.

(6) through (7) No change.

Rulemaking Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.674, 627.6741 FS. History—New 1-1-92, Amended 12-17-96, 7-26-99, Formerly 4-156.008, Amended 9-15-05, _____.

690-156.0085 Standard Medicare Supplement Benefit Plans for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery with an Effective Date for Coverage on or After June 1, 2010.

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state with an effective date for coverage on or after June 1, 2010. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit plan standards. Benefit plan standards applicable to Medicare supplement policies and certificates issued with an effective date for coverage before June 1, 2010, remain subject to the requirements of Rules 690-156.006, 690-156.007, and 690-156.008, F.A.C.

(1)(a) An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic (core) benefits, as defined in subsection 690-156.0075(2), F.A.C.

(b) If an issuer makes available any of the additional benefits described in subsection 690-156.0075(3), F.A.C., or offers standardized benefit Plans K or L as described in paragraphs 690-156.0085(5)(h) and (i), F.A.C., then the issuer shall make available to each prospective policyholder and

certificateholder, in addition to a policy form or certificate form with only the basic (core) benefits as described in paragraph (1)(a) above, a policy form or certificate form containing either standardized benefit Plan C as described in paragraph 690-156.0085(5)(c), F.A.C., or standardized benefit Plan F as described in paragraph 690-156.0085(5)(e), F.A.C.

(2) No groups, packages or combinations of Medicare supplement benefits other than those listed in this rule shall be offered for sale in this state, except as may be permitted in subsections 690-156.0085(6) and 690-156.030, F.A.C.

(3)(a) Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans listed in this Subsection and as provided in Form OIR-B2-MS2 (05/09), “Outline of Coverage, Benefit Plans, Benefit Chart of Medicare Supplement Plans Sold on or After June 1, 2010”, and shall conform to the definitions in Rule 690-156.003, F.A.C.

(b) Form OIR-B2-MS2 (05/09), “Outline of Coverage, Benefit Plans, Benefit Chart of Medicare Supplement Plans Sold on or After June 1, 2010”, is hereby adopted and incorporated by reference, and is available and may be printed from the Office’s website: <http://www.flor.com>, by entering the form number in the search screen.

(c) Each benefit shall be structured in accordance with the format provided in subsections 690-156.0075(2) and 690-156.0075(3), F.A.C.; or, in the case of plans K or L, in paragraph 690-156.0085(5)(h) or 690-156.0085(5)(i), F.A.C. and list the benefits in the order shown. For purposes of this Section, “structure, language, and format” means style, arrangement and overall content of a benefit.

(4) In addition to the benefit plan designations required in subsection 690-156.0085(3), F.A.C., an issuer may use other designations to the extent permitted by law.

(5) Make-up of 2010 Standardized Benefit Plans:

(a) Standardized Medicare supplement benefit Plan A shall include only the following: The basic (core) benefits as defined in subsection 690-156.0075(2), F.A.C.

(b) Standardized Medicare supplement benefit Plan B shall include only the following: The basic (core) benefit as defined in subsection 690-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible as defined in paragraph 690-156.0075(3)(a), F.A.C.

(c) Standardized Medicare supplement benefit Plan C shall include only the following: The basic (core) benefit as defined in subsection 690-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, one hundred percent (100%) of the Medicare Part B deductible, and medically necessary emergency care in a foreign country as defined in paragraphs 690-156.0075(3)(a), (c), (d), and (f), F.A.C., respectively.

(d) Standardized Medicare supplement benefit Plan D shall include only the following: The basic (core) benefit, as defined in subsection 690-156.0075(2), F.A.C., plus one

hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(a), (c), and (f), F.A.C., respectively.

(e) Standardized Medicare supplement [regular] Plan F shall include only the following: The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible, the skilled nursing facility care, one hundred percent (100%) of the Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(a), (c), (d), (e), and (f), F.A.C., respectively.

(f) Standardized Medicare supplement Plan F With High Deductible shall include only the following: one hundred percent (100%) of covered expenses following the payment of the annual deductible set forth in Subparagraph 2. below.

1. The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, one hundred percent (100%) of the Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(a), (c), (d), (e), and (f), F.A.C., respectively.

2. The annual deductible in Plan F With High Deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by [regular] Plan F, and shall be in addition to any other specific benefit deductibles. The basis for the deductible shall be \$1,500 and shall be adjusted annually from 1999 by the Secretary of the U.S. Department of Health and Human Services to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of ten dollars (\$10).

(g) Standardized Medicare supplement benefit Plan G shall include only the following: The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(a), (c), (e), and (f), F.A.C., respectively.

(h) Standardized Medicare supplement Plan K is mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003, and shall include only the following:

1. Part A Hospital Coinsurance 61st through 90th days: Coverage of one hundred percent (100%) of the Part A hospital coinsurance amount for each day used from the 61st through the 90th day in any Medicare benefit period;

2. Part A Hospital Coinsurance. 91st through 150th days: Coverage of one hundred percent (100%) of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the 91st through the 150th day in any Medicare benefit period;

3. Part A Hospitalization After 150 Days: Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of one hundred percent (100%) of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

4. Medicare Part A Deductible: Coverage for fifty percent (50%) of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in Subparagraph 10.;

5. Skilled Nursing Facility Care: Coverage for fifty percent (50%) of the coinsurance amount for each day used from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A until the out-of-pocket limitation is met as described in Subparagraph 10.;

6. Hospice Care: Coverage for fifty percent (50%) of cost sharing for all Part A Medicare eligible expenses and respite care until the out-of-pocket limitation is met as described in Subparagraph 10.;

7. Blood: Coverage for fifty percent (50%), under Medicare Part A or B, of the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations until the out-of-pocket limitation is met as described in Subparagraph 10.;

8. Part B Cost Sharing: Except for coverage provided in Subparagraph (i), coverage for fifty percent (50%) of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Part B deductible until the out-of-pocket limitation is met as described in Subparagraph 10.;

9. Part B Preventive Services: Coverage of one hundred percent (100%) of the cost sharing for Medicare Part B preventive services after the policyholder pays the Part B deductible; and

10. Cost Sharing After Out-of-Pocket Limits: Coverage of one hundred percent (100%) of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of \$4000 in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the U.S. Department of Health and Human Services.

(i) Standardized Medicare supplement Plan L is mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003, and shall include only the following:

1. The benefits described in subparagraphs 69O-156.0085(5)(h)1., 2., 3., and 9., F.A.C.;

2. The benefit described in subparagraphs 69O-156.0085(5)(h)4., 5., 6., 7., and 8., F.A.C., but substituting seventy-five percent (75%) for fifty percent (50%); and

3. The benefit described in subparagraph 69O-156.0085(5)(h)10., F.A.C., but substituting \$2000 for \$4000.

(j) Standardized Medicare supplement Plan M shall include only the following: The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus fifty percent (50%) of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(b), (c), and (f), F.A.C., respectively.

(k) Standardized Medicare supplement Plan N shall include only the following: The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(a), (c) and (f), F.A.C., respectively, with co-payments in the following amounts:

1. The lesser of twenty dollars (\$20) or the Medicare Part B coinsurance or co-payment for each covered health care provider office visit (including visits to medical specialists); and

2. The lesser of fifty dollars (\$50) or the Medicare Part B coinsurance or co-payment for each covered emergency room visit, however, this co-payment shall be waived if the insured is admitted to any hospital and the emergency visit is subsequently covered as a Medicare Part A expense.

(6) New or Innovative Benefits: An issuer may, with the prior approval of the Office, offer policies or certificates with new or innovative benefits, in addition to the standardized benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits shall include only benefits that are appropriate to Medicare supplement insurance, are new or innovative, are not otherwise available, and are cost-effective. Approval of new or innovative benefits must not adversely impact the goal of Medicare supplement simplification. New or innovative benefits shall not include an outpatient prescription drug benefit. New or innovative benefits shall not be used to change or reduce benefits, including a change of any cost-sharing provision, in any standardized plan.

Rulemaking Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.674, 627.6741 FS. History—New _____.

69O-156.0095 Guaranteed Issue for Eligible Persons.

(1) No change.

(2) Eligible Persons. An eligible person is an individual described in any of the following paragraphs:

(a) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare, which plan terminates or ceases to provide at least the minimum benefits as provided under a Medicare supplement plan “A” as defined in subsection 69O-156.0085(1), F.A.C., of the supplemental health benefits to the individual;

(b) through (g) No change.

(3) through (6) No change.

Rulemaking Specific Authority 624.308, 627.674(2), 627.6741(5) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 7-26-99, Amended 3-4-01, 3-31-02, Formerly 4-156.0095, Amended 9-15-05, _____.

69O-156.011 Loss Ratio Standards and Refund or Credit of Premium.

(1) Loss Ratio Standards.

(a) through (d) No change.

(e) For the purposes of this rule, the term “pre-standardized business” shall include:

1. All Medicare Supplement policies and certificates which do not comply with the benefit requirements for standardized policies as defined in Rule 69O-156.008 or 69O-156.0085, F.A.C., and

2. All policies and certificates which were marketed and issued as Medicare Supplement policies, and which have been redefined as limited benefit policies.

(f) No change.

(2) Refund or Credit Calculation.

(a)1. No change.

2. Forms OIR-B2-MSB-I (Rev. 06/09 7/02), OIR-B2-MSB-G (Rev. 06/09 7/02), and OIR-B2-MSR (Rev. 7/02) are hereby adopted and incorporated by reference. Copies of forms are available and may be printed from the Office’s website: <http://www.floridefs.com/>, by entering the form number in the search screen.

3. Filings shall be submitted electronically to <https://iportal.fldfs.com>.

(b) through (c) No change.

(3) Annual Filing of Premium Rates.

(a)1. An issuer of Medicare supplement policies and certificates issued before or after January 1, 1992, shall file annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the Department in accordance with Sections 627.410, 627.411, and 627.6745, F.S.

2. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude the change in active life reserves as a component of incurred claims or earned premiums. A projected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three (3) years.

- (b) through (c) No change.
- (4) No change.

Rulemaking Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 1-1-92, Amended 7-14-96, 12-17-96, 7-26-99, 3-4-01, 12-9-02, 6-19-03, Formerly 4-156.011, Amended 9-15-05,_____.

690-156.012 Filing and Approval of Policies and Certificates and Premium Rates.

- (1) through (2) No change.
- (3)(a) through (c) No change.

(d) Acceptable rate classification criteria within a form include only age, gender, area and smoker status or tobacco usage.

- (4) No change.
- (5)(a) Except as provided in paragraph 690-156.012(5)(b), F.A.C., the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in Rule 690-156.011, F.A.C., and for all other rating purposes. The issue date of a standard Medicare supplement benefit plan is not a basis to separate experience of two or more plans of the same plan letter.

(b) Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

Rulemaking Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.674 FS. History—New 1-1-92, Amended 7-14-96, 3-4-01, Formerly 4-156.012, Amended 9-15-05,_____.

690-156.020 Prohibition Against Use of Genetic Information and Requests for Genetic Testing.

This rule applies to all policies and certificates with policy years beginning on or after May 21, 2009.

- (1) An issuer of a Medicare supplement policy or certificate:
 - (a) Shall not deny or condition the issuance or effectiveness of the policy or certificate (including the imposition of any exclusion of benefits under the policy based on a preexisting condition) on the basis of the genetic information with respect to such individual; and

(b) Shall not discriminate in the pricing of the policy or certificate (including the adjustment of premium rates) of an individual on the basis of the genetic information with respect to such individual.

(2) Nothing in subsection 690-156.020(1), F.A.C., shall be construed to limit the ability of an issuer, to the extent otherwise permitted by law, from:

(a) Denying or conditioning the issuance or effectiveness of the policy or certificate or increasing the premium for a group based on the manifestation of a disease or disorder of an insured or applicant; or

(b) Increasing the premium for any policy issued to an individual based on the manifestation of a disease or disorder of an individual who is covered under the policy (in such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the group).

(3) An issuer of a Medicare supplement policy or certificate shall not request or require an individual or a family member of such individual to undergo a genetic test.

(4) Subsection 690-156.020(3), F.A.C., shall not be construed to preclude an issuer of a Medicare supplement policy or certificate from obtaining and using the results of a genetic test in making a determination regarding payment (as defined for the purposes of applying the regulations promulgated under part C of title XI and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) and consistent with subsection 690-156.020(1), F.A.C.

(5) For purposes of carrying out subsection 690-156.020(4), F.A.C., an issuer of a Medicare supplement policy or certificate may request only the minimum amount of information necessary to accomplish the intended purpose.

(6) Notwithstanding subsection 690-156.020(3), F.A.C., an issuer of a Medicare supplement policy may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

(a) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

(b) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that:

- 1. Compliance with the request is voluntary; and
- 2. Non-compliance will have no effect on enrollment status or premium or contribution amounts.

(c) No genetic information collected or acquired under this Subsection shall be used for underwriting, determination of eligibility to enroll or maintain enrollment status, premium rates, or the issuance, renewal, or replacement of a policy or certificate.

(d) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this Subsection, including a description of the activities conducted.

(e) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this Subsection.

(7) An issuer of a Medicare supplement policy or certificate shall not request, require, or purchase genetic information for underwriting purposes.

(8) An issuer of a Medicare supplement policy or certificate shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the policy in connection with such enrollment.

(9) If an issuer of a Medicare supplement policy or certificate obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of subsection 69O-156.020(8), F.A.C., if such request, requirement, or purchase is not in violation of subsection 69O-156.020(7), F.A.C.

(10) For the purposes of this Section only:

(a) "Issuer of a Medicare supplement policy or certificate" includes third-party administrator, or other person acting for or on behalf of such issuer.

(b) "Family member" means, with respect to an individual, any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual.

(c) "Genetic information" means, with respect to any individual, information about such individual's genetic tests, the genetic tests of family members of such individual, and the manifestation of a disease or disorder in family members of such individual. Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual. Any reference to genetic information concerning an individual or family member of an individual who is a pregnant woman, includes genetic information of any fetus carried by such pregnant woman, or with respect to an individual or family member utilizing reproductive technology, includes genetic information of any embryo legally held by an individual or family member. The term "genetic information" does not include information about the sex or age of any individual.

(d) "Genetic services" means a genetic test, genetic counseling (including obtaining, interpreting, or assessing genetic information), or genetic education.

(e) "Genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detect genotypes, mutations, or chromosomal changes. The term "genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

(f) "Underwriting purposes" means:

1. Rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the policy;

2. The computation of premium or contribution amounts under the policy;

3. The application of any preexisting condition exclusion under the policy; and

4. Other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

Rulemaking Authority 627.674 FS. Law Implemented 627.6741 FS. History--New _____.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology** announces a public meeting to which all persons are invited.

DATE AND TIME: August 31, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: R. A Gray Building, Auditorium, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide centralized, coordinated communication and feedback across state entities regarding enterprise Information Technology initiatives.

A copy of the meeting agenda will be available in the Open Government – Public Meetings section of AEIT's website on August 21, 2009.

A copy of the agenda may be obtained by contacting: Dawn Creamer, Agency for Enterprise Information Technology, email: dawn.creamer@aeit.myflorida.com or (850)922-7502.

The **Agency for Enterprise Information Technology**, Chief Information Officers Council Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 1, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Bryant Bldg., 620 South Meridian Street, Room 272, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Lauren Pope, Florida Fish and Wildlife Conservation Commission, Office of Information Technology at Lauren.Pope@MyFWC.com or (850)414-2870.

Pursuant to the provisions of 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: Lauren Pope. If you are 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 **Agency for Enterprise Information Technology**, Chief Information Officers Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 21, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Lauren Pope, Florida Fish and Wildlife Conservation Commission, Office of Information Technology at Lauren.Pope@MyFWC.com or (850)414-2870.

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

FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 9, 2009, 10:00 a.m.

PLACE: Radey Thomas Yon & Clark, PA, 301 S. Bronough Street, Suite 200, Tallahassee, Florida 32301. Telephonically: 1(888)894-8625, Conference Code: 5616697765

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is for the RFA Selection Committee to formulate a recommendation to the Board of Governors regarding applications for the Alvin E. Smith Safety of Health Care Services Grant Program, RFA #2009-01.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 9, 2009, 3:00 p.m.
PLACE: Radey Thomas Yon & Clark, PA, 301 S. Bronough Street, Suite 200, Tallahassee, Florida 32301. Telephonically: 1(888)894-8625, Conference Code: 5616697765

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Governors will receive and consider recommendations by the RFA Selection Committee regarding the Alvin E. Smith Safety of Health Care Services Grant Program, RFA #2009-01.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

ASSOCIATION OF FLORIDA CONSERVATION DISTRICTS

The **Orange Hill Soil and Water Conservation District** announces a workshop to which all persons are invited.

DATE AND TIME: September 8, 2009, 8:30 a.m.

PLACE: 1424 West Jackson Avenue, Suite D, Chipley, FL 32428

GENERAL SUBJECT MATTER TO BE CONSIDERED: Supervisor Training.

A copy of the agenda may be obtained by contacting: Michelle Thatcher at (407)310-1744.

TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY

The **Treasure Coast Education, Research and Development Authority** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, September 3, 2009, 8:00 a.m.

PLACE: Room 100, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Orientation Session for new members of the Treasure Coast Education, Research and Development Authority.

A copy of the agenda may be obtained by contacting: Treasure Coast Education, Research and Development Authority ("Authority") at (772)467-3107.

Pursuant to the provisions of 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 Authority at (772)467-3107. If you are 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 Conceptual Design/Infrastructure Committee of the **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 3, 2009, 10:00 a.m.

PLACE: Room 100, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of the August 6, 2009 Meeting, reports, comments and recommendations of the Executive Director, and such other business as the Authority may deem appropriate.

A copy of the agenda may be obtained by contacting: Treasure Coast Education, Research and Development Authority ("Authority") at (772)467-3107.

Pursuant to the provisions of 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 Authority at (772)467-3107. If you are 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 **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 3, 2009, 1:00 p.m.

PLACE: Room 219 West, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of the August 6, 2009 meeting, committee reports and such other business as the Authority may deem appropriate.

A copy of the agenda may be obtained by contacting: Treasure Coast Education, Research and Development Authority ("Authority") at (772)467-3107.

Pursuant to the provisions of 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 Authority at (772)467-3107. If you are 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.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriting Association, Inc.**, Board of Governors announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 9, 2009, 8:30 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include approval of minutes; legislative update; meeting schedule; Bylaws; 401K; operations report; financial report; and committee reports on: 2010 reinsurance program goals & market strategy; reinsurance intermediary confirmation; commutation matters; preliminary 2010 business plan & forecast; disaster recovery matters; travel policy; service provider audit results; employee benefits; budget expense considerations; Section 627.311(5)(t), Florida Statutes; 2009 loss ratio selection; confirmation of actuary; policyholder dividend matters; review of rates, rating plans & policy forms and associated matters to include application forms; Operations Manual; forms associated with agency authorization process; Agency Producer Agreement; revocation/suspension rules; on-line application process; compliance review of the current investment portfolio; review of policy and guidelines for the investment of assets and associated matters; Audit Committee Charter procedures checklist; federal tax matters; and executive compensation.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

ST. LUCIE TRANSPORTATION PLANNING ORGANIZATION

The **Local Coordinating Board for the Transportation Disadvantaged** (LCB) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 9, 2009, 2:00 p.m.
PLACE: St. Lucie County BOCC Chambers, 2300 Virginia Avenue, Fort Pierce, FL 34982

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual public hearing and regular meeting of the Local Coordinating Board for the Transportation Disadvantaged (LCB).

A copy of the agenda may be obtained by contacting: Marceia Lathou, Senior Planner at (772)462-1593.

Pursuant to the provisions of 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 St. Lucie County Community Services Director at (772)462-1777. If you are 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: Marceia Lathou, Senior Planner, St. Lucie TPO, 2300 Virginia Avenue, Fort Pierce, FL 34982, (772)462-1593.

FLORIDA ASSOCIATION OF COMMUNITY COLLEGES

The **Florida Community Colleges**, Council of Presidents announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2009, 8:00 a.m.
PLACE: International Plaza, 10100 International Drive, Orlando, Florida 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to Florida's public state and community colleges.

A copy of the agenda may be obtained by contacting: Tina Ingramm at (850)222-3222.

FLORIDA PORTS COUNCIL

The **Florida Seaport Transportation and Economic Development Council** (FSTED) Project Review Group announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, September 11, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Teleconference Call In Number: (850)410-5666; the teleconference will take place in the FDOT Burns Building, Suwannee Room, 2nd Floor, for those who would like to attend in person

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.

FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION

The **First Florida Governmental Financing Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 11, 2009, 11:00 a.m.
PLACE: Second Floor, Conference Room, City Hall, City of Hollywood, 2600 Hollywood Blvd., Hollywood, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of Commission Representatives.

A copy of the agenda may be obtained by contacting: Richard C. Dowdy, Executive Director at (850)878-1874 or email: ffgfc@embarqmail.com.

NATIONAL COUNCIL ON COMPENSATION INSURANCE

The **Florida Workers Compensation Appeals Board** announces a public meeting to which all persons are invited.

DATE AND TIME: September 15, 2009, 10:00 a.m.
PLACE: Hyatt Hotel-Orlando Airport, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Process is to review the application or interpretation of NCCI manual rules (including but not limited to class codes, experience rating, etc.).

For more information, you may contact: Maureen Longanacre, NCCI, Inc. at (337)462-3328.

JUSTICE ADMINISTRATIVE COMMISSION

The **Justice Administrative Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: September 15, 2009, 10:00 a.m. (EST)

PLACE: 227 N. Bronough Street, Suite 2100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Jessica Kranert at 1(866)355-7902, ext. 261.

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

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Budget Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, September 15, 2009, 2:00 p.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed 2010 FLSLO Budget.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.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 7 days before the workshop/meeting by contacting: Georgie Barrett at 1(800)562-4496, ext. 101. If you are 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 Surplus Lines Service Office**, Budget Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, September 17, 2009, 10:00 a.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed 2010 FLSLO Budget.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.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 7 days before the workshop/meeting by contacting: Georgie Barrett at 1(800)562-4496, ext. 101. If you

are 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 Surplus Lines Service Office**, Board of Governors' announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, September 22, 2009, 2:00 p.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed 2010 FLSLO Budget.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.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 7 days before the workshop/meeting by contacting: Georgie Barrett at 1(800)562-4496, ext. 101. If you are 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 Surplus Lines Service Office**, Board of Governors' announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, September 24, 2009, 10:00 a.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed 2010 FLSLO Budget.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.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 7 days before the workshop/meeting by contacting: Georgie Barrett at 1(800)562-4496, ext. 101. If you are 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 Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 21, 2009, 9:00 a.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the FLSLO Board of Governors'. General business matters to be discussed.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.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 7 days before the workshop/meeting by contacting: Georgie Barrett at 1(800)562-4496, ext. 101. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

SOIL AND WATER CONSERVATION DISTRICTS

The **South Dade Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: September 17, 2009, 9:30 a.m.

PLACE: USDA Service Center, 1450 N. Krome Ave., Florida City, FL 33031

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular agenda items for presentation to Board of Supervisors: District, Nursery BMP, MIL reports & projects.

A copy of the agenda may be obtained by contacting: Norma H. Wilson, Administrative Assistant at (305)242-1288.

Pursuant to the provisions of 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 Levy, Administrator at (305)242-1288. If you are 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 Developmental Disabilities Council, Inc.** announces a public meeting to which all persons are invited.

DATES AND TIMES: September 24, 2009, 8:30 a.m. – 6:30 p.m., Committee Meetings; September 25, 2009, 8:30 a.m. – 2:30 p.m., Full Council Meeting

PLACE: Celebration Hotel - Orlando, 700 Bloom Street, Celebration, Florida 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and Full Council meetings. *Please Note* Meeting times are subject to change.

To receive a copy of the agenda, or request special accommodations for participation in the meeting, please contact: Debra Dowds, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981, or call toll free 1(800)580-7801, Local (850)488-4180, or TDD Toll Free: 1(888)488-8633.

Pursuant to the provisions of 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: Debra Dowds. If you are 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: Debra Dowds.

**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."

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT the State Board of Administration has received the petition for declaratory statement from Carol Kudlesky. The petition seeks the agency's opinion as to the applicability of Section 121.4501(4), F.S., Final Order 2008-1139, DCA Case #1D08-5740 as it applies to the petitioner.

Petitioner seeks the State Board's opinion that the Final Order and the appellate case were incorrectly decided in her situation, that the State Board unconstitutionally applied Section 121.4501(4), F.S., and that she is entitled to revoke her investment plan election.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32303, (850)413-1197.

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 declined to rule on the petition for declaratory statement filed by Joseph E. Adams, Esq., In Re: St. Kitts Condominium Association, Inc. on April 22, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Petitioner withdrew its Petition for Declaratory Statement.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by George Perry, Petitioner/Unit Owner, In Re: Gulf Stream Condominium Association, Inc., on April 6, 2009. The following is a summary of the agency's declination of the petition:

The division declined to enter a declaratory statement because the division may not enter a declaratory statement regarding facts that have already occurred; or when the division has not been provided the governing documents for review.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Vince Rhodes, Petitioner, In Re: Rhodes Marine Sales on May 7, 2009. The following is a summary of the agency's declination of the petition:

The division declined to issue a declaratory statement because a declaratory statement cannot be issued where it would affect the rights of a third person, who is not a party to the proceeding; or the division declines to adopt legal concepts of agency and real estate licensing law and incorporate them into Chapter 326, Florida Statutes; or the interpretation of contracts is strictly a judicial function and is more properly addressed by a court.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Sara White, Petitioner, In Re: Clermont Condominium Association, Inc. on June 11, 2009. The following is a summary of the agency's declination of the petition:

The division declined to issue a Declaratory Statement because the division may not issue a declaratory statement concerning events that have already occurred; or when a petition alleges facts that are in dispute; or when the division has not been provided the governing documents to review.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO INVESTORS/DEVELOPERS

University of South Florida Polytechnic announces that Investment/Developer interest is solicited to identify and propose creative funding, development and management resources and solutions for the facilities outlined in the project listed below.

PROJECT NUMBER: 552

PROJECT AND LOCATION: USF Polytechnic – Residence Facility and Interdisciplinary Center for Excellence and Wellness Research, University of South Florida Polytechnic, Lakeland, Florida.

PROJECT DESCRIPTION:

Residence Facility

The USF Polytechnic Residence Facility will provide contemporary suite-style and apartment-style living quarters for up to 500 – 1,000+ students in a village-style development. It is expected that this facility would be developed in a phased manner, initially consisting of up to 250 beds with additional phases opening as need dictates. USF Polytechnic anticipates the need for full build out of this 500-1000+ bed facility to occur over a period of 5-10 years following the opening of the new I-4 campus site. The vision for this facility is that it will be developed in a village setting rather than a high-rise style residence hall. It will also house a community center that would include services such as residence hall office, mailroom, and laundry area as well as programming (living/learning) spaces, and would accommodate apartment(s) for up to two Area Resident Directors, Visiting Faculty and Guests of the University.

Interdisciplinary Center for Excellence and Wellness Research

In close proximity to the USF Polytechnic Residence Facility, the USF Polytechnic Interdisciplinary Center for Excellence and Wellness Research will provide a multi-use facility that will house fitness and recreation activities and programs, personal enhancement programs, physical rehabilitation facilities, wellness research, amateur/professional training facilities, competitive sports complex, community service and gathering spaces, academic programs, office space, and commercial storefronts. These facilities will serve an overall student population expected to reach 16,000, faculty and staff of approximately 500-1000, open community memberships, hosted events and rehabilitation participants.

The fitness and recreation area will include spaces for physical fitness equipment centers, intramural multi-sports courts, indoor track, leisure pools (i.e., lap pool, “lazy river” and “wave pool”), locker rooms with showers and toilet facilities, rock climbing wall, etc. The areas will offer state-of-the-art technological facilities. Personal enhancement facilities will provide for highly specialized evaluation and analysis of wellness needs in order to maximize personal conditioning and track the progress of its clients by way of technology.

Training facilities for amateur and professional sports conditioning as well as physical rehabilitation facilities will be a part of this complex. The services provided in these facilities will attract constituents from both inside and outside of the university; therefore, these premises must be designed and constructed with the student/client in mind.

The complex will also be home to a competitive aquatic center that will include a competition-sized (Olympic) pool and diving well. Areas for judging and observation must also be a part of this facility as well as spaces for team gathering and readying. This facility would also be made available for competition training.

Academic and Research Programs related to Allied Health/Wellness areas will be housed in this facility. Therefore, teaching and research laboratories for allied health/wellness related disciplines, such as Nutrition will be housed in this complex. The space in this facility is designated to promote interdisciplinary research and teaching. Polytechnic ideals are strongly oriented toward interdisciplinary, collaborative relationships – between faculty members, students, support staff, student support, and others. The close physical proximity of faculty, staff and students creates a collection of “critical masses,” providing constant opportunities for productive interaction.

The final aspect of the Interdisciplinary Center for Excellence and Wellness Research is an area designed as commercial storefronts. This area will include specialty shops and convenience store services, as well as provide the campus’ primary dining facility and should therefore include a dining area as well as kitchen cooking and prep areas. The vendors that will occupy these facilities will draw support not only from University students, faculty and staff, but also from

community members attending or obtaining other services in the facility. It is intended that gathering spaces be planned so as to create an inviting and engaging atmosphere.

HISTORY:

In 1978, the District Board of Trustees of Polk Community College (PCC) purchased the land on the current Winter Lake Road site for a Lakeland campus for PCC. The University of South Florida pursued a joint venture with PCC in the planning and development of a joint-use campus. On January 23, 1988, USF Lakeland (USFL), now known as USF Polytechnic (USFP), officially opened its doors as an academic center of USF in partnership with PCC.

The Board of Regents of the State University System of Florida revised the definition of this USF center to a Type III Branch Campus (Rule 6C-8.009, F.A.C.) on December 3, 1993.

By the early 2000's the Polk County Legislative delegation was poised to expand the programs and services offered by USFL and during the 2002 Legislative Session allocated \$1 million for planning a new USFL stand alone campus. In November 2002, the USF Board of Trustees approved the issuing of a request for proposal for a new campus site, and in December 2002, a Land Acquisition Committee was appointed.

Five proposals for campus sites were received in January, 2003 and were reviewed and evaluated over the next several months. In August, 2003, the USFL Campus Board accepted the Williams Company proposal which included a donation of a 530+ acre site at the intersection of Interstate 4 and the eastern terminus of the Polk Parkway.

The development of the original Campus Master Plan was guided by projections of enrollment increases and program development over the 10 year period 2005-2015. The academic programs consider the institution's response to community and economic development needs, and establish or enhance programs in a direction of applied research in a polytechnic approach. In 2008, the State Legislature and the Governor designated this campus as USF Polytechnic, creating the state's first and only polytechnic institution. Programs are being aligned to the new polytechnic mission and the Campus Master Plan will be updated to reflect a new vision for the footprint of the buildings on the new I-4 campus site.

STATUS OF PLANNING FOR THE PHASE I FACILITY – SCIENCE & TECHNOLOGY CENTER:

The A/E and CM selection processes have been completed for the Phase I Facility. That project is the first building of a multi-phased Campus Master Plan which creates an integrated, fully-engaged university campus environment at a highly visible location on Interstate 4 midway along the 80 miles between the Tampa Bay and Orlando megalopolis areas. In addition to serving the needs of its tri-county service area, this university is intended to be a destination campus with a vibrant residential and campus life component. Given this location, the

USF Polytechnic sought an iconic design for this facility and has selected a world-renowned architect to provide that vision. The Phase I Facility will primarily provide large multi-user interdisciplinary shared core facilities. The plan includes two 100-seat classrooms and multiple smaller learning laboratories to support student enrollment needs in upcoming years. These facilities will be scheduled by USF Polytechnic to meet growth in the development of technological and interdisciplinary approaches to various fields of study. Multiple commons spaces for faculty and support staff are also included in the project.

The design of the Residence Facility and the Interdisciplinary Center for Excellence and Wellness Research must conform to the architectural standards established in the updated USF Polytechnic Campus Master Plan.

CREATIVE SOLUTIONS:

USF Polytechnic seeks proposals that outline creative solutions for financing, developing and operating the Interdisciplinary Center for Excellence and Wellness Research and the USF Polytechnic Residence Facility. Solutions/options may include Public/Private Partnerships, Lease/Lease-back Arrangements, Creative Financing/Development Packages, Private Investor/Donor Arrangements, and/or a combination of any of these or other unique opportunities. Proposals must also include the proposer's qualifications to engage in this process.

Design of these facilities is not a part of this submission. The University reserves the right to select the design team.

There is no obligation on the part of USF Polytechnic to accept any proposal. USF Polytechnic is free to utilize any and all ideas provided by any proposer in the final funding, development and management of the facilities without obligation to proposer. Upon submission, any and all proposals shall become for all intents and purposes the property of USF Polytechnic. By submitting a proposal, all proposers are deemed to agree to all of the foregoing.

The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. The plans and specifications for the University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant should warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

INSTRUCTIONS:

Firms desiring to apply to provide investment/development services for creative funding, development and/or management resources and solutions for this project shall submit one (1) original submittal and eight (8) bound copies consisting of the information as required in the "Submittal Requirements" of the Project Fact Sheet including a letter of interest and a complete proposal in a format that includes but is not limited to an Executive Summary, a Finance/Development Profile, Specific Finance/Development Plans, Description of Creative Solution Options, Potential Partnerships, Requirements for USF Polytechnic Participation, Outline of a Development Agreement, Identification of Timeline for a 2012 Occupancy of both the Interdisciplinary Center for Excellence and Wellness Research and the first Phase of the Residence Facility, and Identification of Respondent (person of contact; postal, e-mail and physical address; office, cellular and facsimile phone numbers).

Submittals are part of the public record. All applicants should be properly registered at the time of contract engagement to practice its profession in the State of Florida. If the applicant is a corporation, it should be chartered by the Florida Department of State to operate in Florida. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The "Project Fact Sheet", which includes project information and selection criteria, may be obtained by contacting: Claire Johnson, Executive Administrative Specialist, Office of the VP/CEO, University of South Florida Polytechnic, via email: johnsonc@poly.usf.edu, by mail: 3433 Winter Lake Road, Lakeland, Florida 33803, or by phone (863)667-7056. Interested firms are invited and encouraged to attend a Pre-Submittal Meeting at 2:00 p.m. (EDT), Tuesday, August 11, 2009, at: University of South Florida Polytechnic, Room LTB 1104/1105 to review the scope and requirements of this project. The LTB 1104/1105 is located on the USFP campus at 3433 Winter Lake Road, Lakeland, Florida 33803.

Site visits to the new I-4 campus can be arranged by contacting: Claire Johnson via email: johnsonc@poly.usf.edu. The site (property) is restricted and no trespassing is allowed. Therefore, all interested individuals wishing a site visit will require an appointment and will be transported to/from the site. Requests for meetings by individual firms will not be granted once the Florida Administrative Weekly advertisement is published. No communication shall take place between the applicants and the members of the Selection Committee or employees of the University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting, the request for the Project Fact Sheet and the request for a site visit. Requests for any project information should be submitted in writing to Claire Johnson at the above email address. The Selection Committee may reject all proposals and stop the selection process at any time. One (1) original and

eight (8) bound copies of the requested submittal data, bound in the order listed in the "Submittal Requirements" of the Project Fact Sheet shall be addressed to:

Alice M. Murray, Ed.D
Associate Vice President
Campus Planning and Facilities Operations
University of South Florida Polytechnic
3433 Winter Lake Road
LTB 2116
Lakeland, FL 33803

Applications that do not comply with the above instructions may be disqualified. Submittals are to be received by: USF Polytechnic, 3433 Winter Lake Road, LTB 2116, Lakeland, Florida 33803 by 2:00 p.m. (EDT), Friday, September 11, 2009. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The above submission deadline represents a 3-week extension of the original due date of August 21, 2009.

**NOTICE FOR CONSTRUCTION MANAGEMENT
SERVICES – Request for Qualifications – RFQ 10-02
SCIENCE & HUMANITIES BUILDING**

The University of North Florida – Board of Trustees, a public body corporate, announces that Construction Management Services will be required for the new Science & Humanities Building, University of North Florida, 1 UNF Drive, Jacksonville, FL 32224.

The project consists of approximately 105,000 gross square feet. This facility will be located on the site just to the north of the existing Social Sciences Building in an area currently designated for parking. At this time the project is in the schematic design phase. Interior spaces to be provided include teaching and research laboratories, preparation rooms for the laboratories, offices, administrative support spaces, classrooms and a roof-top greenhouse. The building is expected to meet or exceed USGBC LEED Silver Certification. The estimated construction budget for this project is \$30,000,000.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application with the appropriate documents from RFQ 10-02:

The letter of application should have attached:

1. The "UNF Construction Manager Qualifications Supplement Form," completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Florida Contractor's License from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

3. Submit seven (7) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

Minority Business participation is strongly recommended and supported by the University of North Florida.

As required by Section 287.133, Florida Statutes, a construction manager may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Vendor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither vendor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

The UNF Construction Manager Qualifications Supplement form and additional information may be obtained electronically online at the UNF Purchasing Department website <http://www.unf.edu/dept/purchasing/bids.html> or by emailing:

Dianna White	AND	Angela Dyal
dianna.white@unf.edu	University of	angela.dyal@unf.edu
(904)620-1731	North Florida	
	Purchasing Dept.	(904)620-1733
	Bldg. 53 Room 2950	
	1 UNF Drive	
	Jacksonville, FL 32224	

Submit seven (7) copies of the application to: University of North Florida, Purchasing Department, Attn.: Dianna White, Building 53, 1 UNF Drive, Jacksonville, Florida 32224. Application packages must be received no later than 2:00 p.m. (Local Time), September 29, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

Professional Services for Continuing
Contract for Environmental, Health and Safety

The Florida School for The Deaf and The Blind (FSDB) requests qualifications for Environmental, Health and Safety Services for a Continuing Contract. The firm selected under the Continuing Contract will be responsible for assigned facility projects having estimated construction cost and study fees as provided for in Section 287.055 Florida Statutes.

The contract will have an initial period of one (1) year with the option to renew for four (4) additional one-year periods. Selection of finalists will be held in accordance with Section 287.055, Florida Statutes.

PROJECT LOCATION: Florida School for the Deaf and the Blind, 207 San Marco Avenue, St. Augustine, FL 32084

SERVICES TO BE PROVIDED: Shall be Environmental, Health and Safety Services, but not limited to; Wetland assessments and mapping, Air emission evaluations and permitting, NPDES/POTW permitting and compliance, Hazardous/Universal/Solid waste management and compliance, Phase I, II, and III environmental assessments, Remedial action plans, Storm water pollutions preventions and countermeasures, EPA and FDEP compliance and compliance audits, Asbestos, Lead paint, Mold consulting, Indoor air quality investigations, OSHA compliance and compliance audits, EH&S training programs. Work will be awarded on a project-by-project basis that may include any or all of the above services, or services not specifically mentioned, but directly related to the specific discipline. Consultants may hire sub-consultants to be used for portions of the required services; however, the primary Consultant must be responsible for all of the work performed.

FSDB PROJECT MANAGER: Greg Clements

PHONE NUMBER: (904)827-2372

RESPONSE DUE DATE/TIME: Monday, September 28, 2009 by 3:00 p.m.

INSTRUCTIONS FOR SUBMITTAL: Firms interested in being considered for this project should access: www.fsdb.k12.fl.us Administrative Information – Business Services – Construction Services – Selection Info – Selection of Continuing Contract for Environmental, Health and Safety Services.

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 4:00 p.m. (Local Time), September 22, 2009, for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the scope listed below.

Variable Frequency Drives
Bid# 10-031-033
County Wide

SCOPE OF PROJECT: The purpose and intent of this invitation to bid is to establish a rotating list of not more than three contractors who will make repairs on Variable Frequency Drives, on an as needed basis, county wide and to secure both fixed hourly labor rates and firm percentage discount off of retail prices for parts and materials for the contract period as specified herein.

PRE-BID CONFERENCE: N/A

Purchasing Department
301 Fourth Street, S. W.
Largo, Florida 33770
(727)588-6149
(727)588-6129 (Fax)

The Owner reserves the right to reject all bids.
BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA
DR. JULIE M. JANSSEN, ED. D PEGGY L. O'SHEA
SUPERINTENDENT OF SCHOOLS CHAIRMAN
AND EX-OFFICIO SECRETARY
TO THE SCHOOL BOARD MARK C. LINDEMANN
DIRECTOR, PURCHASING

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 3:00 p.m. (Local Time), August 27, 2009, for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the scope listed below.

AIR CONDITIONING UNITS
Bid# 10-031-032
County Wide

SCOPE OF PROJECT: The purpose and intent of this invitation to bid are to select suppliers to provide and deliver Bard Air Conditioning Units to Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida 33773-5210, and to secure firm, net unit pricing for the contract period as specified herein.

PRE-BID CONFERENCE: N/A

Purchasing Department
301 Fourth Street, SW
Largo, Florida 33770
(727)588-6149
(727)588-6129 (Fax)

The Owner reserves the right to reject all bids.
BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA
DR. JULIE M. JANSSEN, ED. D PEGGY L. O'SHEA
SUPERINTENDENT OF SCHOOLS CHAIRMAN
AND EX-OFFICIO SECRETARY
TO THE SCHOOL BOARD MARK C. LINDEMANN
DIRECTOR, PURCHASING

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

EXECUTIVE OFFICE OF THE GOVERNOR

Volunteer Florida, The Governor's Commission on Volunteerism and Community Service, is pleased to announce a request for proposals (rfp) funding for planning grants to operate an AmeriCorps program. AmeriCorps programs support local community efforts to address education, environmental, homeland security, public safety or other human needs. Planning grants are provided a year before an organization actually applies for an AmeriCorps program. The purpose of planning grants is to provide an organization with some resources to build the capacity of the organization to effectively operate an AmeriCorps program. Proposal Grant Applications will be available on the Volunteer Florida website at www.volunteerflorida.org beginning September 4, 2009. Proposals are due in eGrants by October 27, 2009.

Volunteer Florida, The Governor's Commission on Volunteerism and Community Service was established in 1994 by the Florida Legislature to administer grants under the National and Community Service Trust Act of 1993. The Commission grants funds to Florida AmeriCorps and National Service programs; encourages volunteerism for everyone from youths to seniors to people with disabilities; promotes volunteerism in emergency management and preparedness; and helps to strengthen and expand Volunteer Centers in Florida.

AmeriCorps is a program funded by the U.S. Congress under the Catalog of Federal Domestic Assistance number 94.006. The national public/private partnership supporting AmeriCorps is the Corporation for National and Community Service (CNCS). For more information about the CNCS and national AmeriCorps programs, visit www.americorps.org.

If you have any questions regarding the AmeriCorps Program or the funding process, please contact: amieko@volunteerflorida.org.

EXPRESSWAY AUTHORITIES

MDX PROCUREMENT/Contract No.: ITB-10-01
 MDX PROJECT/SERVICE TITLE: Systemwide Signing And Pavement – MARKING IMPROVEMENTS

The Miami-Dade Expressway Authority (MDX) is soliciting Bids from qualified firms to provide systemwide signing and pavement marking improvements. A Pre-Bid conference is scheduled for August 25, 2009, 10:00 a.m. (Eastern Time)

For a copy of the ITB with information on the Scope of Services, Pre-qualification and submittal requirements free of charge, please logon to MDX’s Website: www.mdxway.com to download the documents under “Doing Business with MDX, or call MDX’s Procurement Department at (305)637-3277 for assistance. Note: In order to download any MDX solicitation, you must first be registered as a Vendor with MDX. This can only be facilitated through MDX’s Website: www.mdxway.com under “Doing Business with MDX: Vendor Registration”.

The deadline for submitting Bids in response to this ITB is September 15, 2009 by 2:00 p.m. (Eastern Time)

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.”

A. D. MORGAN CORPORATION

INVITATION TO BID

Expansion of Wastewater Treatment Plant and Wastewater Pond Re-Lining for State of Florida Department of Corrections, Lancaster Correctional Institution, Trenton, Florida.

Please contact Crystal Tipple at: ctipple@admorgan.com (subject: Lancaster C. I. Wastewater Treatment System Expansion) specifying scope of work and mailing address, or call (813)832-3033 if you are interested in bidding this project, and to obtain a full set of bid documents.

Sealed bids for furnishing all labor and material and performing all work necessary and incidental to the construction of Wastewater Treatment System Expansion for the following bid packages:

Bid Package #	Description
1	Waste Water System Improvements AND Pond Liner
2	Pond Liner (only)

Bid packages include all components indicated on the contract documents for the work.

Bids will be delivered to: Don Dasher, Florida Department of Corrections, Lancaster C.I., 3449 S. W. State Road 26, Trenton, FL 32693-5641, (352)463-4395, until 2:00 p.m., Tuesday, September 29, 2009.

A non-mandatory pre-bid meeting will be held at 11:00 a.m., Tuesday, September 1, 2009, Lancaster Correctional Institution Training Facility located behind the institution – 3449 S. W. State Road 26, Trenton, Florida 32693.

Plans are also located at the following plan rooms:

Mid State Builders Exchange
 19 N. W. 8 Street
 Ocala, Florida 34475
 (352)351-5292

MHC Plan Room
 542 Edgewood Avenue, South
 Jacksonville, FL 32205
 (904)384-5203

MCH/ABC Plan Room
 1319 N. Florida Avenue
 Tampa, FL 33602
 (813)204-9200

Reed Construction Data
 30 Technology Pkwy., S., Suite 500
 Norcross, Georgia 30092
 (813)657-7599

MHC Plan Room
 823 Thomasville Road
 Tallahassee, FL 32303
 (850)877-6987

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO PROFESSIONAL CONSULTANTS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, letters of interest from architectural/engineering firms or individuals desiring to render professional services for the following project:

TICKETING AND BAGGAGE CLAIM CURBSIDE MODERNIZATION AND RELATED WORK

TAMPA INTERNATIONAL AIRPORT
 HCAA PROJECT NO. 8030 10

Services to be furnished will include, but not be limited to, all architectural, signage and engineering design related to buildings, civil, structural, mechanical, plumbing, fire protection, electrical, electronic information technology systems, related surveys, permitting and testing; as well as

basic architectural/engineering services during construction. A more detailed Scope of Services will be included in the formal Request for Proposals (RFP).

Significant Dates:

- Letters of interest due: By 5:00 p.m., September 18, 2009
- RFP posted on web site: After 12:00 Noon, September 24, 2009
- Mandatory Pre-proposal Conference: At 10:00 p.m., October 8, 2009
- Proposals Due: By 5:00 p.m., November 4, 2009

For additional information on submitting letters of interest, location of meeting and other project details, go to the Authority website at www.tampaairport.com; Quick Links, Airport Business, Notice of Solicitations.

NOTICE TO DESIGN-BUILD FIRMS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, letters of interest design-build firms desiring to render design-build services on the following Project:

**LONG TERM PARKING GARAGE RENTAL CAR EXPANSION AND RELATED WORK
TAMPA INTERNATIONAL AIRPORT
HCAA PROJECT NO. 8025 10**

This Design-Build Agreement provides for all services related to architectural and signage design; all engineering related to structural, mechanical, plumbing, fire protection, electrical, electronic and information technology systems, automotive fuel dispensing and management systems; construction and related surveys, permitting and testing. A more detailed scope of services will be included in the formal request for qualifications (RFQ).

Significant Dates:

- Letters of interest due: By 5:00 p.m. on September 3, 2009
- RFQ posted on web site: After 12:00 Noon, September 10, 2009
- Mandatory Pre-proposal conference: At 2:30 p.m., September 15, 2009
- Proposals due: By 5:00 p.m., October 7, 2009

For additional information on submitting letters of interest, location of meeting and other Project details, go to the Authority website at www.tampaairport.com; Quick Links, Airport Business, Notice of Solicitation.

H. LEE MOFFITT CANCER RESEARCH INSTITUTE, INC.

Construction Bids Section 1004.43, F.S.

The H. Lee Moffitt Cancer Research Institute, Inc. and its subsidiaries operate pursuant to Section 1004.43, F.S. Moffitt and its' subsidiaries have facilities on the campus of the University of South Florida in Tampa, Florida. Architectural, engineering and design firms interested in working on projects for Moffitt may provide letters of interest to: H. Lee Moffitt

Cancer Research Institute, Inc., Attention: Facilities Department, 12902 Magnolia Drive, SRB-FAC, Tampa, Florida 33612-9497.

**Section XII
Miscellaneous**

DEPARTMENT OF EDUCATION

The date of the rule development workshop relating to proposed amendments to Rule 6A-1.039, F.A.C., was incorrectly noticed in the Florida Administrative Weekly dated August 21, 2009. Should a rule development workshop be requested, the workshop will take place on September 8, 2009, 9:00 a.m. – 12:00 Noon, Department of Education, 325 West Gaines Street, Room 1721, Tallahassee, Florida 32399-0400. If you wish to request this workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education at lynn.abbott@fldoe.org or (850)245-9661.

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES
DCA DOCKET NO. 32-11**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Jackson County School Board and the City of Marianna, 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: City of Marianna, Municipal Development Department, 2897 Jefferson Street, Marianna, Florida 32446.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Jackson County School Board and the City of Marianna. 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: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of Less
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Johnny Pag Motorcycles, intends to allow the establishment of Wenmark, Inc. d/b/a All The Wheel Toys, as a dealership for the sale of Johnny Pag motorcycles (PAGS) at 1540 Northwest Federal Highway, Stuart (Martin County), Florida 34994, on or after August 18, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Wenmark, Inc. d/b/a All The Wheel Toys are dealer operator(s): Wendy Mourning, 1081 Southeast Spinnaker Avenue, Stuart, Florida 34994 and Mark Mourning, 1081 Southeast Spinnaker Avenue, Stuart, Florida 34994; principal investor(s): Wendy Mourning, 1081 Southeast Spinnaker Avenue, Stuart, Florida 34994 and Mark Mourning, 1081 Southeast Spinnaker Avenue, Stuart, Florida 34994.

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: JR Pag, CEO, Johnny Pag Motorcycles, 1851 McGaw Avenue, Irvine, California 92614.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Cobra Scooters, LLC, intends to allow the establishment of Stiver's of Englewood, Inc. d/b/a Booty Scooters, as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 850 South River Road, Englewood (Sarasota County), Florida 34223, on or after August 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Stiver's of Englewood, Inc. d/b/a Booty Scooters are dealer operator(s): Bill Stiver, 850 South River Road, Englewood, Florida 34223; principal investor(s): Bill Stiver, 850 South River Road, Englewood, Florida 34223.

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: Robert P. Bates, Cobra Scooters, LLC, 3939 Royal Drive Northwest, Suite 139, Kennesaw, Georgia 30144.

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 The AutoMoto.com Corp., intends to allow the establishment of C4J Group, LLC d/b/a Cart Smarts of St. Augustine, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 71 South Dixie Highway #1, St. Augustine (St. Johns County), Florida 32084, on or after August 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of C4J Group, LLC d/b/a Cart Smarts of St. Augustine are dealer operator(s): James Worley, 71 South Dixie Highway #1, St. Augustine, Florida 32084; principal investor(s): James Worley, 71 South Dixie Highway #1, St. Augustine, Florida 32084.

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: Guy Cohen, The AutoMoto.com Corp., 15125 Raymer Street, Van Nuys, California 91405.

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 Rim International West, Inc., intends to allow the establishment of Ferada Tile, Inc. d/b/a E & F Auto Group, as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co. Ltd. (DAIX) at 1308 East Altamonte Drive, Altamonte Springs (Seminole County), Florida 32701, on or after August 14, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Ferada Tile, Inc. d/b/a E & F Auto Group are dealer operator(s): Fernando Menendez, 1308 East Altamonte Drive, Altamonte Springs, Florida 32701; principal investor(s): Fernando Menendez, 1308 East Altamonte Drive, Altamonte Springs, Florida 32701.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Wendy Yu, Pacific Rim International West, Inc., 2260 South Archibald Avenue, Unit E, 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 Pacific Rim International West, Inc., intends to allow the establishment of Ferada Tile, Inc. d/b/a E & F Auto Group, as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co. Ltd. (DAIX) at 1724 Timocuan Way, Longwood (Seminole County), Florida 32750, on or after August 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Ferada Tile, Inc. d/b/a E & F Auto Group are dealer operator(s): Fernando Menendez, 1724 Timocuan Way, Longwood, Florida 32750; principal investor(s): Fernando Menendez, 1724 Timocuan Way, Longwood, Florida 32750.

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: Wendy Yu, Pacific Rim International West, Inc., 2260 South Archibald Avenue, Unit E, 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 Motor Sports Connexion, LLC, intends to allow the establishment of Moreland Marine International, Inc. d/b/a Island Scooter Store, as a dealership for the sale of motorcycles manufactured by CPI Motor Co. (CPIU) at 5347 Gulf Drive, Unit 6, Holmes Beach (Manatee County), Florida 34217, on or after July 14, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Moreland Marine International, Inc. d/b/a Island Scooter Store are dealer operator(s): Brian Quartermain, 5347 Gulf Drive, Unit 6, Holmes Beach, Florida 34217; principal investor(s): Brian Quartermain, 5347 Gulf Drive, Unit 6, 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: Lisa Knowles, Motor Sports Connexion, LLC, 11645 Grand Bay Boulevard, Clermont, Washington 34711.

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 Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Moreland Marine International, Inc. d/b/a Island Scooter Store, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 5347 Gulf Drive North, Suite 6, Holmes Beach (Manatee County), Florida 34217, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Moreland Marine International, Inc. d/b/a Island Scooter Store are dealer operator(s): Brian Quartermain, 5347 Gulf Drive, Holmes Beach, Florida 34217; principal investor(s): Brian Quartermain, 5347 Gulf 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: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

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 Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Moreland Marine International, Inc. d/b/a Island Scooter Store, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 5347 Gulf Drive North, Suite 6, Holmes Beach (Manatee County), Florida 34217, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Moreland Marine International, Inc. d/b/a Island Scooter Store are dealer operator(s): Brian Quartermain, 5347 Gulf Drive, Holmes Beach, Florida 34217; principal investor(s): Brian Quartermain, 5347 Gulf 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: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

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 Motor Sports Connexion, LLC, intends to allow the establishment of Motor Car Concepts II, Inc., as a dealership for the sale of motorcycles manufactured by CPI Motor Co. (CPIU) at 900 North Orange Blossom Trail, Apopka (Orange County), Florida 32703, on or after July 14, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Motor Car Concepts II, Inc. are dealer operator(s): Hakan Ozdemir, 12006 Rebeccas Run Drive, Apopka, Florida 32703; principal investor(s): Hakan Ozdemir, 12006 Rebeccas Run Drive, Apopka, Florida 32703.

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: Lisa Knowles, Motor Sports Connexion, LLC, 11645 Grand Bay Boulevard, Clermont, Washington 34711.

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 Subaru of America, Inc., South Central Region, intends to allow the establishment of Rallye Motors, Inc. d/b/a Rallye Subaru, as a dealership for the sale of Subaru vehicles (SUBA) at 1749 Southwest College Road, Ocala (Marion County), Florida 34471, on or after September 28, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Rallye Motors, Inc. d/b/a Rallye Subaru are dealer operator(s): Art Sullivan, 1749 Southwest College Road, Ocala, Florida 34471; principal investor(s): Art Sullivan, 1749 Southwest College Road, Ocala, Florida 34471.

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 Thamert, Subaru of America, Inc., South Central Region, 220 The Bluffs, Austell, Georgia 30168.

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 Keeway America, LLC, intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co. Ltd. (ZHQM) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after August 18, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 9th Street, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 9th Street, St. Petersburg, Florida 33704.

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: Zhong Zhuang, President, Keeway America, LLC, 2912 Skyway Circle North, Irving, Texas 75038.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 9th Street, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 9th Street, St. Petersburg, Florida 33704.

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: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

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 Apollo Choppers II, LLC, intends to allow the establishment of Steve's Cycles, Inc., as a dealership for the sale of Apollo motorcycles (APLO) at 1045 West King Street, Cocoa (Brevard County), Florida 32922, on or after August 18, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Steve's Cycles, Inc. are dealer operator(s): Steve Foley, 1045 West King Street, Cocoa, Florida 32922; principal investor(s): Steve Foley, 1045 West King Street, Cocoa, Florida 32922.

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: William Lyle Hysinger, Jr., Apollo Choppers II, LLC, 891 Ballardsville Road, Suite 100, Eminence, Kentucky 40019.

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 Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Swanders, Inc. d/b/a Swanders Auto

Mart, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycles Group Corp. (QINJ) at 5546 North Lecanto Highway, Beverly Hills (Citrus County), Florida 34465, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Swanders, Inc. d/b/a Swanders Auto Mart are dealer operator(s): Carl Swanders, 5546 North Lecanto Highway, Beverly Hills, Florida 34465; principal investor(s): Carl Swanders, 5546 North Lecanto Highway, Beverly Hills, Florida 34465.

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: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Johnny Pag Motorcycles, intends to allow the establishment of Palm City Corporation d/b/a Tropic Powersports, as a dealership for the sale of Johnny Pag motorcycles (PAGS) at 11100 South Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after August 13, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Palm City Corporation d/b/a Tropic Powersports are dealer operator(s): James Wilson, 2104 West First Street, Fort Myers, Florida 33901 and Lucille Wilson, 2104 West First Street, Fort Myers, Florida 33901; principal investor(s): James Wilson, 2104 West First Street, Fort Myers, Florida 33901 and Lucille Wilson, 2104 West First 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: JR Pag, CEO, Johnny Pag Motorcycles, 1851 McGaw Avenue, Irvine, California 92614.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Cobra Scooters, LLC, intends to allow the establishment of Vespa of Central Florida, LLC d/b/a Vespa of Orlando, as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 930 Orange Avenue, Winter Park (Orange County), Florida 32789, on or after August 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Vespa of Central Florida, LLC d/b/a Vespa of Orlando are dealer operator(s): Bruce Albertson, 930 Orange Avenue, Winter Park, Florida 32789; principal investor(s): Bruce Albertson, 930 Orange Avenue, Winter Park, Florida 32789.

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: Robert P. Bates, Cobra Scooters, LLC, 3939 Royal Drive Northwest, Suite 139, Kennesaw, Georgia 30144.

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 Trifun Incorporated, intends to allow the establishment of WBG Enterprises, LLC, as a dealership for the sale of Trifun, Inc. motorcycles (TRIF) at 27800 Old 41 Road, Bonita Springs (Lee County), Florida 34135, on or after August 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of WBG Enterprises, LLC are dealer operator(s): Robert Bachman, 27119 Oakwood Lake Drive, Bonita Springs, Florida 34134 and Jeremy Bachman, 27328 Pinecrest Lane, Bonita Springs, Florida 34135; principal investor(s): Robert Bachman, 27119 Oakwood Lake Drive, Bonita Springs, Florida 34134 and Jeremy Bachman, 27328 Pinecrest Lane, Bonita Springs, Florida 34135.

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: Tighe Estes, President, Trifun Incorporated, 3330 North Federal Highway, Lighthouse Point, Florida 33064.

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."

EXECUTIVE OFFICE OF THE GOVERNOR

In May 2009, the Governor signed House Bill 485 which authorizes the Florida New Market Development Program through Section 288.9912, Florida Statutes.

The program encourages capital investment in low-income communities by allowing taxpayers to earn credits by investing in qualified Community Development Entities (CDEs) that make investments in active low-income community businesses. A person or entity that makes a qualified investment earns a vested tax credit equal to 39 percent of the purchase price of the qualified investment.

Qualified CDEs may apply to OTTED to have investments approved as qualified investments for Florida New Market Tax Credits.

Program guidelines and application forms are available at www.flgov.com/otted_home.

SUBMITTING THE APPLICATION

There are two application periods or windows: September 1, 2009 through October 2, 2009, and November 2, 2009 through December 4, 2009. Applications must be submitted to OTTED within an application period to be accepted.

Submit one (1) electronic copy, one (1) original and two (2) copies of the Application in loose-leaf three rings binders contained in a sealed package. On the outside of the package, clearly mark "APPLICATION FOR FLORIDA NEW MARKETS DEVELOPMENT PROGRAM."

Applicants must submit a nonrefundable \$1,000 application fee payable to Executive Office of the Governor.

Submit the package to:

Governor's Office of Tourism, Trade, and Economic Development
 Suite 1902, The Capitol
 Tallahassee, Florida 32399-0001
 Karl.Blischke@eog.myflorida.com

OTTED will review applications in the order received and approve or deny an application within 30 days after receipt. Review will be based on the eligibility requirements and applicant's plans to meet the program guidelines including the proposed use of proceeds and plans to develop relationships with community based organizations that serve low-income communities.

WATER MANAGEMENT DISTRICTS

NOTICE OF INTENDED AGENCY ACTION

The South Florida Water Management District gives notice of its intent to issue the following Permit with conditions:

Permit No. 50-09160-P (Application No. 080414-13) Palm Beach County (Dubois Park Redevelopment) 2700 6th Avenue South, Lake Worth, FL 33461, for an Environmental Resource Permit authorizing construction and operation of a 17-slip docking facility for public day use only, dredging, seawall and riprap and an artificial reef at Dubois Park in Palm Beach County, Section 32, Township 40 South, Range 43 East. The application includes authorization to use Sovereign Submerged Lands in the form of a lease modification and letter of consent authorization.

The Staff Report setting forth the staff recommendation regarding the permit, including proposed limiting conditions to provide reasonable assurances that the project meets SFWMD statutes and rules, can be obtained by contacting the Regulatory Records Management Section, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, Environmental Resource Regulation Department, by phone (561)682-6911, by e-mail: permits@sfwmd.gov or by accessing the Staff Report directly from the District's website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

As required by Sections 120.569(1), and 120.60(3), F.S., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an

agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Right to Request Administrative Hearing – A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, F.S. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, F.S.; or 2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), F.S. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions – The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. Filings by e-mail will not be accepted. Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m., shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P. O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the

SFWMD's security officer to contact the Clerk's office. An employee of the SFWMD's Clerk's office will receive and file the petition.

- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561)682-6010. Pursuant to Sections 28-106.104(7), (8) and (9), Florida Administrative Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing – Pursuant to Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. 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.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code, unless otherwise provided by law.

Mediation – The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-.405, Florida Administrative Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

Right to Seek Judicial Review – Pursuant to Sections 120.60(3) and 120.68, Florida Statutes, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

AGENCY FOR HEALTH CARE ADMINISTRATION

Jackson Hospital emergency service exemption

The Agency for Health Care Administration has received an application for an emergency service exemption from Jackson Hospital located at 4250 Hospital Dr., Marianna, FL 32446 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 General Surgery. 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: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail: munnj@ahca.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of sub-subparagraph 62-4.242(2)(a)2.b., subsections 62-302.700(1), 62-312.080(3) and paragraph 40C-4.301(1)(e), F.A.C., to the U.S. Army Corps of Engineers, Attn: Eric Summa, Chief, Environmental Branch, Jacksonville District P. O. Box 4970, Jacksonville, FL 32232, (File No. 0129260-004-BV) to establish a maximum allowable turbidity level above background for work adjacent to the Merritt Island National Wildlife Refuge and the Banana River Aquatic Preserve, both of which are designated as Outstanding Florida Waters (OFWs). The grantee shall not cause or contribute to an exceedance of a temporary turbidity standard of 12 Nephelometric Turbidity Units (NTUs) above background beyond the approved mixing zone and within the boundaries of the adjacent OFWs. This temporary variance shall only be valid during the construction activities authorized in pending Permit No. 0129260-002-JC, which involves maintenance dredging of up to approximately 1,500,000 cubic yards of sediment annually from the federally-authorized portions of the Port Canaveral navigational complex, including the entrance channel to the east of the port and the barge canal to the west of the port. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 W. Tennessee Street, Building B, Tallahassee, Florida 32304, (850)488-7708.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General

Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, F.S. is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the: Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and paragraph 62-110.106(3)(a), (4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice

of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the: Clerk, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of Rule 62-296.513, F.A.C., to the Lockheed Martin Aeronautics Company, an aerospace parts and components manufacturing facility located at 9300 28th Street North, Pinellas Park, Florida (File No. 08-2082) to allow relief from compliance with the volatile organic compound (VOC) reasonably available control technology (RACT) requirements of Rule 62-296.513, Florida Administrative Code (F.A.C.). The final order requires the petitioner to comply with the VOC content limits contained in the United States Environmental Protection Agency (U.S. EPA) Aerospace Industry Control Technology Guideline (Aerospace CTG) document titled "Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace Manufacturing and Rework Operations" (EPA-453/R-97-004). The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Protection, Division of Air Resource Management, Office of Policy Analysis and Program Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32301, (850)921-9556.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the: Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, F.S., is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is

timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and paragraph 62-110.106(3)(a), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

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_clearinghouse/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

Coastal Partnership Initiative Request for Applications, FY 10-11

The Florida Coastal Management Program (FCMP) announces the availability of federal grant funds for innovative coastal projects under its COASTAL PARTNERSHIP INITIATIVE (CPI) for fiscal year 2010-2011. Eligible applicants include local governments within the 35 coastal counties that are required to include a coastal element in their local comprehensive plans, national estuarine research reserves (NERRs), and national estuary programs (NEPs). Colleges, universities, regional planning councils and nonprofit groups may also apply for CPI funds, as long as an eligible local government, NERR, or NEP is a partner in the project. Applications must be submitted on the new CPI APPLICATION FORM, available from the FCMP website at: http://www.dep.state.fl.us/cmp/grants/files/cpi_app_chklist.doc.

Applications must be received no later than 4:00 p.m. (EDT), October 28, 2009, and should be mailed to:

Florida Coastal Management Program
Department of Environmental Protection
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000.

Electronic and faxed applications will not be accepted. Selected projects will be included in the FCMP application to the National Oceanic & Atmospheric Administration (NOAA) for fiscal year 2010-11, which begins July 1, 2010, and ends June 30, 2011.

The purpose of the COASTAL PARTNERSHIP INITIATIVE is to inspire community action and promote the protection and effective management of Florida's coastal resources in four specific categories: RESILIENT COMMUNITIES, COASTAL RESOURCE STEWARDSHIP, ACCESS TO COASTAL RESOURCES and WORKING WATERFRONTS. These categories are described in Chapter 62S-4, F.A.C., along with other information about the CPI grant program, including the new application form, submittal requirements, and the criteria by which applications will be scored and ranked. The CPI Application Form and Chapter 62S-4, F.A.C., are available from the FCMP grants website at: <http://www.dep.state.fl.us/cmp/grants/index.htm>.

Please note the following important details regarding the CPI grant process for FY 2010-11:

1. Applicants must submit one application with original signatures and 12 copies of the application to the FCMP.
2. Financial assistance is available as reimbursement grants ranging from \$20,000 to a maximum of \$60,000.

3. Recipients are required to provide 100 percent matching contributions (cash or in-kind) in the form of goods and services that directly benefit the specific grant project.
4. There are additional requirements for applications involving construction, exotic species removal, habitat restoration, and land acquisition, including:
 - a. The application must include a complete and signed 306A Checklist, which is appended to the CPI Application Form and may be downloaded as a separate file at: <http://www.dep.state.fl.us/cmp/grants/files/306a-chklist.doc>.
 - b. Applicants proposing construction, exotic species removal or habitat restoration must conduct a preliminary consultation with appropriate local, state, and federal regulatory agencies. A summary of the consultation must be included in the CPI application, or the application will be considered incomplete and will not be processed.
 - c. Non-profit organizations (NPOs) are not eligible to receive FCMP funds for construction, exotic species removal or habitat restoration. An application submitted by a NPO that includes any of those activities as part of the applicant's match requirement will not be considered or processed.
 - d. Shoreline hardening projects are not eligible for FCMP funds.
 - e. Projects must be small-scale in scope.
 - f. Infrastructure projects should have a clear coastal management component.
 - g. Construction or land acquisition activities occurring in designated Coastal Barrier Resource Act units are subject to additional review and approval by NOAA and/or the U.S. Fish and Wildlife Service.

For questions or to request a copy of Chapter 62S-4, F.A.C., or the CPI Application Form, please contact: Ms. Dornecia Allen, Florida Coastal Management Program, 3900 Commonwealth Blvd., MS 47, Tallahassee, FL 32399-3000, (850)245-2161 or email: Dornecia.Allen@dep.state.fl.us.

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted one revised policy for review and comment on www.MyFlorida.com at: http://www.djj.state.fl.us/policies_procedures/policyreview.html.

Vending Machines on Department of Juvenile Justice Owned Property (FDJJ – 1325) This revised policy sets forth procedures and guidelines for the contracting of vending services within Department of Juvenile Justice owned facilities. The primary change in the policy and procedures relates to the deletion of leased property referring rather to just state-owned property.

The policy is posted for a single 20 working day review and comment period, with the closure date for submission of comments on the policy of September 25, 2009. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

DEPARTMENT OF HEALTH

On August 14, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Gerardo A. Klug, M.D. License #ME 92719. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 13, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Christopher Lanning, L.P.N. License #PN 1185261. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 13, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Chiquita L. Lynch, C.N.A. License #CNA 98077. This Emergency

Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 14, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Nequanda Raquel Quarterman, C.N.A. License #CNA 35616. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 13, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Leigh A. Stewart, R.N. License #RN 3160962. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SOLICITATION OF APPLICATIONS FOR 2009 EMERGENCY SHELTER GRANTS

The Department of Children and Families through the Office on Homelessness, hereby solicits applications for the 2009 Federal Emergency Shelter Grant (ESG).

The objectives of the Emergency Shelter Grants program are to increase the number and quality of emergency shelters and transitional housing facilities for homeless individuals and families, to aid this population in transition to permanent homes, and to operate these facilities and provide essential social services. There is a statutory requirement that ESG funds must benefit homeless persons and that costs be provided at a reasonable price and be directly related to an ESG eligible expenditure category.

The ESG program is designed as the first step in a continuum of assistance to prevent homelessness and to enable the homeless population to move steadily toward independent living. The Continuum of Care model is based on the understanding that homelessness is not caused by simple a lack of shelter, but involves a variety of underlying needs. HUD believes the best approach for alleviating homelessness is through a community-based process that provides a comprehensive response to the diverse needs of homeless persons. The fundamental components of a Continuum of Care system are:

- Outreach and assessment to identify a homeless person's needs;
- Immediate (emergency) shelter as a safe, decent alternative to the streets;
- Transitional housing with appropriate supportive services to help people reach independent living; and
- Permanent housing or permanent supportive housing for the disabled homeless.

Eligible Applicants

The State of Florida, Department of Children and Families, Office on Homelessness, receives funds directly from HUD. Its allocation, except for a portion of the administrative costs, must be made available to the following recipients:

Local governments in the State (any city, county, town, township, parish, village, or other general purpose political subdivision of a state), which may include cities and counties that are ESG grantees; or

Private non-profit organizations (defined as tax-exempt secular or religious organizations described in section 501(c) of the Internal Revenue Code), if the local government where the project is located certifies its approval of the project.

Note: State grantees are prohibited from funding projects operated by the agencies of State government.

APPLICATION PACKET AVAILABILITY

Application packets may be found at the following website address: <http://www.dcf.state.fl.us/homelessness/>

Application packets may also be requested from:

Office on Homelessness
1317 Winewood Boulevard
Building 3, Room 201
Tallahassee, FL 32399-0700
(850)922-4691

SUBMISSION DEADLINE: 3:30 p.m., September 22, 2009

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following applications. 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., September 18, 2009):

APPLICATION FOR CONVERSION OF A FEDERAL SAVINGS ASSOCIATION TO A STATE BANK

Applicant and Location: Superior Bank, FSB, 17 20th Street, North, Birmingham, Jefferson County, Alabama 35203

With Title: Superior Bank

Correspondent: Bill Caughran, 17 20th Street N., Birmingham, Alabama 35203

Received: August 13, 2009

APPLICATION TO MERGE

Constituent Institutions: Achieva Credit Union, Clearwater, Florida and Sarasota Coastal Credit Union, Sarasota, Florida

Resulting Institution: Achieva Credit Union

Received: August 17, 2009

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN August 10, 2009
 and August 14, 2009**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF REVENUE

Sales and Use Tax

12A-1.004	8/12/09	9/1/09	35/20	
12A-1.038	8/12/09	9/1/09	35/20	
12A-1.039	8/12/09	9/1/09	35/20	
12A-1.060	8/12/09	9/1/09	35/20	
12A-1.061	8/12/09	9/1/09	35/20	
12A-1.0911	8/12/09	9/1/09	35/20	
12A-1.097	8/12/09	9/1/09	35/20	

Miscellaneous Tax

12B-8.001	8/12/09	9/1/09	35/20	35/27
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Corporate, Estate and Intangible Tax

12C-1.0222	8/12/09	9/1/09	35/20	35/28
12C-1.032	8/12/09	9/1/09	35/20	

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

18-21.001	8/12/09	9/1/09	35/12	
18-21.002	8/12/09	9/1/09	35/12	
18-21.003	8/12/09	9/1/09	35/12	
18-21.004	8/12/09	9/1/09	35/12	
18-21.005	8/12/09	9/1/09	35/12	
18-21.0051	8/12/09	9/1/09	35/12	35/24
18-21.008	8/12/09	9/1/09	35/12	
18-21.011	8/12/09	9/1/09	35/12	
18-21.020	8/12/09	9/1/09	35/12	35/24
18-21.021	8/12/09	9/1/09	35/12	35/24
18-21.022	8/12/09	9/1/09	35/12	35/24
18-21.900	8/12/09	9/1/09	35/12	

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

40B-4.1090	8/11/09	8/31/09	35/25	
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Southwest Florida Water Management District

40D-1.603	8/12/09	9/1/09	35/23	
40D-1.605	8/12/09	9/1/09	35/23	
40D-1.6051	8/12/09	9/1/09	35/23	
40D-1.6105	8/10/09	8/30/09	35/19	
40D-1.659	8/10/09	8/30/09	35/19	
40D-1.659	8/12/09	9/1/09	35/23	
40D-2.091	8/10/09	8/30/09	35/19	
40D-2.101	8/10/09	8/30/09	35/19	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
40D-2.091	8/10/09	8/30/09	35/19	
40D-2.101	8/10/09	8/30/09	35/19	
40D-2.351	8/10/09	8/30/09	35/19	
40D-3.037	8/10/09	8/30/09	35/19	
40D-3.101	8/10/09	8/30/09	35/19	
40D-3.411	8/10/09	8/30/09	35/19	
40D-3.531	8/10/09	8/30/09	35/19	
40D-4.042	8/10/09	8/30/09	35/19	
40D-4.091	8/10/09	8/30/09	35/19	
40D-4.101	8/10/09	8/30/09	35/19	
40D-4.331	8/10/09	8/30/09	35/19	
40D-4.351	8/10/09	8/30/09	35/19	
40D-4.381	8/10/09	8/30/09	35/19	
40D-26.201	8/10/09	8/30/09	35/19	
40D-40.044	8/10/09	8/30/09	35/19	
40D-40.112	8/10/09	8/30/09	35/19	
40D-40.331	8/10/09	8/30/09	35/19	
40D-40.381	8/10/09	8/30/09	35/19	
40D-400.491	8/10/09	8/30/09	35/19	
40D-400.500	8/10/09	8/30/09	35/19	

**DEPARTMENT OF HEALTH
 Board of Optometry**

64B13-4.004	8/10/09	8/30/09	35/19	35/21
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Board of Respiratory Care

64B32-6.004	8/14/09	9/3/09	35/26	
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Division of Emergency Medical Operations

64J-1.002	8/13/09	9/2/09	35/23	
64J-1.003	8/13/09	9/2/09	35/23	
64J-1.005	8/13/09	9/2/09	35/23	
64J-1.007	8/13/09	9/2/09	35/23	

**FISH AND WILDLIFE CONSERVATION
 COMMISSION**

Marine Fisheries

68B-21.0015	8/14/09	9/3/09	35/28	
68B-21.003	8/14/09	9/3/09	35/28	
68B-21.004	8/14/09	9/3/09	35/28	
68B-21.005	8/14/09	9/3/09	35/28	

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

69J-166.002	8/10/09	8/30/09	35/17	35/28
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Division of Workers' Compensation

69L-6.028	8/10/09	8/30/09	35/15	35/25
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