

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.041
RULE TITLE: FVRS Address and Records Maintenance

PURPOSE AND EFFECT: This proposed rule codifies a number of practices and procedures implemented to maintain voter registration records in the Florida Voter Registration System as required by law. The procedures focus on ensuring that the addresses and the eligibility status of registered voters are accurate and current. If the workshop is held, it will be the fourth held this year to vote the proposed language.

SUBJECT AREA TO BE ADDRESSED: Registration Records Maintenance Activities.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 98.015(10), 98.015(11), 98.015(12), 98.035(5), 98.0655, 98.075(1) FS.

LAW IMPLEMENTED: 98.015, 98.035, 98.065, 98.075 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: Monday, October 5, 2009, 2:00 p.m.
PLACE: Room 307, R. A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Charlotte Wheeler, Executive Administrative Assistant, Office of the General Counsel, Florida Department of State, (850)245-6536; cawheeler@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maria Matthews, Assistant General Counsel, Office of General Counsel, Florida Department of State, (850)245-6536; mimatthews@dos.state.fl.us

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09441	RULE TITLE: Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation
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PURPOSE AND EFFECT: The purpose of this rule development is to update the “Course Code Directory and Instructional Personnel Assignments” by which school districts receive FEFP (Florida Education Finance Program) funding. The effect will be an updated directory of courses for students to take to earn credit toward high school graduation.

SUBJECT AREA TO BE ADDRESSED: Revisions to the “Course Code Directory and Instructional Personnel Assignments” for the 2010-2011 school year.

RULEMAKING AUTHORITY: 1001.02(1), 1009.53(3), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1009.531, 1009.535, 1009.536, 1011.62(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Trinity Colson, Office of Articulation, Department of Education, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

- (1) through (4) No change.
- (5) The “Course Code Directory and Instructional Personnel Assignments ~~2010-2011~~ ~~2009-2010~~,” is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and

useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Office of Articulation K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses and course descriptions for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Rulemaking Authority 1001.02(1), 1009.53(3), 1011.62(1)(r) FS. Law Implemented 1009.531, 1009.534, 1009.535, 1009.536, 1011.62(1) FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-15-01, 7-30-02, 4-21-05, 11-21-05, 7-27-06, 1-18-07, 5-19-08, 1-5-09, 6-22-09,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-2.0010 Educational Facilities

PURPOSE AND EFFECT: The purpose of this rule development is to update the State Requirements for Educational Facilities to address changes made in Florida Law during the 2009 legislative session and to update forms to meet requirements of rule and law.

SUBJECT AREA TO BE ADDRESSED: State Requirements for Educational Facilities, Sections 4.1 and 4.2, and OEF Forms 110A, 110B, 208, and 209. Changes include raises in the threshold limits for Day Labor projects and studies, establishes requirements for using a board’s own labor and equipment for completing capital improvement projects, identification of Green Building Standards used for a project, and required information on a Certificate of Occupancy.

RULEMAKING AUTHORITY: 1001.02(1) FS.
LAW IMPLEMENTED: 255.20, 255.2575, 1013.371 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. Spessard Boatright, Director, Office of Educational Facilities, 325 West Gaines Street, Suite 1054, Tallahassee, FL 32399. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:
19B-4.002 Contract Prices

PURPOSE AND EFFECT: This rule is amended to reflect the changes made to the maximum amount of the tuition differential fee by Chapter 2009-98, Laws of Florida. This law permits all state universities to impose the tuition differential fee and provides that the sum of the tuition differential fee, tuition and other fees may not exceed the national average of tuition and fees at public postsecondary education institutions. The changes revise the assumptions used for pricing tuition differential fee plans to conform to the new maximum amounts for the tuition differential fee.

SUBJECT AREA TO BE ADDRESSED: The assumptions used to establish pricing for prepaid plans covering the tuition differential fee.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.
LAW IMPLEMENTED: 1009.98(2) FS.

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

DATE AND TIME: October 5, 2009, 2:00 p.m.
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: fax a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, at (850)488-3555. If you are 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.002 Contract Prices.

The Board will evaluate the advance payment contract prices for revision annually. All advance payment contract prices will be published annually in the Florida Administrative Weekly. The advance payment contract prices for tuition plans are based on the actuarial assumption that university tuition will rise at an average of 6.5 percent per annum, community college tuition will rise at an average of 5 percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee plan prices are based on the actuarial assumption that university local fees will rise at an average of 5 percent per annum and community college local fees will rise at an average of 6 percent per annum. The tuition differential fee plan prices are based on the actuarial assumption that the tuition differential fee will rise an average of 8.5 percent per annum until such time as the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., reaches the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S., as determined by the Education Estimating Conference pursuant to Section 216.134(4)(a), F.S. reaches forty percent (40%) of tuition at Funding Level 1 schools and thirty percent (30%) of tuition at Funding Level 2 schools. Once the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., equals reaches the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S. level, the actuarial assumption is that the tuition differential fee will rise an average of 6.5% per annum thereafter.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05, 12-17-07, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-5.001 Contract Types

PURPOSE AND EFFECT: To: a) correct a cross-reference to the statute that authorizes the tuition differential fee; b) clarify that the Community College Plan and the Community College Plus University Plan each include sixty (60) “lower division” credit hours at a community college (an institution in the Florida College System); c) delete provisions related to the tuition differential fee which that are no longer needed since all state universities are authorized by law to and do impose the tuition differential fee; and d) clarify that the amount payable under each respective plan will be determined pursuant to Section 1009.98(10), F.S.

SUBJECT AREA TO BE ADDRESSED: Changes and clarifications required to the descriptions of the types of advance payment contracts offered under the Florida Prepaid College Plan.

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

LAW IMPLEMENTED: 1009.98(2), (10) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.001 Contract Types.

The Florida Prepaid College Board’s advance payment contracts offer purchasers four (4) different plans: tuition, local fees, tuition differential fees and dormitory. All advance payment contracts include a tuition plan, unless the advance payment contract is an exception, pursuant to the Rules of this Chapter 19B, F.A.C. Purchasers may add corresponding local fee, tuition differential fee and/or dormitory plans in conjunction with or as addendums to advance payment contracts. The tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee plans cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee plans purchased after July 1, 1999 also cover the technology fee imposed by the community colleges. Tuition differential fee plans cover the supplemental fee charged by the state universities pursuant to Section 1009.24(16) public universities in the state pursuant to Section 1009.24(15), F.S. The dormitory plan covers the housing rate specified by the university for inclusion in the plan of a double occupancy, air-conditioned room. The amount payable under each plan will be determined pursuant to Section 1009.98(10), F.S.

(1) through (a) No change.

(b) Community College Plan – The community college plan specifies that 60 lower division credit hours at a state community college are purchased for the benefit of the

qualified beneficiary. For community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plan shall be the number specified in the advance payment contract.

(c) Community College Plus University Plan – The community college plus university plan specifies that 60 lower division credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary. For community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plus university plan shall be the number specified in the advance payment contract.

Tuition plans do not cover institutionally-imposed fees such as health, athletic, activity and service, technology, tuition differential or student activity fees.

(2) through (a) No change.

(b) Community College Local Fee Plan – The community college plan specifies that local fees for 60 lower division credit hours at a state community college are purchased for the benefit of the qualified beneficiary.

(c) Community College Plus University Local Fee Plan – The community college plus university plan specifies that local fees for 60 lower division credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary.

Local fee plans may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time the application is filed. The local fee plan does not cover the tuition differential fee.

(3) No change.

(a) University Tuition Differential Fee Plan – The university tuition differential fee plan specifies that 120 credit hours at a state university ~~authorized to assess the tuition differential fee~~ are purchased for the benefit of the qualified beneficiary. The 120 credit hour university tuition differential fee plan may be purchased only in conjunction with a university tuition plan.

(b) Community College Plus University Tuition Differential Fee Plan – The community college plus university tuition differential fee plan specifies that only 60 credit hours at a state university ~~authorized to assess the tuition differential fee~~ are purchased for the benefit of the qualified beneficiary. The 60 credit hour tuition differential fee plan may be purchased only in conjunction with a community college plus university tuition plan.

Tuition differential fee plans may be purchased only for those qualified beneficiaries who are four (4) or more years away from their anticipated matriculation date at the time the application is received by the Board.

(4) through (5) No change.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2), (10) FS. History–New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, 8-27-02, 12-17-07, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-5.002 Contract Benefits

PURPOSE AND EFFECT: To delete an obsolete provision concerning disbursements related to tuition differential fee plans where the state university attended by the beneficiary does not impose the tuition differential fee. All state universities are now authorized to and do impose the tuition differential fee.

SUBJECT AREA TO BE ADDRESSED: Deletion of an obsolete provision of the rule related to the tuition differential fee.

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

LAW IMPLEMENTED: 1009.98(2) FS.

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

DATE AND TIME: October 5, 2009, 2:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: fax a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, at (850)488-3555. If you are 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.002 Contract Benefits.

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

(3) Local fee and tuition differential fee plans are tied to tuition contracts for matriculation purposes. Payment for the local and tuition differential fees will be remitted with the tuition payment upon the receipt of a tuition invoice for a beneficiary whose advance payment contract is composed of these fee plans. ~~If the state university does not charge a tuition differential fee, payment for only the local fees will be remitted~~

~~with the tuition payment, upon receipt of a tuition invoice for a beneficiary whose advance payment contract is composed of these fee plans.~~

~~Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99, 1-1-07, 12-17-07,_____.~~

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-9.002
 RULE TITLE: Use of Benefits at In-State Private Colleges or Universities, Out-of-State Colleges and Universities and Vocational-Technical Schools

PURPOSE AND EFFECT: To reflect the amendment enacted during the 2009 regular session of the Legislature to Section 1009.98(3), F.S., which revised and expanded the types of postsecondary educational institutions at which the benefits from Prepaid College Plans may be used. Under this law, Prepaid Plans may be used at “any eligible educational institution as defined in s. 529 of the Internal Revenue Code.” The rule is also amended to revise the amount which will be paid under a Prepaid Plan to such institutions to be the average amount of the tuition, local fees, tuition differential fees, respectively, payable under the beneficiary’s plan or plans. This later change is needed due to the enactment by the 2009 regular session of the Legislature of Section 1009.98(10), F.S., which specifies the amounts which the Board is required to pay state universities on behalf of beneficiaries of Prepaid College Plans.

SUBJECT AREA TO BE ADDRESSED: The transfer of the benefits of advance payment contracts to any eligible educational institution, as defined in s. 529 of the Internal Revenue Code.

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

LAW IMPLEMENTED: 1009.98 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:

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(850)488-3555. If you are 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.002 ~~Use of Benefits at Transfers to In-State Private Colleges Independent College or Universities University, Out-of-State Colleges and Universities and Vocational-Technical Schools.~~

In the event the beneficiary matriculates to any eligible education institution, as defined in s. 529 of the Internal Revenue Code in an independent college or university in Florida, the redemption value will be forwarded to the institution. For purposes of such transfers of the tuition, local fee and tuition differential fee plans, the redemption value shall be the average amount of tuition, local fees and tuition differential fees, respectively, payable under the beneficiary’s plan or plans to a state university or community college, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees payable under the beneficiary’s plan to a state university or community college, charged at the time of matriculation for the number of semesters reflected in each beneficiary’s dormitory plan purchaser’s advance payment contract.

~~Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Formerly 4G-9.002, Amended 2-6-90, 12-5-93, 6-20-96, 10-20-96, 2-18-99, 10-9-01, 12-17-07,_____.~~

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-9.003
 RULE TITLE: Transfer to Out-of-State Schools

PURPOSE AND EFFECT: This rule permits the transfer of the benefits of an advance payment contract to an out-of-state community college, college or university and specifies the amount that will be transferred to those institutions under a tuition plan, local fee plan, tuition differential fee plan and dormitory plan. This rule is being repealed due to the enactment of the amendment to Section 1009.98(3), F.S., which revised and expanded the types of postsecondary

educational institutions at which the benefits from Prepaid College Plans may be used. This rule change is related to the amendment to Rule 19B-9.002, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The transfer of the benefits of advance payment contracts to any eligible educational institution, as defined in s. 529 of the Internal Revenue Code.

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

LAW IMPLEMENTED: 1009.98(3) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.003 Transfer to Out-of-State Schools.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History—New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99, 1-3-01, 10-9-01, 12-17-07, Repealed.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.:	RULE TITLE:
19B-9.004	Dormitory Transfer to Community Colleges and State University-Held Residences Other than Dormitories

PURPOSE AND EFFECT: To clarify that the amount which will be paid for transfers of dormitory plans to: a) residence facilities owned by a community college or community college direct support organization will not exceed the average of fees payable under the beneficiary’s dormitory plan for state university dormitories approved for inclusion in the Prepaid Plan, and b) state university-held residences other than dormitories will be the average amount of the dormitory fee

payable under the beneficiary’s dormitory plan for dormitories at the state university that are approved for inclusion under in Prepaid Plan. These changes are needed due to the enactment by the 2009 regular session of the Legislature of Section 1009.98(10), F.S., which specifies the amounts which the Board is required to pay state universities on behalf of beneficiaries of dormitory plans.

SUBJECT AREA TO BE ADDRESSED: The amount which will be paid when the benefits of advance payment contracts covering dormitory expenses are transferred to residence facilities owned by a community college or community college direct support organization and to state university held residences other than dormitories.

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

LAW IMPLEMENTED: 1009.98 (3),(10) 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:

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.004 Dormitory Transfer to Community Colleges and State University-Held Residences Other than Dormitories.

(1) A dormitory plan may be transferred to a community college or community college direct-support organization that operates a residence facility for students attending the community college. Funds transferred to the community college or community college direct-support organization shall not exceed the lesser of the actual fees charged by the community college or the community college direct-support organization for dormitories or residency opportunities or the average fees payable under the beneficiary’s dormitory plan ~~charged~~ for state university dormitories designated for inclusion in the Program.

(2) A dormitory plan may be transferred to other university-held residences designated by a state university for inclusion in the Program. Funds transferred to other university-held residences shall not exceed the average of fees payable under the beneficiary's dormitory plan ~~charged~~ for dormitories at the state university that are designated for inclusion in the Program. The terms of the university housing contract shall take precedence over the terms of the advance payment contract for the purpose of transferring dormitory plans.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3), (10) FS. History--New 10-20-96, Amended 1-28-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:
19B-9.005 Transfer to In-State
 Vocational-Technical Schools

PURPOSE AND EFFECT: This rule permits the transfer of the benefits of an advance payment contract to an applied technology diploma program or vocational certificate program conducted by a community college or an area technical center operated by a district school board and specifies the amount that will be transferred to those institutions under a tuition plan, local fee plan, tuition differential fee plan and dormitory plan. This rule is being repealed due to the enactment of the amendment to Section 1009.98(3), F.S., which revised and expanded the types of postsecondary educational institutions at which the benefits from Prepaid College Plans may be used. This rule change is related to the amendment to Rule 19B-9.002, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The transfer of the benefits of advance payment contracts to any eligible educational institution, as defined in s. 529 of the Internal Revenue Code.

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

LAW IMPLEMENTED: 1009.98(3) FS.

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

DATE AND TIME: October 5, 2009, 2:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: fax a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, at

(850)488-3555. If you are 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.005 Transfer to In-State Vocational-Technical Schools.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History--New 1-3-01, Amended 12-17-07, Repealed.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:
19B-11.001 General

PURPOSE AND EFFECT: To delete provisions concerning refunds in circumstances where the beneficiary does not attend a state postsecondary educational institution which imposes the tuition differential fee. All state universities are now authorized to and do impose the tuition differential fee. The rule is also amended to clarify that the amount payable pursuant to a scholarship refund or a death or disability refund for a tuition, local fee, tuition differential fee or dormitory plan will be the average amount payable under the beneficiary's plan or plans to state universities or community colleges at the time of the refund request. This later change is needed due to the enactment by the 2009 regular session of the Legislature of Section 1009.98(10), F.S., which specifies the amounts which the Board is required to pay state universities on behalf of beneficiaries of Prepaid Plans.

SUBJECT AREA TO BE ADDRESSED: The circumstances and amounts of refunds payable in particular situations involving advance payment contracts under the Florida Prepaid College Plan.

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

LAW IMPLEMENTED: 1009.971, 1009.98(5), (10) FS.

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

DATE AND TIME: October 5, 2009, 2:00 p.m.

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

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

contacting: fax a written request for same to: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-3555. If you are 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan included in the advance payment contract bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Termination of student status after the official drop/add period eliminates the refund option for that semester. The Board will process a refund associated with an account that was terminated pursuant to Rule 19B-10.001 or 19B-10.002, F.A.C., upon the receipt of a notarized, written request that is signed by the person or persons required pursuant to Rule 19B-5.004, F.A.C. The refund will be paid only to the purchaser of the terminated account.

(1) For participants in the Florida Prepaid College Board Program's advance payment contracts, a scholarship is defined as:

~~(a) a financial or in-kind award or grant given to an individual for study, training, or research, and which does not constitute compensation for personal services, or~~

~~(b) The refund of a tuition differential fee plan of an advance payment contract if the advance payment contract's designated qualified beneficiary does not attend a state educational institution that meets the criteria for Funding Level 1 or Funding Level 2 pursuant to Section 1004.635(3), F.S.~~

(2) Refunds may exceed the amount paid for a plan in the following circumstances:

(a) through (b) No change.

~~(c) If a beneficiary with a tuition differential fee contract attends a state educational institution that does not charge a tuition differential fee, moneys paid for purchase of the tuition differential fee contract shall be returned to the purchaser in an amount not to exceed the redemption value of the tuition differential fee plan.~~

(3) For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for tuition, ~~and~~ local fee and tuition differential fee plans, the redemption value shall be the average amount of tuition, ~~and~~ local fees and tuition differential fees, respectively, payable under the beneficiary's

~~plan or plans to charged by~~ the state universities or community colleges at the time of the refund request. For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for the dormitory plan, the redemption value shall be the average of the state university dormitory fees payable under the beneficiary's dormitory plan ~~charged~~ at the time of the refund request, for the number of semesters reflected in the beneficiary's purchaser's advance payment contract. For purposes of refunds pursuant to paragraph 19B-11.001(2)(c) F.A.C., for tuition differential fee plans, the redemption value shall be the average amount of tuition differential fees payable under the beneficiary's tuition differential plan to state universities in Florida ~~charged by the state educational institution~~ at the time of the refund.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5), (10) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, 11-6-01, 12-17-07, 1-28-09, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-302.400	Classification of Surface Waters, Usage, Reclassification, Classified Waters

PURPOSE AND EFFECT: On January 22, 2008, Tampa Bay Water submitted two petitions for reclassification from Class III waters to Class I waters: (1) the Alafia River between Bell Shoals Road and the confluence with the North and South Prongs of the Alafia River, including Fishhawk Creek and Little Fishhawk Creek, but excluding Turkey Creek, Medard Reservoir and tributaries thereto; and (2) the Tampa Bypass Canal and the Harney Canal as delimited by Structure S-160 on the south, Structure S-163 on the north, and Structure S-161 on the west. Both areas proposed for reclassification lie entirely within Hillsborough County and are currently used for water supply purposes.

SUBJECT AREA TO BE ADDRESSED: Rule development will address the need to reclassify portions of the Alafia River watershed and the Tampa Bypass Canal and Harney Canal as described above from Class III waters to Class I waters.

RULEMAKING AUTHORITY: 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708 FS.

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

DATE AND TIME: Tuesday, October 6, 2009, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Southwest District Office, Main Conference Room, 13051 N. Telecom Parkway, Temple Terrace, 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: Eric Shaw at (850)245-8429. If you are 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: Eric Shaw, Standards and Assessments Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400; telephone (850)245-8429, email Eric.Shaw@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-550.800
RULE TITLE: Control of Lead and Copper

PURPOSE AND EFFECT: The Department of Environmental Protection is the Florida primacy agency for implementation of the Public Drinking Water Supervision Program under the U.S. Environmental Protection Agency (EPA). EPA promulgated rule amendments to the lead and copper regulations that must be adopted by primacy agencies. This rule strengthens the implementation of the Lead and Copper Rule for monitoring, treatment processes, public education, customer awareness, and lead service line replacement.

SUBJECT AREA TO BE ADDRESSED: This rule addresses the control of lead and copper contamination in public drinking water supply.

RULEMAKING AUTHORITY: 403.861(9) FS.

LAW IMPLEMENTED: 403.853 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Rhapsodie Osborne, Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; telephone (850)245-8632, e-mail: Rhapsodie.A.Osborne@dep.state.fl.us. If

you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kenyon C. Carter, P.E., Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; telephone (850)245-8626, e-mail: Kenyon.C.Carter@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-555.900
RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The Department of Environmental Protection is the Florida primacy agency for implementation of the Public Drinking Water Supervision Program under the U.S. Environmental Protection Agency (EPA). EPA promulgated rule amendments to the lead and copper regulations that must be adopted by primacy agencies. This rule contains regulatory forms used in the implementation of the Lead and Copper Rule for certification of sampling results, public education notices and for notification of permit fees.

SUBJECT AREA TO BE ADDRESSED: This rule contains forms used to addresses the control of lead and copper contamination in public drinking water supply.

RULEMAKING AUTHORITY: 403.861(9) FS.

LAW IMPLEMENTED: 403.861 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Rhapsodie Osborne, Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; telephone (850)245-8632, e-mail: Rhapsodie.A.Osborne@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kenyon C. Carter, P.E., Department of Environmental Protection,

Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; telephone (850)245-8626, e-mail: Kenyon.C.Carter@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-709.300	General Provisions
62-709.320	Yard Trash Processing Facilities
62-709.500	Design Criteria
62-709.510	Operation Criteria
62-709.530	Testing, Recording and Reporting Requirements
62-709.550	Classification of Compost
62-709.600	Criteria for the Use of Compost

PURPOSE AND EFFECT: The proposed rule amendments address the processing of yard trash and create new simplified requirements for composting of certain types of solid waste.

SUBJECT AREA TO BE ADDRESSED: Solid Waste Composting.

RULEMAKING AUTHORITY: 120.53, 403.061, 403.704, 403.7043 FS.

LAW IMPLEMENTED: 120.53, 403.7043, 403.707 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: Francine Joyal, Department of Environmental Protection, 2600 Blair Stone Road, MS 4565, Tallahassee, Florida 32399-2400, telephone (850)245-8747, or email Francine.Joyal@dep.state.fl.us.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-716.100	Intent
62-716.200	Definitions
62-716.300	General Grant Application Requirements
62-716.310	Disbursement of Funds
62-716.320	Grant Recordkeeping
62-716.400	Specific Recycling and Education Grant Application and Matching Requirements

62-716.410	Recycling and Education Grant Eligibility Requirements
62-716.420	Recycling and Education Grant Special Requirements
62-716.430	Use of Recycling and Education Grant Funds
62-716.440	Allocation of Recycling and Education Grant Funds
62-716.450	Solid Waste Annual Reports
62-716.500	Specific Small County Grant Application Requirements
62-716.510	Use of Small County Grant Funds
62-716.600	Specific Waste Tire Grant Application Requirements
62-716.610	Allocation of Waste Tire Grant Funds
62-716.620	Use of Waste Tire Grant Funds
62-716.700	Litter Control and Prevention Grants
62-716.900	Forms

PURPOSE AND EFFECT: In 1988, the Legislature created a large grant program to help counties and municipalities develop recycling and education programs, along with lesser grants for waste tire programs and to help small counties manage solid waste. The Department adopted Chapter 62-716, F.A.C., to implement all of these grants programs. Over time, funding for the recycling and education grants declined, and a few years ago the Legislature stopped funding them altogether. This rule chapter is being amended to delete obsolete references to grants that no longer exist.

A Notice of Rule Development for this chapter was published in the FAW on March 23, 2007. Due to delays in rule development and a change in the purpose and effect of proposed changes, a new notice is being published.

SUBJECT AREA TO BE ADDRESSED: Grant programs for recycling, waste reduction, and solid waste management.

RULEMAKING AUTHORITY: 120.53(1), 403.061, 403.704, 403.7095 FS.

LAW IMPLEMENTED: 120.53(1), 120.55, 403.0875, 403.4131, 403.706, 403.7095 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: Raoul Clarke, Waste Reduction Section, Department of Environmental Protection, 2400 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8750, email raoul.clarke@dep.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-6.001 RULE TITLE: Renewal of Active License

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the requirements for domestic violence continuing education.

SUBJECT AREA TO BE ADDRESSED: Renewal of Active License.

RULEMAKING AUTHORITY: 491.004(5), 491.007(1) FS.

LAW IMPLEMENTED: 456.031(1)(a), 491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-6.001 Renewal of Active License.

(1) through (2) No change.

(3) Within six (6) months of initial licensure and every third renewal thereafter, a licensee must complete a 2 hour continuing education course on domestic violence.

(4) No change.

Rulemaking Specific Authority 491.004(5), 491.007(1) FS. Law Implemented 456.031(1)(a), 491.007(2) FS. History--New 4-4-89, Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly 61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended 2-9-99, 2-5-01, 2-7-05, 7-16-06, 12-17-06, 6-13-07, 9-13-07, _____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-6.006 RULE TITLE: Approval of Continuing Education Providers of Hypnosis Training Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to revise the areas required for hypnosis continuing education.

SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Providers of Hypnosis Training Programs.

RULEMAKING AUTHORITY: 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 491.0085(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-11.007 RULE TITLE: Definition of "Licensed Clinical Social Worker, or the Equivalent, Who Is a Qualified Supervisor"

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the requirements concerning the requirements for a qualified supervisor.

SUBJECT AREA TO BE ADDRESSED: Definition of "Licensed Clinical Social Worker, or the Equivalent Who is a Qualified Supervisor."

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(1)(c) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-11.007 Definition of "Licensed Clinical Social Worker, or the Equivalent, Who Is a Qualified Supervisor."

(1) through (2) No change.

(3) A qualified supervisor who provides supervision in Florida for interns and trainees must meet equivalency standards of subsection (1); and

(a) Have completed four (4) years of clinical social work experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining two (2) years of experience earned post-licensure; and

~~(b)(a)~~ Have completed, subsequent to licensure as a clinical social worker, training in supervision in one of the following:

1. A graduate level academic course in supervision which meets the requirements of Rule 64B4-6.0025 F.A.C.; or

2. A continuing education course in supervisory training which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

~~3. An AAMFT course for Approved Supervisors; or~~
~~3.4. A post-graduate training course for field instructors in clinical social work; or and~~

4. Is designated an Approved Supervisor by the AAMFT.

~~(b) Have completed four (4) years of clinical social work experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining two (2) years of experience earned post-licensure.~~

Rulemaking Specific Authority 491.004(5) FS. Law Implemented 491.005(1)(c) FS. History--New 7-6-88, Amended 1-4-90, 12-19-90, Formerly 21CC-11.007, 61F4-11.007, Amended 1-7-96, 12-29-96, 6-16-97, Formerly 59P-11.007, Amended 12-11-97, 8-8-99, 6-14-05, 7-16-06, 8-28-07, _____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: RULE TITLE:
 64B4-31.010 Course Content

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to change the description of social and cultural foundation.

SUBJECT AREA TO BE ADDRESSED: Course Content.

RULEMAKING AUTHORITY: 491.005(6) FS.

LAW IMPLEMENTED: 491.005(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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
 64B9-3.014 Graduates From Foreign or
 Non-NCSBN Jurisdictions

PURPOSE AND EFFECT: The purpose of this amendment is to decrease the program hours held in foreign nursing programs to reflect equivalency to approved programs, and to incorporate amendments to Section 464.019, F.S.

SUBJECT AREA TO BE ADDRESSED: Foreign Jurisdictions.

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013(1), 464.008 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-3.014 Graduates From Foreign or Non-NCSBN Jurisdictions.

(1) Graduates of foreign nursing programs or nursing programs in jurisdictions which are not members of the National Council of State Boards of Nursing (NCSBN) must submit an evaluation from a credentialing agency approved by the Board.

(2) Approved credentialing agencies must meet the following criteria:

(a) The credentialing agency must be a member of a national credentialing organization that sets performance standards for the industry, and must adhere to those standards.

(b) The credentialing agency's standards must be monitored by an external committee of credentialing experts and nursing educators.

(c) The credentialing agency must demonstrate the ability to accurately analyze academic and licensure credentials in terms of U.S. comparability, with course-by-course analysis for nursing academic records.

(d) The credentialing agency must manage the translation of original documents into English.

(e) The credentialing agency will inform the Board of Nursing in the event applicant documents are found to be fraudulent.

(f) The credentialing agency must have been in the business of evaluating nursing education for a minimum of 10 years.

(3) Credentials evaluation report.

(a) The references used in the evaluation must be cited in the credentials report.

(b) The credentials report must state the language of nursing instruction and the language of textbooks for nursing education.

(c) The credentialing agency must use only original source documentation in evaluating nursing education.

(d) The report must state the comparability of the foreign education to U.S. and to Florida Board of Nursing standards.

(e) The report must detail course clock hours for theory and clinical components of nursing education.

(4) In order for the applicant to meet the educational requirements of Section 464.008, F.S., the credentials report and transcripts must include all courses set forth in Section 464.019, F.S., Rules 64B9-2.006 and 64B9-2.015, F.A.C., and must demonstrate, at a minimum, the following hours of theoretical and clinical instruction:

(a) Registered nursing programs:

1. ~~70~~ ~~144~~ theory hours and ~~127~~ ~~341~~ clinical hours in medical nursing;

2. ~~45~~ ~~91~~ theory hours and ~~104~~ ~~294~~ clinical hours in surgical nursing;

3. ~~31~~ ~~32~~ theory hours and ~~44~~ ~~87~~ clinical hours in obstetrical nursing;

4. 32 theory hours and ~~43~~ ~~84~~ clinical hours in pediatric nursing; and

5. ~~34~~ ~~30~~ theory hours and ~~53~~ ~~51~~ clinical hours in psychiatric/mental health nursing; and

~~6. 16 theory hours and 18 clinical hours in community/public health nursing.~~

(b) Practical nursing programs:

1. ~~87~~ ~~131~~ theory hours and ~~115~~ ~~216~~ clinical hours in medical nursing;

2. ~~76~~ ~~82~~ theory hours and ~~103~~ ~~186~~ clinical hours in surgical nursing;

3. 34 theory hours and ~~47~~ ~~46~~ hours in obstetrics nursing; and

4. ~~27~~ ~~30~~ theory hours and ~~38~~ ~~42~~ clinical hours in pediatrics nursing.

(c) Registered and practical nursing programs must meet the requirement of Section 464.019(1)(g) and (h) F.S.

Rulemaking Authority 464.006 FS. Law Implemented 456.013(1), 464.008 FS. History—New 4-19-00, Amended 10-22-07, 5-31-09,_____.

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-500.002
 RULE TITLE: Application Form Required 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: Application Form Required for Licensure.

RULEMAKING AUTHORITY: 490.015 FS.

LAW IMPLEMENTED: 490.005(2), 490.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-2.001
 RULE TITLE: Licensure to Practice Midwifery

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: Licensure to Practice Midwifery.

RULEMAKING AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 381.0034, 456.013, 467.011, 467.0125 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: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

RULE NOS.:	RULE TITLES:
5A-8.003	Public Announcement and Qualification Procedures
5A-8.004	Committee on Certification and Competitive Selection for Major Projects; Duties
5A-8.008	Nonexclusion of Public

PURPOSE AND EFFECT: Rule Chapter 5A-8, F.A.C., is being repealed as the Department has no specific statutory authority to promulgate, maintain or amend rules relative to procedures for contracting for professional services.

SUMMARY: Repeal of Chapter 5A-8, F.A.C.

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: 120.536(1) FS.

LAW IMPLEMENTED: 120.536(1) 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: Stephen M. Donelan, Senior Attorney, Department of Agriculture and Consumer Services, 407 South Calhoun Street, 509 Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7021

THE FULL TEXT OF THE PROPOSED RULES IS:

5A-8.003 Public Announcement and Qualification Procedures.

Rulemaking Specific Authority 287.055 FS. Law Implemented 287.055 FS. History--New 7-17-77, Formerly 5A-8.03, Repealed _____.

5A-8.004 Committee on Certification and Competitive Selection for Major Projects, Duties.

Rulemaking Specific Authority 287.055 FS. Law Implemented 287.055 FS. History--New 7-17-77, Formerly 5A-8.04, Repealed _____.

5A-8.008 Nonexclusion of Public.

Rulemaking Specific Authority 287.055 FS, Law Implemented 287.055 FS. History--New 7-17-77, Formerly 5A-8.08, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Gresham, Director, Division of Administration
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner of Agriculture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2009

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

RULE NOS.:	RULE TITLES:
5A-12.001	Notice of Decisions or Intended Decisions on Procurement Solicitation or Contract Award
5A-12.002	Procedure to Initiate a Protest
5A-12.003	Computation of Time
5A-12.004	Contents of Protest
5A-12.005	Resolution of Protest

PURPOSE AND EFFECT: Rule Chapter 5A-12, F.A.C., is being repealed as the Department has no specific statutory authority to promulgate, maintain or amend rules relative to bid protests.

SUMMARY: Repeal of Chapter 5A-12, F.A.C.

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: 120.536(1) FS.

LAW IMPLEMENTED: 120.536(1) 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: Stephen M. Donelan, Senior Attorney, Department of Agriculture and Consumer Services, 407 South Calhoun Street, 509 Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7021

THE FULL TEXT OF THE PROPOSED RULES IS:

5A-12.001 Notice of Decisions or Intended Decisions on Procurement Solicitation or Contract Award.

Rulemaking Specific Authority 120.53(1)(b), (5), 570.07(23) FS. Law Implemented 120.53(1)(b), (5) FS. History–New 5-20-92, Repealed.

5A-12.002 Procedure to Initiate a Protest.

Rulemaking Specific Authority 120.53(1)(b), (5), 570.07(23) FS. Law Implemented 120.53(1)(b), (5), 287.042(2)(c) FS. History–New 5-20-92, Repealed.

5A-12.003 Computation of Time.

Rulemaking Specific Authority 120.53(1)(b), (5), 570.07(23) FS. Law Implemented 120.53(1)(b), (5) FS. History–New 5-20-92, Repealed.

5A-12.004 Contents of Protest.

Rulemaking Specific Authority 120.53(1)(b), (5), 570.07(23) FS. Law Implemented 120.53(1)(b), (5), 287.042(2)(c) FS. History–New 5-20-92, Repealed.

5A-12.005 Resolution of Protest.

Rulemaking Specific Authority 120.53(1)(b), (5), 570.07(23) FS. Law Implemented 120.53(1)(b), (5), 287.042(2)(c) FS. History–New 5-20-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Gresham, Director, Division of Administration

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2009

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

RULE NOS.:	RULE TITLES:
5A-13.001	Purpose and Scope
5A-13.002	Procurement Goals
5A-13.003	Procurement Procedures

PURPOSE AND EFFECT: Rule Chapter 5A-13, F.A.C., is being repealed as the Department has no specific statutory authority to promulgate, maintain or amend rules relative to minority business procurement.

SUMMARY: Repeal of Chapter 5A-13, F.A.C.

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: 120.536(1) FS.

LAW IMPLEMENTED: 120.536(1) 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: Stephen M. Donelan, Senior Attorney, Department of Agriculture and Consumer Services, 407 South Calhoun Street, 509 Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7021

THE FULL TEXT OF THE PROPOSED RULES IS:

5A-13.001 Purpose and Scope.

Rulemaking Specific Authority 287.0947, 570.07(23) FS. Law Implemented 287.057(6), 287.0947 FS. History–New 3-8-92, Repealed.

5A-13.002 Procurement Goals.

Rulemaking Specific Authority 287.0947(2), 570.07(23) FS. Law Implemented 287.042(4)(f), as amended by Section 5, Chapter 91-162, Laws of Florida, 287.057(6), 287.0947(2) FS. History–New 3-8-92, Repealed.

5A-13.003 Procurement Procedures.

Rulemaking Specific Authority 287.0947(2), 570.07(23) FS. Law Implemented 287.042(4)(f), as amended by Section 5, Chapter 91-162, Laws of Florida, 287.057(6), 287.0947(2), (3) FS. History–New 3-8-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Gresham, Director, Division of Administration

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2009

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

RULE NOS.:	RULE TITLES:
5A-14.001	Authority
5A-14.002	Purpose
5A-14.003	Public Inspection and Duplication
5A-14.004	Final Orders Required to be Indexed
5A-14.005	Listing of Final Orders
5A-14.006	Numbering of Final Orders
5A-14.007	System for Indexing Final Orders
5A-14.008	Maintenance of Records
5A-14.009	Plan

212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
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(2) through (4) No change.

(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. <u>01/10</u> 01/09)	___ 01/09
(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. <u>01/10</u> 01/09)	___ 01/09
(c) DR-15CON	Consolidated Summary – Sales and Use Tax Return (R. <u>01/10</u> 01/09)	___ 01/09
(6)(a) DR-15	Sales and Use Tax Return (R. <u>01/10</u> 01/09)	___ 01/09
(b) DR-15CS	Sales and Use Tax Return (R. <u>01/10</u> 01/09)	___ 01/09
(c) DR-15CSN	DR-15 Sales and Use Tax – Instructions (R. <u>01/10</u> 01/09)	___ 01/09
(d) DR-15EZ	Sales and Use Tax Return (R. <u>01/10</u> 01/09)	___ 01/09
(e) DR-15EZCSN	DR-15EZ Sales and Use Tax Return – Instructions (R. <u>01/10</u> 01/09)	___ 01/09

(f) DR-15EZN Instructions for 2010 ~~2009~~ DR-15EZ Sales and Use Tax Returns (R. 01/10 ~~01/09~~) ___ ~~01/09~~

(g) No change.

(h) DR-15MO Florida Tax on Purchases (R. 08/09 ~~07/07~~) ___ ~~01/09~~

(i) DR-15N Instructions for 2010 ~~2009~~ DR-15 Sales and Use Tax Returns (R. 01/10 ~~01/09~~) ___ ~~01/09~~

(j) No change.

(k) DR-15ZCN Instructions for Completing the Sales and Use Tax Return, Form DR-15, when taking the Enterprise Zone Jobs Tax Credit ~~under the New Law~~ (R. 06/08) ___ ~~01/09~~

(l) through (m) No change.

(7) through (23) No change.

Rulemaking Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History–New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, pp. 3279-3280). No comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-13.002
RULE TITLE: Collection and Remittance of Fee
PURPOSE AND EFFECT: Tax Collectors report and remit taxes and fees, including the motor vehicle warranty fee, electronically to the Department using the Tax Collector Revenue Remittance System. Tax Collectors no longer use Form DR-35 (Motor Vehicle Warranty Remittance Fee Report) to report the fee. The purpose of the proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee), is to adopt revisions to Form DR-35 to update the instructions on reporting and remitting the motor vehicle warranty fee and the information on how to obtain copies of the form from the Department.

SUMMARY: The proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee), is to adopt, by reference, changes to Form DR-35 (Motor Vehicle Warranty Remittance Fee Report).

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: 213.06(1) FS.

LAW IMPLEMENTED: 219.07, 320.27(1)(c), 681.102(15), 681.117 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.
PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

- 12A-13.002 Collection and Remittance of Fee.
- (1) through (3) No change.

(4) Form DR-35, Motor Vehicle Warranty Remittance Fee Report (R. ~~08/09~~ ~~01/04~~, Effective _____), is hereby incorporated, by reference, in this rule. Form DR-35 is available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or 3) visiting any local Department of Revenue Service Center; or 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304, writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 219.07, 320.27(1)(c), 681.102(15), 681.117 FS. History--New 4-5-89, Amended 5-4-03, 9-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3280). No comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-16.008
RULE TITLE: Public Use Forms
PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SUMMARY: The proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), will update annual forms used by the Department in the administration of solid waste fees and the rental car surcharge.

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: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-16.008 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge, as provided in this rule chapter, and the solid waste fees, as provided in Rule Chapter 12A-12, F.A.C. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-15SW	Solid Waste and Surcharge Return (R. 01/10 01/09)	_____ 01/09
(3) DR-15SWN	Instructions for DR-15SW Solid Waste and Surcharge Returns (R. 01/10 01/09)	_____ 01/09

(4) No change.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History-New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04, 6-28-05, 7-25-06, 4-5-07, 1-1-08, 1-27-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, pp. 3280-3281). No comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-17.005
RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: Effective October 1, 2009, Chapters 2009-158 and 2009-162, L.O.F., require mail-in secondhand precious metals dealers to register with the Department of Revenue prior to regularly engaging in the business of purchasing jewelry or precious metals through the mail or Internet-based transactions or prior to contracting with others to buy precious metals in the same manner. The purpose of the proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department to register secondhand dealers and secondary metals recyclers to include provisions to register mail-in secondhand precious metals dealers.

SUMMARY: The proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), adopt, by reference, changes to the forms used by the Department to register secondhand dealers, mail-in secondhand precious metals dealers, and secondary metals recyclers.

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: 213.06(1), 538.11, 538.37 FS.
 LAW IMPLEMENTED: 538.09, 538.11, 538.25, 538.26, 538.31, 538.32, 538.36, 538.37, 539.002 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-17.005 Public Use Forms.

(1) The following public-use forms and instructions are employed by the Department in its dealings with the public in administering Chapter 538, F.S., and are incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
(2) DR-1S	<u>Registration Application for Secondhand Dealers and/or Dealer or Secondary Metals Recyclers Recycler</u>	_____
	<u>Registration (R. 07/09 07/08)</u>	_____ 09/08
(3) *DR-1SR	<u>Renewal Application for Secondhand Dealers and/or Dealer or Secondary Metals Recyclers Recycler</u>	_____
	<u>(R. 07/09 07/08)</u>	_____ 09/08
(4) GT-200403	<u>Secondhand Dealers and/or Dealer/ Secondary Metals Recyclers Recycler Fingerprint Card Instructions (R. 07/09 07/08)</u>	_____ 09/08

Rulemaking Specific Authority 213.06(1), 538.11, 538.37 FS. Law Implemented 538.09, 538.11, 538.25, 538.31, 538.32, 538.36, 538.37, 539.002 FS. History—New 3-15-90, Amended 11-14-91, 4-18-93, 10-17-94, 8-1-02, 9-28-04, 6-28-05, 9-15-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3281). No comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-19.100
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to provide which version of Form DR-700016 (Florida Communications Services Tax Return) is to be used to report communications services tax on services billed during specified calendar months.

SUMMARY: The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms): (1) adopt, by reference, changes to Form DR-700016 (Florida Communications Services Tax Return); and (2) provide which version of Form DR-700016 is to be used to report communications services tax on services billed during specified calendar months.

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: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax, and in the administration of the Department's electronic Address/Jurisdiction Database created pursuant to Sections 175.1015 and 185.085, F.S. These forms are hereby incorporated by reference in this rule.

(b) No change.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
01/10	January 2010 –	January 1, 2010 –
06/09	June 2009 – December 2009	June 1, 2009 – December 31, 2009
01/09	January 2009 – May 2009	January 1, 2009 – May 31, 2009
09/08	September 2008 – December 2008	September 1, 2008 – December 31, 2008
06/08	June 2008 – August 2008	June 1, 2008 – August 31, 2008 December 31, 2008
05/08	May 2008	May 1, 2008 – May 31, 2008
01/08	January 2008 – April 2008	January 1, 2008 – April 30, 2008
09/07	September 2007 – December 2007	September 1, 2007 – December 31, 2007
06/07	June 2007 – August 2007	June 1, 2007 – August 31, 2007
02/07	February 2007 – May 2007	February 1, 2007 – May 31, 2007
01/07	January 2007	January 1, 2007 – January 31, 2007
06/06	June 2006 – December 2006	June 1, 2006 – December 31, 2006
01/06	January 2006 - May 2006	January 1, 2006 – May 31, 2006
11/05	November 2005 – December 2005	November 1, 2005 – December 31, 2005
06/05	June 2005 – October 2005	June 1, 2005 – October 31, 2005
01/05	January 2005 – May 2005	January 1, 2005 – May 31, 2005
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

Form Number	Title	Effective Date
(3) No change.		
(4)(a) <u>DR-700016</u>	<u>Florida Communications Services Tax Return</u> (R. <u>01/10</u>)	_____
(b) <u>DR-700016</u>	<u>Florida Communications Services Tax Return</u> (R. <u>06/09 01/09</u>)	_____ <u>01/09</u>
(a) through (cc) renumbered (c) through (ee) No change.		
(5) through (12) No change.		

Rulemaking Specific Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS. Law Implemented 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08, 1-27-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, pp. 3281-3282). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-4.003
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), is to adopt, by reference, changes to Form DR-225 (Documentary Stamp Tax Return for Registered Taxpayers' Unrecorded Documents), used by the Department in the administration of documentary stamp tax.

SUMMARY: The proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), adopt, by reference, changes to Form DR-225 (Documentary Stamp Tax Return for Registered Taxpayers' Unrecorded Documents).

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: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.01, 201.02(1), 201.022, 201.031(1), 201.07, 201.08(1)(a), 201.133 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-4.003 Public Use Forms.

(1)(a) The following public-use forms and instructions are employed by the Department of Revenue in its administration of the documentary stamp tax, and are hereby incorporated in this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-225	Documentary Stamp Tax Return for Registered Taxpayers' Unrecorded Documents (R. <u>01/10 11/07</u>)	_____ <u>01/08</u>

(3) through (4) No change.

Rulemaking Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.01, 201.02(1), 201.022, 201.031(1), 201.07, 201.08(1)(a), 201.133 FS. History—Revised 8-18-73, Formerly 12A-4.03, Amended 9-26-77, 12-11-78, Formerly 12B-4.03, Amended 12-5-89, 2-16-93, 10-20-93, 12-30-97, 5-4-03, 6-28-05, 1-1-08, 4-14-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3282). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

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

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

SUMMARY: The proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

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: 206.14(1), 206.59(1), 213.06(1) FS.

LAW IMPLEMENTED: 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.
PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-5.150 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department and are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-138	Application for Fuel Tax Refund – Agriculture, Aquacultural, Commercial Fishing or Commercial Aviation Purposes (R. <u>01/10</u> 01/09)	___ <u>04/09</u>
(3) through (8)	No change.	
(9) DR-160	Application for Fuel Tax Refund – Mass Transit System Users (R. <u>01/10</u> 01/09)	___ <u>04/09</u>
(10) through (13)	No change.	
(14) DR-182	Florida Air Carrier Fuel Tax Return (R. <u>01/10</u> 01/09)	___ <u>04/09</u>
(15)	No change.	
(16) DR-189	Application for Fuel Tax Refund – Municipalities, Counties and School Districts (R. <u>01/10</u> 01/09)	___ <u>04/09</u>
(17) DR-190	Application for Fuel Tax Refund – Non-Public Schools. (R. <u>01/10</u> 01/09)	___ <u>04/09</u>
(18)	No change.	
(19) DR-248	2010 2009 Alternative Fuel Use Permit Application, Renewal, and Decal Order Form (R. <u>11/09</u> 03/09)	___ <u>04/09</u>
(20) DR-904	Pollutants Tax Return (R. <u>01/10</u> 01/09)	___ <u>04/09</u>

(21) DR-309631	Terminal Supplier Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(22) DR-309631N	Instructions for Filing Terminal Supplier Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(23) DR-309632	Wholesaler/Importer Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(24) DR-309632N	Instructions for Filing Wholesaler/Importer Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(25) DR-309633	Mass Transit System Provider Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(26) DR-309633N	Instructions for Filing Mass Transit System Provider Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(27) DR-309634	Local Government User of Diesel Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(28) DR-309634N	Instructions for Filing Local Government User of Diesel Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(29) DR-309635	Blender/Retailer of Alternative Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(30) DR-309635N	Instructions for Filing Blender/Retailer of Alternative Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(31) DR-309636	Terminal Operator Information Return (R. 01/10 04/09)	_____ 06/09
(32) DR-309636N	Instructions for Filing Terminal Operator Information Return (R. 01/10 04/09)	_____ 06/09
(33) DR-309637	Petroleum Carrier Information Return (R. 01/10 04/09)	_____ 06/09
(34) DR-309637N	Instructions for Filing Petroleum Carrier Information Return (R. 01/10 04/09)	_____ 06/09
(35) DR-309638	Exporter Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(36) DR-309638N	Instructions for Filing Exporter Fuel Tax Return (R. 01/10 04/09)	_____ 06/09
(37) DR-309639	Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (<u>with Instructions</u>) (R. 01/10 03/09)	_____ 04/09

(38) DR-309640	Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida (R. 01/10 04/09)	_____ 04/09
(39) DR-309645	2010 2009 Refundable Portion of Local Option and State Comprehensive Enhanced Transportation System (SCETS) Tax (R. 01/10 04/09)	_____ 04/09
(40) through (41) No change.		

Rulemaking Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 FS. History-New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, 1-1-08, 1-27-09, 4-14-09, 6-1-09, 6-1-09(5),_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, pp. 3282-3283). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.004	Rate of Tax; Oil, Gas and Sulfur
12B-7.008	Public Use Forms
12B-7.026	Public Use Forms

PURPOSE AND EFFECT: Effective July 1, 2009, Section 2, Chapter 2009-139, L.O.F., imposes new tiered tax rates on oil produced by tertiary methods in Florida. The purpose of the proposed amendments to Rule 12B-7.004, F.A.C. (Rate of Tax; Oil, Gas, and Sulfur), Rule 12B-7.008, F.A.C. (Public Use Forms), and Rule 12B-7.026, F.A.C. (Public Use Forms), is to: (1) update provisions for reporting and remitting tax on oil produced by tertiary methods in Florida, as provided by Section 2, Chapter 2009-139, L.O.F.; and (2) update the tax

and surtax rate changes imposed by Sections 211.02, and 211.3101, F.S., on the production of oil and on the severance of phosphate rock in Florida.

SUMMARY: The proposed amendments to Rule 12B-7.004, F.A.C. (Rate of Tax; Oil, Gas, and Sulfur): (1) provide the tiered tax rates for oil produced by tertiary methods, as provided in Section 2, Chapter 2009-139, L.O.F.; and (2) provide an example of how to calculate the amount of tax due. The proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), adopt, by reference, the tax rates imposed by Chapter 2009-139, L.O.F., on the production of oil reported on Forms DR-145 and DR-145X.

The proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), adopt, by reference, the tax and surtax rates imposed by Section 211.3101, F.S., on the severance of phosphate rock for calendar year 2010 on Forms DR-142 and DR-142ES.

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: 211.075(2), 211.125(1), 211.33(6), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 211.02, 211.025, 211.026, 211.04, 211.075, 211.076, 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1) FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: French Brown, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4708

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I – TAX ON PRODUCTION OF OIL, GAS, AND SULFUR

12B-7.004 Rate of Tax; Oil, Gas and Sulfur.

(1) Oil.

(a) The amount of tax shall be measured by the value of oil produced and saved. The rate for oil shall be 8 percent of the gross value thereof at the point of production.

(b) All wells capable of producing less than 100 barrels of oil per day ~~or oil produced by tertiary methods~~ shall be taxed at the rate of 5 percent of the gross value at the point of production.

(c) Oil produced by tertiary methods shall be taxed at the following tiered rates on the gross value at the point of production:

1. 1 percent of the gross value of oil \$60 and below;

2. 7 percent of the gross value of oil above \$60 and below \$80;

3. 9 percent of the gross value of oil \$80 and above.

4. Example: 200 barrels of oil were produced that had a value of \$90.00 per barrel at the time of production. Tax is calculated as follows:

<u>First Tier:</u>	<u>200 barrels x \$60 x 1% =</u>	<u>\$120</u>
<u>Second Tier:</u>	<u>+ 200 barrels x \$20 x 7% =</u>	<u>\$280</u>
<u>Third Tier:</u>	<u>+ 200 barrels x \$10 x 9% =</u>	<u>\$180</u>
<u>Total Tax Due:</u>		<u>\$580</u>

(d)(e) No change.

(2) through (3) No change.

Rulemaking Specific Authority 211.125, 213.06(1) FS. Law Implemented 211.02, 211.025, 211.026, 211.04 FS. History–New 12-28-78, Formerly 12B-7.04, Amended 12-18-94,_____.

12B-7.008 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes imposed on the production of oil, gas, and sulfur. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) through (3)	No change.	
(4) DR-145	Oil Production Monthly Tax Return (R. 07/09 08/08)	____ (01/09)
(5) DR-145X	Oil Production Monthly Amended Tax Return (R. 07/09 08/08)	____ (01/09)

Rulemaking Specific Authority 211.075(2), 211.125(1), 213.06(1) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 211.02, 211.026, 211.075, 211.076, 211.125, 213.755(1) FS. History–New 12-28-78, Formerly 12B-7.08, Amended 12-18-94, 5-4-03, 10-1-03, 11-6-07, 1-27-09,_____.

PART II – SEVERANCE TAX ON SOLID MINERALS

12B-7.026 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes and surcharge imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-142	Solid Mineral Severance Tax Return (R. <u>01/10 01/09</u>)	_____ <u>01/09</u>
(3) DR-142ES	Declaration/Installment Payment of Estimated Solid Mineral Severance Tax (R. <u>01/10 01/09</u>)	_____ <u>01/09</u>

Rulemaking Specific Authority 211.33(6), 213.06(1) FS. Law Implemented 92.525(2), 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1) FS. History—New 12-18-94, Amended 10-4-01, 5-4-03, 10-1-03, 11-6-07, 1-27-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: French Brown, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4708

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3283). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.003
 RULE TITLE: Tax Statement; Overpayments
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.
 SUMMARY: The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement, Overpayments), adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

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: 213.06(1) FS.

LAW IMPLEMENTED: 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032, FS., Ch. 93-128, s. 29, Ch. 2005-280, L.O.F.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. <u>01/10 01/09</u>)	_____ <u>01/09</u>

- (b) DR-907N Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (6)(a) DR-908 Insurance Premium Taxes and Fees Return for Calendar Year 2009 ~~2008~~ (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (b) DR-908N Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (7) DR-350900 2009 ~~2008~~ Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. 01/10 ~~01/09~~) _____ ~~01/09~~

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032, FS., Ch. 93-128, s. 29, Ch. 2005- 280, L.O.F. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05, 6-20-06, 4-5-07, 1-1-08, 1-27-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, pp. 3283-3284). No comments were received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.051
RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax.

SUMMARY: The proposed amendments to Rule 12C-1.051, F.A.C. (Forms), adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax.

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: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
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(2) No change.

- (3) F-851 Corporate Income/Franchise and Emergency Excise Tax Affiliations Schedule (R. ~~01/10 01/09~~) _____ ~~01/09~~
- (4)(a) F-1065 Florida Partnership Information Return (R. ~~01/10 01/09~~) _____ ~~01/09~~
- (b) F-1065N Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. ~~01/10 01/09~~) _____ ~~01/09~~
- (5) F-1120A Florida Corporate Short Form Income Tax Return (R. ~~01/10 01/09~~) _____ ~~01/09~~
- (6)(a) F-1120 Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. ~~01/10 01/09~~) _____ ~~01/09~~
- (b) F-1120N F-1120 Instructions – Corporate Income/Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, ~~2009 2008~~ (R. ~~01/10 01/09~~) _____ ~~01/09~~
- (7) F-1120ES Declaration/Installment of Florida Estimated Income/Franchise and Emergency Excise Tax For Taxable Year Beginning on or after January 1, ~~2010 2009~~ (R. ~~01/10 01/09~~) _____ ~~01/09~~
- (8)(a) F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. ~~01/10 01/09~~) _____ ~~01/09~~
- (b) F-1120XN Instructions for Preparing Form F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. ~~01/10 01/09~~) _____ ~~01/09~~
- (9) through (13) No change.
- (14) F-7004 Florida Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return (R. ~~01/10 01/09~~) _____ ~~01/09~~

Rulemaking Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 1-27-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3284). No comments were received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: RULE TITLE:

12C-2.0115 Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the tax on government leasehold estates to provide the 2009 Valuation Factor Table used to calculate the amount of tax due.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), adopt, by reference, the updates to the 2009 Valuation Factor Table on the forms used by the Department in the administration of the tax on government leasehold estates.

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: 199.202(2), 213.06(1) FS.

LAW IMPLEMENTED: 196.199(2), 199.135, 199.232, 199.292 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) No change.

Form Number	Title	Effective Date
(2) DR-601G	Government Leasehold Intangible Personal Property Tax Return for <u>2010</u> 2009 Tax Year (R. <u>01/10</u> 01/09)	_____ 01/09
(3) DR-602G	Governmental Leasehold Intangible Personal Property Tax Application for Extension of Time to File Return (R. <u>01/10</u> 01/09)	_____ 01/09

(4) through (5) No change.

Rulemaking Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 196.199(2), 199.135, 199.232, 199.292 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05, 10-30-06, 1-28-08, 1-27-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3284). No comments were received by the Department.

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

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-4.091	Publications, Forms and Agreements Incorporated by Reference

PURPOSE AND EFFECT: To amend the District’s Environmental Resource Permit Information Manual, Part B, Basis of Review (BOR), which is incorporated by reference in Rule 40D-4.091, F.A.C. These amendments are intended to provide permit applicants with the flexibility to meet the conditions for permit issuance and prevent adverse offsite flooding impacts which may occur as a result of the construction and operation of a surface water management system. Additionally, the proposed amendments to the BOR are intended to be consistent with the methods used to establish the 100 year flood elevations in the updated floodplain maps developed for FEMA by the District.

SUMMARY: Conditions for environmental resource permit issuance in Rule 40D-4.301, F.A.C, are intended to prevent adverse offsite flooding impacts. Criteria in the BOR provide the basis for meeting the conditions for permit issuance. The BOR identifies the 100 year, 24 hour storm event as the basis for determining the 100 year floodplain and the 25 year, 24 hour storm event for comparing pre- and post-development discharge rates. In certain circumstances, higher flood elevations can occur following more frequent storm events than those specified in the Basis of Review. In those cases, it is desirable to consider other storm events of different frequency or duration to provide reasonable assurance of compliance with the conditions of issuance. The proposed amendments are intended to provide the flexibility to meet the conditions for permit issuance in those cases where basin hydraulics cause higher flood elevations to occur following more frequent storm events than those specified in the BOR.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: In general, the rule revisions clarify requirements associated with using credible and appropriate flood levels and storm events when designing and constructing projects requiring an Environmental Resource Permit. The potential additional costs to applicants include the following: cost of additional storm water modeling/analyses, cost of constructing and maintaining larger storm water management systems, and cost of dedicating additional land for the larger storm water management systems.

For a typical 40 to 100-acre project there could be additional applicant modeling cost, if required, of \$2,000. Although modeling costs may increase, additional storage may not be necessary. The SERC also details costs under a worst case scenario. Lastly, the SERC includes a sensitivity analysis performed in order to determine the extent to which soil type and increasing time of concentration affect modeling results. Changing the soil type and/or time of concentration had little, if any, impact on the amount of additional water storage required.

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, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen.West@watermatters.org or 2379 Broad Street, Brooksville, FL 34604-6899

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications, Forms and Agreements Incorporated by Reference.

The following documents are hereby incorporated by reference and are applicable to this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____, ~~May 17, 2009~~. This document is available from the District's website at www.watermatters.org. or from the District upon request.

(2) through (6) No change.

Rulemaking Authority 373.044, 373.046, 373.113, 373.171, 373.414, F.S. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441, F.S. History – New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08, 5-12-09, 5-17-09, 8-30-09,_____.

Part B, Basis of Review

Environmental resource Permit Applications Within The Southwest Florida Water Management District Chapter Four – Water Quantity

4.1 General.

~~This document refers to flood and drought frequency impacts interchangeably with rainfall frequency. The applicant is cautioned, however, that water resource impacts are of interest in the permit process, and that additional calculations may be necessary to identify other combinations of site conditions and rainfall frequencies which might result in impacts of the specified frequency.~~

Pursuant to the Conditions for Issuance in Rule 40D-4.301, an applicant must provide reasonable assurance that the proposed construction, alteration, operation, maintenance, removal or abandonment of a surface water management system:

- a. Will not cause adverse water quantity impacts to receiving waters and adjacent lands;
- b. Will not cause adverse flooding to on-site or off-site property;
- c. Will not cause adverse impacts to existing surface water storage and conveyance capabilities; and
- d. Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Chapter 373.042, F.S.

Utilization of the design criteria in Sections 4.2 through 4.9 shall provide reasonable assurance of compliance with these conditions for issuance unless credible historical evidence of past flooding or the physical capacity of the downstream conveyance or receiving waters indicates that the conditions for issuance will not be met without consideration of storm events of different frequency or duration. In those instances, applicants shall be required to provide additional analyses using storm events of different duration or frequency than those referenced below, or to adjust the volume, rate or timing of discharges, to provide reasonable assurance of compliance with the conditions for issuance. Pre-application meetings are encouraged for projects in flood-prone areas to determine whether additional analysis is necessary to demonstrate reasonable assurance of compliance with the conditions for issuance.

4.2 Discharge.

Off-site discharge is limited to amounts which will not cause adverse off-site impacts.

- a. For a project or portion of a project located within an open drainage basin, the allowable discharge is:

1. historic discharge, which is the peak rate at which runoff leaves a parcel of land by gravity under existing site conditions, or the legally allowable discharge at the time of permit application; or
 2. amounts determined in previous District permit actions.
 - b. Except as described in Section 4.1, Unless otherwise specified off-site discharges for the existing and developed conditions shall be computed using the Southwest Florida Water Management District's 24-hour, 25-year rainfall maps and the Natural Resources Conservation Service type II Florida Modified 24-hour rainfall distribution with an antecedent moisture condition II.
 - c. No change.
 - d. When not in conflict with the objectives of recharge, dewatering, or maintaining ground water levels, projects serviced by a permitted or approved regional surface water management system may discharge storm water runoff at the rate and volume established by the agency operating the regional storm water system. The permittee must provide written verification from the operating agency stating the acceptable rate and volume of storm water runoff from the project. ~~The District permit will, by condition, indicate that a waiver from the District surface water rule criteria has been granted.~~
 - e. In no case shall the proposed surface water management system be required to account for storm events less frequent than the 25 year event in an open basin or the 100 year event in a closed basin.
- 4.3 Flood Protection.
- Flood protection for structures should be provided as follows ~~(Flood elevations should be determined from the most appropriate information available, including Federal Flood Insurance Rate Maps):~~
- a. Residential buildings should have the lowest floor elevated above the 100 year flood elevation for that site.
 - b. Industrial, commercial or other non-residential buildings susceptible to flood damage should have the lowest floor elevated above the 100 year flood elevation or be designed and constructed so that below the 100 year flood elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The design should take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effect of buoyancy and impacts from

debris. Flood proofing measures should be operable without human intervention and without an outside source of electricity.

4.4 Flood plain Encroachment.

No net encroachment into the flood plain, up to that encompassed by the 100 year event, which will adversely ~~effect~~ affect either conveyance, storage, water quality or adjacent lands will be allowed. Any required compensating storage shall be equivalently provided between the seasonal high water level and the 100 year flood level to allow storage function during all lesser flood events.

4.4.1 100 Year Flood Level Determination.

a. Flood elevations shall be determined using the most accurate information available, which can include:

1. Actual data, including water level, stream flow and rainfall records, or
2. Hydrologic/hydraulic modeling, or
3. Federal Flood Insurance Rate Maps and supporting flood study data.
4. Floodplain analysis studies approved by the District Governing Board.

b. Flood elevations shall be evaluated for accuracy considering the extent to which flood elevations are validated by site specific data.

c. The 24 hour, 100 year storm shall be used to determine the 100 year flood elevation except in those circumstances where credible historical evidence exists that higher flood stages have occurred, and can be expected to re-occur, following more frequent storm events. In those cases, the 100 year flood elevation shall be determined using a 100 year storm of sufficient duration to exceed the flood stages observed following more frequent events.

4.5 through 4.9 No change.

Chapter Seven – Design Information

7.1 No change.

7.2 Rainfall Volume.

The ~~Southwest Florida Water Management District's 24-hour, 25-year and 100-year~~ rainfall isohyetal maps in Part D will be used to determine rainfall amounts.

7.3 Rainfall Distribution.

The Natural Resource ~~Soi~~ Conservation Service Type II Florida Modified ~~24-hour~~ rainfall distribution will be used unless the applicant demonstrates that a different distribution better characterizes the actual rainfall distribution based on rainfall record.

7.4 through 7.8.1 No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen E. West, Deputy General Counsel
 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: September 11, 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 ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-701.100	Intent
62-701.200	Definitions
62-701.210	Documents Incorporated by Reference
62-701.220	General Applicability
62-701.300	Prohibitions
62-701.310	Approval of Alternate Procedures and Requirements
62-701.315	Permit Fees for Solid Waste Management Facilities
62-701.320	Solid Waste Management Facility Permit Requirements, General
62-701.330	Landfill Permit Requirements
62-701.340	General Criteria for Landfills
62-701.400	Landfill Construction Requirements
62-701.410	Hydrogeological and Geotechnical Investigation Requirements
62-701.430	Vertical Expansion of Landfills
62-701.500	Landfill Operation Requirements
62-701.510	Water Quality and Leachate Monitoring Requirements
62-701.520	Special Waste Handling
62-701.530	Gas Management Systems
62-701.600	Landfill Final Closure
62-701.610	Other Closure Procedures
62-701.620	Long-Term Care
62-701.630	Financial Assurance
62-701.710	Waste Processing Facilities
62-701.730	Construction and Demolition Debris Disposal and Recycling
62-701.803	General Permit for Off-site Disposal of Land Clearing Debris
62-701.900	Forms

PURPOSE AND EFFECT: The Department is proposing to amend Chapter 62-701, Florida Administrative Code (F.A.C.), which contains regulations for a wide variety of solid waste facilities including landfills, construction and demolition (C&D) debris disposal facilities and waste processing facilities. This chapter was substantially revised on May 21, 2001. Since that time, technologies have progressed and statutes have been changed making it apparent that an update of the entire chapter was necessary. Furthermore, new research has shown that arsenic may leach from wood treated with chromated copper arsenate (CCA) at concentrations above the Department's groundwater standard. Since most of this wood is currently disposed of in unlined facilities in Florida, the Department has concluded that Florida's groundwater may be at risk. It is clear that better management practices are needed.

SUMMARY: Rule 62-701.200 Definitions - Some new definitions have been added, including CCA treated wood, reasonable assurance, recovered screen material and unauthorized waste. Some definitions were relocated into this rule from other parts of the chapter. The definition of construction and demolition debris was updated to be consistent with recent changes to the statutes. In addition, other definitions were added for a variety of technical terms that are used in the chapter or deleted because they were either obsolete or are being transferred to other chapters.

Rule 62-701.220 General Applicability – The exemption for industrial byproducts has been updated to be consistent with recent changes in the statutes. The exemption for beneficially using road construction debris in the construction of other roads has been extended to include street sweepings, ditch scrapings, shoulder scrapings and catch basin sediments provided these materials are not contaminated.

Rule 62-701.300 Prohibitions – The prohibition on disposal of solid waste in water bodies is being clarified to exclude areas of standing water that exist only after storm events. The prohibition of storage or disposal of solid waste within 1000 feet of a community water supply well has been deleted to be consistent with the Department's well head protection rule. The prohibition of storage or disposal of solid waste within 500 feet of an existing potable well is retained. The prohibition for disposing of yard trash in a Class I landfill is updated to be consistent with recent changes in the statutes. A prohibition on making CCA treated wood into mulch or disposing of it by burning is added.

Rule 62-701.315 Permit Fees for Solid Waste Management Facilities – Fees have been updated to be more consistent with the types of facilities currently regulated. Fees have not generally been increased to reflect changes to the Consumer Price Index. This will be done at a future rulemaking.

Rule 62-701.320 Solid Waste Management Facility Permit Requirements – The method for collecting latitude and longitude data has been clarified. Construction/operation permits may be issued for longer than five years, but not to

exceed ten years, to allow for up to five years of operation after completion of the initial construction. The construction certification requirements and the requirements for maintaining financial assurance during permit transfers have been clarified. Language has been added to make it clear that waste spotters may be located on operation equipment rather than on the ground, provided that the facility's operation plan clearly identifies the methods to be used to inspect for unauthorized waste. Language on emergency preparedness and response has been added to clarify the requirements for emergencies such as fires or natural disasters.

Rule 62-701.340 General Criteria for Landfills – Unlined Class III landfills are required to develop and implement a CCA treated wood plan.

Rule 62-701.400 Landfill Construction Requirements – A variety of technical changes have been made to this rule including the following key provisions:

- Slope and foundation stability designs are required to use a factor of safety of 1.5.
- For Class III landfills that do not qualify for the liner exemption, a minimum liner system design consisting of a single geomembrane is added, with sumps and leachate collection trenches being required to have a composite liner. The leachate collection system shall be designed for a head not greater than 12 inches.
- Minimum slopes for the leachate collection system of 1.0 percent and 0.3 percent after predicted settlement have been added to the design requirements.
- Language is added to be clear that a destructive test of a geomembrane seam is required every 500 feet of seam unless test methods such as electrical leak location surveys are used. In that case, destructive tests can be conducted every 1000 feet of seam.

Rule 62-701.410 Hydrological and Geotechnical Investigation Requirements – Language is added to make it clear that professional geologists are allowed to conduct parts of the geotechnical site investigation they are qualified to perform. They will be required to sign and seal those portions of the geotechnical report.

Rule 62-701.500 Landfill Operation Requirements – The waste quantity reporting requirements have been changed from quarterly to annually, and the types of waste to report have been clarified. Temporary storage requirements for management of unauthorized wastes inadvertently received at the facility are added.

Rule 62-701.510 Water Quality and Leachate Monitoring Requirements – A variety of changes have been made to this rule including the following key provisions:

- The applicability language has been clarified to apply to all operation and closure permit applications, not just construction. Some provisions do not apply to disposal units in operation prior to January 6, 1993.

- Monitoring requirements for Class II landfills have been removed to be consistent with recent statutory changes to Chapter 403, F.S.

- Additional standards for monitoring well construction are referenced in the rule (ASTM D5092).

- Clarification is added that initial ground water quality sampling will be required for any newly installed monitoring well unless it is merely replacing an existing well.

- If only iron, aluminum, manganese, sulfated or total dissolved solids are detected in the detection wells in concentrations above background or standards, then only these parameters need to be monitored during evaluation monitoring.

- Specifies that Chapter 62-780, F.A.C. must be used to conduct corrective actions for water quality violations at solid waste management facilities, and clarifies which parts of that Chapter are applicable at permitted facilities.

- A change is made to require water quality data be submitted to the Department in an electronic format unless an alternate form of submittal is specified in the permit.

Rule 62-701.520 Special Waste Handling – Clarified the use of contaminated soils as cover at permitted landfills. Allows dead captive wildlife and disease-free dead domestic animals to be buried on-site or disposed of at Class I landfills.

Rule 62-701.530 Gas Management Plan – The odor remediation plan language has been strengthened to require immediate steps be taken when objectionable odors are confirmed off-site, such as increasing initial cover, reducing the size of the working face or ceasing operations. These changes also require conducting routine odor monitoring to evaluate the effectiveness of the odor remediation plan.

Rule 62-701.600 Landfill Final Closure – Updates the applicability language and deletes other language that is obsolete, such as the requirements for a closure schedule and a closure report. New language is added to require the closure be conducted in accordance with the closure plan. Language from other rule sections has been relocated into this section to improve the organization. These parts include the certification of closure construction, survey monuments, final survey report, and declaration to the public and official date of closing requirements.

Rule 62-701.620 Long-Term Care – Changes to this rule make it clear that long-term care (LTC) also includes controlling erosion, filling subsidence areas, complying with the ground water monitoring plan and maintaining the stormwater system. Clarification is also provided to explain what an "ineffective" closure means if the Department decides to extend the LTC period because it has determined the closure is ineffective. New language requires the submission of a stabilization report every five years to evaluate the effectiveness of the closure during the LTC period. Obsolete language on successors in interest has been deleted. The permit transfer language is deleted because it is addressed in Rule 62-701.320, F.A.C.

Rule 62-701.630 Financial Assurance – A variety of changes have been made to this rule including the following key provisions:

- Language is added to make it clear that the name on the financial assurance document must be the same as the permit applicant.
- A new provision is added to allow the permittee to delay submitting proof of financial assurance for a solid waste disposal unit that has not received any waste provided certain requirements are followed. Proof must be submitted at least 60 days prior to receiving waste.
- Clarification is added that if LTC is extended because the permittee has failed to perform the required monitoring and maintenance, then financial assurance can also be extended to the length of the LTC period.

Rule 62-701.710 Waste Processing Facilities – The applicability section of this rule is revised to make it clearer which facilities are considered waste processing facilities. Facilities used for temporary storage of road maintenance byproducts such as street sweepings, ditch and shoulder scrapings and catch basin sediments are exempted from the need to get a waste processing facility permit provided certain requirements are satisfied. Waste processing facilities are required to develop and implement a CCA treated wood plan. Creates a new permit exemption for small transfer stations that consolidate C&D waste from small containers into large containers.

Rule 62-701.730 Construction and Demolition Debris Disposal and Recycling – A variety of changes have been made to this rule including the following key provisions:

- The applicability language has been updated and obsolete provisions deleted.
- The applicant will now be required to specify the following in the permit application: final design height; maximum facility height during operation; documentation addressing disposal, if any, in a 100-year flood plain; 100-foot setback for above ground facilities; procedures for an emergency preparedness plan; and a management plan for CCA treated wood.
- If the facility installs a liner system, the minimum requirements for this system are provided. It shall consist of a single geomembrane, with sumps and leachate collection trenches being required to have a composite liner. The leachate collection system shall be designed for a head not greater than 12 inches.
- The operation plan requirements are modified to include: waste lift depths no greater than 10 unless approved by the Department; external slopes no greater than 3 to 1; and, internal slopes no greater than 3 to 1 unless approved by the Department.
- Above ground disposal units will be required to control the flow of stormwater off the disposal unit at closure by using techniques such as reverse sloping benches and down slope drainage ways.

- Requirements are added for delaying final closure of a site for up to five years provided certain provisions are satisfied.
- The requirement for a declaration to the public at closure is added to the rule. This will help identify locations of these sites in the future after they are closed.
- Clarification is added that the owner must maintain the site during the LTC period and that failure to do so may result in the Department extending the LTC period.
- The requirements for financial assurance of these facilities is clarified, including adding the provision that the permittee may delay submitting proof of financial assurance for a solid waste disposal unit that has not received any waste provided certain conditions are followed. Proof must be submitted at least 60 days prior to receiving waste.
- Clarification is added that if LTC is extended because the permittee has failed to perform the required monitoring and maintenance, then financial assurance can also be extended to the length of the LTC period.

– Unlined C&D disposal facilities are required to develop and implement a CCA treated wood plan. The plan must be designed to minimize the amount of CCA treated wood that is delivered to the facility, and must describe procedures the operator will use to make a reasonable effort to separate any CCA treated wood from other wastes at the facility.

Rule 62-701.803 General Permit for Off-site Disposal of Land Clearing Debris – Clarifies that land clearing debris includes yard trash to be consistent with recent statutory changes to Chapter 403, F.S. Adds requirements that the owner construct the facility in accordance with the site plan and operate it as identified in the notification. New language requires that external slopes be no greater than 3 to 1, and, internal slopes be no greater than 3 to 1 unless approved by the Department. These facilities will also be required to operate so they control objectionable odors.

Rule 62-701.900 Forms – This rule is updated to reflect the changes that are being made to the forms. Some forms are deleted because they have been moved to other rules, others have been added that will now be required by this rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will 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: 403.061, 403.087, 403.0877, 403.704, 403.716, 403.814 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.702-.7193, 403.75-.769, 403.814 FS.

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

DATE AND TIME: October 15, 2009, 9:00 a.m.

PLACE: 3900 Commonwealth Boulevard, Conference Room A, 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: Kay Buchanan, (850)245-2293. If you are 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: Richard Tedder, 2600 Blair Stone Road, MS 4565, Tallahassee, FL 32399-2400, telephone (850)245-8735

THE FULL TEXT OF THE PROPOSED RULES IS:

SOLID WASTE MANAGEMENT FACILITIES

62-701.100 Intent.

The intent of Chapters 62-701 through 62-722, F.A.C., is to establish standards for the construction, operation, and closure of solid waste management facilities to minimize their threat to public health and the environment; to provide for the safe handling, storage, disposal, or beneficial use of ash residue from the combustion of solid waste; to establish a procedure for the examination and certification of resource recovery equipment to implement the tax exemptions provided by Section 212.08(7)(q), F.S., and subsection 12A-1.001(20), F.A.C.; to regulate the production and use of compost made from solid waste; to establish a comprehensive program for the proper management and recycling of used oil; to regulate waste tire storage, collection, transport, processing, recycling, reuse, and disposal; to establish procedures for disbursement of ~~grants for solid waste management recycling and education grants, small county grants, and waste tire grants, litter control and prevention grants, and small county landfill closure grants to local governments for recycling and solid waste education;~~ to provide a uniform procedure by which certain persons in this state who handle, purchase, receive, recover, sell or are end users of recovered materials shall be certified by and report to the Department and register with and report to certain local governments; and to implement the provisions of the Florida Solid Waste Management Act, Sections 403.702-403.7193 and 403.75-403.769, Florida Statutes.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.021, 403.061, 403.087, 403.702-.7193, 403.75-.769 FS. History—New 1-6-93, Formerly 17-701.100, Amended 12-23-96, 5-27-01, _____.

62-701.200 Definitions.

The following words, phrases or terms as used in Chapters 62-701 through 62-722, F.A.C., unless the context indicates otherwise, shall have the following meaning:

(1) “Active life” means the operating life of a facility as estimated in the permit application, but does not include the long-term care period.

~~(2)~~(4) No change.

~~(3)~~(2) “Airport” means any area of land or water, or any manmade object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas ~~that which~~ are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

~~(4)~~(3) No change.

(4) through (6) renumbered (5) through (7) No change.

~~(7) “Backyard composting” means the composting of organic solid waste, such as grass clippings, leaves or food waste, generated by a homeowner or tenant of a single or multi family residential unit or an apartment complex unit, where composting occurs at that dwelling unit.~~

(8) No change.

(9) “Biological waste” means solid waste that causes or has the capability of causing disease or infection and includes biomedical waste, animals ~~that which~~ died from disease, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under Chapter 470, F.S.

(10) No change.

(11) “CCA treated wood” means lumber, timber, or plywood treated with chromated copper arsenate. This term does not include utility poles unless they have been ground, chipped, or shredded. “Bulky wastes” means items whose large size or weight precludes or complicates their handling by normal collection, processing, or disposal methods.

(12) “Cell” means a volume of solid waste received since the last previous application of initial cover. The compacted waste and subsequent initial cover constitute a cell ~~that which~~ usually contains wastes deposited in one day.

(13) “Class I waste” means solid waste ~~that which~~ is not hazardous waste, and ~~that which~~ is not prohibited from disposal in a lined landfill under Rule 62-701.300, F.A.C.

(14) “Class III waste” means yard trash, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by the Department, that are not expected to produce leachate ~~that which~~ poses a threat to public health or the environment.

(15) “Clean debris” means any solid waste ~~that which~~ is virtually inert, ~~which~~ is not a pollution threat to ground water or surface waters, is not a fire hazard, and is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes brick, glass, ceramics, and uncontaminated concrete including embedded pipe or steel.

(16) "Clean wood" means wood, including lumber, tree and shrub trunks, branches, and limbs, which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate, other wood preservatives or treatments.

(17) through (20) No change.

(21) "Combustion" means the treatment of solid waste in a device that uses heat as the primary means to change the chemical, physical, or biological character or composition of the waste. Combustion processes include incineration, gasification, and pyrolysis.

(22) No change.

~~(23) "Compost" means solid waste which has undergone biological decomposition of organic matter, and has been disinfected using composting or similar technologies, and has been stabilized to a degree which is potentially beneficial to plant growth and which is used or sold for use as a soil amendment, artificial top soil, growing medium amendment or other similar uses.~~

~~(24) "Composting" means the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner. The presence of anaerobic zones within the composting material will not cause the process to be classified as other than composting.~~

~~(25) "Composting facility" means a solid waste management facility where solid waste is processed using composting technology. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter.~~

~~(23)(26) "Composite liner" means a liner comprised of a geomembrane, that which is underlain and in direct contact with a soil component.~~

~~(24)(27) "Construction and demolition debris" means discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees, and other vegetative matter that which normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; effective January 1, 1997, except as provided in Section 403.707(9)(12)(j), F.S., yard trash and unpainted, non-treated wood scraps from sources other than construction or demolition projects; scrap from manufacturing facilities that is the type of material generally used in construction projects and that would meet the~~

definition of construction and demolition debris if it were generated as part of a construction or demolition project, including debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; facilities manufacturing materials used for construction of structures or their components and unpainted, non-treated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and de minimis amounts of other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

~~(25)(28) No change.~~

~~(29) "Curing area" means an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a humus-like material.~~

(30) through (32) renumbered (26) through (29) No change.

~~(33) "Disease vectors" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting disease to humans.~~

~~(34) "Disinfection" means, as relates to composting, the selective destruction of pathogens indicated by a reduction in indicator organisms to less than or equal to 100 fecal coliform most probable number per gram of volatile suspended solids where the organic solid waste was maintained at or above 55 degrees Celsius for three consecutive days in a mechanical composter or in an aerated, insulated static pile, or for 15 consecutive days in an aerated windrow with at least one turning or a non-aerated windrow with at least four turnings of the windrow.~~

(35) through (39) renumbered (29) through (33) No change.

~~(40) "Foreign matter" means the inorganic and organic constituents in a solid waste stream that are not readily decomposed and that may be present in the compost. For purposes of Chapter 62-709, F.A.C., foreign matter is metals, glass, plastics, rubber, bones, and leather, but does not include sand, grit, rocks or other similar materials.~~

~~(34)(41) No change.~~

~~(35)(42) "Gas condensate" means the liquid generated as a result of gas recovery processes at a solid waste management facility landfill.~~

(43) through (49) renumbered (36) through (42) No change.

~~(43)(50)~~ “Geosynthetic clay liner” (GCL) means a low-permeability manufactured material consisting of a layer of low permeability clay placed between two geotextiles.

(51) through (54) renumbered (44) through (47) No change.

~~(48)~~ “HDPE” means high density polyethylene.

~~(49)(55)~~ No change.

~~(50)(56)~~ “Indoor” means within a structure ~~that which~~ excludes rain and public access and would control air flows in the event of a fire.

~~(51)(57)~~ “Industrial byproducts” means those materials ~~that which~~ have a demonstrated recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream for sale, use, or reuse. The term does not include any materials ~~that which~~ are defined as recovered materials; a mixed waste stream that is processed to remove recyclable materials; or materials the recycling or use of which is specifically addressed in Department rules, such as construction and demolition debris, ash residue, waste tires, used oil, and compost. Industrial byproducts are regulated as solid waste unless otherwise exempted under paragraph 62-701.220(2)(d), F.A.C.

~~(52)(58)~~ No change.

~~(53)(59)~~ “Initial cover” means a 6-inch layer of compacted earth; used to cover an area of solid waste before placement of additional waste, intermediate cover, or final cover. The term also includes other material or thickness, approved by the Department, that minimizes ~~disease~~ vector breeding, animal attraction, and ~~moisture infiltration,~~ minimizes fire potential, prevents blowing litter, controls odors, and improves landfill appearance.

(60) through (61) renumbered (54) through (55) No change.

~~(56)(62)~~ “Land clearing debris” means rocks, soils, tree remains, trees, and other vegetative matter ~~that which~~ normally results from land clearing or land development operations for a construction project. Land clearing debris does not include vegetative matter from lawn maintenance, commercial or residential landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or any other sources not related directly to a construction project.

~~(63)~~ “Land reclamation” means ~~the restoration of productivity to lands made barren through processes such as erosion, mining or land clearing.~~

(64) through (68) renumbered (57) through (61) No change.

~~(62)(69)~~ “Lined landfill” means a landfill constructed with a liner made of synthetic materials, low-permeability soils, or a combination of these materials, ~~that which~~ has been permitted by the Department, and ~~that which~~ met the Department’s landfill design criteria specified in this chapter or previous versions of this chapter at the time of permitting.

(70) through (72) renumbered (63) through (65) No change.

~~(66)~~ “LLDPE” means linear low density polyethylene.

~~(67)(73)~~ No change.

~~(68)(74)~~ “Lower explosive limit” means the lowest percent by volume of a mixture of explosive gases ~~that which~~ will propagate a flame in air at a temperature of 25 degrees Celsius and atmospheric pressure.

(75) through (77) renumbered (69) through (71) No change.

~~(78)~~ “Mesophilic stage” means ~~a biological stage in the composting process characterized by active bacteria which favor a moderate temperature range of 20-45 degrees Celsius. It occurs later in a composting process after the thermophilic stage and is associated with a moderate rate of decomposition.~~

(79) through (82) renumbered (72) through (75) No change.

~~(76)(83)~~ “Normal farming operations” means the customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in during the production and preparation for market of poultry, livestock, and associated farm products; and in the production, harvesting, or packaging of agricultural crops which include agronomic, horticultural, and silvicultural crops. Included are the management, collection, storage, composting, transportation, and utilization of organic agricultural waste, manure, and materials solely derived from agricultural crops. A facility regulated as an Animal Feeding Operation pursuant to Chapter 62-670, F.A.C., that manages its manure on-site will be considered to be engaging in normal farming operations.

~~(77)(84)~~ No change.

~~(78)(85)~~ “Oily wastes” has the meaning given that term in Rule 62-710.201, F.A.C. means those materials which are mixed with used oil and have become separated from that used oil. Oily wastes also means materials, including wastewaters, centrifuge solids, filter residues or sludges, bottom sediments, tank bottoms, and sorbents which have come into contact with, and have been contaminated by, used oil.

~~(79)(86)~~ No change.

~~(80)(87)~~ “On-site” means on the same or geographically contiguous property, which may be divided by a public or private right-of-way. It does not include two or more parcels of land more than a mile apart ~~that which~~ are connected only by a public or private right-of-way.

(88) through (92) renumbered (81) through (85) No change.

~~(86)(93)~~ “Potable water well” means any excavation that is drilled or bored, or converted from non-potable water use, when the intended use of such excavation is for the location and acquisition of ground water ~~that which~~ supplies water for human consumption.

~~(87)(94)~~ No change.

~~(88)(95)~~ “Processing” means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration. ~~As regards used oil, the term means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil derived products. Processing includes blending used oil with virgin petroleum products, blending used oils to meet the fuel specifications, filtration, simple distillation, chemical or physical separation and re-refining.~~

~~(89)(96)~~ “Professional engineer” means an engineer licensed ~~registered~~ in the State of Florida in accordance with Chapter 471, F.S.

~~(90)(97)~~ “Professional geologist” means a geologist licensed ~~registered~~ in the State of Florida in accordance with Chapter 492, F.S.

~~(98)~~ “Public used oil collection center” means:

~~(a) An automotive service facility or government sponsored collection facility which accepts for disposal small quantities of used oil from households; or~~

~~(b) A facility which stores used oil in aboveground tanks, and which accepts small quantities of used oil from households.~~

~~(91)(99)~~ “Putrescible waste” means solid waste ~~that~~ which contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for birds. The term does not include uncontaminated yard trash or clean wood.

(100) through (101) renumbered (92) through (93) No change.

~~(94)~~ “Reasonable assurance” means the existence of a substantial likelihood, although not an absolute guarantee, that the proposed activity and applicant will comply with agency rules, laws, orders and permit conditions. It does not mean proof that a facility will not fail.

(102) through (103) renumbered (95) through (96) No change.

~~(97)~~ “Recovered screen material” means the fines fraction, consisting of soil and other small materials, derived from the processing or recycling of construction and demolition debris which passes through a final screen size no greater than 3/4 of an inch.

(104) through (112) renumbered (98) through (106) No change.

~~(107)(113)~~ “Solid waste” means: sludge that is not regulated ~~unregulated~~ under the federal Clean Water Act or Clean Air Act, as well as; sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial,

commercial, mining, agricultural, or governmental operations. Materials not regulated as solid waste pursuant to this chapter are: recovered materials; nuclear source or byproduct materials regulated under Chapter 404, F.S., or under the Federal Atomic Energy Act of 1954 as amended; suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emissions; and fluids or wastes associated with natural gas or crude oil exploration or production.

~~(108)(114)~~ “Solid waste combustor” means an enclosed device that uses controlled combustion, the primary purpose of which is to thermally break down solid, liquid, or gaseous combustible solid wastes to an ash residue that contains little or no combustible material. A solid waste combustor specifically includes any facility that uses incineration, gasification, or pyrolysis to break down solid waste.

(115) through (116) renumbered (109) through (110) No change.

~~(111)(117)~~ “Solid waste management” means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way, according to an orderly, purposeful, and planned program which includes closure ~~and long term maintenance.~~

~~(112)(118)~~ “Solid waste management facility” means any solid waste disposal area, ~~volume reduction plant,~~ transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities which meet the requirements of paragraph 62-701.220(2)(c), F.A.C., except the portion of such facilities, if any, that is used for the management of solid waste.

~~(113)(119)~~ No change.

~~(114)(120)~~ “Stabilized” means that biological and chemical decomposition of the wastes has ceased or diminished to a level so that such decomposition no longer poses a pollution, health, or safety hazard. ~~As regards composting, the term means that the compost has at least passed through the thermophilic stage, and that biological decomposition of the solid waste has occurred to a sufficient degree that will allow beneficial use.~~

~~(115)(121)~~ No change.

~~(122)~~ “Thermophilic stage” means a biological stage in the composting process characterized by active bacteria which favor a high temperature range of 45-75 degrees Celsius. ~~It occurs early in a composting process before the mesophilic stage and is associated with a high rate of decomposition.~~

(123) through (125) renumbered (116) through (118) No change.

~~(119)(126)~~ “Ton” means a short ton, 2000 pounds (0.9078 metric tons).

~~(120)~~(127) “Transfer station” means a facility the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. Operations at such facilities may include separation of incidental amounts of recyclable materials or unauthorized waste.

(121) “Unauthorized waste” means any type of waste that is not allowed to be accepted or managed at a solid waste management facility in accordance with rule or statutory requirements or permit conditions.

~~(128) “Unlined landfill” means a landfill which does not have a bottom liner system which was approved by the Department as part of a construction permit, or which has a bottom liner system which does not or did not meet the Department’s landfill design criteria specified in this chapter or in previous versions of this chapter at the time of construction. This term includes landfills underlain by only in-situ soils unless these soils have been tested and approved by the Department as part of a construction permit.~~

~~(122)~~(129) “Used oil” has the meaning given that term in Rule 62-710.201, F.A.C means any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become contaminated and unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.

(130) through (131) renumbered (123) through (124) No change.

~~(125)~~(132) “Vector” means, as regards compost, a carrier organism that is capable of transmitting a pathogen from one organism to another.

~~(133) “Volume reduction plant” means an incinerator, pulverizer, compactor, shredding and baling plant, composting plant, or other plant which accepts and processes solid waste for recycling or disposal.~~

~~(126)~~(134) “Waste tire” means a tire that has been removed from a motor vehicle and has not been retreaded or regrooved. The term “Waste tire” includes used tires and processed tires, but does not include solid rubber tires and tires that are inseparable from the rim.

(135) through (136) renumbered (127) through (128) No change.

~~(129)~~(137) “Waste tire processing facility” means a site where equipment is used to treat waste tires mechanically, chemically, or thermally so that the resulting material is a marketable product or is suitable for proper disposal ~~recapture reusable byproducts from waste tires or to cut, burn, or otherwise alter waste tires so that they are no longer whole.~~ The term includes mobile waste tire processing equipment.

(138) through (141) renumbered (130) through (133) No change.

~~(134)~~(142) “Working face” means that portion of a solid waste disposal unit ~~landfill~~ where waste is deposited, spread, and compacted before placement of initial cover.

~~(135)~~(143) “Yard trash” means vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and associated rocks and soils.

(136)(144) No change.

All other definitions found in Chapter 403, F.S., and Chapters 62-702 through 62-722, F.A.C., to the extent that they are consistent with the definitions of this chapter, are applicable to the terms used in this chapter.

~~Rulemaking Specific Authority 403.704 FS. Law Implemented 403.702-717, 403.75-769 FS. History—Formerly 10D-12.02, 10-1-74, Revised 7-20-76, Amended 5-24-79, 6-13-84, 4-25-85, 7-1-85, 12-10-85, Formerly 17-7.02, 17-7.020, Amended 8-2-89, 6-25-90, Formerly 17-701.020, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.200, Amended 12-23-96, 5-27-01.~~

62-701.210 Documents Incorporated by Reference.

Specific references to the documents listed below are made throughout this chapter. These documents are adopted as standards and are incorporated into this chapter by reference. The reference documents are available for inspection at the Department’s district offices.

(1) through (2) No change.

~~(3) ASTM Method E96-00, Procedure BW, “Standard Test Methods for Water Vapor Transmission of Materials,” April 10, 2000.~~

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

~~(5)(6) Methods 601 and 602, 40 CFR Part 136, Appendix A, Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater: December 22, 2000 40 CFR Part 258, Appendix II; October, 1991.~~

(7) through (10) renumbered (6) through (9) No change.

~~(10)(11) 40 CFR 264 subpart H, except for those sections specified in subparagraph 62-701.630(6)(b)1., F.A.C.; July 1, 2007 2000.~~

~~(11)(12) No change.~~

~~(12)(13) GRI Test Method GM13 revision 6 dated June 23, 2003 2 dated April 29, 1999.~~

~~(13)(14) PGI 1104 4497 Specification for PVC Geomembrane, effective January 1, 2004 January 1, 1997.~~

(15) through (18) renumbered (14) through (17) No change.

~~(18) GRI Test Method GM17 revision 3 dated June 23, 2003.~~

~~(19) GRI Test Method GM19 revision 2 dated January 28, 2005.~~

~~(20) ASTM Method D6766-06a “Standard Test Method for Evaluation of Hydraulic Properties of Geosynthetic Clay Liners Permeated with Potentially Incompatible Liquids,” November 15, 2006.~~

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.061, ~~403.702-717~~ ~~403.702~~, ~~403.717~~ FS. History--New 1-6-93, Amended 1-2-94, Formerly 17-701.210, Amended 5-27-01, _____.

62-701.220 General Applicability.

(1) No change.

(2) This chapter applies to all solid waste and each solid waste management facility in this state, with the following exceptions:

(a) through (b) No change.

(c) Recovered materials or recovered materials processing facilities, if:

1. through 3. No change.

4. The facility meets the registration requirements ~~is registered as required~~ in Section 403.7046, F.S., and Chapter 62-722, F.A.C.;

(d) Industrial byproducts, if

1. No change.

2. The industrial byproducts are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water so that such industrial byproducts or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground water, or otherwise enter the environment such that a threat of contamination in excess of water quality standards and criteria or air quality standards is caused, or a significant threat to public health is caused; and

3. No change.

(e) through (f) No change.

(g) The collection and processing of soil, rocks, vegetative debris, asphalt, and similar materials normally associated with and actually from construction and routine maintenance of roads, as defined in Section 334.03(24), F.S., when such materials are beneficially used or reused by the generator as part of a road construction or maintenance project. Street sweepings, ditch scrapings, shoulder scrapings, and catch basin sediments are included in this exemption provided that any significant amounts of solid waste, such as tires, furniture, white goods, and automobile parts, are removed prior to use or reuse. This exception does not apply when materials are contaminated by a spill or other unusual event. Storage of these materials at transfer stations or off-site waste storage areas is addressed in subparagraph 62-701.710(1)(e)5., F.A.C.

(3) through (7) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.061, ~~403.702-717~~ ~~403.702~~, ~~403.717~~ FS. History--New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.220, Amended 5-27-01, _____.

62-701.300 Prohibitions.

(1) General prohibition.

(a) No person shall store, process, or dispose of solid waste except as authorized at a permitted solid waste management facility or a facility exempt from permitting under this chapter.

(b) No change.

(2) Siting. Unless authorized by a Department permit or site certification in effect on May 27, 2001, or unless specifically authorized by another Department rule or a Department license permit or site certification based upon site-specific geological, design, or operational features, no person shall store or dispose of solid waste ~~shall be stored or disposed of by being placed:~~

(a) through (c) No change.

~~(d) In an area subject to frequent and periodic flooding unless flood protection measures are in place;~~

~~(d)(e)~~ (e) In any natural or artificial body of water, including ground water and wetlands within the jurisdiction of the Department. This prohibition does not apply to areas of standing water that exist only after storm events, provided that the storage or disposal does not result in objectionable odors or sanitary nuisances;

~~(e)(f)~~ (f) Within 200 feet of any natural or artificial body of water unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water body was in existence. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility. For purposes of this paragraph, a "body of water" includes wetlands within the jurisdiction of the Department, but does not include impoundments or conveyances which are part of an on-site, permitted stormwater management system, or bodies of water contained completely within the property boundaries of the disposal site which do not discharge from the site to surface waters. A person may store or dispose of solid waste within the 200 foot setback area upon demonstration to the Department that permanent leachate control methods will result in compliance with water quality standards and criteria. However, nothing contained herein shall prohibit the Department from imposing conditions necessary to assure that solid waste stored or disposed of within the 200 foot setback area will not cause pollution from the site in contravention of Department rules; and:

~~(f)(g)~~ (g) On the right of way of any public highway, road, or alley; and

~~(h) Within 1000 feet of an existing or approved potable water well serving a community water supply as defined in subsection 62-550.200(12), F.A.C., unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water well was in existence. It is the intent of the Department that this provision shall be repealed on the effective date of any rule promulgated by the Department which regulates wellhead~~

~~protection areas generally. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility.~~

(3) through (5) No change.

(6) Biomedical waste.

(a) No biomedical waste shall be knowingly deposited in any solid waste management facility unless:

1. No change.

2. The biomedical waste has been properly incinerated so that little or no organic material remains in the ash residue, or treated by a process approved by the Department of Health, and the provisions in paragraph ~~62-701.520(5)(d)~~ 62-701.520(5)(e), F.A.C., are complied with; or

3. No change.

(b) through (c) No change.

(7) No change.

(8) Special wastes for landfills. No person who knows or who should know of the nature of such solid waste shall dispose of the following wastes ~~in any landfill~~:

(a) Lead-acid batteries in any landfill;

(b) Used oil in any landfill, except as provided in Chapter 62-710, F.A.C.;

(c) Yard trash in a Class I landfill, ~~except in unlined landfills classified by Department rule~~;

(d) White goods in any landfill; and

(e) Whole waste tires in any landfill, except as provided in Chapter 62-711, F.A.C.

(9) No change.

(10) Liquids restrictions.

(a) Noncontainerized liquid waste shall not be placed in solid waste disposal units which accept household waste or construction and demolition debris for disposal unless:

1. The liquid waste is household waste other than septic waste; or

2. The liquid waste is leachate or gas condensate derived from the solid waste disposal unit, or byproducts of the treatment of such leachate or gas condensate, and the solid waste disposal unit is lined and has a leachate collection system.

(b) through (c) No change.

(11)(a) Used oil and oily wastes. Except as provided in paragraph (b) of this subsection, no person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills.

(b) Oily wastes, sorbents or other materials used for maintenance or to clean up or contain leaks, spills or accidental releases of used oil, and soils contaminated with used oil as a result of spills or accidental releases are not subject to the prohibition in paragraph (a) of this subsection.

(12) Yard trash. The prohibitions in paragraphs ~~(2)(b), (f), and (h)~~ of this section apply to the storage, processing, or disposal of yard trash, except that paragraphs (2)(b) and (e) of this section are modified so that the following setback distances shall apply:

(a) 100 feet from off-site potable water wells, no setback required from on-site water wells; and

(b) 50 feet from water bodies; and

~~(c) 200 feet from wells serving community water supplies.~~

(13) No change.

(14) CCA treated wood. CCA treated wood shall not be incorporated into compost or made into mulch, decorative landscape chips or any other wood product that is applied as a ground cover, soil or soil amendment. CCA treated wood may be ground and used as initial cover on interior slopes of lined solid waste disposal facilities provided it meets the criteria of subsection 62-701.200(53), F.A.C. CCA treated wood shall not be disposed of through open burning or through combustion in an air curtain incinerator.

(15) Dust. The owner or operator of a solid waste management facility shall not allow the unconfined emissions of particulate matter in violation of paragraph 62-296.320(4)(c), F.A.C.

~~(16)(14)~~ No change.

(17)(15) Storage in vehicles or containers. The prohibitions in subsection (2) of this section do not apply to the storage of solid waste in an enclosed or covered vehicle or container, provided that such vehicle or container has either been unloaded or moved over public highways within the previous seven days, and provided also that reasonable efforts have been made to minimize leakage from the vehicle or container.

~~(18)(16)~~ Existing facilities. Those portions of facilities which were constructed prior to May 27, 2001, remain subject to the prohibitions that were in effect at the time the permit authorizing construction was issued. Lateral expansions of such facilities remain subject to the prohibitions that were in effect at the time the permit authorizing the lateral expansion was issued. For example, portions of facilities constructed prior to May 19, 1994 were subject to the prohibition against storing or disposing of solid waste within 500 feet of an existing or approved shallow water supply well, but are not subject to the prohibitions of paragraphs (2)(b) ~~and (h)~~ of this section. However, lateral expansions of such facilities which occurred after May 19, 1994 are subject to the prohibitions of paragraphs (2)(b) ~~and (h)~~ of this section.

Rulemaking Specific Authority 403.704 FS. Law Implemented 403.704, 403.707, 403.708 FS. History--Formerly 10D-12.06, 10D-12.07, 10-1-74, Amended 5-24-79, 5-27-82, 12-10-85, Formerly 17-7.04, 17-7.040, Amended 6-25-90, Formerly 17-701.040, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.300, Amended 12-23-96, 5-27-01,_____.

62-701.310 Approval of Alternate Procedures and Requirements.

(1) through (4) No change.

(5) Other relief mechanisms Variances. Requests for variances from specific statutory or rule requirements may be made pursuant to Section 403.201, F.S., and Rule 62-110.104, F.A.C. Requests for variances or waivers from rule requirements may also be made pursuant to Section 120.542, F.S., and Rule 28-104.002, F.A.C. Applications for research, development and demonstration permits may be made pursuant to Section 403.70715, F.S., and shall be submitted using Form 62-701.900(32), Application for a Permit to Construct and Operate a Research, Development and Demonstration Facility, effective _____, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(6) through (7) No change.

Rulemaking Specific Authority 403.704 FS. Law Implemented 403.0877, 403.704, 403.707 FS. History--New 7-1-85, Amended 12-10-85, Formerly 17-7.078, Formerly 17-701.078, Amended 1-6-93, 5-19-94, Formerly 17-701.310, Amended 5-27-01,_____.

62-701.315 Permit Fees for Solid Waste Management Facilities.

Notwithstanding the provisions of paragraph 62-4.050(4)(j)(w), F.A.C., the following fees shall apply to permit applications for solid waste management facilities. The provisions of paragraphs 62-4.050(4)(o) through (v), F.A.C., continue to apply to such permits or applications. Fees for permit modifications are established in subsection 62-701.320(4), F.A.C.

(1) Construction permits.

(a) Class I landfill	\$10,000
(b) Class II landfill	\$10,000
(b)(e) Class III landfill	\$ 6,000
<u>(c)(d) Solid waste storage and handling area at a solid waste combustor with a capacity of 50 tons per day or more Waste-to-energy facility not covered by the Florida Electrical Power Plant Siting Act</u>	<u>\$5,000 40,000</u>
<u>(d) Solid waste storage and handling area at a solid waste combustor with a capacity of less than 50 tons per day</u>	<u>\$ 2,000</u>
(e) Other resource recovery facilities	\$ 2,000
(f) Incinerator	\$ 3,000
(e)(g) Manure or yard trash composting facility	\$ 2,000
(f)(h) Solid waste composting facility	\$ 5,000
(g)(i) Waste tire processing facility	\$ 1,250

<u>(h) Small waste tire processing facility</u>	<u>\$ 500</u>
<u>(i) Waste tire collection facility</u>	<u>\$ 500</u>
(j) All other solid waste facilities	\$ 1,000
(j)(k) Offsite biomedical waste treatment facility other than a biomedical waste incinerator	\$ 2,000
<u>(k) All other solid waste facilities</u>	<u>\$ 1,000</u>
(2) Operation permits.	
(a) Class I landfill	\$10,000
(b) Class II landfill	\$10,000
(b)(e) Class III landfill	\$ 4,000
<u>(c)(d) Solid waste storage and handling area at a solid waste combustor with a capacity of 50 tons per day or more Waste-to-energy facility not covered by the Florida Electrical Power Plant Siting Act</u>	<u>\$5,000 40,000</u>
(e) Other resource recovery facilities	\$ 1,000
<u>(d)(f) Solid waste storage and handling area at an air curtain incinerator or at a solid waste combustor with a capacity of less than 50 tons per day Incinerator</u>	<u>\$ 1,000</u>
(e)(g) Manure and yard trash composting facility	\$ 1,000
(f)(h) Solid waste composting facility	\$ 3,000
<u>(g)(i) Off-site biomedical waste treatment facility other than a biomedical waste incinerator</u>	<u>\$ 1,000</u>
<u>(h)(j) All other solid waste facilities</u>	<u>\$ 500</u>
(3) Closure permits.	
(a) Class I landfill	\$ 7,500
(b) Class II landfill	\$ 7,500
(b)(e) Class III landfill	\$ 4,000
<u>(c)(d) All other solid waste facilities</u>	<u>\$ 1,000</u>
<u>(d)(e) Closure permit for landfill which involves only long-term care (10-year duration)</u>	<u>\$ 2,000</u>
(4) Waste processing facility.	
(a) Construction/operation permit	\$ <u>3,000 2,000</u>
(b) Renewal permit which does not involve additional construction	\$ 1,000
(5) Construction and demolition debris disposal facilities.	
(a) Construct, operate, and close a facility, including facilities that also recycle	\$ <u>4,000 2,500</u>
(b) Renewal permit which does not involve additional construction	\$ 1,000
(c) Renewal permit involving only long-term care	\$ 250
(6) General permit for land clearing debris disposal facility <u>or a mobile waste tire processing facility.</u>	\$ 100

(7) Construction permit and/or an operation permit for a facility which has multiple solid waste management components that normally would require individual solid waste permits. A single application may be submitted and the permit fee will be the sum of all individual permits; however, the total permit fees for the facility shall not exceed \$25,000, exclusive of modifications and renewals.

- (8) Request for an Alternate Procedure.
 - (a) Landfill \$ 2,000
 - (b) Other \$ 500
- (9) Research, Development and Demonstration permits (per year up to three one-year duration). \$ 1,000
- (10) Ground Water Monitoring Plan Approvals for landfills with no other Department permit. \$ 500
- (11) Transfer of permit. \$ 50

Rulemaking Specific Authority 403.061, 403.087, 403.704 FS. Law Implemented 403.087, 403.0877, 403.702, 403.704, 403.707, 403.70715, 403.7224 FS. History—New 5-27-01, Amended _____.

62-701.320 Solid Waste Management Facility Permit Requirements, General.

(1) No change.
 (2) Exemptions. Except as provided in Section 403.707(2), F.S., no permit under this chapter shall be required for the following activities or facilities. For purposes of this subsection, disposal shall be deemed to include storage prior to disposal or processing.

(a) Disposal by persons of solid waste resulting from their own activities on their own property, if provided such waste is ordinary ~~either~~ household waste from their residential property or is rocks, soils, trees, tree remains, and other vegetative matter which normally results from land development operations on that property. Disposal of materials that which could create a public nuisance or adversely affect the environment or public health, such as white goods, automotive materials including batteries and tires, petroleum products, pesticides, solvents, or hazardous substances, is not covered under this exemption.

(b) Disposal by persons of solid waste resulting from their own activities on their property, if provided ~~that~~ the environmental effects of such disposal on ground water and surface waters are:

- 1. through 3. No change.
- (c) through (d) No change.
- (e) Storage of solid waste in containers on property that which is owned, rented, or leased by the persons who generated the waste from their own activities which occurred on their property, if the solid waste in such containers is collected at least once a week.
- (f) No change.

(3) through (6) No change.

(7) Application content and format. Applications for permits to construct, operate, modify, or close a solid waste management facility shall include in the following sequence:

- (a) through (d) No change.
- (e) Appendices submitted as part of an engineering report to support a permit application shall contain, where required under applicable sections of this rule:
 - 1. No change.
 - 2. A contingency plan that complies with subsection (16) of this section ~~appropriate for the type of facility to cover operations interruptions and emergencies such as fires, explosions, or natural disasters;~~
 - 3. through 5. No change.

(f) Plans or drawings for all solid waste management facilities shall:

- 1. through 2. No change.
- 3. Include a regional map or plan showing the project location in relation to major roadways and population centers;
- 4. Include a current vicinity map; or aerial photograph taken within one year preceding the application, showing the facility site and relevant surface features located within 1000 feet of the facility;

5. Have a site plan showing ~~containing~~ the location of all property boundaries certified by a Florida Licensed Professional Surveyor and Mapper ~~registered Florida land surveyor;~~ and

6. Clearly show all necessary details and be numbered, titled, and referenced to the narrative report. Drawings shall contain a north arrow and horizontal and vertical scales, and shall specify drafting or origination dates. All elevations shall be referenced to a consistent, nationally recognized datum ~~National Geodetic Vertical Datum.~~

7. Latitude and longitude data shall be included representing the approximate center of the waste disposal or processing area and shall include the method the data was collected using the following:

Field Name	Also Known As	Description
Object of Interest	Feature	The object the point represents.
Relationship of Point to Object of Interest	Proximity	Identifies how close the point is to the actual object of interest.
Collection Method	Method	The method used to collect the point.
Collection Date	Date	The date the point was collected.
Datum		The reference for measuring locations on the earth's surface.

- (g) through (i) No change.
- (8) Notice of application.
 - (a) No change.
 - (b) An applicant for a permit to construct or substantially modify a Class ~~I, II,~~ or III landfill shall mail a notice of application to the Chair of the Board of County Commissioners, the highest ranking elected official of the

municipality, and each State Senator and Representative serving the jurisdiction in which the project is located. The notice shall be mailed within 14 days of submittal of the application to the Department, and proof of mailing shall be provided to the Department. After the Department completes the permit review, the Department shall send a copy of the notice of intent to issue or deny the permit to these same officials.

(9) Permits for construction, modification, operation, and closure. Complete permit applications for construction or operation of a solid waste management facility, renewal of an operation permit for an existing facility, modification of an existing facility, or closure of a facility shall be evaluated by the respective Department district office in accordance with Chapters 62-4 and 62-701, F.A.C. Except as provided in Rule 62-701.620, F.A.C., the time period for permits shall be no longer than five years from the date of issuance by the Department. However, a construction/operation permit shall be issued for a longer period, not to exceed ten years, so that the permit will allow up to five years of operation after initial construction has been completed. The Department shall:

(a) The Department shall:

1. Issue a construction permit, or a construction/operation permit for a solid waste management facility, or for a substantial modification of an existing solid waste management facility. After all specified construction has been completed and before acceptance of any solid waste, the engineer of record shall certify to the Department on Form 62-701.900(2) that the permitted construction is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated. The applicant shall provide at least 14 days advance notice to the Department prior to accepting solid waste so that the Department has the opportunity to inspect the site; or

2. (b) Issue an operation permit for a new facility that has been satisfactorily constructed, or to an existing facility which is being operated in accordance with this chapter at the time for permit renewal; or

3. (e) Issue a closure permit for closing and long-term care of a landfill that which complies with the requirements of Rules 62-701.600-.620, F.A.C.; or

4. (d) No change.

(b) After all specified construction has been completed and before acceptance of any solid waste, the engineer of record shall certify to the Department that the permitted construction is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. The certification shall be submitted on Form 62-701.900(2), Certification of Construction Completion of a Solid Waste Management Facility, effective May 19, 1994, hereby adopted and

incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. All deviations shall be described in detail and the reasons therefore enumerated. The permittee shall not accept solid waste at the facility until one of the following has occurred:

1. The Department has stated in writing that it has no objection to the certification of construction completion; or

2. At least 30 days have passed since the certification was submitted and the Department has not responded in writing to the certification.

(c) In addition to the above requirements, the permittee shall not accept solid waste at the facility unless a construction/operation permit or an operation permit has been issued to the permittee. If the applicant has submitted Form 62-701.900(29), F.A.C., as provided for in paragraph 62-701.630(2)(c) or paragraph 62-701.730(11)(b), F.A.C., the permittee shall not accept solid waste at the solid waste disposal unit referenced in that Form unless the Department has given the permittee a specific separate approval authorizing operation of the unit.

(10) Permit renewals.

(a) No change.

~~(b) Permits shall be renewed at least every five years.~~ Applicants for permit renewal shall demonstrate how they will comply with any applicable new or revised laws or rules relating to construction, operation, or closure of solid waste management facilities. Closure plans shall be updated at the time of permit renewal to reflect changes in closure design, long-term care requirements, and financial responsibility documentation.

(c) No change.

(11) Permit transfers.

(a) Any person wishing to transfer a permit shall submit such a request using Form 62-701.900(8), Permit Transfer Form, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form must be completed with the signatures of both the permittee and the proposed new permittee.

(b) A transfer of permit is required upon the sale or transfer of a facility. A transfer of permit is also required if a new or different person takes ownership or control of the facility. A transfer of permit is not required if the facility simply changes its name, although the permittee must notify the Department of such a change using Form 62-701.900(8). A transfer of permit is also not required solely as a result of the sale of stock or assets or a change of operating personnel, as long as ownership or control of the facility has not changed. A

permittee may apply for a permit transfer prior to the sale or change of control of the facility, but the permit transfer shall not be effective prior to the sale or change of control.

(c) The proposed new permittee shall provide reasonable assurance that it has the ability to comply with the conditions of the existing permit, that it either owns the property or has legal authorization from the property owner to use the site, and that it meets any financial assurance requirements of the permit or applicable rules.

(d) No change.

(e) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee seeking to transfer the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility. If the existing permittee is under a continuing obligation to perform corrective actions as a result of a Department enforcement action or consent order, the permit may not be transferred until the proposed new permittee agrees in writing to accept responsibility for performing such corrective actions.

(f) If financial assurance for closure is required for the permit being transferred, the existing permittee shall maintain that financial assurance until the Department approval of the transfer is final. The proposed new permittee shall also provide financial assurance before the transfer is approved by the Department.

(12) No change.

(13) Airport safety.

(a) Applicability. This subsection applies to those solid waste management facilities constructed after January 6, 1993, as well as lateral expansions of facilities ~~that which~~ were constructed prior to January 6, 1993. For purposes of this subsection, an "airport runway" does not include facilities used solely for helicopters or other aircraft which take off and land vertically.

(b) Solid waste management facilities where waste is stored, disposed, or processed outdoors; shall not be located within 10,000 feet of any licensed and operating airport runway used by turbine powered aircraft, or within 5,000 feet of any licensed and operating airport runway used only by piston engine aircraft, unless the applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft.

(c) No change.

(d) The following facilities are exempt from the requirements of this subsection:

1. through 5. No change.

6. Construction and demolition debris disposal or recycling facilities ~~that which~~ are not co-located with other solid waste disposal facilities accepting putrescible wastes; and

7. Any other solid waste management facility ~~that which~~ does not accept putrescible waste for disposal, processing, or recycling.

(14) Other facility permits. In addition to the exemptions in subsection (2) of this section, the following solid waste management facilities ~~that which~~ are constructed and operated under an appropriate and currently valid permit are not required to obtain a separate solid waste permit pursuant to this chapter:

(a) Solid waste combustors or air curtain incinerators that ~~Incinerators which~~ are constructed and operated under a permit issued pursuant to Chapters 62-296 or 62-256, F.A.C.; however, if the facility is also storing or disposing of solid waste on the site, and such storage or disposal is not addressed in the permit, a separate solid waste permit is required;

(b) Solid waste combustors that ~~Incinerators which~~ are constructed and operated under a site certification pursuant to Chapter 403, Part II, F.S.;

(c) Solid waste management facilities, such as composting facilities, waste tire processing facilities, soil treatment facilities, and used oil processing facilities, ~~that which~~ are required to obtain permits under Chapters Rules 62-702 through 62-722, F.A.C. A facility shall be required to obtain a separate solid waste permit if it also manages significant quantities of other types of solid waste.

(15) Operator and spotter training and special criteria. The owner or operator of a landfill, or other solid waste management facility required by this chapter to have trained operators or spotters, shall not employ a person to perform, nor may any person perform, the duties of an operator or spotter at such facility unless that person is a trained operator or trained spotter. A facility may employ interim spotters, but only if they work under the direct supervision of a trained spotter or trained operator. A facility may employ an interim operator in lieu of a trained operator for no more than three consecutive months, ~~or an interim operator or interim spotter.~~

(a) Owners and operators of facilities shall ensure that operators employed at the facility are properly trained to operate the facility, and that spotters are properly trained to identify and properly manage any unauthorized waste hazardous or prohibited materials which are received at the facility. A training plan shall be included as part of the permit application. The training plan shall either include a list and schedule of those classes offered to the public which will be attended by the facility's operators and spotters, or shall include a description of the facility's in-house training program. All training courses, whether public or in-house, must be approved by the Department in accordance with Section 403.716, F.S. Any in-house operator training program which includes an examination required by this subsection must be administered by an independent third party. Any other in-house operator training program must be administered by a trained operator. Any in-house spotter training program must

be administered by a trained operator or a trained spotter. The training plan, along with records documenting how the training plan is being implemented, shall be kept at the facility at all times and be made available for inspection by Department staff. The Department will maintain a list of relevant training courses which are available in this State.

(b) In order to be considered trained, operators of the following facilities shall complete the following training requirements at courses described in the facility's operating plan:

1. Operators of ~~Class I, II, or III~~ landfills, and operators of construction and demolition debris disposal facilities, shall complete 24 hours of initial training, and shall pass an examination as part of that training. Within three years after passing the examination, and every three years thereafter, operators shall complete an additional 16 hours of continued training.

2. No change.

(c) No change.

(d) Spotter location.

1. Each facility where spotters are required shall include in its operation plan the number and location of spotters and the procedures to be followed if unauthorized waste is discovered. Spotters shall be stationed where they can inspect each shipment of waste for unauthorized waste.

2. If spotters are to be located on heavy equipment spreading the waste at the working face of a solid waste disposal unit or at a waste processing facility, the operation plan shall specifically provide for the following:

a. The heavy equipment operator is trained as an operator or spotter:

b. When unauthorized waste is discovered, the heavy equipment operator must either move the unauthorized waste away from the active area for later removal and proper management, or must stop operation and notify another person on the ground or on other equipment who will come to the active area and remove the unauthorized waste before operations are resumed; and

c. Each load of waste must be visually inspected for unauthorized waste prior to being compacted or loaded into a transfer vehicle. Training requirements for operators and spotters at landfills and construction and demolition debris disposal facilities shall be effective on May 27, 2001. Training requirements for operators and spotters at waste processing facilities, and training requirements for spotters at land-clearing debris disposal facilities, shall be effective July 1, 2001.

~~(e) Operators and spotters who received initial training prior to May 27, 2001, will still be considered trained. Such persons shall complete the continued training requirements that were in effect prior to May 27, 2001, after which they shall comply with the continued training requirements of this subsection. Facilities operating on May 27, 2001, shall modify~~

~~their training plans to comply with this subsection by the time any operators or spotters employed by the facility are required to meet these requirements.~~

~~(e)(f)~~ No change.

(f)(g) For purposes of this subsection, "interim operator" means a person who has, in the opinion of the facility manager, shown competency in his chosen occupation through a combination of work experience, education and training and who has at least one year of experience at that facility or a similar facility. An interim operator must become a trained operator within one year of employment as an interim operator. An interim operator may perform the duties of an operator, but only under the supervision of a trained operator.

~~(g)(h)~~ For purposes of this subsection, "spotter" means a person employed at a solid waste management facility whose job it is to inspect incoming waste and to identify and properly manage any ~~unauthorized waste that is hazardous or prohibited materials which are~~ received at the facility. ~~Spotters shall be stationed where they can thoroughly inspect each shipment of waste for prohibited materials. Placement of spotters shall be specified in the facility's operation plan.~~

(h)(i) For purposes of this subsection, "interim spotter" means a person who has, in the opinion of the facility manager, shown competency in his chosen occupation through a combination of work experience, education and training. An interim spotter must become a trained spotter or trained operator within three months of employment as an interim spotter. An interim spotter may perform the duties of a spotter, but only under the supervision of a trained operator or trained spotter.

(16) Emergency preparedness and response.

(a) Every permitted solid waste management facility shall have, as part of its operation plan, a contingency plan appropriate for the type of facility to cover operational interruptions and emergencies such as fires, explosions, or natural disasters. The contingency plan shall be kept at the facility at all times and shall be accessible to facility operators. The contingency plan shall include:

1. Designation of persons responsible for implementation of the contingency plan;

2. Procedures for notification of appropriate emergency response persons, including the department, the local government, and local fire protection agencies;

3. A description of emergency procedures to be followed, including the location of fire-fighting equipment and explanations of how to use this equipment;

4. Provisions for the immediate shutting down of those parts of the facility affected by the emergency and notification to customers of the closure of the facility; and

5. Procedures for notification of neighbors and local government officials of the potential impacts of the emergency, and provisions to minimize those impacts.

(b) Every solid waste disposal facility shall have:

1. Sufficient equipment to implement the contingency plan, including equipment for excavating, spreading, compacting, and covering waste;

2. Sufficient reserve equipment or arrangement to obtain additional equipment within 24 hours of equipment breakdown;

3. Communications equipment for emergency and routine communications; and

4. Fire protection and fire-fighting capabilities adequate to control accidental burning of solid waste in the facility. Fire protection includes procedures for notification of local fire protection agencies for assistance in emergencies.

(c) In the case of a fire within the waste pile at a solid waste management facility, all reasonable efforts shall be made to immediately extinguish or control the fire. If the fire cannot be extinguished or controlled within an hour, the owner or operator shall immediately:

1. Implement the contingency plan which is included as part of its operation plan;

2. Cease accepting waste for disposal in those areas of the facility impacted by the fire; and

3. Notify the department and the local government having jurisdiction over the facility of the fire and of the fire control plan being implemented by the owner or operator;

(d) If the fire cannot be extinguished or controlled within 48 hours, the owner or operator shall notify the local fire protection agency and seek its assistance, and shall also notify the local government and any neighbors likely to be affected by the fire.

(17) Minimum ground water criteria. For those solid waste management facilities constructed after January 6, 1993, the minimum ground water criteria specified in Rule 62-520.400, F.A.C., shall apply only outside the permitted zone of discharge, notwithstanding the provisions of Rules 62-520.400 and .420, F.A.C. However, exceedances of ground water criteria within a permitted zone of discharge shall continue to require evaluation monitoring and prevention measures in accordance with subsection 62-701.510(7), F.A.C.

(18) Zone of discharge. A facility's zone of discharge shall be determined pursuant to Chapter 62-520, F.A.C. For all solid waste disposal facilities constructed after January 6, 1993, the zone of discharge shall not exceed 100 feet from the edge of those solid waste disposal units permitted to be constructed, unless modified in accordance with Rule 62-520.470, F.A.C.

Rulemaking Specific Authority 403.061, 403.704, 403.716 FS. Law Implemented 403.0877, 403.702, 403.704, 403.707, 403.716 FS. History--New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.320, Amended 12-23-96, 5-27-01, _____.

62-701.330 Landfill Permit Requirements.

(1) Applicability.

(a) Except as otherwise specifically provided herein, this chapter shall apply to all solid waste disposal units constructed or operated under a landfill permit issued after [eff date] May 27, 2001, including renewals of existing permits.

(b) All holders of landfill construction or operation permits issued prior to [eff date] May 27, 2001 which contain conditions not in conformance with this chapter shall apply for modification of the permit to conform to this chapter to the District Office of the Department which issued the permit. The submission shall occur at the time of application for renewal of an existing permit, or before [eff date + 180 days] November 27, 2001, whichever is later. For purposes of this paragraph, a permit issued prior to [eff date] May 27, 2001, is deemed to include a completed permit application received by the Department prior to [eff date] May 27, 2001.

(c) No change.

(d) Facilities operating pursuant to a Consent Order with the Department in effect on [eff date] May 27, 2001, shall continue to operate in accordance with the order until the order expires by its own terms, provided the landfill is in compliance with the terms and conditions of the order. If the facility owner or operator fails to comply with any substantive term or condition of the order, the facility covered by the order must comply with the operational, closure and long-term care requirements of this chapter.

(e) Notwithstanding the above, the owner or operator of an unlined Class III landfill shall submit and comply with a CCA management plan that complies with subsection 62-701.730(20), F.A.C., no later than [eff date + 180 days].

(2) Permitted footprint. Applicants seeking permits for lined landfills are not limited to the amount of area they may need for disposal in a 5-year permit period. Rather, applicants may seek a permit with as large a disposal area as they desire subject to the following conditions.

(a) All of the information normally needed in the permit application shall be supplied for the entire area of the proposed footprint, even if only a smaller portion of the entire footprint will be constructed during the 5-year permit period.

(b) The public notice of agency action shall address the entire area of the footprint identified in the permit application.

(c) During the life of the 5-year permit, the applicant must notify the Department in writing before beginning construction of another permitted phase of the landfill. Construction may proceed, without further action being required by the Department, if it is in accordance with the conditions of the permit. However, if rule changes occur after the 5-year permit is issued which affect the design of the construction, then permit modifications may be required. Upon completion of the construction of a permitted phase of the landfill, a Certification of Construction Completion document must be prepared for the phase and submitted to the Department for approval. Department approval in accordance with paragraph

62-701.320(9)(a), F.A.C., is required before the applicant may begin use of the newly constructed phase. No permit fees will be required for authorizing use of these phases.

(d) At the end of the 5-year permit period, the applicant may apply for renewal of the permit. The information for the construction of the entire footprint will not have to be resubmitted if no substantial change is proposed in the planning or design of future phases. However, the applicant will be required to update the operation plan for the landfill, evaluate water quality data, ensure the financial assurance cost estimates and mechanism are current and provide reasonable assurance for compliance with any new rules or statutes that may be required of the facility which were not in effect at the time the previous permit was issued. Should there be new liner requirements at the time of permit renewal, the Department will not impose them on phases that are already constructed.

(e) When the permit is renewed, the public notice of agency action shall address:

1. The entire landfill footprint for the operational and closure aspects of the landfill; and

2. The areas of the landfill where the liner has not been installed for the construction aspects of the landfill. Term of permit. The time period for permits shall be no longer than five years from the date of issuance by the Department.

(3) Permit applications. Permit applications for landfills shall be submitted on Form 62-701.900(1), Application to Construct, Operate, Modify, or Close a Solid Waste Management Facility, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Applications shall meet the requirements of Rule 62-701.320, F.A.C., and shall also include the following specific requirements:

(a) A vicinity map or aerial photograph not more than one year old which shows land use and local zoning within one mile of the landfill and is of sufficient scale to show all homes or other structures, water bodies, roads, and other significant features of the vicinity. All significant features shall be labeled.

(a)(b) A regional vicinity map or aerial photograph not more than five one years old that which shows all airports that are located within five miles of the proposed landfill. The applicant may show the airports on the regional map required in subparagraph 62-701.320(7)(f)3., F.A.C.

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

(d)(e) A report on the:

1. through 2. No change.

3. Planned active life of the facility, the final design height of the facility, and the maximum height of the facility during its operation Anticipated life of the facility; and

4. No change.

(e)(f) The hydrogeological and geotechnical investigations required by Rule 62-701.410, F.A.C.

(f)(g) The ground water monitoring plan required by Rule 62-701.510, F.A.C.

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

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, Formerly 17-701.330, Amended 5-27-01, _____.

62-701.340 General Criteria For Landfills.

(1) No change.

(2) Minimum ground water criteria. For those landfills or solid waste disposal units which are constructed after January 6, 1993, and which are constructed with at least a double or composite liner, the minimum ground water criteria specified in Rule 62-520.400, F.A.C., shall apply only outside of the footprint of the solid waste disposal unit, or if the unit is surrounded by a perimeter road, outside the perimeter road, notwithstanding the provisions of Rules 62-520.400 and .420, F.A.C.

(2)(3) Classification of landfills. Landfills or solid waste disposal units are classified according to the amount or types of waste received.

(a) Class I landfills are those which receive an average of 20 tons or more of Class I waste per day.

(b) Class II landfills are those which receive an average of less than 20 tons of Class I waste per day.

(c) Class III landfills are those which receive only Class III waste. Class III landfills shall not accept putrescible household waste. The Department shall exempt Class III landfills from some or all of the requirements for liners, leachate controls, and water quality monitoring in subsections 62-701.400(3) and (4), and Rule 62-701.510, F.A.C., if the applicant demonstrates that no significant threat to the environment will result from the exemption based upon the types of waste received, methods for controlling types of waste disposed of, and the results of the hydrogeological and geotechnical investigations required in Rule 62-701.410, F.A.C. Such a demonstration must include a CCA treated wood management plan as described in subsection 62-701.730(20), F.A.C., if the landfill will not have a constructed liner system.

(3)(4) Location requirements.

(a) through (c) No change.

(d) Landfills shall be screened from public view where such screening can practically be provided.

(5) Zone of discharge. A landfill's zone of discharge shall be determined pursuant to Chapter 62-522, F.A.C. For all solid waste disposal units constructed after January 6, 1993, the zone of discharge shall not exceed 100 feet from the edge of those solid waste disposal units permitted to be constructed, unless modified in accordance with Rule 62-522.500, F.A.C.

Rulemaking Specific Authority 403.061, 403.704, FS. Law Implemented 403.0877, 403.702, 403.704, 403.707 FS. History--New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.340, Amended 5-27-01, _____.

62-701.400 Landfill Construction Requirements.

(1) No change.

(2) Planned construction and closure. All landfills shall be designed so that solid waste disposal units will be constructed and subsequently closed at planned intervals throughout the design period of the landfill. Designs to prevent failures of side slopes, and designs to prevent deep-seated failures through the waste, along liner systems, and through foundation soils, shall achieve a minimum factor of safety of 1.5 using peak strength values.

(3) Landfill liner requirements. Class I Landfills shall be constructed with composite or double liners, and a leachate collection and removal system. Liners and leachate collection systems for Class III landfills are addressed in paragraph 62-701.400(3)(g), F.A.C.

(a) No change.

1. The upper component of the composite liner shall be a 60-mil minimum average thickness HDPE geomembrane, as defined by method GRI GM13, or thicker geomembrane liner with a maximum water vapor transmission rate of 0.24 grams per square meter per day ($g/(m^2 \times day)$) as determined by ASTM Method E96-00, procedure BW, "Standard Test Methods for Water Vapor Transmission of Materials." A primary leachate collection and removal system and a drainage layer shall be installed above the geomembrane liner. Except in sumps and leachate collection trenches, the system shall be designed to limit leachate head above the liner during routine landfill operation after placement of initial cover, as specified in Table A below, depending upon the thickness and hydraulic conductivity of the lower component of the composite liner. Leachate head calculations shall consider leachate recirculation if the leachate is recirculated.

2. No change.

(c) Double liners.

1. Double liner systems shall consist of upper and lower 60-mil minimum average thickness HDPE geomembranes, as defined by method GRI GM13, with a maximum water vapor transmission rate of 0.24 $g/(m^2 \times day)$; a primary leachate collection and removal system lying above the upper geomembrane designed to limit the leachate head to one foot above the liner during routine landfill operations after placement of initial cover, except in sumps and leachate collection trenches; and a leak detection and secondary leachate collection system between the upper and lower liners. The lower geomembrane shall be placed directly on a sub-base which is a minimum six inches thick, is free of sharp materials or any materials larger than one-half inch, and has a saturated hydraulic conductivity of less than or equal to 1×10^{-5} cm/sec.

A geosynthetic clay liner (GCL) with a hydraulic conductivity not greater than 1×10^{-7} cm/sec may be used in place of the six-inch thick sub-base layer provided it is placed on a prepared subgrade which will not damage the GCL geosynthetic clay liner.

2. No change.

(d) Standards for geosynthetic components.

1. HDPE gGeomembranes shall have factory and field seams whose shear strengths during testing are at least 90 percent of the specified minimum yield strength. LLDPE geomembranes shall have factory and field seams whose shear strengths during testing are in conformance with the seam strengths specified in method GRI GM19. PVC geomembranes shall have factory and field seams whose shear strengths during testing are in conformance with the seam strengths specified in method PGI 1104. For all geomembranes, for that lining material, and the failure shall occur in the lining material outside the seam area. All field seams must also be visually inspected and pressure or vacuum tested for seam continuity using suitable non-destructive techniques.

2. through 4. No change.

5. High density polyethylene (HDPE) geomembranes shall meet the specification contained in method GRI GM13. LLDPE geomembranes shall meet the specification contained in method GRI GM17.

6. Polyvinyl chloride (PVC) geomembranes shall meet the specification contained in method PGI 1104 ~~1197~~.

7. Interface shear strength of the actual components which will be used in the liner system shall be tested with method ASTM D5321 or an equivalent test method. However, when testing GCLs geosynthetic clay liners, method ASTM D6243, or an equivalent test method, shall be used. Unless it can be justified otherwise, the interface shall be tested in a water-saturated state. For the purposes of this test, clays compacted in the test apparatus during setup which have a water content wet of optimum shall be considered water saturated.

8. No change.

9. The hydraulic conductivity of GCLs geosynthetic clay liners shall be tested with method ASTM D5887, or ASTM D6766-06a, or an equivalent test method. First, the GCL test specimen shall be hydrated with the fluid which is expected to cause hydration in the field, or a similar fluid, for a minimum of 48 hours using sufficient backpressure to achieve a minimum B coefficient of 0.9 and using a confined effective consolidation stress not exceeding five pounds per square inch. Then, the hydraulic conductivity test on the GCL specimen shall be conducted, using the appropriate permeant fluid, at a confined effective consolidation stress not exceeding five pounds per square inch. The hydraulic conductivity test shall continue until steady state conditions are reached or a minimum of two pore volumes of permeant fluid have passed through the test specimen. The permeant fluid shall be either

leachate from the landfill (or a similar landfill) if the GCL is used in a liner system, or water if the GCL is used as a barrier layer in a final cover.

10. through 11. No change.

(e) The following specifications shall be provided for geosynthetic components:

1. through 6. No change.

7. ~~Geosynthetic clay liner (GCL)~~ specifications including handling and placement, conformance testing, seams and overlaps, repair, and placement of soil materials and any overlying materials.

(f) Standards for soil liner components.

1. Soil components of liners ~~systems~~ shall be constructed to preclude, to the greatest extent practicable, lenses, cracks, channels, root holes, pipes, or other structural inconsistencies that can increase the saturated hydraulic conductivity of the soil component. The design shall illustrate and describe those instances in which overexcavation of permeable areas and backfilling may be necessary to seal the permeable area. The soil component shall be placed and compacted in layers to achieve the design performance.

2. No change.

3. The soil component of the liner ~~system~~ may consist of in-situ soils, provided they meet the specifications for soil liners. Testing of in-situ soil shall be performed in accordance with the site specific Construction Quality Assurance Plan in accordance with subsections 62-701.400(7) and (8), F.A.C.

4. Specifications for the soil component of the liner ~~system~~ shall be provided to and approved by the Department, and shall contain at a minimum:

a. through g. No change.

5. No change.

(g) Class III landfills. A Class III landfill shall be constructed with a bottom liner consisting of a single 60-mil minimum average thickness HDPE geomembrane. In the sumps located inside the landfill footprint and in the leachate collection trenches, the geomembrane shall be placed on a GCL with a hydraulic conductivity of less than or equal to 1×10^{-7} cm/sec, or on a compacted clay liner which is a minimum six inches thick with a saturated hydraulic conductivity of less than or equal to 1×10^{-7} cm/sec. The liner shall be placed on a prepared subgrade that will not damage the geomembrane liner or the GCL. A primary leachate collection and removal system and a drainage layer shall be installed above the geomembrane liner. Except in sumps and leachate collection trenches, the system shall be designed to limit leachate head above the liner during routine landfill operation after placement of initial cover to no greater than 12 inches. An applicant may request exemption from the requirements of this paragraph in accordance with paragraph 62-701.340(2)(b), F.A.C.

(4) Leachate collection and removal system. Landfills shall have a leachate collection and removal system that is designed, constructed, maintained, and operated to collect leachate and convey it to collection points for removal.

(a) No change.

(b) The primary leachate collection and removal system shall have a granular drainage layer above the top geomembrane liner, at least 12 inches thick, with a hydraulic conductivity of not less than 1×10^{-3} cm/sec, overlain with an additional 12 inches of protective material as specified in subparagraph 62-701.400(3)(d)3., F.A.C., that is chemically resistant to the waste and leachate. Leachate collection systems incorporating synthetic drainage materials may be used if it can be demonstrated that they are equivalent to or more effective than the granular design, including chemical compatibility, flow under load, and protection of the geomembrane liner.

(c) The leachate collection and removal system ~~is~~ shall be designed with a bottom slope to achieve the required leachate head after the predicted settlement determined by the foundation analysis. The minimum slope for the leachate collection system, in areas which drain to lateral collection pipes and header pipes, shall be 1.0 percent after predicted settlement. The minimum slopes for the collection pipes of the leachate collection system, i.e., lateral and header pipes, shall be 0.3 percent after predicted settlement. Minimum slopes shall be measured from the peak grade to the lowest grade along the design flow path. Slopes shall be surveyed after completion using a 50-foot grid in areas which drain to lateral collection pipes and header pipes and at 50-foot intervals where pipes of the leachate collection system are to be installed. These surveyed slopes must demonstrate that positive drainage is shown in the direction of flow between any two grid or interval points. Leachate collection systems incorporating synthetic drainage materials may be used if it can be demonstrated that they are equivalent to or more effective than the granular design, including chemical compatibility, flow under load, and protection of the geomembrane liner.

(5) No change.

(6) Leachate storage tanks and leachate surface impoundments.

(a) No change.

(b) Surface impoundments for leachate treatment or storage that are located at landfills are subject to the following requirements:

1. through 2. No change.

3. The impoundment shall have a double liner system consisting of an upper and lower 60-mil minimum average thickness HDPE geomembrane, as defined by method GRI GM13, and a leak detection and collection system between the geomembranes with a minimum hydraulic conductivity of one cm/sec. The lower geomembrane shall be placed directly on a subbase which is at least six inches thick and has a saturated

hydraulic conductivity of less than or equal to 1×10^{-5} cm/sec. A GCL geosynthetic clay liner with a hydraulic conductivity not greater than 1×10^{-7} cm/sec may be used in place of the six-inch thick sub-base layer provided it is placed on a prepared subgrade which will not damage the GCL geosynthetic clay liner. The leak detection and collection system shall be checked daily. The design of the upper liner shall include calculations to predict the potential leakage through the upper liner. If the daily checks indicate the upper liner is leaking at a rate greater than predicted by the design calculations, the Department shall be notified. If the leakage rate will result in the flooding of the leak detection and collection system, the impoundment shall be emptied and the liner repaired.

4. through 5. No change.

6. ~~Disease V~~ectors and off-site odors shall be controlled.

(c) Above ground leachate storage tanks that are located at solid waste management facilities are subject to the following requirements:

1. through 5. No change.

6. The secondary containment system shall be constructed of materials compatible with the liquid stored. The containment system shall be constructed of either:

a. through b. No change.

c. A HDPE geomembrane of a minimum average thickness of 60 mils, ~~as defined by method GRI-GM13, with a maximum water vapor transmission rate of $0.24 \text{ g}/(\text{m}^2 \times \text{day})$.~~

7. through 9. No change.

(d) through (e) No change.

(7) Liner systems construction quality assurance.

(a) Liner systems shall have a construction quality assurance plan to provide personnel with adequate information to achieve continuous compliance with the liner construction requirements. The plan shall include or refer to specifications and construction methods which use established engineering practices to construct a liner system and provide for quality control testing procedures and sampling frequencies. Sampling and testing shall be conducted in the field by trained personnel during construction and after construction completion. Such personnel will be under the direction of the construction quality assurance professional engineer, to assure the liner system will comply with the standards. The construction quality assurance professional engineer or his designee shall be on-site at all times during construction to monitor construction activities and shall be on-site to monitor off-loading of the geosynthetics to be used in the liner system. Construction activities include the time during which the protective layer is installed over the geomembrane, to ensure that the placement techniques do not cause damage to the liner system materials.

(b) No change.

(c) Unless otherwise approved by the Department, one destructive test sample shall be collected every 500 feet along the total length of the seams. If an electrical leak location survey method, or other equivalent non-destructive test method, is used to locate and repair leaks in the installed liner system, then one destructive test sample shall be collected every 1000 feet along the total length of the seams in the areas where this method is used.

(d) If an electrical leak location survey method, or other equivalent method is used to test the geomembrane(s) in the liner system, testing shall be conducted after placement of the soil drainage layer. The geomembrane liner leak location survey shall be performed using standard industry methods, and any leaks located shall be repaired and tested by methods approved by the Department. The results of the geomembrane liner leak location survey, including a description of the locations of any leaks detected and the repairs that were conducted on these leaks, shall be documented in a final report included with the completion of construction documents required in this subsection.

~~(e)~~ No change.

(f)~~(d)~~ The professional engineer in charge of construction quality assurance shall provide a signed, sealed final report and record drawings to the Department stating that the liner system has been installed in substantial conformance with the plans and specifications for the liner system. The report and drawings shall be submitted along with a certification of construction completion on Form 62-701.900(2).

(8) No change.

(9) Surface water management systems.

(a) Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department and construction authorized by that permit shall be completed before the facility receives waste for disposal. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits. For aboveground disposal units, the design of any features intended to convey stormwater to a permitted or exempted treatment system shall be included in the solid waste construction permit.

(b) No change.

(10) through (11) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.0877, 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.400, Amended 5-27-01,_____.

62-701.410 Hydrogeological and Geotechnical Investigation Requirements.

(1) Hydrogeological investigation and site report. The hydrogeological investigation and site report required by subsection 62-701.330(3), F.A.C., shall be site specific, shall be conducted by or under the supervision of a professional geologist or professional engineer with experience in hydrogeologic investigations, and shall:

(a) through (c) No change.

(d) Include a map showing the locations of all potable wells within 500 feet of the waste storage and disposal areas; ~~and locations of all wells serving community water supplies within 1000 feet of the waste storage and disposal areas,~~ to demonstrate compliance with paragraphs 62-701.300(2)(b) ~~and (h)~~, F.A.C.

(2) Geotechnical site investigation. The geotechnical site investigation required by subsection 62-701.330(3), F.A.C., shall be conducted by or under the supervision of a professional engineer with experience in geotechnical engineering. Investigations required in paragraphs (a) through (d) of this subsection may be conducted by a professional geologist. Prior to any construction on the landfill site, the engineer shall define the engineering properties of the site that are necessary for the design, construction, and support of the landfill and all installations of the facility and shall:

(a) through (e) No change.

(3) No change.

(4) Report verification. The site reports and supporting information, including detailed description of the methods, calculations, and interpretations used, shall be signed and sealed by the appropriate professional engineer or geologist. The hydrogeological report shall be signed and sealed by a professional geologist or professional engineer with experience in hydrogeological investigations. The geotechnical report shall be signed and sealed by a professional engineer with experience in geotechnical engineering.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.0877, 403.702, 403.704, 403.707 FS. History—New 1-6-93, Formerly 17-701.410, Amended 12-23-96, 5-27-01, _____.

62-701.430 Vertical Expansion of Landfills.

(1) Applicability. Construction of a solid waste disposal unit on top of or against the side slopes of a previously filled landfill, whether active, closed, or inactive is considered vertical expansion of that landfill. Vertical expansion shall require either a modification of the landfill permit, or a new permit if the landfill has been closed. If a landfill has not been closed at the time of the vertical expansion, then the closure requirements of that landfill will apply at the time of closure of the vertical expansion, unless the closure requirements for the vertical expansion are more stringent. The following requirements shall apply:

(a) The vertical expansion shall not cause or contribute to any leachate leakage from the existing landfill, shall not cause objectionable odors, and shall not adversely affect the closure design of the existing landfill.

(b) No change.

(c) For vertical expansion over ~~unlined landfills or~~ landfills that were not constructed with a liner system or were not constructed in accordance with permit requirements, the vertical expansion shall comply with all the requirements of Rule 62-701.400, F.A.C., with the following exceptions:

1. No change.

2. The slope liner shall consist of a 60-mil or thicker HDPE geomembrane, ~~with a maximum water vapor transmission rate of 0.24 g/(m² x day) as determined by ASTM Method E96-00, procedure BW, "Standard Test Methods for Water Vapor Transmission of Materials."~~

3. through 7. No change.

(d) The provisions of subsection 62-701.610(1) 62-701.610(7), F.A.C., are applicable to all operations, including recycling operations, conducted on top of closed landfills.

(2) Construction requirements. The design for the vertical expansion shall also provide calculations and supporting information on the following factors:

(a) No change.

(b) The vertical expansion design shall achieve a minimum factor of safety factor of 1.5 using peak strengths for:

1. through 2. No change.

(c) through (d) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 5-19-94, Formerly 17-701.430, Amended 5-27-01, _____.

62-701.500 Landfill Operation Requirements.

(1) Operating personnel. All ~~Class I and Class III~~ landfills shall have at least one trained operator at the landfill during all times when the landfill receives waste, in accordance with subsection 62-701.320(15), F.A.C. ~~If an operator is employed at a Class II landfill, that person must be a trained operator.~~ All ~~Class I and Class III~~ landfills shall have at least one trained spotter at each working face at all times when the landfill receives waste to detect unauthorized wastes.

(2) Operation plan. Each landfill owner or operator shall have an operational plan that provides written, detailed instructions for the daily operation of the landfill. The operation plan shall be kept at or near the landfill facility and shall be accessible to landfill operators. The operation plan shall be substantially complied with at all times, and shall be revised if operational procedures change. The plan shall include procedures for:

(a) No change.

(b) ~~Emergency preparedness and response, as required in subsection 62-701.320(16), F.A.C. Contingency operations, alternate waste handling and disposal methods in case of emergency such as a fire, natural disaster or equipment failure;~~

(c) Controlling the type of waste received at the site. The plan shall specify inspection procedures, number and location of spotters for each working face, and procedures to be followed if ~~unauthorized prohibited wastes is~~ are discovered;

(d) through (j) No change.

(3) No change.

(4) Waste records.

(a) The owner or operator of a ~~Class I or Class III landfill, or of a Class II landfill owned or operated by a county or municipality;~~ shall weigh all solid waste as it is received. Landfill operators shall record, in tons per day, the amount of solid waste received and shall estimate the amount of wastes listed in paragraph (b) of this subsection. Waste reports shall be compiled monthly, and copies shall be provided to the Department ~~annually~~ quarterly.

(b) Types of waste received:

1. Municipal solid waste.

2. Class III waste.

3. Ash residue.

4. Other wastes.

- | | |
|--|----------------------------------|
| 1. Household waste; | 7. Agricultural waste; |
| 2. Commercial waste; | 8. Industrial waste; |
| 3. Ash residue; | 9. Yard trash; |
| 4. Incinerator by-pass waste; | 10. Sewage sludge; |
| 5. Construction and demolition debris; | 11. Industrial sludge; |
| 6. Treated biomedical waste; | 12. Water/air treatment sludges; |
| | 13. Waste tires. |

(5) No change.

(6) Monitoring of waste.

(a) through (c) No change.

(d) Temporary storage. The owner or operator shall make arrangements or shall have equipment for temporary storage, handling and transport to an authorized disposal or recycling facility for unauthorized waste which is inadvertently accepted by the facility. Unless an alternate schedule is included in an operation plan submitted with the permit application, which provides for the control of odors and vectors, putrescible waste shall not be stored for longer than 48 hours and non-putrescible waste shall not be stored for longer than 30 days.

(7) Waste handling requirements.

(a) All solid waste at Class I ~~and Class II~~ landfills shall be spread in layers of approximately two feet in thickness and compacted to approximately one foot in thickness or as thin a layer as practical before the next layer is applied. Solid waste at all Class III sites shall be spread in layers and compacted once every week using suitable heavy equipment. Bulky materials which are not easily compacted should be worked into other materials as much as practical.

(b) No change.

(c) Solid waste shall be formed into cells to construct horizontal lifts. The working face of the cell, and side grades above land surface, shall be at a slope no greater than three feet horizontal to one foot vertical rise. Lift depth ~~shall~~ should normally not exceed 10 feet unless authorized in the operation plan. Lift depths greater than 10 feet may be allowed but may be deeper, depending on specific operations, daily volume of waste, width of working face, and good safety practices.

(d) No change.

(e) Initial cover shall be applied and maintained at landfills in order to minimize any adverse environmental, safety, or health effects such as those resulting from birds, unauthorized wastes, blowing litter, odors, ~~disease~~ vectors, or fires. The minimum frequency for applying cover is:

1. For Class I ~~and II~~ landfills, at the end of each working day. However, for those areas where solid waste will be deposited on the working face within 18 hours, initial cover may consist of a temporary cover, such as a tarpaulin, which may be removed prior to deposition of additional waste; and

2. No change.

(f) through (j) No change.

(8) Leachate management.

(a) No change.

(b) The landfill operator is responsible for the operation of the leachate collection and removal system and for maintaining the system as designed for the design period. Leachate shall be collected and treated as necessary so that water quality standards and criteria are not violated. If the leachate is classified as a hazardous waste, it shall be managed in accordance with Chapter 62-730, F.A.C. Leachate treatment or disposal facilities that may be used shall be identified in the operating plan, and the Department shall be notified as to which facility is actually being used.

(c) through (h) No change.

(9) through (12) No change.

(13) Recordkeeping. In addition to records and reporting required by other sections of this chapter, the landfill owner or operator shall:

(a) Keep records of all information used to develop or support the permit applications and any supplemental information submitted to comply with this chapter pertaining to construction of the landfill throughout the design period. Records pertaining to the operation, except for weigh tickets, of the landfill shall be kept for the design period of the landfill. Weigh tickets shall be kept for five years.

(b) through (d) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93; Amended 1-2-94, 5-15-94, Formerly 17-701.500, Amended 5-27-01, _____.

62-701.510 Water Quality and Leachate Monitoring Requirements.

(1) Applicability.

(a) This section shall apply ~~only~~ to all applications for construction, operation, or closure (including long-term care) ~~or lateral expansion~~ of a solid waste disposal unit at a landfill received after January 6, 1993. However, subsection (3) of this section shall not apply to any solid waste disposal unit in operation prior to January 6, 1993 that has a ground water monitoring system installed and maintained as required in its approved ground water monitoring plan. However, no later than October 9, 1994, owners or operators of all solid waste disposal units receiving waste after January 6, 1993 shall submit their permit for modification to comply with the following:

~~1. Leachate shall be sampled and analyzed in accordance with subsection (5) and paragraph (6)(c) of this section (if the unit is lined);~~

~~2. All monitoring wells specified in the permit shall be sampled and analyzed semi-annually for the parameters listed in paragraph (8)(a) of this section; and~~

~~3. The water quality monitoring results shall be reported as required in subsection (9) of this section.~~

(b) This rule is intended to supplement the ground water monitoring requirements of Chapters 62-520 and 62-522, F.A.C. Any provisions of Chapters 62-520 and 62-522, F.A.C., that which are not in direct conflict with the provisions of this rule remain applicable. This rule does not relieve a person from compliance with any permit condition or Department order, nor does it limit the Department's authority to modify a permit or ground water monitoring plan in accordance with Chapter 62-520 62-522, F.A.C.

(c) No change.

(2) Water quality monitoring plan and system.

(a) through (b) No change.

(c) The water quality monitoring plan shall comply with the provisions of subsection 62-520.600(3) 62-522.600(3), F.A.C. The applicant shall specify sampling locations and frequency in the water quality monitoring plan, and shall provide justification for these locations and frequencies based upon site conditions.

(3) Ground water monitoring.

(a) Two or more detection wells shall be located within the zone of discharge hydraulically downgradient from the solid waste disposal unit, to detect leachate releases. These wells shall be located no more than 50 feet from the edge of the solid waste disposal unit, unless site specific conditions make such placement impractical. These wells shall be capable of monitoring each solid waste disposal unit as it is operated. ~~However, in accordance with Section 403.704(14), F.S., only one detection well is required at Class II landfills unless it is affirmatively demonstrated by the Department that a~~

~~significant change in the initial quality of the water has occurred in the detection well which adversely affects the beneficial uses of the water.~~

(b) through (c) No change.

(d) Monitoring wells.

1. The location of each well, in degrees, minutes and seconds (to two decimal places) of latitude and longitude, and the elevation of the top of the well casing to the nearest 0.01 foot, using a consistent, nationally recognized datum National Geodetic Vertical Datum (NGVD 1929), shall be determined by a Florida Licensed Professional Surveyor and Mapper registered Florida land surveyor. The location information required in subparagraph 62-701.320(7)(f)7., F.A.C., shall be included. Upon completion of each well, Form 62-701.900(30), Monitoring Well Completion Report, effective date [eff. date], hereby adopted and incorporated by reference, shall be submitted to the Department to report details of the well construction and location. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

2. No change.

3. Well spacing shall be spaced no greater than 500 feet apart across the downgradient direction of ground water flow, and no greater than 1500 feet apart across the upgradient direction of ground water flow, in the uppermost aquifer within the zone of discharge, unless site specific conditions support the use of alternate well spacing. Conditions to be considered include, ~~but are not limited to,~~ ground water flow directions and rates, estimated longitudinal and transverse dispersivity rates, proximity to or presence of sensitive environments and ground water users, nature of the wastes, method of disposal, and the proposed design and size of the facility.

4. Well screens shall be located to readily detect representative ground water conditions within the saturated thickness of the uppermost aquifer within the zone of discharge. Well screens shall not act as conduits through confining layers between water bearing strata. The annular space (the space between the borehole and well casing) above the sampling depth shall be sealed to prevent contamination of samples and ground water. Wells monitoring the unconfined water table shall be screened so that the water table can be sampled at all times. The applicant shall provide technical justification for the actual screen length chosen.

5. Monitoring wells shall be constructed so as to provide ground water samples that exhibit the physical and chemical properties of that portion of the aquifer screened by the well. Unless otherwise authorized in a Department permit, new monitoring wells, and existing monitoring wells at the time of permit renewal, shall have protective bollards or other devices installed around them if they are located in areas of high traffic

flow to prevent damage from passing vehicles. Monitoring wells shall be locked to minimize the potential for unauthorized access.

5. through 6. renumbered 6. through 7. No change.

(4) Surface water monitoring.

(a) through (b) No change.

(c) The details concerning the sampling locations and the analysis requirements shall be specified in the water quality monitoring plan. Each monitoring location shall be marked and its position shall be determined by a Florida Licensed Professional Surveyor and Mapper registered Florida land surveyor in degrees, minutes and seconds of latitude and longitude.

(5) No change.

(6) Initial and routine sampling frequency and requirements. Except as otherwise specified in a Department permit or order or in subsection (7) of this section, frequency of sampling and analysis shall comply with the following. However, the owner or operator of a solid waste disposal unit may request a permit modification from the appropriate District Office of the Department to delete specific monitoring parameters or field parameters from routine analyses of detection or compliance wells and surface water. The Department will grant such modification upon a demonstration that these parameters are not reasonably expected to be in or derived from the waste contained in the unit, or are not reasonably expected to be detected in the ground water as a result of the operations of the facility.

(a) No change.

(b) Initial background water quality.

1. Initial background water quality for a proposed landfill shall be determined by analysis of at least one water sample taken from each well that was installed, and each surface water monitoring location that was established, during the site hydrogeological investigation. Any new monitoring well that is installed after completion of the site hydrogeological investigation, unless the new monitoring well is installed to replace an existing well within the monitoring network, shall also be analyzed for initial background water quality. The water quality information shall be submitted to the Department as part of the supporting information for the permit application.

2. through 3. No change.

(c) No change.

(d) Routine monitoring well sampling. All detection wells, and a representative sample of background wells, shall be sampled and analyzed at least semi-annually for the ground water parameters listed in paragraph (8)(a) of this section, in accordance with the water quality monitoring plan. ~~For lined landfills, this shall be done at least semi-annually.~~ The owner or operator of a solid waste disposal unit may request a permit condition or modification from the appropriate District Office of the Department to use an alternate monitoring frequency ~~for background wells~~. The Department will approve such

condition or modification upon a demonstration that the alternate frequency is appropriate based upon site specific lithology of the aquifer and unsaturated zone, hydraulic conductivity of the aquifer and unsaturated zone, ground water flow rates, minimum distance of travel and the fate and transport of parameters detected.

(e) No change.

(7) Evaluation monitoring, prevention measures and corrective action.

(a) Evaluation monitoring and prevention measures. If monitoring parameters are detected in detection wells in concentrations that which are significantly above background water quality, or that which are at levels above the Department's water quality standards or criteria specified in Chapter 62-520, F.A.C., the permittee may resample the wells within 30 days after the sampling data is received, to confirm the data. Should the permittee choose not to resample, the Department will consider the water quality analysis as representative of current ground water conditions at the facility. If the data is confirmed, or if the permittee chooses not to resample, the permittee shall notify the Department in writing within 14 days of this finding. Upon notification by the Department, the permittee shall initiate evaluation monitoring as follows:

1. No change.

2. Except as provided in paragraph (b) of this subsection, within 90 days of notification from the Department to initiate ~~initiating~~ evaluation monitoring and annually thereafter, the permittee shall sample and analyze a representative sample of the background wells and all affected detection wells for the parameters listed in paragraph (8)(d) of this section. Any new parameters detected and confirmed in the affected downgradient wells shall be added to the routine ground water monitoring parameter lists required in subsection (6) of this section for the affected wells.

3. Within 90 days of notification from the Department to initiate ~~initiating~~ evaluation monitoring, the permittee shall install and sample compliance monitoring wells at the compliance line of the zone of discharge and downgradient from the affected detection monitoring wells. These wells shall be installed according to the requirements of paragraph (3)(d) of this section, and, except as provided in paragraph (b) of this subsection, samples from these wells and the affected detection wells shall be analyzed quarterly for the parameters listed in paragraphs (8)(a) and (d) of this section and any other parameters detected in the affected detection and downgradient wells sampled in subparagraph (7)(a)2. and annually for the parameters listed in paragraph (8)(d). If any contaminants are detected and confirmed in compliance wells in concentrations that exceed both background levels and Department water quality standards or criteria, then the provisions of paragraph (7)(c) of this section apply; otherwise, the following subparagraphs apply.

4. Within 180 days of notification from the Department to initiate ~~initiating~~ evaluation monitoring, the permittee shall submit a contamination evaluation plan to the appropriate Department District Office. This plan shall be designed to delineate the extent and cause of the contamination, in order to predict the likelihood that Department water quality standards will be violated outside the zone of discharge, and to evaluate methods to prevent any such violations. After the Department and the permittee agree that the plan is so designed, the permittee shall implement this plan and submit a contamination evaluation report in accordance with the plan. All reasonable efforts shall be made by the permittee to prevent further degradation of water quality from the landfill activities.

5. If the contamination evaluation report indicates that water quality standards or criteria are likely to be violated outside the zone of discharge, the permittee shall, within 90 days, submit a prevention measures plan to the Department. Upon approval, the permittee shall initiate prevention measures to prevent such violations.

5. through 7. renumbered 6. through 8. No change.

(b) If the parameters detected in the detection wells identified in paragraph (a) of this subsection consist only of iron, aluminum, manganese, sulfates, or total dissolved solids (TDS), either individually or in any combination, then only the detected parameters are required to be monitored in the representative background wells, affected detection wells and downgradient compliance wells required in this section rather than the parameters listed in paragraphs (8)(a) and (8)(d). However, if the facility is unlined, the parameters specified in paragraph (8)(a) shall also be analyzed for in the initial sampling event for the affected detection wells and downgradient compliance wells.

(c)(b) Prevention measures and Corrective actions.

~~1. If the contamination evaluation report indicates that water quality standards are likely to be violated outside the zone of discharge, the permittee shall, within 90 days, submit a prevention measures plan to the Department. Upon approval, the permittee shall initiate prevention measures to prevent such violations.~~

1.2. If any contaminants are detected and confirmed in compliance wells in concentrations that which exceed both background levels and Department water quality standards or criteria, or are detected and confirmed in detection wells in concentrations which are above Department water quality minimum criteria, the permittee shall notify the Department within 14 days of this finding and shall initiate corrective actions. Unless alternative corrective actions are specifically required in a permit or consent order in effect on April 17, 2005, corrective actions shall comply with the applicable provisions of Chapter 62-780, F.A.C. This provision is intended to clarify that applicable elements of Chapter 62-780, F.A.C., set forth the appropriate corrective actions in such cases, not to create a new requirement for corrective actions or

to incorporate Chapter 62-780, F.A.C., into Chapter 62-701, F.A.C. Evaluation monitoring shall continue according to the requirements of paragraph (7)(a) of this section.

2. For purposes of this rule, Chapter 62-780, F.A.C., is intended to apply only to violations of ground and surface water quality standards and criteria outside of the facility's permitted zone of discharge. Nothing herein is intended to limit a person's liability for site rehabilitation resulting from unauthorized spills, leaks, or discharges of pollutants or hazardous substances.

a. The provisions in Chapter 62-780, F.A.C., regarding assessment and remediation of contamination in soils do not apply.

b. The provisions in Chapter 62-780, F.A.C., regarding source removal, de minimis discharges, emergency response actions, interim source removal, do not apply.

c. To the extent that any requirements in Chapter 62-780, F.A.C., regarding notice, quality assurance, professional certification, frequency of sampling events, emergency response, or long-term care may conflict with similar requirements in Chapter 62-701, F.A.C., or in a facility's permit conditions, the requirements in Chapter 62-701, F.A.C., or the facility's permit, shall govern.

3. For purposes of this rule, the following definitions in Chapter 62-780, F.A.C., shall have the following meanings:

a. "Cleanup target level" means primary and secondary ground water standards, ground water minimum criteria, surface water standards, and surface water toxicity and human health criteria, which are specified in Chapter 62-777, F.A.C.

b. "Contaminated site" means any surface water or ground water outside of the facility's zone of discharge that contains contaminants that may be harmful to human health or the environment.

(8) Water quality parameters. The following list of water quality monitoring parameters shall be used for each type of sampling to be done.

(a) No change.

(b) Surface water monitoring parameters:

Field parameters	Laboratory parameters
Specific conductivity	Unionized ammonia
pH	Total hardness (as mg/L CaCO ₃)
Dissolved oxygen	Biochemical oxygen demand (BOD ₅)
Turbidity	Copper
Temperature	Iron
Colors, sheens	

(by observation) Mercury
 Nitrate
~~Zinc~~
 Total dissolved solids (TDS)
 Total organic carbon (TOC)
 Fecal coliform
 Total ~~phosphorus phosphates~~
 (as mg/L P)
 Chlorophyll A
 Total nitrogen
 Chemical oxygen demand (COD)
 Total suspended solids (TSS)
 Those parameters listed in 40 CFR Part 258 Appendix I

(c) Leachate monitoring parameters:

Field parameters	Laboratory parameters
Specific conductivity	Total ammonia – N
pH	<u>Total alkalinity (as mg/L CaCO₃) Bicarbonate</u>
Dissolved oxygen	Chlorides
Colors, sheens	Iron
(by observation)	Mercury
<u>Temperature</u>	Nitrate
	Sodium
	Total dissolved solids (TDS)
	<u>Biochemical oxygen demand (BOD₅)</u>
	<u>Chemical oxygen demand (COD)</u>

(d) Those parameters listed in 40 CFR Part 258, Appendix II, as well as the field parameters specified in paragraph (a) of this subsection.

(9) Water quality monitoring reporting.

(a) The landfill owner or operator shall report all representative water quality ~~and leachate~~ monitoring results to the Department within 60 days from completion of laboratory analyses semi-annually, unless a different due date monitoring frequency is specified in the permit. This report shall also include any leachate monitoring results obtained in accordance with paragraph (6)(c) of this section. In accordance with subsections 62-160.240(3) and 62-160.340(4), F.A.C., wWater quality data contained in the report shall be provided to the Department in an electronic format consistent with requirements for importing into Department databases, unless an alternate form of submittal is specified may be submitted to

~~the Department electronically, and may be used in place of written copies of the data, if approved by the Department in the permit. The permittee shall include Form 62-701.900(31), Water Quality Monitoring Certification, effective date [eff. date], hereby adopted and incorporated by reference, with each report certifying that the laboratory results have been reviewed and approved by the permittee. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The Department shall approve such submittals if the permittee specifies in the operation plan a method of electronic submittals which is compatible with the Department's information systems.~~ The operator of the landfill shall notify the Department at least 14 days before the sampling is scheduled to occur so that the Department may collect split samples. The report shall include at least the following:

1. through 7. No change.
8. Water levels recorded prior to evaluating wells or sample collection. Elevation reference shall include the top of the well casing and land surface at each well site at a precision of plus or minus 0.01 foot (using a consistent, nationally recognized datum NGVD); and
9. through 10. No change.

(b) A technical report, signed and sealed by a professional geologist or professional engineer with experience in hydrogeologic investigations, shall be submitted to the Department every two and one-half years during the active life of the facility, and every five years during the long-term care period, and shall be updated at the time of permit renewal. The report shall summarize and interpret the water quality and leachate monitoring results and water level measurements collected during the past two and one-half years. The report shall contain, at a minimum, the following:

1. No change.
- (c) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History–New 1-6-93; Amended 1-2-94, 5-19-94, Formerly 17-701.510, Amended 5-27-01,

62-701.520 Special Waste Handling.

(1) Motor vehicles. Motor vehicles that are brought to a landfill may be stored temporarily in a separate area until they are removed for recycling. If vehicles cannot be recycled, all fluids and batteries shall be removed from the vehicles, and they shall be compacted to minimize voids before being placed in the disposal Class I area.

(2) Landfilling shredded waste. Landfilling shredded solid waste without daily soil cover may be an environmentally acceptable method of final disposal at a landfill that meets the

requirements of Rule 62-701.340, F.A.C. A properly designed and operated shredding facility shall be approved by the Department contingent upon the following conditions:

(a) through (b) No change.

(c) All solid waste storage areas in the shredding facility shall be maintained and cleaned at the end of each day's operations or during continuous operation, as necessary, to prevent ~~disease~~ vector problems. All equipment shall be designed and maintained to control spillage and to achieve the required product quality.

(d) through (e) No change.

(3) Asbestos waste disposal.

(a) Asbestos-containing waste materials may be accepted for disposal at a permitted Class I, ~~H~~, or III landfill. Each active waste disposal site that receives asbestos-containing waste material from a source covered under the National Emission Standards for Asbestos, 40 CFR Part 61, Subpart M, shall meet the requirements of 40 CFR Part 61.154, which are incorporated by reference herein. For purposes of this rule, the term "Administrator," when used in 40 CFR Part 61.154, shall mean Secretary of the Department of Environmental Protection.

(b) through (c) No change.

(4) Contaminated soil. Soil ~~that which~~ has been contaminated with petroleum products or any other materials that products which are not hazardous wastes may be disposed of in Class I permitted, lined landfills. ~~Petroleum contaminated soil which has been treated pursuant to Chapter 62-713, F.A.C., may be disposed of at permitted disposal facilities and may, if it meets the criteria of subsections 62-701.200(33) and (53) 62-701.200(39), (59), and (61), F.A.C., be used as initial or intermediate cover material at solid waste disposal facilities permitted landfills. Contaminated soil that has the potential to leach constituents in excess of Department ground water standards or criteria may be used only at Class I landfills and only in those areas of the landfill where runoff or infiltration is captured by the leachate collection system.~~

(5) Biological waste disposal.

(a) Disposal of bodies of domestic animals, upon the death of such animals due to disease, shall be accomplished pursuant to Section 823.041(1), F.S. This provision does not prohibit the disposal of such animals in Class I ~~or H~~ landfills.

(b) No change.

(c) Bodies of captive wildlife, as well as bodies of domestic animals that have not died due to disease, may either be used, burned, disposed of in a Class I landfill, or disposed of on the property where they died provided they are buried at least two feet below the surface of the ground and above the water table.

(d)~~(e)~~ Biomedical waste that has been treated may be disposed of as solid waste that is not biomedical. Such treated waste must be in containers clearly labeled with the phrase

“Treated Biomedical Waste.” The local governments that are responsible for solid waste collection and disposal shall be notified that treated biomedical waste will be disposed of in their facility before such disposal. This requirement does not supersede the provisions of Section 381.0098(8), F.S., regarding acute care hospitals. All transport vehicles transporting treated biomedical waste to a solid waste facility for disposal shall be fully enclosed and secured when unattended. This provision shall not be construed as superseding a solid waste management facility operator's authority to set limitations or restrictions on the disposal of treated biomedical waste at that facility. Treated biomedical waste shall be disposed of only at permitted Class I ~~or H~~ landfills or incinerators used to combust solid waste.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.705, 403.707, 403.708 FS. History—Formerly 10D-12.07, 10-1-74, Amended 5-24-79, 11-25-82, 7-10-84, 12-10-85, Formerly 17-7.06, 17-7.060, 17-701.060, Amended 1-6-93, 1-2-94, Formerly 17-701.520, Amended 5-27-01,_____.

62-701.530 Gas Management Systems.

(1) No change.

(2) Monitoring requirements. Owners or operators of solid waste disposal units at landfills that have received degradable waste shall implement a routine gas monitoring program to ensure that the design requirements of subparagraphs (1)(a)1. and 3. of this section are met. The routine gas monitoring program shall monitor concentrations of combustible gases at ambient monitoring points and in soil monitoring probes.

(a) No change.

(b) Soil monitoring probes. Soil monitoring probes shall be installed along each property boundary segment of the facility, particularly those adjacent to off-site occupied structures within 100 feet of the property boundary or where distressed vegetation is present, and shall be spaced as needed to detect gas migration. When locating the soil monitoring probes, the owner or operator shall also consider the location of facility structures and the soil conditions, hydrogeologic conditions and hydraulic conditions surrounding the facility. Soil monitoring probes shall extend to the depth of the base of waste fill or at least three feet below ground surface, whichever is deeper. Sampling shall be conducted in the headspace of the monitoring probe without purging the gas before collecting the sample. Where sand, gravel, or more gas permeable soil strata may interconnect the waste deposit and the property boundary, multiple depth monitoring probes if a confining unit is not penetrated, or a single monitoring probe extending from the soil surface to the water table, are necessary to draw gas samples from the permeable layers.

(c) All ambient monitoring points and soil monitoring probes shall be sampled quarterly for concentrations of combustible gases, and the results reported to the Department no later than 15 days after the end of the quarter in which the

monitoring occurred. Combustible gases shall be determined as a percent of the lower explosive limit and shall be calibrated to methane.

(3) Construction and control requirements. The gas management system shall be constructed and operated as authorized by a Department permit or this section.

(a) No change.

(b) Odor remediation plan. The facility shall be operated to control objectionable odors in accordance with subsection 62-296.320(2), F.A.C. After being notified by the Department that objectionable odors have been confirmed beyond the landfill property boundary, If gas concentrations cause objectionable odors beyond the landfill property boundary, the owner or operator shall:

1. Immediately take steps to reduce the objectionable odors. Such steps may include applying or increasing initial cover, reducing the size of the working face, and ceasing operations in the areas where odors have been detected; Implement a routine odor monitoring program to determine the timing and extent of any off-site odors; and

2. If the monitoring program confirms the existence of objectionable odors, Submit to the Department for approval an odor remediation plan for the gas releases. The plan shall describe the nature and extent of the problem and the proposed long-term remedy. The remedy shall be initiated within 30 days of approval.

3. Implement a routine odor monitoring program to determine the timing and extent of any off-site odors, and to evaluate the effectiveness of the odor remediation plan.

(4) No change.

(5) Landfill gas recovery facilities.

(a) No change.

(b) The application shall be submitted on Form 62-701.900(1), and shall contain at least the following:

1. through 5. No change.

(c) No change.

(6) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 5-27-01, Amended _____.

62-701.600 Landfill Final Closure.

(1) Applicability.

~~(a) Inactive landfills.~~

~~(a)1-~~ Landfills or solid waste disposal units that which were closed in a manner approved by the Department prior to [eff date] January 6, 1993, or that which have received final cover before July 1, 1985, are exempt from the requirements of this section, although they remain subject to the rules that were in effect at the time of closing although subsection 62-701.610(8), F.A.C., shall apply to any relocation of waste at such landfills or units.

~~2. Owners or operators of landfills or solid waste disposal units which were no longer receiving wastes on January 6, 1993, which have not been closed in accordance with an approved closure plan or closure permit, and which do not have an approved closure plan or closure permit shall comply with this section by May 19, 1995.~~

~~(b)3.~~ Owners or operators of landfills or solid waste disposal units that which were no longer receiving wastes on [eff date] January 6, 1993, that which have not been closed in accordance with an approved closure plan or closure permit and that which do have an approved closure plan or closure permit are exempt from the requirements of this section as long as the closure plan or closure permit is complied with.

~~(c)(b) Active landfills.~~ Landfills or solid waste disposal units that which receive wastes after [eff date] January 6, 1993, shall comply with the requirements of this section. ~~Owners or operators of active landfills or solid waste disposal units which have an approved closure plan or closure permit on January 6, 1993 shall apply for modification of their plan or permit to comply with this section by May 19, 1995, or, if the landfill or solid waste disposal unit is not scheduled to close before the existing operation permit expires, at the time of permit renewal. Landfills or solid waste disposal units which are operating under a Department consent agreement, which have a closure permit, and which cease accepting wastes on or before December 1, 1992, are exempt from the requirements of this section except for paragraph 62-701.600(5)(g), F.A.C.~~

~~(2) Closure schedule.~~

~~(a) At least one year prior to the projected date when wastes will no longer be accepted or when all solid waste disposal units are expected to reach design dimensions, the owner or operator shall provide a written notice to the Department with a schedule for cessation of waste acceptance and closure of the landfill. The closure schedule shall become an addendum to the landfill permit. If unforeseen circumstances do not allow the one year notification, notice shall be provided as soon as the need to close the facility becomes apparent.~~

~~(b) Notice and advice to users. At least 120 days prior to the date when wastes will no longer be accepted at the landfill, the owner or operator shall advise users of the intent to close the landfill by posting signs at the entrance of the landfill giving the date of closing, the location of alternative disposal facilities, and the name of the person responsible for closing the landfill. These signs shall be maintained throughout the closing period. If unforeseen circumstances do not allow the 120 day notice to users, notice shall be provided as soon as the need to close the facility becomes apparent.~~

~~(c) Notice to the public. Within 10 days prior to the date when wastes will no longer be accepted at the landfill, the owner or operator shall publish a notice of the landfill closing in the legal advertising section of a newspaper of general~~

~~circulation in the county where the activity is proposed, and shall provide proof of publication to the Department within seven days of publication.~~

~~(2)(3)~~ Closure permit requirements. The owner or operator shall submit an application to the Department for final closure of the landfill, or closure of the solid waste disposal unit, at least 90 days before the date when wastes will no longer be accepted. The application shall be on Form 62-701.900(1). If the landfill is operating under a Department permit, the owner or operator ~~may~~ shall request a modification of the permit in lieu of submitting a closure permit application. The application or request for modification shall include an updated closure plan which is made up of the following:

- ~~(a) A closure report;~~
- (b) through (c) renumbered (a) through (b) No change.
- ~~(d) Closure procedures;~~
- (e) through (f) renumbered (c) through (d) No change.

~~(4) Closure report. A report on the final closure of the landfill shall address the following requirements, or shall contain an explanation of why the requirement is not applicable:-~~

- ~~(a) General landfill information which shall contain:~~
 - ~~1. Identification of the landfill;~~
 - ~~2. Location, description and vicinity map;~~
 - ~~3. Total acreage of waste disposal areas and total acreage of landfill property;~~
 - ~~4. Legal description of property on which the landfill is located;~~
 - ~~5. History of the landfill including dates of construction and a description of the location and sequence of fill operations; and~~
 - ~~6. Identification of types of waste disposed of in the completed landfill based on records, composition studies, operator memory, major waste depositors, or other information sources.~~

~~(b) The geotechnical investigation report and water quality monitoring plan required in subsection 62-701.330(3), F.A.C.~~

- ~~(e) Land use information which shall contain a discussion and maps indicating:~~
 - ~~1. Identification of adjacent landowners;~~
 - ~~2. Zoning;~~
 - ~~3. Present land uses; and~~
 - ~~4. Roads, highways, rights of way, or easements.~~

~~(d) A report on actual or potential gas migration in landfills that contain degradable wastes which would allow migration of gas off the landfill property.~~

~~(e) An assessment of the effectiveness of the landfill design and operation, which shall provide information about the effects of the landfill on adjacent ground and surface waters, and the landfill area. Specific concerns to be discussed are:~~

- ~~1. Results of the geotechnical investigation;~~

~~2. Effects of surface water runoff, drainage patterns, and storm water controls;~~

~~3. Extent and effects of methane gas migration, lower explosive limit percentage readings in migration paths, and description of the gas venting system;~~

~~4. Condition of existing cover, thicknesses and types of soils or materials used for cover, and effectiveness of cover material as a leachate control mechanism; and~~

~~5. The nature and characteristics of the waste disposed of at the landfill.~~

~~(3)(5)~~ Closure design plan. The closure design plan shall consist of engineering plans and a report on closing procedures that apply to the final closing of solid waste disposal units during the operation of the landfill, the final closing of the landfill, and the monitoring and maintenance during the long-term care period. The closure design plan shall include the following information:

- (a) through (d) No change.

(e) Final side slope design. Side slopes of aboveground disposal units shall not be steeper than three feet horizontal to one foot vertical rise to control erosion of the final cover material. Such units shall be designed to control the flow of stormwater, such as building ~~incorporate~~ reverse sloping benches or terraces into the side slopes of the landfill, and shall contain down slope drainage ways with water flow energy dissipaters. Access for maintenance equipment shall be provided. Such designs shall address the susceptibility for erosion of the earthen material that is proposed for final cover relative to historical rainfall patterns for the area, the period between the patterns for the area, the period between the application of the final cover and establishment of vegetation, and maintenance procedures.

(f) Final cover installation plans showing the sequence of applying final cover. ~~All areas filled with waste shall have a final cover designed to minimize infiltration of rainfall and subsequent generation of leachate, based on water balance calculations and leachate controls used.~~

- 1. through 4. No change.
- (g) Final cover design.

1. Landfills shall have a final cover designed to minimize infiltration and erosion, which shall include a barrier layer consisting of a soil layer, a geomembrane, or a combination of a geomembrane with a low permeability material. All geosynthetic and soil components used in the final cover shall meet the standards and specifications contained in subparagraphs 62-701.400(3)(d)1. and 2., (3)(d)5.-11., paragraph (e), and (f), F.A.C. For lined Class I and Class ~~III~~ H landfills, the barrier layer shall have a permeability that which is substantially equivalent to, or less than, the permeability of the bottom liner system. If the landfill uses a geomembrane in the bottom liner system, the barrier layer shall also incorporate a geomembrane. For unlined Class I ~~and Class H~~ landfills, the barrier layer shall have a permeability of 1×10^{-7} cm/sec or

less. For unlined Class III landfills, the barrier layer shall have a permeability of 1×10^{-5} cm/sec or less. For unlined Class III landfills which accepted only yard trash, no barrier layer is required; instead, final cover shall consist of a 24-inch thick soil layer, the upper six inches of which shall be capable of supporting vegetative growth.

2. No change.

3. If the barrier layer consists only of a ~~geosynthetic clay liner (GCL)~~, a protective soil layer at least 24 inches thick shall be placed on top of the GCL with the upper six inches being able to sustain vegetative growth. The GCL shall be placed on a protective soil layer at least six inches thick. Material specifications and installation methods, which may include a drainage layer between the GCL and the protective soil layer over the GCL, shall be adequate to protect the barrier layer from root penetration, resist erosion, and remain stable on the final design slopes of the landfill.

4. If a geomembrane is used in the barrier layer, it shall be either HDPE or LLDPE with a minimum average thickness of 40 mils or PVC with a minimum average thickness of 30 mils, shall a semi-crystalline thermoplastic with at least 40 mils average thickness, as defined by method GRI GM13, or a non-crystalline thermoplastic at least 30 mils thick, within the tolerances specified in method PGI 1197, with a maximum water vapor transmission rate of $2.4 \text{ g}/(\text{m}^2 \times \text{day})$, have chemical and physical resistance to materials it may come in contact with, and shall withstand exposure to the natural environmental stresses and forces throughout the installation, seaming process, and settlement of the waste during the closure and long-term care period. A protective soil layer at least 24 inches thick shall be put on top of the geomembrane. Material specifications, installation methods, and compaction specifications, which may include a drainage layer between the geomembrane and the protective soil layer, shall be adequate to protect the barrier layer from root penetration, resist erosion, and remain stable on the final design slopes of the landfill. This layer shall include topsoil or soils that will sustain vegetative growth.

5. The final cover design shall include an evaluation of the stability of the cover system and the disposed waste and shall be designed to meet the factor of safety criteria in paragraph 62-701.400(2), F.A.C. This evaluation shall include an analysis of the potential for slides along the weakest interface of the final cover system and of the potential for deep seated rotational or translational failures through the waste and the final cover.

6. An applicant may use an alternate design for the barrier layer, or parts of the barrier layer, or for the protective soil layer, upon a demonstration that the alternate design will result in a substantially equivalent rate of storm water infiltration through the final cover. Any alternate design shall be reviewed by the Department as part of its review of the closure design plan.

7. No change.

(h) Proposed method of stormwater control. ~~Stormwater occurring on the landfill property and from areas adjacent to the landfill property shall be prevented from coming onto or into waste-filled areas.~~ The closure design plan shall demonstrate how the stormwater management systems shall be operated and maintained as necessary to meet the requirements of subsection 62-701.400(9), F.A.C.

(i) Proposed method of access control. The closure design plan shall show how access to the closed landfill shall be restricted to prevent any future waste dumping or use of the facility by unauthorized persons. ~~Restricted access shall remain in force until the landfill is stabilized and there is no evidence that facility property is being used as an unauthorized disposal site. If use of the property during the long-term care period is planned, access shall be restricted until landfill closing is completed and acknowledged by the Department in accordance with subsection 62-701.610(6), F.A.C.~~

(j) A description of any proposed final use of the landfill property.

(j)(k) A description of the proposed or existing gas management system that ~~which~~ complies with Rule 62-701.530, F.A.C.

(4)(6) Closure operation plan. The closure operation plan shall:

(a) Describe the actions that ~~which~~ will be taken to close the landfill, such as placement of cover, grading, construction of berms, ditches, roads, retention-detention ponds, installation or closure of wells and boreholes, installation of fencing, seeding of vegetation, and protection of on-site utilities and easements;

(b) through (c) No change.

(d) Describe the proposed method of demonstrating financial assurance responsibility for the long-term care monitoring and maintenance;

(e) Provide for operation ~~the development and implementation~~ of the water quality monitoring plan required in Rule 62-701.510, F.A.C.; and

(f) Provide for the development and implementation of the gas management system required in Rule 62-701.530, F.A.C.; and

~~(g) Indicate any additional equipment and personnel needed to complete closure of the landfill.~~

(5) The owner or operator shall close the facility only in accordance with the closure design plan submitted with the permit application. The owner or operator shall at all times comply with the closure operation plan submitted with the permit application.

(6) Certification of closure construction completion. After closure construction has been completed, the engineer of record shall certify to the Department on Forms 62-701.900(2) that the closure is complete and that it was done in accordance with the plans submitted to the Department except where

minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated. If the certification is for the final closure of a landfill, it shall include a certification that one of the following has been done:

(a) For landfills with a final elevation of less than 20 feet above the natural land surface, concrete monuments shall be installed to mark the boundaries of the landfill property and other permanent markers shall be installed to outline the general waste filled areas. These markers shall be tied to one or more of the boundary markers by a survey performed by an engineer or a Florida Licensed Professional Surveyor and Mapper. The location and elevation of all markers shall be shown on a site plan filed with the "Declaration to the Public" described in subsection (7) of this section.

(b) For landfills with a final elevation of 20 feet or higher above the natural land surface, a final survey shall be performed after closure is complete by an engineer or a Florida Licensed Professional Surveyor and Mapper to verify that final contours and elevations of the facility are in accordance with the plans as approved in the permit. Aerial mapping techniques which provide equivalent survey accuracy may be substituted for the survey. Contours shall be shown at no greater than five-foot intervals. A copy of the survey shall be included with the certification of closure construction completion.

(7) Declaration to the public. Once closure construction has been completed, the landfill owner or operator shall file a declaration to the public in the deed records in the office of the county clerk of the county in which the landfill is located. The declaration shall include a legal description of the property on which the landfill is located and a site plan specifying the area actually filled with solid waste. The declaration shall also include a notice that any future owner or user of the site should consult with the Department prior to planning or initiating any activity involving the disturbance of the landfill cover, monitoring system or other control structures. A certified copy of the declaration shall be filed with the Department.

(8) Official date of closing. The Department shall evaluate the documents required in subsections (6) and (7) of this section, and within 30 days of its determination that such documents comply with the closure plan and the requirements of this section shall acknowledge by letter to the facility operator that closing of the facility has been completed. If the entire landfill has been closed, the date of this letter shall be the official date of landfill closing for purposes of determining the long-term care period. If only a portion of the landfill has been closed, the long-term care period will begin upon the closing of the entire landfill, unless the portion that has been closed can be monitored and maintained separately from the rest of the landfill.

(9)(7) Temporary closure.

(a) Placement of final cover over a solid waste disposal unit may be delayed for a period of time specified in an approved closure plan for the following reasons:

1. No change.
2. If additional solid waste will be deposited on the solid waste disposal unit ~~within five years~~; or
3. No change.

(b) Placement of final cover may be delayed only if the solid waste disposal unit is temporarily closed in accordance with an approved closure plan. Conditions of temporary closure shall include:

1. through 2. No change.
3. Final cover is installed on side slopes of each completed disposal unit ~~that which~~ will not receive additional waste or ~~that which~~ will not be ~~excavated mined, and all areas visible to the public are closed and landscaped, except that if a landfill owner or operator can demonstrate in individual cases that a different process will be adequate to control erosion and odors, and will be expected to result in compliance with applicable stormwater and leachate management requirements, it can be approved as part of the closure plan;~~
4. Odors and ~~disease~~ vectors are controlled;
5. No change.
6. The financial ~~assurance responsibility~~ requirements of Rule 62-701.630, F.A.C., are met, and the closure cost estimate takes into account the costs of temporary closure as well as the costs of the final closure; and
7. No change.

(c) In addition, a solid waste disposal unit ~~that which~~ will be ~~excavated mined~~ in the future shall have a temporary final cover installed.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.600, Amended 5-27-01,

62-701.610 Other Closure Procedures.

~~(1) Closing inspections. The Department shall specify in the closure permit which particular closing steps or operations must be inspected and approved by the Department before proceeding with subsequent closure actions.~~

~~(2) Survey monuments. For landfills with a final elevation of less than 20 feet above the natural land surface, concrete monuments shall be installed to mark the boundaries of the landfill property and other permanent markers shall be installed to outline the general waste filled areas. These markers shall be tied to one or more of the boundary markers by a survey performed by an engineer or a registered land surveyor. The location and elevation of all markers shall be shown on a site plan filed with the "Declaration to the Public" described in subsection (5) of this section.~~

~~(3) Final survey report. When landfill operations have been conducted which have raised the final elevations higher than 20 feet above the natural land surface, a final survey shall be performed after closure is complete by an engineer or a registered land surveyor to verify that final contours and~~

elevations of the facility are in accordance with the plans as approved in the permit. Aerial mapping techniques which provide equivalent survey accuracy may be substituted for the survey. The survey or aerial mapping information shall be included in the report along with information reflecting the conditions of the landfill as constructed. Contours shall be shown at no greater than five foot intervals. The landfill owner or operator shall submit this report to the Department in accordance with the closing schedule.

(4) Certification of closure construction completion. A certification of closure construction completion, signed, dated and sealed by a professional engineer independent of the contractor, shall be provided to the Department upon completion of closure. All substantial deviations from the permitted closure plans shall be noted.

(5) Declaration to the public. After closing operations are inspected and approved by the Department, the landfill owner or operator shall file a declaration to the public in the deed records in the office of the county clerk of the county in which the landfill is located. The declaration shall include a legal description of the property on which the landfill is located and a site plan specifying the area actually filled with solid waste. The declaration shall also include a notice that any future owner or user of the site should consult with the Department prior to planning or initiating any activity involving the disturbance of the landfill cover, monitoring system or other control structures. A certified copy of the declaration shall be filed with the Department.

(6) Official date of closing. Upon receipt of the documents required in subsections (3), (4), and (5) of this section, the Department shall, within 30 days, acknowledge by letter to the facility operator that notice of termination of operations and closing of the facility has been received. If the entire landfill has been closed, the date of this letter shall be the official date of landfill closing for purposes of determining the long term care period. If only a portion of the landfill has been closed, the long term care period will begin upon the closing of the entire landfill, unless the portion which has been closed can be monitored and maintained separately from the rest of the landfill. The date of this letter shall be the official date of landfill closing for the purpose of determining the long term care period.

(1)(7) Use of closed solid waste disposal facilities landfill areas. Closed solid waste disposal facilities landfill areas, if disturbed, are a potential hazard to public health, ground water and the environment. The Department retains regulatory control over any activities that which may affect the integrity of the environmental protection measures such as the landfill cover, drainage, liners, monitoring systems, or leachate and stormwater controls. Consultation with the Department is required prior to conducting activities at the closed solid waste disposal facilities landfill areas.

(2)(8) Relocation of waste. The owner of a closed landfill must ~~may~~ request permission from the Department to move waste from one point to another within the footprint of the same solid waste disposal unit. If the landfill has a valid closure permit, the permittee shall seek a modification to reflect the relocation of waste. The Department shall approve such a request upon a demonstration that:

(a) No change.

(b) Any leachate, stormwater runoff, or gas that which is generated by the activity is controlled on site;

(c) Any hazardous waste that which is generated by the activity will be managed in accordance with Chapter 62-730, F.A.C.;

(d) through (e) No change.

Rulemaking Specific Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.074, Formerly 17-701.074, Amended 1-6-93, 1-2-94, Formerly 17-701.610, Amended 5-27-01,_____.

62-701.620 Long – Term Care.

(1) Long-term care period. The owner or operator of any landfill which receives wastes after January 6, 1993, shall continue to monitor and maintain the integrity and effectiveness of the final cover as well as other appurtenances of the facility, control erosion, fill subsidences, comply with the ground water monitoring plan, and maintain the stormwater system, in accordance with an approved closure plan for 30 years from the date of closing. Before the expiration of the long-term care monitoring and maintenance period, the Department may extend the time period if the closure design or closure operation plan is found to be ineffective, or if the permittee has not performed all required monitoring and maintenance. For purposes of this subsection, “ineffective” means that:

(a) The ground water monitoring system indicates that the landfill continues to impact ground water at concentrations that may be expected to result in violations of Department water quality standards or criteria;

(b) The gas monitoring system indicates that the landfill continues to produce gas in amounts that may be expected to exceed the concentrations of combustible gases allowed in paragraph 62-701.530(1)(a), F.A.C.;

(c) Significant subsidence of waste has not ceased; or

(d) The final cover does not have well established vegetation or is showing signs of continuing significant erosion problems.

(2) Permit for long-term care ~~Long-term care permit~~. Long-term care shall be conducted in accordance with a closure permit. Closure permits involving only long-term care shall be issued with a duration of ten years unless the owner or operator specifically requests a shorter duration. If a shorter duration is requested, the permit fee shall be prorated.

(3) Reduced long-term care period. The owner or operator of a landfill may apply to the appropriate District Office of the Department for a permit modification to reduce the long-term care period ~~schedule~~ or eliminate some aspects of long-term care. The Department will grant such modification if reasonable assurance is provided to the Department that there is no threat to human health or the environment and if the landfill:

- (a) through (d) No change.
- (4) No change.

(5) Gas monitoring. The gas collection and monitoring system required in paragraph 62-701.600(4)(f) ~~62-701.600(6)(f)~~, F.A.C., shall be maintained for the long-term care period of the landfill. The owner or operator of a landfill may apply to the appropriate District Office of the Department for a permit modification to reduce the long-term care period ~~schedule~~. The Department will grant such a modification if the applicant demonstrates that the landfill has stabilized to the point where there is no significant production of combustible gases or objectionable odors.

(6) Stabilization report. Every five years after issuance of a permit for long-term care, the permittee shall submit a report to the Department that addresses stabilization of the landfill. The submittal shall include the technical report required in paragraph 62-701.510(9)(b), F.A.C., and shall also address subsidence, barrier layer effectiveness, storm water management, and gas production and management. For lined landfills, the submittal shall also address leachate collection and removal system effectiveness, leachate quality, and leachate quantity.

~~(7)(6)~~ Right of access. The landfill owner or operator shall possess or acquire a sufficient interest in, or a right to use, the property for which a permit is issued, including the access route onto the property to carry out the requirements of this rule. The permittee shall retain the right of entry to the landfill property for the long-term care period, after termination of solid waste operations, for inspection, monitoring and maintenance of the site.

~~(7) Successors in interest. Any person acquiring rights or ownership, possession or operation of a permitted landfill through lease or transfer of property shall be subject to all requirements of the permit for the facility and shall provide any required proof of financial responsibility to the Department in accordance with this rule. Any lease or transfer of property shall include specific conditions to delineate:~~

~~(a) The previous owner or operator is responsible for closure and shall maintain any required proof of financial responsibility until the person acquiring ownership, possession or operation of the landfill establishes the required proof of financial responsibility with the Department;~~

~~(b) Responsibility for the continuance of monitoring, maintenance, and correction of deficiencies or problems; and~~

~~(c) Mineral rights attached to the property and the rights to any recoverable materials that may be buried on the property or landfill gases that may be produced. A Department permit shall be required if any on-site operations subsequent to closing of a landfill involve disturbing the landfill.~~

~~(8) Transfer of permit. Transfer of a landfill permit shall be in accordance with the provisions of Rule 62-4.120, F.A.C., and this rule.~~

- (9) through (10) renumbered (8) through (9) No change.

Rulemaking Specific Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.075, Formerly 17-701.075, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.620, Amended 5-27-01.

62-701.630 Financial Assurance.

~~(1) Owner or operator. Definitions. As used in this section:~~

- ~~(a) No change.~~

~~(b) The owner or operator identified on financial assurance documentation shall be the same individual, registered business entity (not a fictitious name) or government entity as the permit applicant. If there are multiple permittees, only one need be identified on the financial assurance documentation. "Active life" means the operating life of the landfill as estimated in the construction permit or closure plan, but does not include the long-term care period.~~

- ~~(2) Applicability.~~

- ~~(a) No change.~~

~~(b) As a condition for the issuance of a landfill construction permit, permit transfer, or permit modification authorizing expansion, the owner or operator shall provide the Department with describe the financial mechanism to be used to demonstrate proof of financial assurance issued in favor of the Florida Department of Environmental Protection in the amount of the closing and long-term care cost estimates for the landfill. This proof shall be submitted to the Department as part of the permit application process, except as provided in paragraph (c) of this subsection, to the Department. The financial mechanism shall be created, and alternate financial mechanisms shall be fully funded, at least 60 days prior to the acceptance of any solid waste at the facility. The financial mechanism shall either be:~~

~~1. If the landfill is owned or operated by a government agency, aA landfill management escrow account pursuant to subsection (5) of this section or an alternate financial mechanism pursuant to subsection (6); or~~

~~2. If the landfill is not owned or operated by a government agency, an An alternate financial mechanism pursuant to subsection (6) of this section.~~

~~(c) A permittee may delay submitting proof of financial assurance for a solid waste disposal unit under the following conditions. Such proof must be submitted at least 60 days prior to the planned acceptance of any solid waste. Under no circumstances shall the permittee receive waste at the solid~~

waste disposal unit until it has received written acknowledgement from the Department that the financial mechanism has been properly submitted and funded.

1. The solid waste disposal unit for which a permit is being sought has not received solid waste for storage or disposal;

2. The permit being sought does not authorize operation of the solid waste disposal unit, or requires a specific separate approval by the Department prior to operation being authorized;

3. The permittee identifies the type of financial mechanism it intends to use, and provides reasonable assurance as part of the permit application that it is capable of obtaining and using the identified mechanism; and

4. The permittee submits Form 62-701.900(29), Financial Assurance Deferral Application, effective date [eff. date], hereby adopted and incorporated by reference, as part of the permit application. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. This form will inform the permittee of these requirements, and will include an acknowledgement by the permittee agreeing not to accept waste until the financial assurance has been approved. Owners or operators of existing landfills or landfills which have received a construction permit prior to November 28, 1989, shall submit proof of financial assurance to the Department by October 1, 1990. Such proof shall be:

1. That a landfill management escrow account has been established and that such account and interest thereon is current as to the required level of funding pursuant to subsection (5) of this section; or,

2. Proof of the existence and current value of an alternate financial mechanism pursuant to subsection (6) of this section.

(d) Owners or operators of existing Class I or H landfills receiving waste after October 9, 1993, that which are required to undertake a corrective action program in accordance with subsection 62-701.510(7), F.A.C., shall submit proof of financial assurance to the Department no later than 120 days after the corrective action remedy has been selected.

(3) Cost estimates for closure.

(a) For the purposes of determining the amount of proof of financial assurance that is required by in subsections (5) and (6) of this section, the owner or operator shall estimate the total cost of closure in current dollars for the permitted portions of the landfill and or for those portions of the landfill for which a construction permit is sought, for the time period in the landfill operation when the extent and manner of its operation make closing most expensive. The annual cost of long-term care shall be estimated, and listed separately, and multiplied by the number of years required in the long-term care period 30 years. The owner or operator shall submit the estimates, together with all necessary justification, to the Department as part of the permit application along with the proof of financial assurance.

The costs shall be estimated and certified by a professional engineer for a third party performing the work, on a per unit basis, with the source of estimates indicated.

(b) through (c) No change.

(d) Cost estimates required in this section shall be prepared and submitted on Form 62-701.900(28), Closure Cost Estimating, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) No change.

(4) Cost adjustments for closure.

(a) Every owner or operator of a landfill shall annually adjust the closure cost estimate for inflation and submit updated information to the Department. Closing and long-term care costs shall be listed separately. For owners or operators using an alternate financial mechanism, this statement shall be submitted between January 1 and March 1 of each year. For owners or operators using an escrow account, this statement shall be submitted between July 1 and September 1 of each year. This paragraph does not prohibit an owner or operator from submitting other information updating the closure cost estimate at other times of the year.

(b) During the life of those portions of the landfill which have not been finally closed, as well as during the long term care period, the owner or operator shall adjust the closure cost estimate for inflation and changes in the closing and long term care plan. Such adjustments shall be made either by:

1. Recalculating the total maximum cost of closure or long-term care, in current dollars, as specified in subsection (3) of this section; or

2. By Using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business as specified in subparagraphs (4)(b)2.a. and b. of this section. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

a. through b. No change.

(b)(e) At the time of permit renewal, or every fifth year when a permit is issued with a duration greater than 5 years, if the closure or long term care plan is modified during the operating, closure or long term care period, the owner or operator shall revise the cost estimate. Revisions shall be made by recalculating the total cost of closure or long-term care, in current dollars, as specified in subsection (3) and submitted as specified in subparagraph (4)(b)1. of this section. Cost estimates submitted in accordance with this subsection will be used as the basis for comparison against the balance of the funding mechanisms specified in subsections (5) and (6) of this section.

(c) In addition to the requirements of paragraphs (a) and (b) of this subsection, the owner or operator shall revise the closure cost estimate by recalculating the total cost of closure or long-term care, in current dollars, as specified in subsection (3) of this section, in the following situations:

1. Prior to any changes to the closing or long-term care plan;

2. Within 30 days of discovery that any of the anticipated costs that formed the basis of the current approved closure cost estimate have changed significantly; or

3. Within 30 days of issuance of an order pursuant to subsection 62-701.730(18), F.A.C., finding that the facility has exceeded any of its permitted dimensions.

(d) No change.

(5) Landfill management escrow account.

(a) The owner or operator of a landfill that is owned or operated by a government agency shall establish a fee, or a surcharge on existing fees, or other appropriate revenue-producing mechanism, to ensure the availability of financial resources for the proper closing and long-term care of the landfill.

(b) No change..

(c) The revenue shall be deposited in an interest-bearing escrow account with a financial institution such as a bank or trust whose operations are regulated and examined by a federal or state agency, or deposited in a Department-approved investment pool, created by the State of Florida or local governments, that has as its primary objective liquidity and preservation of principle, the landfill management escrow account, to be held and administered by the owner or operator. The owner or operator shall file with the Department a signed duplicate original of the escrow account agreement and an annual audit of the account. The audit shall be conducted by an independent Certified Public Accountant and shall be filed no later than March 31 of the following year. The audit shall identify where funds are on deposit, give consist of reporting the balance in the landfill management escrow account balance as of the end of the each fiscal year and itemize, by facility, amounts restricted for closing and long-term care. The audit shall also include and a list by date of all deposits and withdrawals made. The list shall include the date and the amount of each deposit and withdrawal.

(d) Payments into the landfill management escrow account shall be made by the owner or operator at least annually, according to one of the following methods:

1. The For a new landfill, the first payment must be made before the end of the first fiscal year after the initial receipt of solid waste into the landfill. A notice of such payment shall be submitted to the Department. The first payment shall be equal to the current closing cost estimate for the landfill divided by the number of years in the active life of the landfill. Subsequent payments must be made at least annually, over the

term of the active life of the landfill, on the anniversary date of the first payment. The calculations for such annual payment shall be determined using one of the following methods:

a. "Pay-in" method: $\text{payment} = (\text{CE} - \text{CV})/\text{Y}$, where CE is the current dollar closing calculated closure cost estimate at the beginning of the fiscal year, CV is the current value of the escrow account at the beginning of the fiscal year, and Y is the number of remaining years in the design active life of the landfill at the beginning of the fiscal year; or

b. "Balance" method: the fiscal year end account balance = $[\text{CE} \times (\text{DE}/\text{DL})] - \text{E}$, where CE is the approved latest current dollar closing closure cost estimate (by solid waste disposal unit) at the beginning of the fiscal year approved by the Department; DE, the design life exhausted (by solid waste disposal unit), is the period of time between the initial receipt of waste and the current fiscal year end account audit date; DL, the design life (by solid waste disposal unit), is the period of time between initial receipt of waste and end of receipt of waste; and E, all documented closing closure expenditures to date (by solid waste disposal unit), are expenses identified by the fiscal year end audit(s) as being incurred closing or maintaining the landfill identified in the closure plan. The choice of use of this formula requires the continued use throughout the remaining design life of the landfill or phase. In the event the fiscal year end audited account balance exceeds the required balance, the owner or operator may remove the excess funds upon written authorization from the Department.

2. through 4. No change.

(e) through (f) No change.

(g) The owner or operator of any landfill that had established an escrow account prior to January 1, 2007, may continue to use that escrow account to provide financial assurance for closure of that landfill, even if that landfill is not owned or operated by a government agency.

(6) Alternate proof of financial assurance.

(a) The appropriate part of Form 62-701.900(5), Financial Mechanisms for Solid Waste Management Facilities Requiring Closure and/or Long-term Care, effective date [eff. date], hereby adopted and incorporated by reference, shall be used, and originally signed duplicates submitted, when demonstrating proof of financial assurance under this section. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. An owner or operator may establish proof of financial assurance with the Department in lieu of, or in combination with, the requirements of subsection (5) of this section. Such proof Proof of financial assurance under this subsection shall may include surety bonds, certificates of deposit, securities, letters of credit, trust fund agreements, closure insurance (excluding independent procurement), or financial tests and corporate guarantees, showing that the owner or operator has sufficient financial

resources to cover, at a minimum, the costs of complying with all state landfill closing and long-term care requirements. If such proof of financial assurance is surety bonds, letters of credit, trust fund agreements, closure insurance or financial tests and corporate guarantees, such proof shall be submitted on forms provided by the Department in accordance with the requirements of paragraphs (b) through (d) of this subsection. If proof of financial assurance is securities or certificates of deposit, these instruments must be used in conjunction with a trust fund and shall be submitted directly to the trustee. The owner or operator shall estimate such costs pursuant to subsection (3) of this section.

(b) 40 CFR Part 264 Subpart H which contains EPA's rules on financial requirements for owners and operators of hazardous waste facilities are hereby adopted as financial requirements for purposes of this section incorporated by reference as those rules appear in 40 CFR Part 264, revised as of July 1, 2007 ~~2000~~, except:

1. The following sections of 40 CFR Part 264, Subpart H are specifically not adopted as part of this rule:

a. 264.140(a); 264.140(b); 264.140(d); 264.141(a); 264.141(e); 264.142(b); 264.142(c); 264.143(f)(1); 264.144(b); 264.144(c); 264.145(f)(1); 264.147; 264.149; 264.150; and 264.151.

b. through e. No change.

f. 264.140(c) when referring to landfills owned or operated by a government agency.

2. References to 40 CFR 264.143(f)(1) and 264.145(f)(1) shall mean paragraph 62-701.630 (6) (c), F.A.C. References in 40 CFR Part 264, Subpart H to the United States Environmental Protection Agency (EPA) shall mean the State of Florida Department of Environmental Protection (DEP); to Regional Administrator shall mean the Secretary of the Department; or the Secretary's written designee; to RCRA permits shall mean solid waste management permits; to Post-Closure Care/Post-Closure Cost Estimate shall mean Long-Term Care/Long-Term Care Cost Estimate; to EPA identification number shall mean the Department identification number; to hazardous waste shall mean solid waste; to hazardous waste treatment, storage or disposal facilities shall mean landfills; to Section 3008 of RCRA shall mean FDEP Agency Action; to Circular 570 of the U.S. Department of the Treasury shall mean Circular 570 of the U.S. Department of the Treasury and licensed to do business in the State of Florida; and to one or more states shall mean in the State of Florida.

(c) No change.

(d) Government-owned facilities providing proof of financial assurance using a financial test; must send updated information outlined in 40 CFR 264.143(f)(5) and 264.145(f)(5) to the Department within 180 days after the close of each succeeding fiscal year.

~~(e) Form 62-701.900(5) shall be used, and originally signed duplicates submitted, when demonstrating proof of financial assurance under this section.~~

(7) No change.

(8) Cost adjustments for corrective action.

(a) No change.

(b) At the time of permit renewal or if ~~If~~ the corrective action plan is modified during the corrective action period, the owner or operator shall revise the corrective action cost estimate. Revisions shall be made and submitted as specified in subparagraph (8)(a)1. of this section. The use of cost estimates that are submitted in accordance with this subsection and used as the basis for comparison against the balance of the funding mechanisms specified in subsection (9) of this section does not constitute estimate approval.

(c) No change.

(9) Financial assurance for corrective action.

(a) For government owned landfills, the owner or operator shall demonstrate proof of financial assurance for corrective action with the Department by identifying a revenue source and establishing an escrow account as specified in subsection (5)(c) of this section, or by using one of the approved alternate mechanisms specified in subsection (6) of this section. Payments into the landfill management escrow account shall be made by the owner or operator according to one of the following methods:

1. through 2. No change.

(b) For privately owned landfills, the owner or operator shall demonstrate proof of financial assurance for corrective action with the Department by ~~establishing an escrow account or~~ using one of the approved alternate mechanisms specified in subsection (6) of this section. ~~The escrow account shall be funded for the full cost associated with the corrective action remedy within 120 days after the corrective action remedy has been selected.~~ If a trust fund is used, the first payment into the trust must be at least equal to one-half of the current cost estimate for corrective action. The amount of subsequent payments must be determined by the following formula: Next payment = [RB – CV]/Y, where RB is the most recent estimate of the required trust fund balance for corrective action (i.e., the total costs that will be incurred during the second half of the corrective action period), CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period. The pay-in period is one-half of the estimated length of the corrective action program.

(10) If long-term care is extended because the permittee has failed to perform all required monitoring and maintenance, financial assurance shall continue to be required during the extended long-term care. If the long-term care is extended for any other reason, financial assurance is not required during the extended long-term care period, except as may be required in subsections (7) through (9) of this section.

Rulemaking Specific Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.076, Amended 11-28-89, Formerly 17-701.076, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.630, Amended 5-27-01, _____.

62-701.710 Waste Processing Facilities.

(1) Applicability.

(a) This ~~section rule~~ applies to solid waste management facilities that process but which do not dispose of solid waste on-site. This includes materials recovery facilities; and transfer stations, and volume reduction facilities; but does not include used oil processing facilities, waste tire processing facilities, soil treatment facilities, yard trash processing facilities that meet the registration requirements of Rule 62-709.320, F.A.C., ~~incinerators or combustors~~, or solid waste composting facilities, each of which is regulated under separate rules. Solid waste combustors will require permits under this section for any storage, processing, or disposal operations that are not directly addressed in another Department permit or certification as specified in paragraphs 62-701.320(14)(a) and (b), F.A.C. However, in accordance with paragraph Rule 62-701.320(5)(c), F.A.C., owners or operators of facilities which manage several different types of wastes, including used oil, waste tires, contaminated soil, or compost, may apply for a single permit which addresses all applicable requirements.

(b) No person shall construct or operate a waste processing facility without a permit issued by the Department. ~~Persons operating waste processing facilities under a permit (including a general permit) issued by the Department prior to May 27, 2001, may continue to operate that facility under the terms of their existing permit until it expires. Persons who submitted a complete application for a materials recovery facility, and persons who submitted a general permit notification for a transfer station at least 30 days prior to May 27, 2001, which the Department has not denied, are not subject to this rule until the time for renewal of that permit, if issued. All modifications or renewals of existing permits, and all new construction or operation permits issued on or after May 27, 2001, for waste processing facilities, shall comply with this rule.~~

(c) through (d) No change.

(e) The following types of facilities are not subject to the requirements of this section; however, these facilities shall be operated to minimize the discharge of leachate to the environment and to control objectionable odors, litter, dust, and other fugitive particulates: This rule shall not apply to the following:

1. Facilities comprised solely of green boxes, compactor units, permanent dumpsters, and other containers from which such wastes are transported to a landfill or other solid waste management facility, which do not accept waste from commercial waste haulers that accept waste from multiple generators, and which are not causing a sanitary nuisance;

2. No change.

3. Household hazardous waste collection centers operated by or exclusively on behalf of a local government; ~~and~~

4. Facilities at industrial operations where waste is stored prior to shipment to a solid waste management facility, or where industrial byproducts are segregated and managed, provided that the industrial operation is regulated under another Department permit or certification.

5. Facilities used solely for the temporary storage of road maintenance byproducts, which include street sweepings, ditch scrapings, shoulder scrapings, and catch basin sediments, provided:

a. Materials that require screening, as well as separated Class I wastes, shall be stored so that leachate and litter are controlled. Examples would include storage in covered roll-offs, storage on an impervious surface and under roof, or storage indoors;

b. Unscreened materials that will not be beneficially used shall be disposed of as soon as practical but shall be stored for no longer than three months unless a longer storage time is approved by the Department;

c. Class I wastes that are separated from the material shall be disposed of at a permitted facility at least weekly; and

d. Screened materials, or materials that do not require screening, shall be stored for no longer than six months unless a longer storage time is approved by the Department.

(2) Application. A permit application for a waste processing facility shall be submitted on Form 62-701.900(4), Application to Construct, Operate, or Modify a Waste Processing Facility, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form shall indicate whether the facility will operate as a materials recovery facility, transfer station, some other type of processing facility ~~volume reduction plant~~, or some combination thereof, shall be signed and sealed by a professional engineer, and shall include the information required in subsections 62-701.320(5), (6), (7), and paragraph (8)(a), F.A.C., specifically including:

(a) No change.

(b) A site plan, of a scale not greater than 200 feet to the inch, which shows the facility location, total acreage of the site, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site; and potable water wells on or within 500 feet of the site, ~~and wells serving community water supplies on or within 1000 feet of the site;~~

(c) through (j) No change.

(3) Design requirements. Minimum design requirements for waste processing facilities are as follows:

(a) Tipping, processing, sorting, storage and compaction areas that are in an enclosed building or covered area shall have ventilation systems. The areas that are not enclosed shall be equipped with litter control devices ~~and visual screening~~.

(b) The facility shall be designed with a leachate control system to prevent discharge of leachate and avoid mixing of leachate with stormwater, and to minimize the presence of standing water.

(c) No change.

(4) Operational requirements.

(a) A permit application for a waste processing facility shall include the following operational requirements:

1. No change.

2. A plan to inspect the wastes received by the facility, that specifies inspection procedures and procedures to handle unauthorized wastes; ~~and~~

3. A contingency plan to cover operational interruptions and emergencies such as fires, explosions, or natural disasters; and

4. A plan for the separation of CCA treated wood and disposal in an approved disposal facility.

(b) Stored putrescible wastes shall not be allowed to remain unprocessed for more than 48 hours; however, if the operation plan includes provisions to control vectors and odors, putrescible wastes may be stored for up to seven days. Any other unauthorized waste received by the facility shall be segregated and transported to an authorized disposal or recycling facility within 30 days of receipt. Areas where putrescible waste is stored or processed shall be cleaned at least weekly to prevent odor or vector problems, and all drains and leachate conveyances shall be kept clean so that leachate flow is not impeded.

(c) Operators and spotters shall be trained in accordance with subsection 62-701.320(15), F.A.C.

1. No change.

2. At least one trained spotter shall be on duty at all times that waste is received at the site to inspect the incoming waste. Any unauthorized waste prohibited material shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility in accordance with a schedule submitted as part of the operation plan.

(d) through (3) No change.

(f) Access to the facility shall be controlled during the design period active life of the facility by fencing or other effective barriers to prevent disposal of unauthorized solid waste.

(g) If any regulated hazardous wastes are discovered to be improperly deposited at the facility, the facility operator shall promptly notify the Department, the person responsible for shipping the wastes to the facility, and the generator of the wastes, if known. The area where the wastes are deposited shall immediately be cordoned off from public access. If the

generator or hauler cannot be identified, the facility operator shall assure the cleanup, transportation, and disposal of the waste at a permitted hazardous waste management facility.

(5) Certification. Certification of construction completion shall be done in accordance with paragraph 62-701.320(9)(b) 62-701.320(9)(a), F.A.C.

(6) Closure requirements.

(a) through (c) No change.

(d) Closure must be completed within 180 days after receiving the final solid waste shipment. Closure will include removal of all recovered materials from the site, as well as performing any contamination evaluation required by paragraph 62-701.710(10)(b), F.A.C. When closure is completed, the owner or operator shall certify in writing to the Department that closure is complete. The Department will make an inspection within 30 days to verify the closure and advise the owner or operator of the closure status.

(7) through (8) No change.

(9) Recordkeeping.

(a) No change.

(b) The owner or operator of any facility which recycles construction and demolition debris shall submit an annual report to the Department on Form 62-701.900(7), Annual Report for a Construction and Demolition Debris Facility, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. This report shall include a summary of the amounts and types of wastes disposed of or recycled. The county of origin of materials which are recycled, or a statement that the county of origin is unknown, shall be included in the report. The report shall be submitted no later than April 1 of each year, and shall cover the preceding calendar year.

(10) Special requirements for facility types.

(a) Transfer stations ~~that which~~ accept primarily household waste, commercial waste, ~~or~~ recovered materials, ~~or~~ construction and demolition debris, that which manage waste on a first-in, first-out basis, and ~~that which~~ store waste for no greater than 7 days are exempt from the requirement to provide financial assurance set forth in subsection (7) of this section.

(b) Waste processing facilities ~~that which~~ accept only construction and demolition debris are exempt from the requirement to provide a leachate control system set forth in paragraph (3)(b) of this section, provided that all areas where waste is stored or processed are covered by a ground water monitoring system which meets the requirements of paragraph 62-701.730(4)(b), F.A.C. A facility that operates without a leachate control system shall perform a contamination evaluation as part of its closure activities, and shall continue to operate the ground water monitoring system if the evaluation indicates the potential for ground water contamination.

(11) No change.

Rulemaking Specific Authority 403.061, 403.704, FS. Law Implemented 403.702, 403.704, 403.707, FS. History--New 5-27-01, Amended _____.

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(1) Applicability.

(a) No person shall construct, ~~or~~ operate ~~or~~ close an off-site construction and demolition debris disposal facility without a permit issued by the Department. All holders of construction or operation permits issued prior to [eff date] that contain conditions not in conformance with this chapter shall apply for modification of the permit to conform to this chapter to the District Office of the Department that issued the permit. The submission shall occur at the time of application for renewal of an existing permit, or before [eff date + 180 days], whichever is earlier. For purposes of this paragraph, a permit issued prior to [eff date], is deemed to include a completed permit application received by the Department prior to [eff date]. Except as otherwise specifically provided in this rule, such facilities which were constructed or operated in accordance with a general permit issued by the Department on or before June 1, 1996, may continue to operate in accordance with that general permit in accordance with the following schedule:

1. Owners or operators of facilities operating under a general permit issued prior to May 1, 1992, shall submit a timely and sufficient permit application that complies with this section by March 1, 1997.

2. Owners or operators of facilities operating under a general permit issued between May 1, 1992 and April 1, 1993, shall submit a timely and sufficient permit application that complies with this section at least 60 days prior to the expiration date of that general permit. A complete permit application shall be submitted no later than April 1, 1998.

3. Owners or operators of facilities operating under a general permit issued after April 1, 1993, shall, by April 1, 1998, either submit a complete permit application that complies with this section, or shall:

a. ~~Submit a ground water monitoring plan that complies with the requirements of Paragraph (4)(b) of this section, and a hydrogeological investigation which complies with the requirements of subparagraph (2)(a)3 of this section, along with a \$500 processing fee as required by subsection 62 701.315(10). The plan shall be implemented within 90 days of submittal;~~

b. ~~Submit a notification of intent to modify a general permit as provided in subparagraph (1)(a)4 of this section; and~~

e. ~~Submit financial assurance documentation that complies with the requirements of subsection (11) of this section.~~

~~4. For owners or operators of facilities operating under a general permit issued after April 1, 1993, a modification to that general permit is hereby granted under the following conditions:~~

~~a. A person wishing to continue to operate the facility in accordance with a modified general permit shall notify the Department.~~

~~b. The notification shall include documentation which demonstrates how the applicant is complying or will comply with the requirements of subsections (6) through (10) of this section. Information which was submitted to the Department to support the existing general permit and which is still valid does not need to be re-submitted. Instead, the notification shall list the information and reaffirm that it is still valid.~~

~~c. The notification shall include a \$250 processing fee.~~

~~d. The modification to the general permit shall have the effect of allowing the applicant to continue to operate under that general permit, but shall not have the effect of changing the expiration date of that general permit. At least 60 days prior to the expiration date, the applicant shall submit a timely and sufficient permit application that complies with the requirements of this section.~~

~~5. Notwithstanding the compliance deadlines specified above, the operation requirements in subsection (7) of this section and the training requirements in subsection (8) of this section shall be complied with no later than May 1, 1997.~~

~~6. Notwithstanding the compliance deadlines specified above, the annual report required in subsection (12) of this section shall be submitted no later than April 1, 1998.~~

(b) After the applicable compliance deadline specified above, facilities shall operate only in accordance with the provisions of this section. However, any disposal units that which were constructed and operated under a general permit, and which received a significant amount of waste in accordance with the conditions of its that general permit prior to the applicable compliance deadline is, are not required to comply with any siting or construction design requirements of this chapter that which were not in effect prior to the applicable compliance deadline. For purposes of this subsection:

1. A "significant amount of waste" means that the disposal unit area has received sufficient waste for disposal, in accordance with its normal operational plan, so that it is impractical to remove that waste or to relocate or reconstruct the disposal unit area.

2. No change.

(e) ~~A disposal facility which ceases accepting waste prior to the compliance deadline specified above shall close in accordance with the provisions of its general permit.~~

(d) ~~A permit application which complies with the provisions of this section is required for any lateral expansion of a construction and demolition debris disposal unit after June 1, 1996, notwithstanding the compliance schedule above.~~

~~(e) No person shall construct or operate a facility which accepts construction and demolition debris for recycling without a permit issued by the Department. Persons operating materials recovery facilities which accept construction and demolition debris may continue to operate under their existing permits. At the time of renewal of that permit, the requirements of this section shall be complied with.~~

~~(f) The provisions of paragraph 62-701.320(8)(b), F.A.C., do not apply to construction and demolition debris disposal facility applications. Instead, the Department will provide notice to local governments in accordance with Section 403.707(12)(i), F.S.~~

(2) Application. A permit application for an off-site construction and demolition debris disposal facility, disposal unit, or lateral expansion shall be submitted on Form 62-701.900(6), Application to Construct, Operate, or Modify a Construction and Demolition Debris Disposal or Disposal with Recycling Facility, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The application shall be in conformance with the requirements of ~~include the information required in~~ subsections 62-701.320(5), (6), (7), and paragraph (8)(a), F.A.C. All applications shall include the information in paragraphs (b) through (f) of this subsection, and applications to construct or laterally expand a disposal unit shall also include the information in paragraph (a) of this subsection, specifically including:

(a) An engineering report, signed and sealed by a professional engineer, that includes:

1. A site plan, of a scale not greater than 200 feet to the inch, which shows the project location and identifies the proposed disposal units, total acreage of the site and of the proposed disposal units, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site, and ~~and~~ potable water wells on or within 500 feet of the site, ~~and community water systems on or within 1000 feet of the site;~~

2. No change.

3. A hydrogeological investigation which meets the criteria of paragraphs 62-701.410(1)(a) and (c), F.A.C.; ~~and~~

4. An estimate of the planned active life of the facility, the design of the disposal areas, ~~and~~ the final design height of the facility, and the maximum height of the facility during its operation;

5. Documentation that the facility location will comply with the requirements of paragraphs 62-701.730(4)(g) and (h), F.A.C.

(b) No change.

(c) An operation plan which describes how the applicant will comply with subsection 62-701.730(7), F.A.C., which must include procedures for emergency preparedness and response as required in subsection 62-701.320(16), F.A.C.;

(d) A closure plan ~~that~~ which describes ~~generally~~ how the applicant will comply with subsections 62-701.730(9) and (10), F.A.C.; ~~and~~

(e) The financial assurance documentation required by subsection 62-701.730(11), F.A.C.; and

(f) The CCA treated wood management plan as required in subsection 62-701.730(20), F.A.C.

(3) No change.

(4) Other requirements. Except as specified in this section, the requirements of Rules 62-701.330 through 62-701.630, F.A.C., do not apply to construction and demolition debris disposal facilities.

(a) No change.

(b) A ~~ground~~ water quality monitoring plan ~~that~~ which meets the criteria set forth in Rule 62-701.510 and Chapter ~~62-520~~ 62-522, F.A.C., shall be included with the permit application, and shall be implemented and maintained by the owner or operator, with the following exceptions:

1. through 2. No change.

3. The well spacing requirements of subparagraph 62-701.510(3)(d)3., F.A.C., do not apply. A minimum of one upgradient and two downgradient wells is required, as specified in Chapter ~~62-520~~ 62-522, F.A.C.

4. Detection wells shall be sampled and analyzed at least semi-annually for the following parameters:

Field Parameters	Laboratory Parameters
pH	Aluminum
Turbidity	Chlorides
Temperature	Nitrate
Specific conductivity	Sulfate
Dissolved oxygen	Total dissolved solids
Water elevations	Iron
Colors and sheens	Sodium
(by observation)	Arsenic
	Cadmium
	Chromium
	Lead
	Mercury
	Total ammonia – N
	Phenols
	<u>Xylenes</u>
	Those parameters listed in EPA Methods 601 and 602

5. Background water quality shall be established in accordance with the provisions of paragraph 62-701.510(6)(b), F.A.C., except that the analysis shall also include sulfate; and

aluminum and phenols shall also be analyzed for. In addition, all background and detection wells shall be sampled and analyzed at least once prior to permit renewal for those parameters listed in paragraph 62-701.510(8)(a), F.A.C., as well as sulfate, and aluminum and phenols.

6. No change.

(c) If monitoring parameters are detected in monitoring wells in concentrations which are significantly above background water quality, or which are at levels above the Department's water quality standards or criteria specified in Chapter 62-520, F.A.C., the provisions of subsection 62-701.510(7), F.A.C., shall apply.

(d)(e) No solid Putrescible household waste other than construction and demolition debris shall not be disposed of at a construction and demolition debris disposal facility.

(e)(d) No change.

(f) If a facility is constructed with a liner system, it shall consist of at least a single 60-mil minimum average thickness HDPE geomembrane. In the sumps located inside the disposal facility footprint and in the leachate collection trenches, the geomembrane shall be placed on a GCL with a saturated hydraulic conductivity of less than or equal to 1×10^{-7} cm/sec, or on a compacted clay liner which is a minimum six inches thick with a saturated hydraulic conductivity of less than or equal to 1×10^{-7} cm/sec. The liner shall be placed on a prepared subgrade that will not damage the geomembrane liner or the GCL. A primary leachate collection and removal system and a drainage layer shall be installed above the geomembrane liner. Except in sumps and leachate collection trenches, the system shall be designed to limit leachate head above the liner during routine facility operation after placement of initial cover to no greater than 12 inches. The liner system must be constructed in accordance with the requirements of paragraphs 62-701.400(3)(a), (d), (e), and (f), and subsections 62-701.400(4), (7), and (8), F.A.C. Any alternative liner system shall be approved only in accordance with the provisions of Rule 62-701.310, F.A.C.

(g) No solid waste disposal unit shall be located in the 100-year floodplain where it will restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain unless compensating storage is provided, or result in a washout of solid waste.

(h) For an above-grade disposal facility, the minimum horizontal separation between the waste disposal area and the site property boundary shall be 100 feet, measured from the toe of the proposed final cover slope.

(i) The horizontal boundaries of the waste disposal area authorized in the construction or operation permit shall be clearly delineated with permanent or semi-permanent markers, such with bollards, posts, fencing, or signs, so that the operators can determine on a daily basis whether or not the facility is exceeding its permitted dimensions.

(5) Stormwater. Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department and construction required by that permit shall be completed before the facility receives waste for disposal or recycling. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits. For aboveground disposal units, the design of any features intended to convey stormwater to a permitted or exempted treatment system shall be included in the solid waste construction permit.

(6) Temporary storage. The owner or operator shall make arrangements or shall have equipment for temporary storage, handling and transport to an authorized disposal or recycling facility for solid waste, other than construction and demolition debris, ~~that which~~ is inadvertently accepted by the facility. Such solid waste ~~that which~~ is accepted by the facility shall be segregated and disposed of in accordance with Department rules. Unless an alternate schedule is included in an operation plan submitted with the permit application, which provides for the control of odors and vectors, putrescible waste shall not be stored for longer than 48 hours and non-putrescible waste shall not be stored for longer than 30 days. Any hazardous waste ~~that which~~ is received by the facility shall be managed in accordance with the provisions of Chapter 62-730, F.A.C.

(7) Operation requirements. Owners and operators of construction and demolition debris disposal facilities shall comply with the following requirements ~~by May 1, 1997, or at the time of permit issuance, whichever is sooner:~~

(a) An operation plan describing the facility operations and maintenance, emergency and contingency plans, and types of equipment that will be used shall be kept at the facility at all times and made available for inspection. The operation plan shall describe the method and sequence of filling waste and shall state the maximum allowed lift depth. Lift depth shall not exceed 10 feet unless authorized in the operation plan. Lift depths greater than 10 feet may be allowed depending on specific operations, daily volume of waste, width of working face, and good safety practices. All activities at the facility shall be performed in accordance with this plan and the permit conditions. The plan shall be updated as operations change but no less frequently than upon renewal of the permit. The operation permit shall be modified to reflect any substantive ~~The Department shall be notified of changes to the plan, other than those required for routine maintenance.~~

(b) Construction and demolition debris shall be compacted and sloped during the life of the facility as necessary to assure that the requirements of subsection (9) of this section can be met. A schedule for compaction and grading shall be included in the operation plan. The external slopes of all disposal units shall be no greater than three feet horizontal to one foot vertical

rise. The working face and internal slopes of all disposal units shall not be greater than three feet horizontal to one foot vertical rise unless reasonable assurance is provided in the operation plan that fires can be controlled in steeply sloped areas.

(c) Access to the disposal facility shall be controlled during the design period active life of the facility by fencing or other effective barriers to prevent disposal of solid waste other than construction and demolition debris. Signs indicating the name of the operating authority, traffic flow, hours of operations and restrictions or conditions of disposal shall be posted.

(d) A trained operator shall be on duty at the facility at all times that the facility is operating. In addition, a sufficient number of spotters shall be on duty at the working face to inspect the incoming waste at all times waste is being accepted at the site. Waste shall be inspected after it is removed from the transport vehicle and prior to placement for final disposal. Any unauthorized waste prohibited material shall be removed from the waste stream and placed into appropriate containers or secure storage areas for disposal or recycling at a facility authorized by the Department to receive such waste.

(e) through (f) No change.

(g) Plastic buckets may ~~not~~ be accepted at the facility unless they contain liquids other than water when they arrive; however, they may contain hardened paint, tar, cement or similar non-hazardous materials are empty when they arrive.

(h) Carpet remnants that which are from a construction or demolition project or from a carpet manufacturer may be accepted at the facility.

(i) CCA treated wood shall be managed as provided in subsection (20) of this section.

(j) If any regulated hazardous wastes are discovered to be improperly deposited at the facility, the facility operator shall promptly notify the Department, the person responsible for shipping the wastes to the facility, and the generator of the wastes, if known. The area where the wastes are deposited shall immediately be cordoned off from public access. If the generator or hauler cannot be identified, the facility operator shall assure the cleanup, transportation, and disposal of the waste at a permitted hazardous waste management facility.

(8) No change.

(9) Closure.

(a) At least 90 days prior to the date when wastes will no longer be accepted, the owner or operator of the construction and demolition debris disposal facility shall submit an updated closure plan to the Department to reflect any changes in the closure plan due to actual operational conditions at the facility. If unforeseen circumstances do not allow the notification within 90 days prior to ceasing to receive wastes, then notice shall be provided as soon as the need to close the facility becomes apparent. The updated and approved closure plan shall be incorporated into and made part of the permit.

(b) Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after it has reached its final grade or ceased receiving wastes. Final cover shall consist of a 24-inch-thick soil layer, the upper six inches of which shall be capable of supporting vegetation, and shall be graded and compacted as necessary to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above-grade disposal units shall be no greater than three feet horizontal to one foot vertical rise. If the disposal unit is lined, the closure design shall include a barrier layer or other measures to ensure that the design leachate head over the liner is not exceeded after closure. The final cover shall be vegetated to control erosion. Disposal units that are aboveground shall be designed to control the flow of stormwater, such as building reverse sloping benches or terraces into the side slopes of the disposal units and shall contain down slope drainage ways with water flow energy dissipaters unless reasonable assurance is provided that adequate erosion control will be achieved in the absence of such measures.

(c) Placement of final cover may be delayed if additional waste will be deposited on the disposal unit within five years, but only if the disposal unit is temporarily closed in accordance with an approved closure plan. Conditions of temporary closure shall include:

1. The disposal unit was constructed in compliance with its permit conditions;

2. A schedule for temporary and final closure is shown in the closure plan;

3. Final cover is installed on side slopes of each completed disposal unit which will not receive additional waste;

4. Odors and runoff are controlled;

5. The closure cost estimate takes into account the costs of temporary closure as well as the costs of the final closure; and

6. An intermediate cover is installed on the disposal unit within 30 days after the unit stops accepting waste. The intermediate cover may be removed before placing additional waste or installing final cover.

(d)(e) The owner or operator shall provide a certification of closure construction completion to the Department within 30 days after closing, covering, and seeding the disposal unit. The owner or operator shall also provide a final survey report done by a professional surveyor, in accordance with paragraph 62-701.600(6)(b), subsection 62-701.610(3), F.A.C., if disposal operations have raised the final elevations higher than 20 feet above the natural land surface.

(e)(4) Upon receipt and approval of the documents required in paragraph (d)(e) of this subsection, the Department shall, within 30 days, acknowledge by letter that notice of termination of operations and closing of the facility has been received. The date of this letter shall be the official date of

~~landfill~~ closing for the purpose of determining the long-term care period, in accordance with subsection ~~62-701.600(8), 62-701.610(6)~~, F.A.C.

(f) Declaration to the public. After closing operations are approved by the Department, the facility owner or operator shall file a declaration to the public in the deed records in the office of the county clerk of the county in which the facility is located. The declaration shall include a legal description of the property on which the facility is located and a site plan specifying the area actually filled with construction and demolition debris. The declaration shall also include a notice that any future owner or user of the site should consult with the Department prior to planning or initiating any activity involving the disturbance of the facility's cover, monitoring system or other control structures. A certified copy of the declaration shall be filed with the Department.

(10) Long-term care. The owner or operator of the construction and demolition debris disposal facility shall continue to monitor and maintain the integrity and effectiveness of the final cover as well as other appurtenances of the facility, control erosion, fill subsidences, comply with the ground water monitoring plan, and maintain the stormwater system pursuant to a Department permit for five years from the date of closing. ~~Before the expiration of the long-term care monitoring and maintenance period, the Department may extend the time period if the ground water monitoring system indicates that the facility continues to impact ground water at concentrations which may be expected to result in violations of Department water quality standards or criteria; if site-specific conditions make it likely that any contamination which may emanate from the disposal area would not be detected within five years; if the final cover does not have well established vegetation or is showing signs of continuing significant erosion problems; or if the permittee has not performed all required monitoring or maintenance. This time period shall be extended if assessment monitoring or corrective action has been initiated in accordance with subsection 62-701.510(7), F.A.C., or if site-specific conditions make it likely that any contamination which may emanate from the disposal area would not be detected within five years.~~

(11) Financial assurance.

(a) ~~As a condition for issuance of an off-site construction and demolition debris disposal facility permit, permit transfer, or permit modification authorizing expansion, the owner or operator of an off-site construction and demolition debris disposal facility shall provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing and long-term care cost estimates for the facility. This proof, along with the closing and long-term care cost estimates, shall be submitted to the Department as part of the permit application process for the facility. The financial mechanism shall either be:~~

1. For facilities owned or operated by a local government, an escrow account pursuant to subsection 62-701.630(5), F.A.C. or an alternate financial mechanism pursuant to subsection 62-701.630(6), F.A.C.; or

2. For facilities not owned or operated by a local government, an alternate financial mechanism pursuant to subsection 62-701.630(6), F.A.C. Proof of financial assurance shall consist of one or more of the following financial instruments which comply with the requirements of subsection 62-701.630(6), F.A.C.: trust fund; surety bond guaranteeing payment; surety bond guaranteeing performance; irrevocable letter of credit; insurance; and financial test and corporate guarantee. If the owner or operator of the facility is a local government, an escrow account which complies with the requirements of subsection 62-701.630(5), F.A.C., may be used to provide proof of financial assurance. Financial documents shall be submitted on Form 62-701.900(5)(a), (b), (c), (d), (e), (f), (g), or (h), as appropriate.

(b) A permittee may delay submitting proof of financial assurance for a solid waste disposal unit under the following conditions. Such proof must be submitted at least 60 days prior to the planned acceptance of any solid waste. Under no circumstances shall the permittee receive waste at the solid waste disposal unit until it has received written acknowledgement from the Department that the financial mechanism has been properly submitted and funded.

1. The solid waste disposal unit for which a permit is being sought has not received solid waste for storage or disposal;

2. The permit being sought does not authorize operation of the solid waste disposal unit, or requires a specific separate approval by the Department prior to operation being authorized;

3. The permittee identifies the type of financial mechanism it intends to use, and provides reasonable assurance as part of the permit application that it is capable of getting and using the identified mechanism; and

4. The permittee submits Form 62-701.900(29) as part of the permit application. This form will inform the permittee of these requirements, and will include an acknowledgement by the permittee agreeing not to accept waste until the financial assurance has been approved.

~~(c)(b)~~ Closure cost estimates and annual updates thereof shall comply with the provisions of subsection 62-701.630(3) and paragraphs ~~62-701.630(4)(a) through (d)~~, F.A.C., except that the cost of long-term care shall be based upon a five-year period, and the costs shall be based upon compliance with this section.

~~(d)(c)~~ No change.

(e) Owners or operators of facilities that are required to undertake a corrective action program in accordance with paragraph 62-701.730(4)(c), F.A.C., shall submit proof of

financial assurance to the Department in accordance with subsection 62-701.630(7), F.A.C., no later than 120 days after the corrective action remedy has been selected.

(f) If long-term care is extended because the permittee has failed to perform all required monitoring and maintenance, financial assurance shall continue to be required during the extended long-term care. If the long-term care is extended for any other reason, financial assurance is not required during the extended long-term care period, except as may be required in paragraph (e) of this subsection.

(12) Annual Reports. The owner or operator of the facility shall submit an annual report to the Department on Form 62-701.900(7). This report shall include a summary of the amounts and types of wastes disposed of or recycled. The county of origin of materials ~~that which~~ are recycled, or a statement that the county of origin is unknown, shall be included in the report. The report shall be submitted no later than April 1 of each year ~~beginning in 1998~~, and shall cover the preceding calendar year. ~~This provision applies to all facilities regardless of the compliance schedules in subsection 62-701.730(1), F.A.C.~~

(13) Recycling.

(a) The owner or operator of a facility ~~that which~~ accepts construction and demolition debris for disposal and ~~that which~~ also recovers materials from the construction and demolition debris waste stream for purposes of recycling shall meet the requirements of this section as well as the requirements of Rule 62-701.710, F.A.C. If there is a conflict between this section and Rule 62-701.710, F.A.C., this section shall govern. It is not necessary for the owner or operator to apply for a separate permit as a waste processing facility or to pay an additional fee.

(b) The owner or operator of a facility ~~that which~~ recovers materials from the construction and demolition debris waste stream for purposes of recycling but ~~that which~~ does not dispose of any wastes on-site shall apply for a permit on Form 62-701.900(4), and shall comply with the provisions of Rule 62-701.710, F.A.C.

(c) In order to reuse recovered ~~finer or~~ screened materials other than clean debris from the construction and demolition debris waste stream, an owner or operator shall demonstrate that this material will be managed and reused in a manner that will pose no significant threat to public health or the environment. In making this demonstration, the owner or operator may consider background levels of receiving soils, whether the material will be blended with other materials, and the likelihood that the material may have unlimited distribution or come into direct contact with the public. Examples of management practices which would not require analysis for health-based criteria include permanent encapsulation, use as initial or intermediate cover or subsurface construction at a permitted landfill, or use under at least two feet of clean cover material.

(d) Metal, paper, glass, plastic, textile, or rubber materials that have been diverted and source separated or have been removed from the construction and demolition debris waste stream for sale, use, or reuse as raw materials may be managed as recovered materials. Other materials that have been diverted and source separated or have been removed from the construction and demolition debris waste stream may be sold, used, or reused as raw materials upon a demonstration that the material will pose no significant threat to public health or the environment.

(14) Incineration. A facility ~~that which~~ employs an air curtain incinerator and ~~that which~~ also stores or disposes of construction and demolition debris at the site shall meet the permitting requirements of Rule 62-256.500, F.A.C., as well as this section.

(15) through (16) No change.

(17) On-site disposal. Construction and demolition debris ~~that which~~ is disposed of on the property where it is generated, or on property ~~that which~~ is adjacent or contiguous to and under common ownership and control as that property where the waste is generated, is exempt from the permitting requirements of this section and Rule 62-701.330, F.A.C. However, such disposal is subject to the prohibitions of Rule 62-701.300, F.A.C. All waste shall be inspected by the generator or a spotter prior to disposal, either at the point of generation or at the disposal site, to ensure that any unauthorized waste prohibited material is removed from the waste stream prior to disposal and managed in accordance with Department rules. Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after final receipt of waste. Final cover shall consist of a 24-inch-thick soil layer, the upper six inches of which shall be capable of supporting vegetation, and shall be graded and compacted as necessary to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above-grade disposal areas shall be no greater than three feet horizontal to one foot vertical rise.

(18) Disposal restrictions. Construction and demolition debris may be disposed of only in accordance with one of the methods authorized above. In addition, disposal areas shall be operated so that adverse environmental and public health impacts, such as blowing litter and vectors, are minimized. Upon discovery that a permitted facility has disposed of solid waste outside of its permitted dimensions, the owner or operator shall notify the Department within three working days of this discovery. If all waste is not relocated within the permitted dimensions of the facility within 30 days of discovery, upon order of the Department the facility shall not accept any waste until the facility is in compliance with its permitted dimensions.

(19) No change.

(20) CCA treated wood. The owner or operator of a facility, except for a disposal facility with a constructed liner system, shall design and implement a CCA treated wood management plan. The plan shall be designed to minimize the amount of CCA treated wood that is delivered to the facility, and must describe procedures the operator will use to make a reasonable effort to separate any CCA treated wood from other wastes at the facility. CCA treated wood that is separated from other wastes at the facility shall not be disposed of at an unlined solid waste disposal facility.

~~(21)(20)~~ No change.

Rulemaking Specific Authority 403.0877, 403.704, 403.707 FS. Law Implemented 403.0877, 403.706, 403.707 FS. History—New 8-2-89, Formerly 17-701.061, Amended 1-6-93, Formerly 17-701.730, Amended 12-23-96, 4-23-97, 5-27-01, _____.

62-701.803 General Permit for Off-site Disposal of Land Clearing Debris.

(1) Notification. Notwithstanding the provisions of Rule 62-701.730, F.A.C., facilities ~~that which~~ accept for disposal only land clearing debris may operate under a general permit pursuant to Part III of Rule 62-4, F.A.C., and this section. For purposes of this section, "land clearing debris" includes yard trash and unpainted, nontreated wood scraps and wood pallets that meet the definition of construction and demolition debris. The owner or operator of the land clearing debris disposal facility shall notify the Department in writing of the intent to use this general permit on Form 62-701.900(3), Notification of Intent to Use a General Permit for a Land Clearing Debris Disposal Facility, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 ~~of the intent to use this general permit.~~ Owners or operators of solid waste management facilities which have a permit under Chapter 62-701, F.A.C., to receive land clearing debris are exempt from this requirement. The notification shall include:

(a) A site plan, of a scale not greater than 200 feet to the inch, ~~that which~~ shows the project location and identifies the proposed disposal areas, total acreage of the site and of the proposed disposal area, and any other relevant features such as water bodies, wetlands, or potable water wells ~~on or~~ within 100 ~~200~~ feet of the site;

(b) through (h) No change.

(2) Certification. Certification of construction completion shall be done in accordance with paragraph 62-701.320(9)(b) ~~62-701.320(9)(a)~~, F.A.C.

(3) Other requirements.

(a) The requirements of Rules 62-701.330 through 62-701.630, F.A.C., do not apply to land clearing debris disposal facilities, provided that none of the prohibitions contained in Rule 62-701.300, F.A.C., shall be violated.

(b) The owner or operator shall construct the facility only in accordance with the site plan submitted with the notification.

(c) The owner or operator shall operate the facility only in accordance with the descriptions and plans submitted with the notification.

(d) The external slopes of all disposal units shall be no greater than three feet horizontal to one foot vertical rise. The working face and internal slopes of all disposal units shall not be greater than three feet horizontal to one foot vertical rise unless reasonable assurance is provided in the notification that fires can be controlled in steeply sloped areas.

(e) The facility shall be operated to control objectionable odors in accordance with subsection 62-296.320(2), F.A.C. If objectionable odors are detected off-site, the owner or operator shall comply with the requirements of paragraph 62-701.530(3)(b), F.A.C.

(4) Stormwater. Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department before the facility receives waste for disposal. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.

(5) Temporary storage. The owner or operator shall make arrangements or shall have equipment for temporary storage, handling and transport to an authorized disposal or recycling facility for solid waste, other than land clearing debris, ~~that which~~ is inadvertently accepted by the facility. Such solid waste ~~that which~~ is accepted by the facility shall be segregated and disposed of in accordance with Department rules. Unless an alternate schedule is included in an operation plan submitted with the permit application, which provides for the control of odors and vectors, putrescible waste shall not be stored for longer than 48 hours and non-putrescible waste shall not be stored for longer than 30 days. Any hazardous waste ~~that which~~ is received by the facility shall be managed in accordance with the provision of Chapter 62-730, F.A.C.

(6) through (7) No change.

(8) Inspection of waste. At least one spotter shall be on duty at the working face at all times ~~that then~~ the site is operating to inspect the incoming waste. Any material other than land clearing debris shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility. Spotters shall be trained in accordance with subsection 62-701.320(15), F.A.C.

(9) through (11) No change.

(12) Incineration. A facility ~~that~~ ~~which~~ employs an air curtain incinerator and ~~that~~ ~~which~~ also stores or disposes of land clearing debris at the site shall meet the permitting requirements of Rule 62-256.500, F.A.C., as well as this section.

(13) No change.

~~Rulemaking Specific~~ Authority 403.704, 403.707, 403.814 FS. Law Implemented 403.707, 403.814 FS. History--New 8-2-89, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.803, Amended 12-23-96, 4-23-97, 5-27-01, _____.

62-701.900 Forms.

The forms used by the Department in the solid waste management program are adopted and incorporated by reference ~~elsewhere in this chapter in this section. The following list of forms is provided solely for convenience. Some of the form numbers may not be consecutive due to repeal or transfer of earlier forms. The form is listed by rule number, which is also the form number, and with the subject, title and effective date.~~ Copies of forms may be obtained from a local District Office or by writing to the Florida Department of Environmental Protection, Solid Waste Section, Mail Station 4565 DEP Library, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Application to Construct, Operate, Modify, or Close a Solid Waste Management Facility, effective _____ ~~May 27, 2001~~.

(2) No change.

(3) Notification of Intent to Use a General Permit for a Land Clearing Debris Disposal Facility, effective _____ ~~May 27, 2001~~.

(4) Application to Construct, Operate, or Modify a Waste Processing Facility, effective _____ ~~May 27, 2001~~.

(5) Financial ~~M~~echanisms for ~~S~~olid ~~W~~aste ~~M~~anagement ~~F~~acilities ~~R~~equiring ~~C~~losure and/or ~~L~~ong-term ~~C~~are, effective _____ ~~May 27, 2001~~.

(a) through (f) No change.

(g) ~~Solid Waste Facility Trust Fund Agreement to Demonstrate Closure and/or Long Term Care Financial Assurance.~~

(h) No change.

(6) No change.

(7) Annual Report for a Construction and Demolition Debris Facility, effective _____ ~~May 27, 2001~~.

(8) Permit Transfer Form, effective _____ ~~5-27-01~~.

(9) through (11) No change.

~~(12) Application for Registration Used Oil and Used Oil Filter Handlers, effective December 23, 1996.~~

~~(13) Used Oil and Used Oil Filter Record Keeping Form, effective December 23, 1996.~~

~~(14) Annual Report by Used Oil and Used Oil Filter Handlers, effective December 23, 1996.~~

~~(15) Certificate of Liability Insurance Used Oil Handlers, effective December 23, 1996.~~

~~(16) Used Oil Processing Facility General Permit Notification, effective December 23, 1996.~~

~~(17) Public Used Oil Collection Center Notification and Annual Report, effective December 23, 1996.~~

(18) Waste Tire Collector Registration Application, effective _____ ~~December 23, 1996~~.

(19) Waste Tire General Permit Application, effective _____ ~~December 23, 1996~~.

(20) Waste Tire Site Notification, effective _____ ~~December 23, 1996~~.

(21) Waste Tire Processing Facility Quarterly Report, effective _____ ~~December 23, 1996~~.

(22) Waste Tire Collector Annual Report, effective _____ ~~December 23, 1996~~.

(23) Waste Tire Processing Facility Permit Application, effective _____ ~~December 23, 1996~~.

(24) Waste Tire Small Processing Facility Permit Application, effective _____ ~~December 23, 1996~~.

(25) Waste Tire Collection Center Permit Application, effective _____ ~~December 23, 1996~~.

(26) Application for Recovered Materials Certification, effective _____ ~~May 27, 2001~~.

(27) Reporting Form for Recovered Materials, effective _____ ~~May 27, 2001~~.

(28) ~~Closure Financial Assurance~~ Cost Estimating Form ~~For Solid Waste Facilities~~, effective _____ ~~May 27, 2001~~.

~~(29) Financial Assurance Deferral Application, effective _____~~

~~(30) Monitoring Well Completion Report, effective _____~~

~~(31) Water Quality Monitoring Certification, effective _____~~

~~(32) Application for a Permit to Construct and Operate a Research, Development and Demonstration Facility, effective _____~~

~~Rulemaking Specific~~ Authority 403.704 FS. Law Implemented 403.707 FS. History--New 8-2-89, Amended 1-6-93, 5-19-94, Formerly 17-701.900, Amended 12-23-96, 4-23-97, 5-27-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jean Yon, Director, Division of Waste Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2003 (published on Department web site)

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-21.007
 RULE TITLE: Definition of “a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who Is a Qualified Supervisor”

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the coursework required to serve as a LMFT qualified supervisor.

SUMMARY: The coursework required to serve as a LMFT qualified supervisor will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules 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: 491.005(6) FS.

LAW IMPLEMENTED: 491.005(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-21.007 Definition of “a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who Is a Qualified Supervisor.”

- (1) through (2) No change.
- (3) A qualified supervisor who provides supervision in Florida for interns and trainees must meet equivalency standards of paragraph (1)(a), (b), (c) or (d) and have:
 - (a) Completed five (5) years of clinical experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining three (3) years of experience earned post-licensure; and
 - (b) Completed, subsequent to licensure as a marriage and family therapist, training in supervision in one of the following:
 - 1. A graduate level academic course in supervision which meets the requirements of Rule 64B4-6.0025, F.A.C.; or
 - 2. A continuing education course in supervisory training which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

3. Is designated an Approved Supervisor by the AAMFT course for Approved Supervisors.

Specific Authority 491.005(6) FS. Law Implemented 491.005(6) FS. History–New 7-6-88, Formerly 21CC-21.007, Amended 1-9-94, Formerly 61F4-21.007, Amended 12-29-96, Formerly 59P-21.007, Amended 8-8-99, 6-14-05, 7-16-06, 8-28-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

64B4-31.007 Definition of a “Licensed Mental Health Counselor or the Equivalent, Who Is a Qualified Supervisor”

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the coursework required to serve as a LMHC qualified supervisor.

SUMMARY: The coursework required to serve as a LMHC qualified supervisor will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules 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: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(4)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-31.007 Definition of a “Licensed Mental Health Counselor or the Equivalent, Who Is a Qualified Supervisor.”

- (1) No change.

(2) Qualified supervisors who provide supervision in Florida for interns and trainees must meet the equivalency standards of subsection (1) and have:

(a) Completed five (5) years of clinical experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining three (3) years of experience earned post-licensure; and

~~(b)(a)~~ Completed, subsequent to licensure as a mental health counselor, training in supervision in one of the following:

1. A graduate level academic course in supervision which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

2. A continuing education course in supervisory training which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

~~3. An NBCC course for Approved Clinical Supervisors (ACS); or~~

~~4. An AAMFT course for Approved Supervisors; or~~

~~3.5. A post-graduate training course for field instructors in clinical social work; or and have~~

4. Is designated an Approved Clinical Supervisor (ACS) by The Center for Credentialing and Education, Inc. (CCE); or

5. Is designated an Approved Supervisor by the AAMFT.

~~(b) Completed five (5) years of clinical experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining three (3) years of experience earned post-licensure.~~

Rulemaking Specific Authority 491.004(5) FS. Law Implemented 491.005(4)(c) FS. History–New 8-14-88, Amended 1-3-91, Formerly 21CC-31.007, 61F4-31.007, Amended 12-29-96, Formerly 59P-31.007, Amended 8-8-99, 8-9-00, 6-14-05, 7-16-06, 1-8-07, 8-28-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.0021
RULE TITLE: Provisions Governing All Supervisors or Monitoring Physicians

PURPOSE AND EFFECT: The proposed rule amendment is intended to address limited instances in which probation supervisors/monitors may be compensated by physicians who are on probation.

SUMMARY: The proposed rule amendment permits a third party entity to supervise a physician on probation and to be compensated for providing the supervision in instances when the physician is unable to obtain a monitor/supervisor.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments 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: 458.309, 459.331 FS.

LAW IMPLEMENTED: 459.331 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.0021 Provisions Governing All Supervisors or Monitoring Physicians.

(1) through (3) No change.

(4) The supervisor/monitor must be a licensee under Chapter 458, F.S., in good standing, without restriction or limitation on his license ~~and must serve as a volunteer without compensation.~~ In addition, the Board may reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his or her license to practice medicine in this or any other jurisdiction. The supervisor/monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board. The Probation Committee or the Board may also reject any proposed supervisor/monitor for good cause shown.

(5) Supervisors/monitors must serve as volunteers without compensation but in instances where a licensee is unable to find a volunteer supervisor/monitor, the licensee, with the approval of the Board, may contract with a third party entity that provides supervisors/monitors for a fee.

Rulemaking Specific Authority 458.309, 459.331 FS. Law Implemented 459.331 FS. History–New 1-23-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-6.012 **RULE TITLE:** Notice of Election to be Exempt
PURPOSE AND EFFECT: Proposed rule amendment to delete and replace all language in subsection 69L-6.012(15), F.A.C., and add a new paragraph, paragraph 69L-6.012(15)(a), F.A.C. The proposed new language in subsection 69L-6.012(15), F.A.C., provides that when a corporation or limited liability company named on any Certificate of Election to be Exempt remains dissolved or inactive after 90 days from the date of its dissolution or its change in status, the Certificate of Election to be Exempt is immediately revoked by operation of law. Additional language also provides that when a person named on a Certificate of Election to be Exempt no longer meets the issuance requirements of the certificate, such certificate is revoked by operation of law. New paragraph 69L-6.012(15)(a), F.A.C., provides guidance regarding a corporation or limited liability company's right to petition the Department to review the revocation of its Certificate of Election to be Exempt or to file an appeal pursuant to Section 120.68, F.S. The proposed rule amendment advances the statutory mandate to facilitate the self-execution of workers' compensation law pursuant to Chapter 440, F.S.

SUMMARY: The proposed rule amendment provides for the immediate revocation of the Certificate of Election to be Exempt for any corporation or LLC that remains dissolved or inactive after 90 days from the date of its dissolution or a change in status. The proposed amendment also provides for the immediate revocation of certificates issued to persons named on certificates issued to persons that are no longer meeting the certificate's issuance requirements.

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

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

RULEMAKING AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05 FS.

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

DATE AND TIME: Wednesday, October 14, 2009, 10:00 a.m.

PLACE: Room 104 J, Hartman Bldg., 2012 Capital Circle S.E., 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: Tasha Carter, (850)413-1878 or Tasha.Carter@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone (850)413-1878

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.012 Notice of Election to be Exempt.

(1) through (14) No change.

(15)(a) If a corporation or limited liability company that is named on any Certificate of Election to be Exempt remains dissolved or inactive after 90 days of the date of its dissolution, the Certificate(s) of Election to be Exempt is immediately revoked by operation of law. Any corporation or limited liability company that is dissolved or inactive shall have 90 days from the effective date of this rule within which to be reinstated before any Certificate of Election to be Exempt naming a dissolved or inactive corporation or limited liability company is revoked by operation of law. In addition, if at any time, the person named on the Certificate of Election to be Exempt no longer meets the requirements for issuance of the certificate, such Certificate of Election to be Exempt is revoked by operation of law. Dissolution of the corporation or limited liability company named on the Certificate of Election to be Exempt (DWC 252) or the person named on the Certificate of Election to be Exempt no longer being a corporate officer or member of the corporation or limited liability company listed on the Certificate of Election to be Exempt will result in initiation of proceedings by the Department to revoke the Certificate of Election to be Exempt.

(b) A corporation or limited liability company that is named on any Certificate of Election to be Exempt that is revoked by operation of law shall have 30 days from the date of the revocation within which to petition the Department to review the revocation or in the alternative, file a notice of appeal pursuant to Section 120.68, F.S. and Rule 9.110, Florida Rules of Appellate Procedure.

Rulemaking Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05 FS. History--New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04, 10-30-06, 12-31-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.:	RULE TITLES:
9K-9.003	General Requirements and Eligibility Standards
9K-9.004	Submission of Application and Application Materials
9K-9.006	Project Evaluation Criteria
9K-9.007	Ranking of Applicants

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.

9K-9.003 General Requirements and Eligibility Standards. The following constitutes the general procedures for the Stan Mayfield Working Waterfront Florida Forever grant program of the Florida Communities Trust.

(1) through (9) No change.

(10) Submerged Lands Use Authorization Leases:

(a) Applicant: Each Applicant must provide documentation by the Application deadline that any Applicant owned facility or structure located over state sovereignty submerged lands is properly authorized and that any applicable fees and wetslip certification forms are current. The documentation must be in the form of a letter from the issuing agency Department of Environmental Protection stating that all Applicant owned facilities or structures located over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease and applicable fees and wetslip certification forms are current or that the facilities or structures are not located on state sovereignty submerged land. Reasonable notice must be given to the issuing agency Department of Environmental Protection to secure this

documentation. This documentation must be submitted by the Application deadline, otherwise the project will not be considered by the Trust.

(b) Project Site: Each Applicant must provide a letter from the issuing agency Department of Environmental Protection that verifies any facilities or structures located on the Project Site that are over state sovereignty submerged lands are properly authorized and that any applicable fees and wetslip certification forms are current or a statement from the issuing agency Department of Environmental Protection that the facilities or structures are not located on state sovereignty submerged land. The documentation must be in the form of a letter from the issuing agency Department of Environmental Protection stating the current land owner is in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease for all facilities or structures on the Project Site that are located over state sovereignty submerged land and that applicable fees or wetslip certification forms are current or that the facilities or structures are not located on state sovereignty submerged land. Reasonable notice must be given to the issuing agency Department of Environmental Protection to secure this documentation. This documentation must be submitted to the Trust no later than 48 hours before the FCT Governing Board meeting, otherwise the project will not be considered by the Trust.

(11) No change.

Rulemaking Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Amended _____.

9K-9.004 Submission of Application and Application Materials.

(1) through (8)(h) No change.

(i) The Applicant must provide a letter from the issuing agency Department of Environmental Protection that verifies any facilities or structures owned by the Applicant that are located over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease and applicable fees and wetslip certification forms are current or that the structures are not located on state sovereignty submerged land. This letter must accompany the Application.

(j) The Applicant must provide a letter from the issuing agency Department of Environmental Protection that verifies any facilities or structures located on the Project Site that are over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease and applicable fees and wetslip certification forms are current or that the structures are not located on state sovereignty submerged land. This letter can be submitted no later than 48 hours before the FCT Governing Board meeting.

(k) No change.

Rulemaking Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Amended _____.

9K-9.006 Project Evaluation Criteria.

The evaluation of Applications shall be based on the criteria set forth in this rule chapter and the information in Application Form SMWW-2. Trust staff shall utilize the information contained in the Application (including exhibits) and all information obtained during its review of the Application, including information obtained during site visits, in drafting an evaluation report and developing a ranking report to present to the Governing Board. At a publicly noticed meeting, the Governing Board will evaluate the reports and approve the recommended ranking report that will be presented to the Board of Trustees.

The Business Summary shall be evaluated for sufficiency based on information provided in Application Form SMWW-2. Staff from the Department of Agriculture and Consumer Services, and other state agencies as deemed necessary by the Trust, shall review each Business Summary and provide comments to the Trust. Trust staff shall prepare a recommended Business Summary sufficiency determination that takes into consideration comments received from the Department of Agriculture and Consumer Services and other agencies for consideration by the Governing Board. Applications containing a Business Summary deemed insufficient by the Trust will not be considered by the Board of Trustees.

An Application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does not apply to the proposed Project Site, the Applicant should state "No" in the response to the criterion.

Points shall be awarded when the following criteria are met:

- (1) through (3)(c)1. No change.
- 2. The Project Site contains an existing structure for launching commercial fishing vessels, including but not limited to a boat ramp, boat lift or boat rail system, that requires major restoration and the Applicant has committed to rebuild the existing boat launch ramp (4 points).
- 3. through (6)(c) No change.

Specific Authority 380.507(11), 380.5105(2). FS. Law Implemented 259.105, 380.501-.515 FS. History--11-25-08, Amended _____.

9K-9.007 Ranking of Applications.

(1) through (3)(c) No change.

(d) Any Applicant that does not provide documentation from the issuing agency Department of Environmental Protection by the application deadline that all facilities or structures owned by the Applicant are fully compliant with Chapters 253, 258, 373 Part IV, ~~and~~ 403, and 597, Florida

Statutes, and the state sovereignty submerged leases and applicable fees or wet slip certification forms are current, or that the structures are not located on state sovereignty submerged land, will not be considered by the Trust for recommendation to the Board of Trustees.

(e) Any Applicant that does not provide documentation from the issuing agency Department of Environmental Protection within 48 hours of the FCT Governing Board meeting that any facilities or structures located on the Project Site are fully compliant with Chapters 253, 258, 373 Part IV, ~~and~~ 403, ~~and~~ 597, Florida Statutes, and the state sovereignty submerged leases and applicable fees or wet slip certification forms are current, or that the structures are not located on state sovereignty submerged land, will not be considered by the Trust for recommendation to the Board of Trustees.

(4) through (7) No change.

Rulemaking Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Amended _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-704.420	Criteria for Preliminary Examination and Certification of Resource Recovery Equipment
62-704.600	Recycling Equipment List

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. 30, July 31, 2009 issue of the Florida Administrative Weekly.

62-704.420 Criteria for Preliminary Examination and Certification of Resource Recovery Equipment.

The Department shall use the following criteria when determining whether equipment shall be certified as resource recovery equipment.

(1) through (b) No change.

- 1. Function as pollution control equipment as required by any Federal or State regulations; or

2. Are used for storage of waste or processed material in lieu of the use of storage equipment such as tanks, silos, or bins ~~Serve the same function as a similar piece of machinery or equipment.~~

- (c) No change.
- (2) through (4) No change.

62-704.600 Recycling Equipment List.

Recycling equipment that appears on the list below is considered to be recycling equipment and shall be certified by the Department as recycling equipment if other requirements for equipment eligibility, pursuant to Rule 62-704.420, F.A.C., are satisfied ~~certified~~.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:
65D-31.001 Managing Entities
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. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.001 Managing Entities.

~~PURPOSE AND EFFECT: No change~~

~~SUMMARY:~~ This rule chapter addresses the management of the delivery of behavioral health services to persons who have mental health, substance abuse or co-occurring disorders, the development and oversight of comprehensive provider networks, uniform behavioral health service standards, continuous quality improvement, best practices guidance and ensure quality, cost effective treatment, and prevent unnecessary expenditures.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:
65D-31.002 Definitions
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. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.002 Definitions.

- (1) “Behavioral Health Services” – Deleted

(1) “Cultural and Linguistic Competence” means a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals that enable effective work in cross-cultural situations that provides services that are respectful and/or responsive to cultural and linguistic needs.

- (2) No change.
- (3) through (5) Deleted
- (6) through (8) renumbered (3) through (5) No change.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:
65D-31.003 Managing Entity Qualifications
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. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.003 Managing Entity Qualifications.

(1) through (2) are deleted.

~~(1)(3)~~ Demonstrate the capability and administrative capacity to effectively develop and manage a comprehensive service delivery system.

~~(2)(4)~~ Have a Board of Directors which shall, ~~at a minimum,~~ include individuals served, family members, appropriate community stakeholders, and organizations. Board membership shall include providers of substance abuse and mental health services. The Board shall have one representative of a private receiving facility as an ex officio member so long as there is a private receiving facility within the managing entity’s geographic area.

~~(3)(5)~~ Board members must be representative residents of the geographic area in which the managing entity operates.

Rulemaking Authority 394.9082 (10) FS. Law Implemented 394.9082 FS. History–New_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:
65D-31.004 Functions of Managing Entities
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. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.004 Functions of Managing Entities.

(1) System of care development and management. Managing entities must:

(a) ~~Require must ensure that~~ substance abuse and mental health services within their respective geographic areas to be coordinated and developed into an integrated network of assessable services ~~which are and is~~ responsive to the needs of persons in need of service and their families.

(b) ~~Require must ensure~~ substance abuse and mental health services to be are responsive to the needs of the community and community stakeholders including the courts, community agencies, law enforcement, child welfare agencies and others who are reliant on mental health and substance abuse services as essential to their success.

(c) ~~Require the must ensure~~ application of evidence-based practices by network providers through contracting requirements, program development and design, and the provision of training, technical assistance, and quality improvement activities.

(d) Develop ~~effective and~~ formal mechanisms for care management, continuity of care, least restrictive placement, and service coordination as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

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

(b) The managing entity is required to contract only with agencies which when contracting with providers are to ensure that agencies are qualified and capable of providing quality client services. The managing entity will develop policies, procedures, and practices that require assure that network providers to comply are complying with applicable laws, rules, and regulations, and contract requirements as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

(c) The managing entity must require that, within available resources, ensure that, within available resources, a comprehensive system of care is available within their respective geographic area which that is accessible, co-occurring competent, and consists of a range of services that is responsive to the needs of persons receiving services and is responsive to the needs of the community.

(3)(a) The ~~managing entity~~ Managing Entity is responsible for the management, accountability, and efficient use of public funds by:

(b) Developing and negotiating rates with its network providers as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract. within the parameter established by the Department, ~~the~~ The managing entity may propose alternate payment methodologies to the Department such as case rates, capitation or other forms that demonstrate both accountability and efficiencies.

(c) Allocation of funds to providers as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract consistent with departmentally approved allocation methodologies.

(d) No change.

(e) Managing Department funding allocations to ensure that state and federal requirements are met, as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

(f) Achieving efficiencies by the consolidation of provider operational functions. Examples include, but are not limited to, including, but not limited to, data collection and analysis, administrative efficiencies, and group purchasing.

(g) Reinvesting funds gained by efficiencies into the system of care after achieving departmentally approved reserves and necessary infrastructure development.

(4)(a) The managing entity will participate in the departmental planning process ~~at~~ of the state, regional, and circuit levels.

(b) No change.

(c) A three (3) year managing entity strategic plan is required to be submitted on a schedule that corresponds to the reporting requirements and submission dates outlined in Section 394.75, F.S., State and district substance abuse and mental health plans. departmentally—statutorily—required Substance Abuse and Mental Health Plan.

1. Delete

2. through a. No change

b. Deleted

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

(5) Data Collection, Analysis, and Reporting

(a) The Department, in collaboration with the managing entities shall design and implement a comprehensive behavioral health management information system based on policies and procedures outlined in the Department's Pamphlet 155-2, most current version of the pamphlet for Mental Health and Substance Abuse Measurement and Data, DCF Pamphlet 155-2, effective date, September 1, 2008, 9th Edition, Version 9.1, which is incorporated by reference and is available on the Department's Web Portal at www.dcf.state.fl.us/mentalhealth/publications/index.shtml, ~~to meet the minimum reporting requirements at the federal, state and local levels as follows:~~ Each managing entity shall develop and maintain a database system, including data from agencies under contract with the managing entity. ~~At the minimum,~~ The managing entity's database system shall provide information needed not only by the managing entity to address the management and clinical care needs of the local provider networks, but also by the Department to meet the state and federal data reporting requirements. The Department shall collaborate with managing entities to develop business requirements, which managing entities will use to extract data required at the state and federal levels from their local database systems and to submit these

data electronically into the Department's central database system. Requirements will increase system access to users and ensure timely and accurate information. The Department shall use the central database system to provide non-confidential data accessible to all stakeholders, including managing entities, for planning, monitoring, evaluation, and research purposes.

(b) The managing entity shall have the capability and capacity to submit all the required data electronically into the Substance Abuse and Mental Health Information System (SAMHIS). The contractor shall submit these data based on policies and procedures outlined in the Department's Pamphlet 155-2, most current version of the pamphlet for Mental Health and Substance Abuse Measurement and Data, DCF Pamphlet 155-2, effective date, September 1, 2008, 9th Edition, Version 2.1. (available on the department's website).

(c) No change.

(d) The managing entity shall establish procedures for documenting and reporting service events in such manner as to provide a clear and distinguishable audit trail of each service event submitted into the SAMHIS database. ~~At a minimum, the~~ The audit trail documentation shall include the following: the HIPAA procedure code description; service data and duration; the recipient names and identification number; and the staff names and identification number. Such procedures shall ensure that the Department is not billed for unallowable or more service event units than are eligible for payment.

(e) To be paid by the Department, the managing entity shall use the service event data submitted into the SAMHIS database as the main source for verifying and justifying the service units provided by the contractor and the amount billed to or paid by the Department. The Department ~~shall may~~ deny all or part of the payment if the managing entity fails to comply with ~~this~~ data submission requirements based on policies and procedures outlined in the Department's Pamphlet 155-2, most current version of the pamphlet for Mental Health and Substance Abuse Measurement and Data, DCF Pamphlet 155-2, effective date, September 1, 2008, 9th Edition, Version 2.1.

(6) Continuous Quality Improvement.

(a) The managing entity will establish a clearly delineated continuous quality improvement program that includes ~~provides for the meaningful involvement of~~ managing entity personnel, provider organizations, consumers, and stakeholders as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract. The program will:

(a) 1. through 2. No change.

3. Measure the overall performance of the ~~managing entity,~~ the system of care, and the performance of participating provider agencies.

4. Deleted

~~4.5. Require~~ insure that there are mechanisms that identify performance issues, conduct analysis of performance issues, develop appropriate interventions, and measure the effects of those interventions.

~~5.6.~~ Review the results of quality assurance reviews, external monitoring, critical incidents, consumer complaints and grievances, and take steps to initiate improvement, including appropriate corrective actions and sanctions.

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

(b) The managing entity will establish a Quality Assurance Program that, ~~at a minimum,~~ addresses the following areas:

1. Monitoring contracted agencies to insure that the managing entity contract requirements are met.

2. Monitoring provider invoices for accuracy and allowability of the services billed.

3. Monitoring data submitted by contracted providers to insure completeness and accuracy.

4. Establishing an Incident Reporting and notification System that provides timely reporting of adverse incidents.

5. No change.

~~(7) Peer Review.~~

~~(c)(a)~~ The managing entity continuous quality improvement program will include a peer review process among network providers that involves the review of staff member's professional work clinical, administrative and financial records and by comparing trained and qualified individuals who perform similar tasks.

~~1.(b)~~ The managing entity will ~~ensure insure~~ that all network providers have ~~participating agencies has~~ a peer review process in place.

~~2.(e)~~ The managing entity ~~shall may~~ establish a peer review process that reviews network providers' clinical, administrative and financial records and agency clinical practices provides technical assistance to network providers individuals and agencies in the adoption and use of evidence-based practices.

~~(7)(8)~~ Utilization Management.

(a) The managing entity will develop a utilization management program that includes: at a minimum

1. through 3. No change.

~~(8)(9)~~ Technical Assistance and Training

(a) The managing entity will provide technical assistance and training that includes: in a minimum of two areas:

1. through 3. No change

~~(9)(40)~~ Board Development and Governance

(a) The managing entity will provide board development activities which:

1. through 3. No change

~~(10)~~ Disaster Planning and Responsiveness

(a) The managing entity will work collaboratively with the Department and take direction from Department staff for any disaster-related preparedness or response activities.

Rule 65D-31.004, F.A.C., incorporates by reference the Department of Children and Families Pamphlet 155-2, Mental Health and Substance Abuse Measurement and Data, effective date, September 1, 2008, 9th Edition, Version 9.1. The following revisions were made to the handbook.

Page 1-3, the reference to “Section 394.9082(6)(j), F.S.”, is replaced with “Section 394.9082(5)(k), F.S.”, and reference to “and the Agency for Health Care Administration (AHCA)” is deleted.

Page 1-9, Section 8. Use of Social Security Number as Person’s Unique Identifier. The first sentence in the second paragraph that reads, “For all agencies, the use of the SSN is mandatory”. This sentence is expanded to read, “For all agencies, the use of the SSN is mandatory based on statutory authority found in Sections 394.78 and 397.321, F.S.”

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:
65D-31.005 Managing Entity Policies Requiring
 Departmental Approval
 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. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.005 Managing Entity Policies Requiring Departmental Approval.

(1) The managing entity is responsible for ~~will ensure~~ provider compliance with all applicable Federal and state statutes, rules, and Departmental procedures as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Contract. Managing entities will submit ~~critical~~ policies and procedures addressing the following to the Department for review and approval: ~~At a minimum, the policies addressing the following will be submitted to the Department for approval:~~

- (a) through (d) No change.
- (e) ~~Forensic services~~ — Continuity of care, case management, community-based competence, restoration, and coordination of conditional release for individuals committed to state mental health treatment facilities. ~~Pursuant to Chapter 916, F.S.~~
- (f) No change.

(g) Incident Reporting. The managing entity will notify the Department, ~~in a timely manner~~, actively investigate incidents, and provide resolution as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

(h) Quality assurance – provider monitoring to insure compliance with client care requirements, contracting and financial specifications of statute, rule, and policies and contract requirements as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Contract.

- (i) through (n) No change.
- (o) Cultural and linguistic competence ~~Competency~~.
- (p) through (r) No change.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:
65D-31.006 Department’s Responsibilities

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. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.006 Department’s Responsibilities.

(1) Notwithstanding the Department’s responsibilities as authorized in Chapters 394 and 397, F.S.; upon contracting with a comprehensive managing entity, the Department will:

(a) Conduct on-site readiness reviews of the managing entity to assess its operational capacity and capabilities and determine its ability to satisfactorily perform the duties to be contracted.

(b) The Department in collaboration with community stakeholders, including providers and managing entities will establish ~~develop~~ objective standards to measure the competence of managing entities to assume the responsibilities described in Section 394.9082, F.S. These standards shall be in accordance with performance measures outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

(c) Monitor the performance of managing entities to ensure compliance with applicable statutes, rules, policies, and contract requirements as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

(d) The Department will retain the responsibilities for licensing of Substance Abuse Prevention and Treatment Providers, the designation of both private and public Baker Act receiving facilities, and the designation of Addictions Receiving Facilities.

(e) The Department will negotiate annually with the managing entity to determine performance measures, quality improvement goals, and the quality assurance activities of the managing entity.

(f) through (h) are deleted

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-156.020 Prohibition Against Use of Genetic Information and Requests for Genetic Testing
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. 30, July 31, 2009 issue of the Florida Administrative Weekly.

The rule will now read as follows:

69O-156.020 Prohibition Against Use of Genetic Information and Requests for Genetic Testing.

(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 69O-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) For the purposes of this Section only “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.

Rulemaking Authority 627.674 FS. Law Implemented 627.6741 FS. History–New_____.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER09-41 Instant Game Number 1036, MONOPOLY™.

SUMMARY: Instant Game Number 1036, “MONOPOLY™,” will be sold by Florida Lottery retailers on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the estimated number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

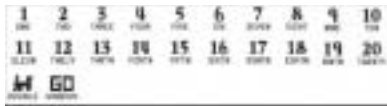
53ER09-41 Instant Game Number 1036, MONOPOLY™.

(1) Name of Game. Instant Game Number 1036, “MONOPOLY™.”

(2) Price. MONOPOLY tickets sell for \$2.00 per ticket.

(3) MONOPOLY lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning MONOPOLY lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

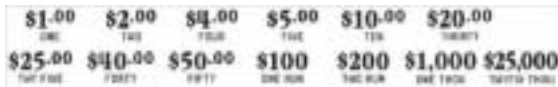
(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:



(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:



(7) The legends are as follows:



(8) Determination of Prize Winners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that play symbol.

(b) A ticket having a “GO” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to \$100. A

ticket having a “DOUBLE” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to double the prize shown for that symbol.

(c) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$200, \$1,000 and \$25,000.

(9) Number and Size of Prizes. The estimated odds of winning, value, and number of prizes in Instant Game Number 1036 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 85 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	10.71	1,428,000
\$1 x 4	\$4	50.00	306,000
\$1 (TRAIN) + \$2	\$4	75.00	204,000
\$2 (TRAIN)	\$4	50.00	306,000
\$4	\$4	50.00	306,000
\$1 x 5	\$5	375.00	40,800
(\$1 x 3) + \$2	\$5	375.00	40,800
\$2 (TRAIN) + \$1	\$5	375.00	40,800
\$1 + \$4	\$5	375.00	40,800
\$5	\$5	375.00	40,800
\$1 x 10	\$10	250.00	61,200
\$2 x 5	\$10	250.00	61,200
\$5 x 2	\$10	250.00	61,200
\$5 (TRAIN)	\$10	250.00	61,200
\$10	\$10	250.00	61,200
\$2 x 10	\$20	750.00	20,400
\$4 x 5	\$20	750.00	20,400
\$10 x 2	\$20	750.00	20,400
\$10 (TRAIN)	\$20	750.00	20,400
\$20	\$20	750.00	20,400
\$4 x 10	\$40	1,125.00	13,600
\$10 x 4	\$40	1,800.00	8,500
(\$10 x 2) + \$20	\$40	1,800.00	8,500
\$20 (TRAIN)	\$40	1,800.00	8,500
\$40	\$40	1,800.00	8,500
\$5 x 10	\$50	1,875.00	8,160
\$10 x 5	\$50	2,000.00	7,650
(\$10 x 3) + \$20	\$50	2,000.00	7,650
\$10 + \$20 (TRAIN)	\$50	2,000.00	7,650
\$50	\$50	2,000.00	7,650
\$10 x 10	\$100	3,600.00	4,250
\$20 x 5	\$100	3,600.00	4,250
\$50 x 2	\$100	3,600.00	4,250
\$50 (TRAIN)	\$100	3,600.00	4,250
\$100 (GO)	\$100	3,600.00	4,250
\$20 x 10	\$200	18,000.00	850
\$25 (TRAIN) + \$50 + \$100 (GO)	\$200	18,000.00	850
\$50 (TRAIN) + \$100 (GO)	\$200	18,000.00	850
\$100 (TRAIN)	\$200	18,000.00	850
\$200	\$200	18,000.00	850
\$100 x 10	\$1,000	90,000.00	170
\$100 (TRAIN) + \$200 (TRAIN) + \$200 (TRAIN)	\$1,000	180,000.00	85
\$50 (TRAIN) + \$100 (GO) + \$200 (TRAIN) + (\$200 x 2)	\$1,000	180,000.00	85

\$200 x 5	\$1,000	180,000.00	85
\$1,000	\$1,000	180,000.00	85
\$25,000	\$25,000	765,000.00	20

(10) The estimated overall odds of winning some prize in Instant Game Number 1036 are 1 in 4.67.

(11) For reorders of Instant Game Number 1036, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a MONOPOLY lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for MONOPOLY lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-4-09.

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: September 4, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-42
RULE TITLE: Instant Game Number 1033, POWER 8's

SUMMARY: This emergency rule describes Instant Game Number 1033, "POWER 8's," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-42 Instant Game Number 1033, POWER 8's.

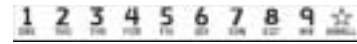
(1) Name of Game. Instant Game Number 1033, "POWER 8's."

(2) Price. POWER 8's lottery tickets sell for \$5.00 per ticket.

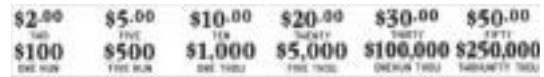
(3) POWER 8's lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area

on the ticket. To be a valid winning POWER 8's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The prize symbols and prize symbol captions are as follows:



(6) The legends are as follows:



(7) Determination of Prizewinners.

(a) There are twelve games on a ticket. Each game is played separately. A ticket having one (1) "EST" symbol and corresponding caption in a game shall entitle the claimant to

the prize shown for that game. A ticket having two (2) "EST" symbols and corresponding captions in a game shall entitle the claimant to triple the prize shown for that game. A ticket having a "SMALL" symbol and corresponding caption in a game shall entitle the claimant to all twelve prizes shown.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$500, \$1,000, \$5,000, \$100,000 and \$250,000.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 1033 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 86 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	10.00	1,032,000
\$2 x 5	\$10	30.00	344,000
\$5 x 2	\$10	30.00	344,000
\$10	\$10	30.00	344,000
\$2 x 10	\$20	300.00	34,400
\$5 (TWO 8's) + \$5	\$20	300.00	34,400
\$5 x 4	\$20	300.00	34,400
\$10 x 2	\$20	300.00	34,400

\$20	\$20	300.00	34.400
(\$2 x 10) + (\$5 x 2)			
(STAR)	\$30	500.00	20.640
(\$5 x 2) + (\$10 x 2)	\$30	600.00	17.200
\$5 (TWO 8's) + \$5 + \$10	\$30	500.00	20.640
\$10 (TWO 8's)	\$30	500.00	20.640
\$30	\$30	750.00	13.760
\$10 x 5	\$50	1,200.00	8.600
(\$2 x 10) + \$10 + \$20	\$50	1,200.00	8.600
(\$10 x 2) + \$10 (TWO 8's)	\$50	1,200.00	8.600
\$10 (TWO 8's) + \$20	\$50	1,200.00	8.600
\$50	\$50	1,200.00	8.600
(\$5 x 6) + (\$10 x 5) + \$20 (STAR)	\$100	1,200.00	8.600
(\$10 x 4) + \$20 (TWO 8's)	\$100	1,500.00	6.880
\$10 x 10	\$100	1,500.00	6.880
(\$20 x 2) + \$20 (TWO 8's)	\$100	1,500.00	6.880
\$50 x 2	\$100	1,500.00	6.880
\$100	\$100	1,500.00	6.880
(\$20 x 5) + (\$50 x 6) + \$100 (STAR)	\$500	7,500.00	1.376
(\$20 x 10) + \$100 (TWO 8's)	\$500	10,000.00	1.032
\$50 x 10	\$500	10,000.00	1.032
\$50 (TWO 8's) + (\$100 x 3) + \$50	\$500	10,000.00	1.032
\$500	\$50	10,000.00	1.032
(\$50 x 8) + (\$100 x 3) + \$100 (TWO 8's)	\$1,000	40,000.00	258
(\$20 x 5) + (\$50 x 4) + (\$100 x 2) + \$500	\$1,000	40,000.00	258
\$100 x 10	\$1,000	40,000.00	258
\$500 x 2	\$1,000	40,000.00	258
\$1,000	\$1,000	40,000.00	258
\$500 x 10	\$5,000	60,000.00	172
\$5,000	\$5,000	60,000.00	172
\$100,000	\$100,000	1,032,000.00	10
\$250,000	\$250,000	1,720,000.00	6

(9) The estimated overall odds of winning some prize in Instant Game Number 1033 are 1 in 4.26. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 1033, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a POWER 8's lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for POWER 8's lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-4-09.

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: September 4, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-43
 RULE TITLE: Instant Game Number 1037, WILD 7's

SUMMARY: This emergency rule describes Instant Game Number 1037, "WILD 7's," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-43 Instant Game Number 1037, WILD 7's.

(1) Name of Game. Instant Game Number 1037, "WILD 7's."

(2) Price. WILD 7's lottery tickets sell for \$1.00 per ticket.

(3) WILD 7's lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning WILD 7's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

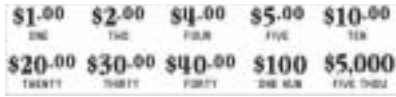
(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:



(5) The "WINNING NUMBER" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:




(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches the play symbol and corresponding play symbol caption in the “WINNING NUMBER” play area shall entitle the claimant to the corresponding prize shown for that symbol.

A ticket having a “” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$100 and \$5,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1037 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 66 POOLS OF TICKETS PER POOL
\$1	\$1	1 IN 10.71	240,000
\$1 x 2	\$2	30.00	528,000
\$2	\$2	30.00	528,000
\$1 x 4	\$4	150.00	105,600
(\$1 x 2) + \$2	\$4	300.00	52,800
\$2 x 2	\$4	150.00	105,600
\$4	\$4	150.00	105,600
\$1 x 5	\$5	750.00	21,120
(\$1 x 3) + \$2	\$5	750.00	21,120
\$1 + (\$2 x 2)	\$5	750.00	21,120
\$1 + \$4	\$5	750.00	21,120
\$5	\$5	750.00	21,120
\$2 x 5	\$10	500.00	31,680
(\$2 x 3) + \$4	\$10	500.00	31,680
\$1 + (\$2 x 2) + \$5	\$10	500.00	31,680
\$5 x 2	\$10	500.00	31,680
\$10	\$10	500.00	31,680
\$4 x 5	\$20	1,500.00	10,560
\$5 x 4	\$20	1,500.00	10,560

(\$5 x 2) + \$10	\$20	1,500.00	10,560
\$10 x 2	\$20	1,500.00	10,560
\$20	\$20	1,500.00	10,560
(\$5 x 4) + \$10	\$30	8,000.00	1,980
(\$5 x 2) + (\$10 x 2)	\$30	8,000.00	1,980
\$10 x 3	\$30	9,600.00	1,650
\$10 + \$20	\$30	9,600.00	1,650
\$30	\$30	9,600.00	1,650
(\$5 x 4) + \$20	\$40	8,000.00	1,980
(\$5 x 2) + (\$10 x 3)	\$40	8,000.00	1,980
(\$2 x 3) + \$4 + \$30	\$40	8,000.00	1,980
\$20 x 2	\$40	8,000.00	1,980
\$40	\$40	8,000.00	1,980
\$20 x 5	\$100	12,000.00	1,320
(\$5 x 2) + \$10 + (\$40 x 2)	\$100	12,000.00	1,320
(\$10 x 2) + \$20 + (\$30 x 2)	\$100	12,000.00	1,320
(\$20 x 2) + (\$30 x 2)	\$100	12,000.00	1,320
\$100	\$100	12,000.00	1,320
\$5,000	\$5,000	240,000.00	66

(10) The estimated overall odds of winning some prize in Instant Game Number 1037 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1037, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a WILD 7's lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for WILD 7's lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-4-09.

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: September 4, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-44
 RULE TITLE: Florida Gator FAN Experience
 Second Chance Promotion

SUMMARY: The Department of the Lottery will conduct a Florida Gator FAN Experience Second Chance Promotion between September 5, 2009 and November 30, 2009, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-44 Florida Gator FAN Experience Second Chance Promotion.

(1) From Saturday, September 5, 2009, through Friday, November 28, 2009, players who purchase a \$5 or more POWERBALL® ticket at a participating Kangaroo Express® retailer will receive a ticket voucher that can be entered into one (1) of three (3) promotions on the Florida Lottery Website: the Florida Gator FAN Experience Second Chance promotion, the Ultimate Canes® Experience Second Chance promotion or the VIP Florida FAN Experience Second Chance promotion.

(2) In the Florida Gator FAN Experience Second Chance promotion, five (5) second chance drawings will be held between September 14 and November 9, 2009 from entries received during the entry periods shown below. One (1) final drawing will be held on November 30, 2009 from all entries received between September 5 and midnight on the night before the drawing.

Players may enter as many times as they wish during the contest period. However, each valid voucher serial number may only be used one (1) time, for one (1) entry into one promotion. Entries received from the beginning of the entry period for a drawing through midnight ET on the night before the drawing will be included in the drawing. All entries received from September 5 through November 29, 2009, excluding entries selected as winners in the first five (5) drawings, will be included in the final drawing on November 30, 2009.

Drawing	Draw Date	From Entries Received
1	Monday, September 14, 2009	September 5 – September 13, 2009
2	Monday, September 28, 2009	September 14 – September 27, 2009
3	Monday, October 12, 2009	September 28 – October 11, 2009
4	Monday, October 26, 2009	October 12 – October 25, 2009
5	Monday, November 9, 2009	October 26 – November 8, 2009
6	Monday, November 30, 2009	September 5 – November 29, 2009

(3) In each of the first five (5) second chance drawings in the Florida Gator FAN Experience Second Chance promotion, two (2) winners will each receive one (1) \$25 Kangaroo Express gift card, \$25 in Lottery Scratch-Off tickets, two (2) tickets to the first University of Florida® home game

scheduled after the prize claim deadline, two (2) Florida Gator hats and polo shirts, and one (1) Sonny's Real Pit Bar-B-Q® feast for four. (Value – \$370).

The grand prize drawing will take place on November 30, 2009 and will award three (3) winners with the following prizes:

(a) The first entry drawn will win two (2) Florida Gator CROSSRUNNER™ scooters provided by UF®, one (1) Sonny's Real Pit Bar-B-Q feast for four, one (1) \$50 Kangaroo Express gift card, two (2) Florida Gator hats and polo shirts and \$50 in Lottery Scratch-Off tickets. (Value – \$4,930).

(b) The second entry drawn will win two (2) season tickets for the 2010 UF football season, two (2) Florida Gator hats and polo shirts, one (1) \$25 Kangaroo Express gift card and \$25 in Lottery Scratch-Off tickets. (Value – \$790).

(c) The third entry drawn will win one (1) autographed football, two (2) Florida Gator hats and polo shirts, one (1) \$25 Kangaroo Express gift card and \$25 in Lottery Scratch-Off tickets. Value – \$380).

(4) To enter a voucher in the Florida Gator FAN Experience Second Chance Drawing, players must visit www.flalottery.com, the Sonny's Bar-B-Q website at www.sonnysbbq.com or the Florida Gators® website at www.gatorzone.com, click on the Florida Gator FAN Experience Second Chance Drawing icon and follow the directions.

The voucher serial number is located on the front of the voucher below the instructions for entry. Vouchers cannot be entered into the drawing on the day of purchase. Players entering a voucher on the day of purchase will be directed to return at a later date to enter their voucher into the drawing. POWERBALL tickets cannot be used for entry in the drawing. The odds of winning are dependent upon the number of entries received. The voucher must be presented in order to claim a prize in the Florida Gator FAN Experience Second Chance drawing. Vouchers should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Vouchers or tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(5) The prizewinners in the Florida Gator FAN Experience drawings will be posted on flalottery.com after the draw. The Florida Lottery will attempt to notify prizewinners in the first five (5) drawings by telephone or e-mail no later than two (2) days after the winners are drawn. If the Florida Lottery is unable to contact a prizewinner within four (4) days of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded. The Florida Lottery will attempt to notify prizewinners in the Grand Prize drawing by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a winner in the November 30, 2009, Grand

Prize Drawing within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded.

(6) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a Florida Gator FAN Experience drawing prize, a winner must submit for receipt by the Florida Lottery no later than five (5) days after being notified by the Lottery that he/she is a winner, the original valid voucher bearing the unique serial number selected in the drawing, a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER08-89, F.A.C., a copy of acceptable identification and a completed Authorization to Release Address Form DOL-473, Eff. 10/08. The Grand Prize winner in the November 30, 2009, Grand Prize Drawing will be required to submit a completed Release and Authorization form DOL-474, Eff. 10/08 in lieu of the Authorization to Release Address form. Forms DOL-473 and DOL-474 are hereby incorporated by reference and can be obtained from any Lottery office or on the Lottery's website www.flalottery.com. Claim Forms, which include a list of acceptable identification, are located in the Downloads section at flalottery.com, under the heading "Miscellaneous." Claim Forms are also available at Florida Lottery district offices. Winners who cannot produce a valid entry voucher and/or do not submit the required documents to the Lottery as set forth above will forfeit their right to claim the prize.

(7) In the event a prize is not claimed in time for the winner to use their game tickets for the scheduled game, reasonable effort will be made by the University of Florida to provide tickets for the next available home game in which the Florida Gators play. Fulfillment of all prizes other than the Scratch-Off tickets will be handled by the University of Florida staff.

(8) If a voucher bearing the serial number selected in the drawing is presented to the Lottery by a person other than the person who entered the number into the drawing, an investigation will be conducted by the Lottery to determine the person entitled to the prize.

(9) All federal, state and/or local taxes or other fees on the Florida Gator FAN Experience prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because there is no cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(10) No cash option is available in lieu of the prizes.

(11) The right to claim a prize cannot be assigned to another person or entity.

(12) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder, including the official Florida Gator FAN Experience Drawing rule. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. Copies of the current prize payment rule and the Florida Gator FAN Experience Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(13) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(14) A player entering Florida Gator FAN Experience Drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(15) The Florida Gator FAN Experience drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawings will be available after the drawing on the Florida Lottery's Website at flalottery.com, and at participating Florida Lottery retailers.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 9-4-09.

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: September 4, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER09-45	Ultimate Canes® Experience Second Chance Promotion

SUMMARY: The Department of the Lottery will conduct an Ultimate Canes® Experience Second Chance promotion between September 5, 2009 and November 30, 2009, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-45 Ultimate Canes® Experience Second Chance Promotion.

(1) From Saturday, September 5, 2009, through Friday, November 28, 2009, players who purchase a \$5 or more POWERBALL® ticket at a participating South Florida Publix® supermarket will receive a ticket voucher that can be

entered in one (1) of three (3) promotions on the Florida Lottery Website: the Ultimate Canes® Experience Second Chance promotion, the Florida Gator FAN Experience Second Chance promotion or the VIP Florida FAN Experience Second Chance promotion.

(2) In the Ultimate Canes Experience Second Chance promotion five (5) second chance drawings will be held between September 14 and November 9, 2009 from entries received during the entry periods shown below. One (1) final drawing will be held on November 30, 2009 from all entries received between September 5 and midnight on the night before the drawing.

Players may enter as many times as they wish during the contest period. However, each valid voucher serial number may only be used one (1) time, for one (1) entry into one promotion. Entries received from the beginning of the entry period for a drawing through midnight ET on the night before the drawing will be included in the drawing. All entries received from September 5 through November 29, 2009, excluding entries selected as winners in the first five (5) drawings, will be included in the final drawing on November 30, 2009. The draw dates are:

Drawing	Draw Date	From Entries Received
1	Monday, September 14, 2009	September 5 – September 13, 2009
2	Monday, September 28, 2009	September 14 – September 27, 2009
3	Monday, October 12, 2009	September 28 – October 11, 2009
4	Monday, October 26, 2009	October 12 – October 25, 2009
5	Monday, November 9, 2009	October 26 – November 8, 2009
6	Monday, November 30, 2009	September 5 – November 29, 2009

(3) In each of the first five (5) second chance drawings in the Ultimate Canes Experience Second Chance promotion, ten (10) winners will each receive one (1) \$25 Publix gift card, \$25 in Lottery Scratch-Off tickets, two (2) tickets to the first University of Miami® home football game scheduled after the prize claim deadline, and two (2) University of Miami hats and polo shirts. (Value – \$280).

The Grand Prize drawing will take place on Monday, November 30, 2009 and will award three (3) winners with the following prizes:

(a) The first entry drawn will win two (2) tickets to the University of Miami bowl* game at the conclusion of the 2009 season, one (1) hotel room for two nights, airfare for two from anywhere in the U.S to the city in which the bowl game will be held, one (1) autographed Randy Shannon football, two (2) UM™ hats and polo shirts, one (1) \$100 Publix gift card and \$100 in Lottery Scratch-Off tickets. (Value – \$1,930)

(b) The second entry drawn will win two (2) season tickets for the 2010 UM football season, two (2) UM hats and polo shirts, one (1) \$75 Publix gift card and \$75 in Lottery Scratch-Off tickets. (Value – \$980)

(c) The third entry drawn will win four (4) tickets to a 2010 UM home football game, one (1) \$50 Publix gift card and \$50 in Lottery Scratch-Off tickets. (Value – \$360)

* If the Miami Hurricanes™ do not play in a bowl game at the conclusion of the 2009-2010 season, or if the first Grand Prize is not claimed in time for the winner to use the trip for the 2009-2010 bowl game, the trip will be for the next end of season bowl game in which the Miami Hurricanes play.

(4) To enter a voucher in the Ultimate Canes Experience Second Chance Drawing, players must visit www.flalottery.com or the Hurricanes website at www.hurricanesports.com, click on the Ultimate Canes Experience Second Chance Drawing icon and follow the directions. The voucher serial number is located on the front of the voucher below the instructions for entry. Vouchers cannot be entered in the drawing on the day of purchase. Players entering a voucher on the day of purchase will be directed to return at a later date to enter their voucher in the drawing. POWERBALL tickets cannot be used for entry in the drawing. The odds of winning are dependent upon the number of entries received. The voucher must be presented in order to claim a prize in the Ultimate Canes Experience Second Chance drawing. Vouchers should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Vouchers or tickets received in the mail by the Florida Lottery will not be entered in the drawing and will not be returned.

(5) The prizewinners in the Ultimate Canes Experience drawings will be posted on flalottery.com after the draw. The Florida Lottery will attempt to notify prizewinners in the first five (5) drawings by telephone or e-mail no later than two (2) days after the winners are drawn. If the Florida Lottery is unable to contact a prizewinner within four (4) days of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded. The Florida Lottery will attempt to notify prizewinners in the Grand Prize drawing by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a winner in the November 30, 2009, Grand Prize Drawing within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded.

(6) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim an Ultimate Canes Experience drawing prize, a winner must submit for receipt by the Florida Lottery no later than five (5) days after being notified by the Lottery that he/she is a winner, the original valid voucher bearing the unique serial number selected in the drawing, a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER08-89, F.A.C., a copy of acceptable identification and a completed Authorization to Release Address Form DOL-473, Eff. 10/08. The Grand Prize winner in the November 30, 2009, Grand Prize Drawing will be required to submit a completed Release and Authorization form DOL-474, Eff. 10/08 in lieu of the Authorization to

Release Address form. Forms DOL-473 and DOL-474 are hereby incorporated by reference and can be obtained from any Lottery office or on the Lottery's website www.flalottery.com. Claim Forms, which include a list of acceptable identification, are located in the Downloads section at flalottery.com, under the heading "Miscellaneous." Claim Forms are also available at Florida Lottery district offices. Winners who cannot produce a valid entry voucher and/or do not submit the required documents to the Lottery as set forth above will forfeit their right to claim the prize.

(7) In the event a prize is not claimed in time for the winner to use the game tickets for the scheduled game, reasonable efforts will be made by the University of Miami to provide tickets for the next available home game in which the Miami Hurricanes play. Fulfillment of all prizes other than the Scratch-Off tickets will be handled by the University of Miami staff.

(8) If a voucher bearing the serial number selected in the drawing is presented to the Lottery by a person other than the person who entered the number in the drawing, an investigation will be conducted by the Lottery to determine the person entitled to the prize.

(9) All federal, state and/or local taxes or other fees on the Ultimate Canes Experience prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because there is no cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(10) No cash option is available in lieu of the prizes.

(11) The right to claim a prize cannot be assigned to another person or entity.

(12) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder, including the official Ultimate Canes Experience Drawing rule. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. Copies of the current prize payment rule and the Ultimate Canes Experience Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(13) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(14) A player entering the Ultimate Canes Experience drawings is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the

name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(15) The Ultimate Canes Experience drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawings will be available after the drawing on the Florida Lottery's Web site at flalottery.com and at participating Florida Lottery retailers.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 9-4-09.

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: September 4, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.:
53ER09-46

RULE TITLE:
VIP Football FAN Experience
Second Chance Promotion

SUMMARY: The Department of the Lottery will conduct a VIP Football FAN Experience Second Chance promotion between September 5, 2009 and November 30, 2009, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-46 VIP Football FAN Experience Second Chance Promotion.

(1) From Saturday, September 5, 2009, through Friday, November 28, 2009, players who purchase a \$5 or more POWERBALL® ticket at a participating north Florida Publix® Super Market will receive a ticket voucher that can be entered into one (1) of three (3) promotions on the Florida Lottery Website: the VIP Football FAN Experience Second Chance promotion, the Ultimate Canes® Experience Second Chance promotion or the Florida Gator FAN Experience Second Chance promotion.

(2) In the VIP Football FAN Experience Second Chance promotion, five (5) second chance drawings will be held between September 14 and November 9, 2009 from entries received during the entry periods shown below. One (1) final drawing will be held on November 30, 2009 from all entries received between September 5 and midnight on the night before the drawing.

Players may enter as many times as they wish during the contest period. However, each valid voucher serial number may only be used one (1) time, for one (1) entry into one promotion. Entries received from the beginning of the entry

period for a drawing through midnight ET on the night before the drawing will be included in the drawing. All entries received from September 5 through November 29, 2009, excluding entries selected as winners in the first five (5) drawings, will be included in the final drawing on November 30, 2009. The draw dates are:

Drawing	Draw Date	From Entries Received
1	Monday, September 14, 2009	September 5 – September 13, 2009
2	Monday, September 28, 2009	September 14 – September 27, 2009
3	Monday, October 12, 2009	September 28 – October 11, 2009
4	Monday, October 26, 2009	October 12 – October 25, 2009
5	Monday, November 9, 2009	October 26 – November 8, 2009
6	Monday, November 30, 2009	September 5 – November 29, 2009

(3) In each of the first five (5) second chance drawings in the VIP Football FAN Experience Second Chance promotion, ten (10) winners will each receive one (1) \$25 Publix gift card, \$25 in Lottery Scratch-Off tickets, a choice of two (2) tickets to the first Florida State University® or University of Central Florida® home football game scheduled after the prize claim deadline, and a choice of two (2) Florida State University or two (2) University of Central Florida hats or polo shirts. (Value – \$250).

The grand prize drawing will take place on November 30, 2009 and will award three (3) winners with the following prizes:

(a) The first entry drawn will win the choice of two (2) tickets to the FSU® or UCF® bowl* game at the conclusion of the 2009 season, one (1) hotel room for two nights, airfare for two from anywhere in the U.S to the city in which the bowl game will be held, choice of one (1) autographed Bobby Bowden or George O’Leary football, choice of two (2) FSU or UCF hats and polo shirts, one (1) \$100 Publix gift card and \$100 in Lottery Scratch-Off tickets. (Value – \$1,930)

(b) The second entry drawn will win the choice of two (2) season tickets for the 2010 FSU or UCF football season, choice of two (2) FSU or UCF hats and polo shirts, one (1) \$75 Publix gift card and \$75 in Lottery Scratch-Off tickets. (Value – \$930)

(c) The third entry drawn will win the choice of four (4) tickets to a 2010 FSU or UCF home football game, one (1) \$50 Publix gift card and \$50 in Lottery Scratch-Off tickets. (Value – \$370).

* If the Florida State Seminoles® or University of Central Florida do not play in a bowl game at the conclusion of the 2009-2010 season or if the first place Grand Prize is not claimed in time for the winner to use the trip for the 2009-2010 bowl game, the trip will be for the next end of season bowl game in which the Florida State Seminoles or the University of Central Florida play.

(4) To enter a voucher in the VIP Football FAN Experience Second Chance Drawing, players must visit www.flalottery.com, or the Seminoles Web site at www.seminoles.com, or the Golden Knights® website at

www.ucfathletics.com, click on the VIP Football FAN Experience Second Chance Drawing icon and follow the directions.

The voucher serial number is located on the front of the voucher below the instructions for entry. Vouchers *cannot* be entered into the drawing on the day of purchase. Players entering a voucher on the day of purchase will be directed to return at a later date to enter their voucher in the drawing. POWERBALL tickets cannot be used for entry in the drawing. The odds of winning are dependent upon the number of entries received. The voucher must be presented in order to claim a prize in the VIP Football FAN Experience Second Chance Drawing. Vouchers should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Vouchers or tickets received in the mail by the Florida Lottery will not be entered in the drawing and will not be returned.

(5) The prizewinners in the VIP Football FAN Experience drawings will be posted on flalottery.com after the draw. The Florida Lottery will attempt to notify prizewinners in the first five (5) drawings by telephone or e-mail no later than two (2) days after the winners are drawn. If the Florida Lottery is unable to contact a prizewinner within four (4) days of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded. The Florida Lottery will attempt to notify prizewinners in the Grand Prize drawing by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a winner in the November 30, 2009, Grand Prize Drawing within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded.

(6) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim an VIP Football FAN Experience drawing prize, a winner must submit for receipt by the Florida Lottery no later than five (5) days after being notified by the Lottery that he/she is a winner, the original valid voucher bearing the unique serial number selected in the drawing, a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER08-89, F.A.C., a copy of acceptable identification and a completed Authorization to Release Address Form DOL-473, Eff. 10/08. The Grand Prize winner in the November 30, 2009, Grand Prize Drawing will be required to submit a completed Release and Authorization form DOL-474, Eff. 10/08 in lieu of the Authorization to Release Address form. Forms DOL-473 and DOL-474 are hereby incorporated by reference and can be obtained from any Lottery office or on the Lottery’s website www.flalottery.com. Claim Forms, which include a list of acceptable identification, are located in the Downloads section at flalottery.com, under the heading “Miscellaneous.” Claim Forms are also available at Florida Lottery district offices. Winners who cannot produce

a valid entry voucher and/or do not submit the required documents to the Lottery as set forth above will forfeit their right to claim the prize.

(7) In the event a prize is not claimed in time for the winner to use the game tickets for the scheduled game, reasonable efforts will be made by Florida State University and University of Central Florida to provide tickets for the next available home game in which the Florida State Seminoles and the University of Central Florida play. Fulfillment of all prizes other than the Scratch-Off tickets will be handled by Florida State University and University of Central Florida staff.

(8) If a voucher bearing the serial number selected in the drawing is presented to the Lottery by a person other than the person who entered the number into the drawing, an investigation will be conducted by the Lottery to determine the person entitled to award of the prize.

(9) All federal, state and/or local taxes or other fees on the VIP Football FAN Experience prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because there is no cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(10) No cash option is available in lieu of the prizes.

(11) The right to claim a prize cannot be assigned to another person or entity.

(12) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder, including the official VIP Football FAN Experience Drawing rule. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. Copies of the current prize payment rule and the VIP Football FAN Experience Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(13) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(14) A player entering the VIP Football FAN Experience Drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(15) The VIP Football FAN Experience Drawing shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public

accounting firm. The results of the drawings will be available after the drawing on the Florida Lottery's Website at flalottery.com, and at participating Florida Lottery retailers.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 9-4-09.

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: September 4, 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."

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN that on September 8, 2009, the Department of Education has issued an order.

The Department of Education has issued an Order Denying Emergency Petition for Waiver or Variance of subsections 6A-1.039(3)(a)2. and (4), F.A.C., as the Petition did not identify specific facts constituting an emergency situation. As such, the Petition will be reviewed on a non-emergency basis as set forth in Section 120.542, Florida Statutes.

A copy of the Order may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education, lynn.abbott@fldoe.org or (850)245-9661.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that on September 1, 2009, the Department of Community Affairs, received a petition for Waiver of a portion of Rule 9K-7.003, F.A.C., for Florida Communities Trust Lake Dan Preserve – Phase Two Project. The Petition was filed by Hillsborough County and assigned the case number DCA09-WAI-303.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula Ford, Agency Clerk, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on September 8, 2009, the South Florida Water Management District (District), received a petition for waiver from Florida Department of Transportation, Application No. 09-0806-2M for a Modification of Right of

Way Occupancy Permit Number 12821, for utilization of Works or Lands of the District known as the C-11 Canal, to install one multi-post street sign within the District's right of way of C-11, Section 26, Township 50 South, Range 40 East, Broward County. The petition seeks relief from subsections 40E-6.011(4) and (6), F.A.C., 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.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail at jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN that on September 3, 2009, the South Florida Water Management District (District), received a petition for waiver from Miami-Dade Park and Recreation Department, Application No. 09-0311-6M for a Modification of Right of Way Occupancy Permit Number 8026, for utilization of Works or Lands of the District known as C-1, Miami-Dade County, for a proposed fishing deck to be constructed at the top of the canal bank and proposed various improvements to their existing linear Biscayne Trail Park. Improvements include maintenance of existing pedestrian facilities, construction of a picnic shelter and other appurtenances and existing landscaping consisting of trees within the northerly right of way of C-1, Sections 22 and 27, Township 56 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4) and (6), F.A.C., 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.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail at jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that on July 16, 2009, the Department of Management Services has issued an order.

The order grants a waiver or variance from the requirements of subsection 60L-39.005(1), Florida Administrative Code, which incorporates by reference Form DMS-ADM-100. Form DMS-ADM-100 requires that applicants for the Florida State Employees' Charitable Campaign provide a copy of page one

of the organization's most recent filing of IRS Form 990 attached to the application to determine whether the applicant's fundraising and administrative expenses exceed 25% in violation of Section 110.181(1)(h)1, Florida Statutes. Petitioner is an integrated auxiliary of Calvary Chapel Church, Inc. Compliance would cause a hardship for Petitioner because pursuant to Section 6033 of the Internal Revenue Code and its regulations promulgated thereunder, specifically Regulation 1.6033-2(g), an annual IRS Form 990 return is not required to be filed by an organization exempt from taxation under Section 501(a) of the Internal Revenue Code recognized as an integrated auxiliary. An emergency exists because all appeals regarding qualification to participate in the Florida State Employees' Charitable Campaign must be concluded in time to allow timely publication of authorized participating organizations in the FSECC.

A copy of the Order may be obtained by contacting: Debbie Shoup, Agency Clark, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-2400.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on June 01, 2009, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Variance, filed on November 7, 2008, by Gregory A. Folli. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 45, of the November 7, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release for the first test section passed. The Board considered the instant Petition at a duly-noticed public meeting held on December 4, 2008, in Tallahassee.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it has received a petition, filed on September 4, 2009, by Geoffrey D. Freebern, NCSP, seeking a variance or waiver of Rule 64B19-13.003, F.A.C., which requires that sponsors providing continuing psychological education be approved by the Board or the American Psychological Association.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board of Psychology within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on August 27, 2009, the Department of Health, received a petition for Temporary Variance from paragraph 64E-16.005(1)(b), Florida Administrative Code, from Teri L. Donaldson on behalf of STERICYCLE, INC. Subsection (1) of subsection 64E-16.005(1), Florida Administrative Code, requires that biomedical waste bags and sharps containers be labeled with the generator's name and address unless treatment occurs at the generating facility, and paragraph (1)(b), of the rule requires that outer containers be labeled with the transporter's name, address, registration number, and 24-hour telephone number prior to transport. The Petitioner requests a temporary variance from the rules to allow the Petitioner to vary from the requirement for labeling of individual, reusable sharps containers that are transported on secured wheeled racks that are specific to each biomedical waste generator. Comments on this Petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277, extension 4273.

Section VI**Notices of Meetings, Workshops and Public Hearings****DEPARTMENT OF STATE**

The **Department of State, Division of Cultural Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 6, 2009, 9:00 a.m.

PLACE: Clinic Conference Room, Brevard Children's Medical Services, 2566 Judge Fran Jamieson Way, Viera, FL 32940

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Art Selection Committee for this facility will evaluate and discuss artworks submitted for review and determine artwork sites and media.

A copy of the agenda may be obtained by contacting: Lee Modica, ASB Administrator, 500 S Bronough Street, Tallahassee, FL 32399-0250, (850)245-6476.

Pursuant to the provisions of 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: Morgan Lewis at (850)245-6356. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys, announces the following full Council meeting, public hearing, and telephone conference meetings which all persons are invited to attend.

Committees on Improving Foster Care and Family Issues and Health Status

DATE AND TIME: October 5, 2009; 10:00 a.m. – 12:00 Noon
Toll Free Dial in Number: (888)808-6959

Conference Code: 6532211382

Socio-Economic and Educational Outcomes Committee

DATE AND TIME: October 5, 2009; 2:00 p.m. – 3:00 p.m.

Toll Free Dial in Number: (888)808-6959

Conference Code: 6532211382

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting: <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact Fredrica Doctor or Travis Dudley at (850)414-3369 or (850)414-3355.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Fertilizer Technical Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 1, 2009; 10:00 a.m.

PLACE: Florida Citrus Building; 2nd Floor, Florida Conference Room, 500 3rd Street, Northwest, Winter Haven, Florida, 33881; (863) 291-5820.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Council during which there will be a review of pertinent fertilizer issues.

A copy of the agenda may be obtained by contacting: Mr. Weldon Collier, (850)414-1555

For more information, you may contact: Mr. Weldon Collier, Chief of Program Planning, 3125 Conner Boulevard, Suite F, Tallahassee, Florida 32399; (850)414-1555.

The **Pest Control Enforcement Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2009; 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, AES Conference Room, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650; (850)488-8731

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

A copy of the agenda may be obtained by contacting: Mr. Michael J. Page, Chief of Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301; (850)921-4177.

The **Florida Coordinating Council on Mosquito Control** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2009; 10:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services; Alachua Regional Service Center, East Building, 14101 Northwest Highway 441, Alachua, Florida 32615; (386)418-5500.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

A copy of the agenda may be obtained by contacting: Mr. Michael J. Page, Chief of Bureau of Entomology and Pest Control; 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida, 32301; (850)921-4177.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2009, 1:00 p.m. – 2:30 p.m.

PLACE: The Renaissance Resort at World Golf Village, 500 South Legacy Trail, Saint Augustine, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Dept. of Agriculture and Consumer Services to discuss and review Council programs and budget issues.

Additional information may be obtained by writing to: Lisa M. Bassett, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, telephone: (850)921-8001.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours in advance by contacting Ms. Bassett at the number above.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: The Renaissance Resort at World Golf Village, 500 South Legacy Trail, Saint Augustine, FL 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Liquefied Petroleum Gas Advisory Board and representatives of the Florida Dept. of Agriculture and Consumer Services to discuss department programs and issues of industry interest.

A copy of the agenda may be obtained by contacting: Bureau of LP Gas Inspection at (850)921-8001

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lisa M. Bassett, (850)921-8001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lisa M. Bassett, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001

DEPARTMENT OF EDUCATION

The **Florida State University**, FCRC Consensus Center announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 24, 2009, 10:00 a.m. – 1:00 p.m.

PLACE: University Center Club, 5th Floor, Doak Campbell Stadium Complex, FSU, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Our Advisory Council will meet to receive updates on budgets and projects for 2009-2010 and to review our five year strategic

and business plans. Ken Haddad of the Florida Fish and Wildlife Commission will speak during lunch on Consensus Building and Ecosystem Restoration.

A copy of the agenda may be obtained by contacting: Lisa Fowler (850)644-7063

The **Florida State University**, FCRC Consensus Center and The Stormwater Management System Design Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 7, 2009, 9:00 a.m. – 5:00 p.m. (including public workshop)

PLACE: DEP Orlando office. 3319 Maguire Blvd., Suite 232, Orlando, FL 32803 (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 4th meeting of the Stormwater Management System Design Task Force and the final public workshop. 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 (850)644-7063

The **Florida Public Archaeology Network** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 30, 2009, 2:00 p.m. (CST)

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Brevard Community College's decision to no longer host the FPAN East Central Region Center.

A copy of the agenda may be obtained by contacting: On our web site: www.flpublicarchaeology.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Contact the UWF ADA Office at 1(850)857-6114 (TTY) or 1(850)473-7469. If you are 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: Cheryl Phelps, FPAN Office Administrator at (850)595-0050 or email: cphelps@uwf.edu.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs**, Century Commission for a Sustainable Florida announces a public meeting to which all persons are invited.

DATE AND TIME: October 5, 2009; 10:00 a.m. until completion

PLACE: 301 Capital (Senate Press Center), Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: During the upcoming meeting, the members will continue to discuss the Commission's statutory role, including how to address the impacts of population growth during the next 25-50 years.

In addition, an orientation will be provided for the new Commissioners including an overview of the Sunshine Laws. Discussions will also include planning for the upcoming year.

A copy of the agenda may be obtained by contacting: (850)219-0082, ext. 5 or by visiting the web site.

All information regarding this meeting and the Century Commission may be obtained at the Internet address www.centurycommission.org.

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: October 2, 2009, 10:00 a.m.

PLACE: Betty Easley Conference Center, Southwood Campus, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

Pursuant to the provisions of 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 Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Subcommittee on Training of the State Emergency Response Commission (SERC)** for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: October 1, 2009, 9:30 a.m.

PLACE: Betty Easley Conference Center, Southwood Campus, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the SERC Subcommittee on Training and other hazardous materials training issues.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Local Emergency Planning Committee, Chairpersons and Staff Contacts for the **State Emergency Response Commission (SERC)** for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: October 1, 2009, 1:30 p.m.

PLACE: Betty Easley Conference Center, Southwood Campus, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committee in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

DEPARTMENT OF LAW ENFORCEMENT

The **Florida Criminal Justice Executive Institute** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday September 29, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: FDLE/CJPP, 2331 Phillips Road, Tallahassee, Florida 32308. Conference Call: 1(888)808-6959. When prompted, enter 4108508 followed by the # sign. Call five minutes before 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To report accomplishments and receive direction from the Florida Criminal Justice Executive Institute Policy Board about additional programs.

A copy of the agenda may be obtained by contacting: David Brand, Education and Training Administrator, Florida Department of Law Enforcement at (850)410-8629, email: davidbrand@fdle.state.fl.us or write: 2331 Phillips Road, Tallahassee, Florida 32308, Attention: David Brand.

Pursuant to the provisions of 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: David Brand, Education and Training Administrator, Florida Department of Law Enforcement at (850)410-8629, email: davidbrand@fdle.state.fl.us or write: 2331 Phillips Road, Tallahassee, Florida 32308, Attention: David Brand. If you are 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: David Brand, Education and Training Administrator, Florida Department of Law Enforcement at (850)410-8629, email: davidbrand@fdle.state.fl.us or write: 2331 Phillips Road, Tallahassee, Florida 32308, Attention: David Brand.

DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2009, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Bldg., Auditorium, 605 Suwannee Street, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or persons under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

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

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: September 28, 2009, 2:00 p.m.

PLACE: The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Audit Committee

A copy of the agenda may be obtained by contacting: Loveleen Verma, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308.

Pursuant to the provisions of 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: James Linn, (850)413-1166. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, October 14, 2009; October 21, 2009; October 28, 2009, 8:30 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission at (850)488-1293.

Pursuant to the provisions of 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 Parole Commission at ada@fpc.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *October 5, 2009, 9:30 a.m.

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 the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a public customer meeting to which all persons are invited. A customer meeting was initially held on August 24, 2009. Subsequent to that customer meeting, it was discovered that the initial customer notice failed to indicate that the final proposed rates for the base facility charge do not include minimum gallon amounts and that all gallonage will be billed separately. A second customer notice is being provided to provide this further clarification. This second notice of customer meeting is being offered to allow customers to express any additional comments and concerns with the company's proposed final rates.

DATE AND TIME: Monday, October 5, 2009, 6:00 p.m.

PLACE: Pensacola Junior College, Hagler Auditorium, Building 2, Room 252, 1000 College Blvd., Pensacola, Florida 32504

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080695-WU – Application for general rate increase by Peoples Water Service Company of Florida, Inc.

The purpose of this customer meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. Commission Staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the Utility may also be in attendance. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the customer meeting. All persons who wish to comment are urged to be present at the beginning of the meeting, since the meeting may be adjourned early if no customers are present.

A copy of the agenda may be obtained by contacting: Mr. Bob Casey at (850)413-6974.

EMERGENCY CANCELLATION OF CUSTOMER MEETING: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

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

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: October 6, 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 the Office of Commission Clerk at (850)413-6770 or writing to the Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website, at <http://www.floridapsc.com>, at no charge. Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal

is based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service** (Volunteer Florida) announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, September 28, 2009, from 8:00 a.m. until all business is complete

PLACE: (888) 808-6959 passcode 1918015

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission Quarterly Committee meetings. Schedule of calls below:

- 9:00 – Volunteer Services
- 10:00 – Legislative
- 11:00 – Communications
- 1:00 – Finance & Audit
- 2:00 - Grants/AmeriCorps
- 3:00 - Disability Outreach
- 4:00 - Emergency Management
- 5:00 - Executive

A copy of the agenda may be obtained by contacting: Kristin Mullikin

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Kristin Mullikin. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kristin Mullikin at (850)921-5172 or kristin@volunteerflorida.org.

The **Florida Energy and Climate Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 29, 2009, 8:00 a.m. – 11:00 a.m.

PLACE: Marshall Student Center, The Oak Room, University of South Florida, 4202 E. Fowler Ave., MSC 3707, Tampa, FL 33620

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Energy & Climate Commission (Commission) will hold a meeting to hear presentations on energy and climate change, discuss and consider mechanisms for implementing the American Recovery and Reinvestment Act Spending Plan, and other Commission business.

A copy of the agenda may be obtained by contacting: Brittany Cummins at (850)487-3800.

Pursuant to the provisions of 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: Brittany Cummins at (850)487-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 21, 2009, 4:00 p.m.; Executive Committee meeting at 3:00 p.m.

PLACE: Niceville City Hall, 208 North Partin Drive, Niceville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: After commencement of the open meeting but prior to conducting the regular business of the Council, a closed door attorney-client session pursuant to Section 286.011(8), Florida Statutes (2009, to discuss strategy related to litigation expenditures and/or settlement negotiations in *Deborah Nickles v. West Florida Regional Planning Council*, United States District Court, Northern District of Florida, Civil Action No. 3:09cv249/MCR/MD. The subject matter shall be confined to the pending litigation.

ATTENDEES: Council members Joseph Ashbrook, Ira Mae Bruce, Charles Carlan, William T. Dozier, Henry D. Ennis, Cindy Frakes, Wayne Harris, Brenda Hendricks, Grady Hester, Bill Howell, Ken Meer, Virgil Miller, Ron Monk, Sydney Joel Pate, Kenneth Pridgen, Billy Rader, Bill Roberts, Wilson Robertson, Grover Robinson, J. D. Smith, Patricia Thornber, Jim Williamson, P. C. Wu, Douglas Barr, Glenda Duncan, James Campbell, Daryl Boudreau and Bridget M. Merrill; Executive Director Terry Joseph; Council Attorney Ralph A. Peterson; and a certified court reporter.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the private attorney-client 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: WFRPC at 1(800)226-8914, (850)332-7976 or www.wfrpc.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Ms. Terry Joseph, Executive Director, WFRPC, e-mail: terry.joseph@wfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Terry Joseph, Executive Director, WFRPC, e-mail: terry.joseph@wfrpc.org.

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 30, 2009, RUA Joint Board and Technical Advisory Committee (TAC) meeting 1:00 p.m. to 3:00 p.m. CDT

PLACE: 4081 East Olive Road, Suite A; Pensacola, FL 32514. Seating is limited, and you may teleconference in at (800)747-5151, access code 2404887

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: Ms. Mary Gutierrez, 1(800)226-8914 x226. If you are 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 **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, October 1, 2009; Planning & Growth Management Committee, 8:30 a.m.; Personnel, Budget & Finance Committee, 9:00 a.m.; Full Board of directors at 10:00 a.m.; Legislative Committee immediately following the Board Meeting. Please check our website for any changes in meeting times.

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde, (904)279-0880 or sforde@nefrc.org

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 24, 2009, 10:30 a.m. (ET)

PLACE: Ramada Conference Center, 2900 N. Monroe Street, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agency will include the review of any local government plan amendments received in a timely manner.

A copy of the agenda may be obtained by contacting: Janice Watson, ARPC, 20776 Central Avenue, East, Blountstown, FL 32424.

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.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 29, 2009, 10:00 a.m. – 12:00 Noon

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Director, or his designee, will conduct a public meeting to receive public comment on pending applications for individual consumptive use permits and individual environmental resource permits. An agenda will be available at least 7 days before the meeting; the agenda will identify those permit applications for which the District will receive public testimony or information.

A copy of the agenda may be obtained by contacting: RIM (Division of Regulatory Information Management), St. Johns River Water Management District, Attention: Vicki Young, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4523, or by visiting the District's web site at www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk (386) 329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, October 13, 2009

8:15 a.m. – Chairwoman's Meeting

9:00 a.m. – Projects and Land Committee

10:00 a.m. – Finance, Administration & Audit Committee (or upon conclusion of the Projects & Land Committee meeting, whichever occurs later)

11:00 a.m. – Regulatory Committee

1:00 p.m. – Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, or by phone (386)329-4214, or by visiting the District's website at www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk, (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 29, 2009, 9:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 Highway 301 N., Tampa, FL 33637 (This is a change in location from the published calendar.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: GOVERNING BOARD WORKSHOP (9:00 a.m.), GOVERNING BOARD COMMITTEE MEETINGS AND BOARD MEETING (12:30 p.m.), AND GOVERNING BOARD FINAL BUDGET HEARING (5:01 p.m.): Governing Board Workshop, Committee meetings, Governing Board

meeting, and public hearing. Governing Board final hearing for adoption of District and Watershed Basin final millage rates and budget for fiscal year 2010. (Ad Order 64081)

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida, 34604; 1(800)423-1476 (FL only) or (352)796-7211; Frances Sesler, ext. 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at the address above; (352)796-7211 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email ADACoordinator@swfwmd.state.fl.us. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. If you are 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 **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: South Miami-Dade County Canal Agricultural Drawdown Study - Monday September 28, 2009; 10:00 a.m. – 12:00 Noon

PLACE: 18710 S.W. 288th St., Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Miami-Dade County Canal Agricultural Drawdown

A copy of the agenda may be obtained by contacting: Maura Merkmal, (561)686-8800, ext. 3719; email: mmerkmal@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, (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 (561)682-2087.

The **Water Resources Advisory Commission (WRAC) Lake Okeechobee Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: September 30, 2009, 9:00 a.m. – 4:00 p.m.
PLACE: Indian River State College, Auditorium, 2229 N.W. 9th Avenue, Okeechobee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting of the Water Resources Advisory Commission (WRAC) regarding issues of the restoration and protection of Lake Okeechobee; and the Caloosahatchee and St. Lucie Estuaries. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.swfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Big Cypress Basin** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 30, 2009, 8:00 a.m. – 12:00 Noon

PLACE: Designated access point will be Big Cypress Basin, 2640 Golden Gate Pkwy., Suite 205, Naples, Florida, 34105

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of the Works of the Basin.

A copy of the agenda may be obtained by contacting: Lisa Koehler at (239)263-7615.

Pursuant to the provisions of 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: Lisa Koehler at (239)263-7615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Lisa Koehler at (239)263-7615.

The **South Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: October 7, 2009, 2:30 p.m. – 4:30 p.m.

PLACE: South Florida Water Management District, B1 Headquarters Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Additional workshop regarding amendments to the year-round landscape irrigation conservation measures in Rules 40E-2.051, 40E-2.061, 40E-2.091, 40E-2.331, 40E-24.011, 40E-24.101, 40E-24.201, 40E-24.301, 40E-24.401, 40E-24.501, 40E-20.091 and 40E-20.331, F.A.C. District staff is proposing to amend the landscape irrigation measures currently in place in Lee, Collier and portions of Charlotte County and to expand those conservation measures throughout the region of the South Florida Water Management District. District staff is also proposing to adopt amendments to create a general permit by rule for landscape irrigation use and to allow modification of such a permit that does not allow more cumulative days and time to conduct landscape irrigation than those provided under Chapter 40E-24, F.A.C. Lastly, the District is proposing to adopt amendments to the water conservation measures in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District” to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24, F.A.C.

The latest revision to the rule text will be posted on the District’s website at www.sfwmd.gov one week prior to the workshop.

A copy of the agenda may be obtained by contacting: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone (800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov. For procedural issues contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@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: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (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: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone (800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov. For procedural issues contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 2, 2009, 10:00 a.m. – 5:00 p.m. (EDT)

PLACE: Embassy Suites Hotel Orlando North, 225 Shorecrest Drive, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the initiatives that the advisory council and the department wish to undertake.

A copy of the agenda may be obtained by contacting: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone number: (850)414-2318; Email address: hultsw@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone number: (850)414-2318; Email address: hultsw@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone number: (850)414-2318; Email address: hultsw@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 30, 2009, 10:00 a.m.

PLACE: Agency for Health Care Administration, Conference Room “A”, 2727 Mahan Drive, Tallahassee, Florida. Any person interested in participating by telephone may dial (218)339-2410/Pass Code: 5384968#. If you have any difficulty accessing the teleconference, please call the Florida Center’s main number at (850)922-5771.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the State Consumer Health Information and Policy Advisory Council to which all interested parties are invited. The purpose is to conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by contacting: Jennifer Green, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at <http://ahca.myflorida.com/SCHS/chismetings.shtml> seven (7) days prior to the 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: Jennifer Green at (850)922-4381. If you are 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: Jennifer Green at (850)922-4381.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 30, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: Fort Knox Office Complex, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Medical Home Task Force will assist the Agency in developing a plan to implement a Medical Home Pilot as authorized in Section 409.91207(5), F.S. All interested parties are encouraged to attend.

A copy of the agenda may be obtained by contacting: Tiffany Williams, Agency for Health Care Administration, Division of Medicaid, 2727 Mahan Drive, MS #48, Tallahassee, Florida 32308. Agendas can also be requested via e-mail: williamt@ahca.myflorida.com or by calling (850)922-7312.

Pursuant to the provisions of 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: Tiffany Williams, at the address or phone number given above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 16, 2009, 1:00 p.m. – 4:00 p.m (EST)

PLACE: Agency for Health Care Administration, Fort Knox Business Center, 2727 Mahan Drive, Bldg. 3, Conf Room A, Tallahassee, FL 32308, Dial In Number: 1(866)882-6451, Conference ID: 25196023.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Technical Advisory Panel Meeting.

A copy of the agenda may be obtained by contacting: dilmores@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: ruisj@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: ruisj@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services (DMS)** announces a public meeting to which all persons are invited.

DATE 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 (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, (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 (850)410-0709, bill.price@dms.myflorida.com.

The **Department of Management Services**, Joint Task Force Technical and Standard Operating Procedures Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 18, 2009, 9:00 a.m. – 1:00 p.m.

PLACE: Woodcrest Office Complex, Building K, 325 John Knox Road, Tallahassee, Florida 32303; Call-In Number: 1(888)808-6959; Passcode 4108307

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss SLERS Partners Cost Sharing.

A copy of the agenda may be obtained by contacting: Victor Cullars, Florida Department of Law Enforcement ((850)410-8300) or Todd Preston, Fish and Wildlife Conservation Commission ((850)410-0656, Ext. 17120).

The **Department of Management Services**, Joint Task Force on State Agency Law Enforcement Communications announces a public meeting to which all persons are invited.

DATE AND TIME: September 30, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399-0950. The Conference Call Number: (850)245-5733

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters of the Statewide Law Enforcement Radio System.

A copy of the agenda may be obtained by contacting: Bruce Meyers at (850)922-7510 or bruce.meyers@dms.myflorida.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Home Inspectors** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 1, 2009, 9:00 a.m.

PLACE: Florida State College at Jacksonville, Kent College, 3939 Roosevelt Blvd., Jacksonville, FL 32205

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and receive input on grandfathering, criminal background checks and examination information.

A copy of the agenda may be obtained by contacting: Bruce Grant, Home Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bruce Grant, Home Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399. If you are 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: Bruce Grant, Home Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Mold-Related Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 1, 2009, 1:30 p.m.

PLACE: Florida State College at Jacksonville, Kent Campus, 3939 Roosevelt Blvd., Jacksonville, FL 32205

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and receive input on Grandfathering, criminal background checks and examination information.

A copy of the agenda may be obtained by contacting: Bruce Grant, Mold-Related Services, 1940 North Monroe Street, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bruce Grant, Mold-Related Services, 1940 North Monroe Street, Tallahassee, FL 32399. If you are 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: Bruce Grant, Mold-related Services, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Mold Related Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 29, 2009, 1:30 p.m.

PLACE: The Capital, 301 Senate Office Building, 404 South Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and receive information on criminal background checks and examination information.

A copy of the agenda may be obtained by contacting: Bruce Grant, Mold-Related Services, 1940 North Monroe Street, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bruce Grant, Mold-Related Services, 1940 North Monroe Street, Tallahassee, FL 32399. If you are 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: Bruce Grant, Mold-Related Services, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Home Inspectors** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 29, 2009, 9:00 a.m.

PLACE: The Capital, 301 Senate Office Building, 404 South Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and receive input on grandfathering, criminal history background checks and examination information.

A copy of the agenda may be obtained by contacting: Bruce Grant, Home Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bruce Grant, Home Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399. If you are 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: Bruce Grant, Home Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: September 22, 2009, 9:00 a.m. and 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of 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: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are 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: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The **Probable Cause Panel of the Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIME: September 29, 2009, 9:00 a.m.

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

Pursuant to the provisions of 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: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062. If you are 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: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

The **Florida Engineers Management Corporation Board** Operations Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2009, 8:30 a.m. (EST) or as soon thereafter as practicable

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida 32082; (904)285-7777.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee.

A copy of the agenda may be obtained by contacting: Wendy Gregory

Pursuant to the provisions of 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 If you are 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; wgregory@fbpe.org; (850)523-1619

The **Florida Engineers Management Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2009, 10:00 a.m. (EST) or as soon thereafter as practicable

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida 32082; (904)285-7777

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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 If you are 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; wgregory@fbpe.org 850-523-1619

The **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Monday, October 5, 2009 or Tuesday, October 6, 2009, 8:30 a.m. and continuing until all Board business is complete

PLACE: Division of Real Estate, Room N901, North Tower; 400 W. Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board: Topics include, but not limited to, proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions, and general subject matter.

A copy of the agenda may be obtained by contacting: Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1757.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: the Division of Real Estate at (407)481-5632. If you are 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 Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 7, 2009, 9:00 a.m., or soon thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: The Division of Real Estate, Room N901, North Tower; 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. Portions of the probable cause proceedings are not open to the public. All or

part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 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 five (5) days before the workshop/meeting by contacting: The Division of Real Estate at (407)481-5632. If you are 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 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: Wednesday, September 30, 2009, 9:00 a.m.

PLACE: City of Port St. Lucie, Building B Training Room, 121 S.W. Port St. Lucie Blvd., Port St. Lucie, FL 34984

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting is the second meeting to discuss St. Lucie Basin Management Action Plan (BMAP) development. The BMAP will document implementation activities for adopted Total Maximum Daily Loads in the St. Lucie Basin. Discussion topics include nutrient sources in the St. Lucie Basin and key issues affecting BMAP development.

A copy of the agenda may be obtained by contacting: Jennifer Gihring, Department of Environmental Protection, Watershed Planning and Coordination Section, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400 or via phone at (850)245-8418.

Pursuant to the provisions of 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: Anita Nash at (850)245-8545. If you are 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: Wednesday evening, September 30, 2009, 6:00 p.m. to not later than 8:00 p.m. (C.S.T.)

PLACE: Panama City Beach City Hall, 110 S. Arnold Road (southwest intersection of Highway 98 and State Road 79), Panama City Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to receive public comments regarding the implementation of the Ecosystem Management Agreement (EMA) between the Department and the St. Joe Company for portions of Bay and Walton counties, in accordance with Section XV, paragraph 4. of the EMA. The EMA, implemented in October 2004, authorized dredging and filling in waters of the state, established two mitigation banks, and authorized construction and maintenance of stormwater facilities associated with residential, commercial, recreational and institutional projects, including compliance with state water quality standards. The Department will present a brief overview of the EMA as well as provide a list of the projects approved under the EMA since October 2004. Specifically, the Department will receive public comment on whether there is cause for the Department to terminate the EMA. The EMA and list of approved projects can also be viewed on the Department's web site at: <http://www.dep.state.fl.us/northwest/StJoeEMA/joeema.htm>

A copy of the agenda may be obtained by contacting: Larry O'Donnell, Department of Environmental Protection, 160 Governmental Center, Suite 201, Pensacola, FL 32502, (850)595-8300, ext. 1129

Pursuant to the provisions of 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: Larry O'Donnell at (850)955-8770. If you are 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 24, 2009, 9:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, 2301 McGregor Blvd., Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting to discuss technical issues related to the Tidal Caloosahatchee Basin Management Action Plan (BMAP). Discussion topics will include the BMAP development process and key issues affecting BMAP development.

A copy of the agenda may be obtained by contacting: Beth Alvi, Department of Environmental Protection, Watershed Planning and Coordination Section, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400 or via phone at (850)245-8559.

Pursuant to the provisions of 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: Beth Alvi at (850)245-8559. If you are 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: Wednesday, September 23, 2009, 1:30 – 4:30 p.m.

PLACE: South Florida Water Management District, 2301 McGregor Blvd., Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting to discuss technical issues related to the Hendry Creek and Imperial River Basin Management Action Plan (BMAP). Discussion topics will include the BMAP development process in the two Basins and key issues affecting BMAP development.

A copy of the agenda may be obtained by contacting: Beth Alvi, Department of Environmental Protection, Watershed Planning and Coordination Section, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400 or via phone at (850)245-8559.

Pursuant to the provisions of 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: Beth Alvi at (850)245-8559. If you are 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**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 9, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 4513843

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado by e-mail at rebecca.prado@dep.state.fl.us or by phone at (850)245-2094 or by mail at 3900 Commonwealth Blvd., MS #235, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Becky Prado by e-mail at rebecca.prado@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Siting Coordination Office** announces a hearing to which all persons are invited.

DATES AND TIME: November 3, 2009, 9:00 a.m. and continuing as necessary through November 6, 2009

PLACE: Hilton Garden Inn, 3505 Kyoto Gardens Drive, Palm Beach Gardens, FL 33410

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administrative Law Judge Johnston will conduct a hearing to consider the environmental effects and any other appropriate matters regarding whether to approve the site certification of the proposed Florida Power & Light Riviera Beach Energy Center application for site certification number PA 09-54, DOAH Case number 09-001003EPP, DEP Office of General Counsel Case Number 09-0262, pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501-.518, F.S. Judge Johnston will prepare a Recommended Order for submission to and final action by the Governor and Cabinet acting as the Siting Board. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the water management district, the Department of Environmental Protection, the regional planning council, the local government, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S., as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty, to protect the environment, personal health, or other biological values, to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups, or to promote comprehensive planning or

orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with Administrative Law Judge Johnston, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, at least 30 days prior to the date of the certification hearing. Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a party upon the request of the department or the applicant. The Certification hearing may be cancelled in accordance with Section 403.508(6)(a), F.S.; "No earlier than 29 days prior to the conduct of the certification hearing, the department or the applicant may request that the administrative law judge cancel the certification hearing and relinquish jurisdiction to the department if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, and if sufficient time remains for the applicant and the department to publish public notices of the cancellation of the hearing at least 3 days prior to the scheduled date of the hearing."

A copy of the agenda may be obtained by contacting: Mr. Michael P. Halpin, P.E., Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2002.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jill Stoyshich, Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Michael P. Halpin, P.E., Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2002.

DEPARTMENT OF HEALTH

NOTICE OF CANCELLATION – The **Board of Dentistry**, Council on Dental Hygiene announces a telephone conference call to which all persons are invited.

DATE AND TIME: ****CANCELLATION**** September 22, 2009, 5:30 p.m.

PLACE: (888)808-6959 when prompted, enter conference code 2453454

GENERAL SUBJECT MATTER TO BE CONSIDERED: ****CANCELLATION**** To discuss Dental Hygiene issues.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

The **Board of Medicine** – PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 23, 2009, 2:00 p.m.

PLACE: To be held via Meet-Me Number (888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Susan Chase at (850)245-4640, ext. 8145 or email her at susan_chase@doh.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Susan Chase at (850)245-4640, ext. 8145 or email her at susan_chase@doh.state.fl.us If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Nursing and Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 7, 2009, 5:00 p.m. or later

PLACE: Radisson Worldgate Resort, 3011 Maingate Lane, Kissimmee, FL 34747, (407)396-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Board of Nursing (Full Board) will meet to take public comments for consideration in the interpretation of House Bill 1209 (Section 464.019, Florida Statutes) as well as conduct general business of the Practice Committee, Advanced Practice Committee, Legislative Committee, & Special Education Committee.

A copy of the agenda may be obtained by contacting: www.doh.state.fl.us/mqa/nursing.

Pursuant to the provisions of 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: Florida Board of Nursing at (850)245-4158. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Board of Nursing at (850)245-4158.

The **Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2009, 8:00 a.m.

PLACE: Residence Inn Tallahassee Universities at the Capitol, 600 W. Gaines Street, Tallahassee, FL 32304, (850)329-9080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the agenda may be obtained by contacting: The public agenda will be available one week prior to the meeting date at www.doh.state.fl.us/mqa/pharmacy.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by contacting: the Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: The Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254, or (850)245-4292.

The Probable Cause Panel of the **Board of Speech-Language Pathology and Audiology** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 2, 2009, 10:00 a.m.

PLACE: Conference Call Number: (888)808-6959, Conference Code: 2454597

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Michael Lawrence, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of conference call meetings of its committees to which all interested parties are invited to participate. The committees are the Executive, Continuum of Care Capacity, Supportive Housing, Education & Training, Data Collection and Legal and Law Enforcement.

Committee: Executive

DATES AND TIME: Monday, October 5, 2009; Monday, November 2, 2009; and Monday December 7, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call 1(888)808-6959, code 9229760

Committee: Continuum of Care Capacity

DATES AND TIME: Wednesday, October 14, 2009; Wednesday, November 18, 2009, and Wednesday, December 9, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, code 9229760

Committee: Supportive Housing

DATES AND TIME: Wednesday, October 21, 2009; Wednesday, November 18, 2009; and Wednesday, December 16, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call 1(888)808-6959, code 9229760

Committee: Education and Training

DATES AND TIME: Friday, October 2, 2009; Friday, November 6, 2009; and Friday, December 4, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call 1(888)808-6959, code 9229760
Committee: Data Collection

DATES AND TIME: Monday, October 12, 2009; Monday, November 9, 2009; and Monday, December 14, 2009, 1:00 p.m. – 2:00 p.m.

PLACE: Conference Call 1(888)808-6959, code 9229760
Committee: Legal and Law Enforcement

DATES AND TIME: Tuesday, October 13, 2009; Tuesday, November 10, 2009 and Tuesday, December 8, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, code 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED:

These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Strategic Plan to reduce homelessness in Florida.

A copy of the agenda for any of the conference calls may be obtained by contacting: Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-4691.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact the Office on Homelessness at (850)922-4691 at least 48 hours in advance of the meeting.

DEPARTMENT OF FINANCIAL SERVICES

The workshop published in Vol. 35 No. 36, September 4, 2009 for the **Department of Financial Services, Division of State Fire Marshal** HAS BEEN CANCELLED:

DATE AND TIME: Thursday, September 24, 2009, 9:00 a.m.

PLACE: Conference Room, Building Three, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308; PARK IN THE VISITOR PARKING LOT BEHIND BUILDING 2.

GENERAL SUBJECT MATTER TO BE CONSIDERED: 69A-46.001 Scope, Fire Protection System Contractors and Systems.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Casia Sinco, Regulatory Program Manager, (850)413-3670. THIS WORKSHOP IS CANCELLED.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 13, 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: The Final Public hearing on the adoption of proposed amendments to Rule 690-156; Part 1, published on June 19, 2009 in Vol. 35, No. 24, was scheduled for December 8, 2009, has been rescheduled to October 13, 2009.

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 at 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 at Gerry.Smith@flor.com.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 6, 2009, 9:00 a.m. to conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol S. Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider a Workers' Compensation filing made by the National Council on Compensation Insurance, Inc., by which the Council requests an overall average decrease in rate levels of 6.8% for the voluntary market for all new and renewal Workers' Compensation Insurance policies written in the State of Florida, effective January 1, 2010.

A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by writing to the Office of Insurance Regulation, attention James Watford, Actuary, Room 212-F, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

Pursuant to the provisions of 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: Cindy Walden at (850)413-2616 or e-mail her at Cindy.Walden@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: James Watford, Actuary, Room 212-F, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology** Chief Information Officers Council announces a public meeting to which all persons are invited.

DATE AND TIME: September 28, 2009, 8:30 a.m. – 11:30 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Bryant Building, 620 South Meridian Street, Room G52C, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of the June 29, 2009 meeting to work on the State Chief Information Officers Council Strategic Plan for Fiscal Year 2009-2010.

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).

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2009, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting

A copy of the agenda may be obtained by contacting: Joe Wallace, (407)282-3944

TREASURE COAST EDUCATION AND RESEARCH DEVELOPMENT AUTHORITY

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: Wednesday, October 7, 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 September 3, 2009 Meeting, Reports, and such other business as the Committee and/or the Authority may deem appropriate.

A copy of the agenda may be obtained by contacting: The 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: Wednesday, October 7, 2009, 1:00 p.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 September 3, 2009 Meeting, Committee Reports, and such other business as the Authority may deem appropriate.

A copy of the agenda may be obtained by contacting: The Treasure Coast Education, Research and Development Authority (“Authority”) at (772)467-3107.

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.

SECURE AIRPORTS FOR FLORIDA’S ECONOMY COUNCIL

The **Secure Airports for Florida’s Economy (SAFE) Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 2, 2009, 10:00 a.m. (EST) (9:00 CST)

PLACE: Teleconference Meeting; (719)387-8317, Conference Code: 804386

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SAFE Council will hold a teleconference meeting to discuss and vote on the future direction of the SAFE Council.

A copy of the agenda may be obtained by contacting: Thomas Jewsbury at (727)453-7802, jewsbury@pinellascounty.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Thomas Jewsbury, (727)453-7802. If you are 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: Thomas Jewsbury, (727)453-7802.

INDEPENDENT COLLEGES AND UNIVERSITIES OF FLORIDA

The **Florida Higher Educational Facilities Financing Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 6, 2009, 12:00 Noon – 1:00 p.m.

PLACE: At the offices of the Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, FL 32301 and with teleconference facilities available at 1(866)578-5716, Conference Code 6813188.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to consider a certain resolution to amend the Higher Education Facilities Financing Authority (Florida) Flagler College Inc. Project 2005 and 2006 Bonds and to conduct regular board business.

A copy of the agenda may be obtained by contacting: Melissa Armstrong at the Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, FL 32301, 1(850)681-3188.

Pursuant to the provisions of 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: Melissa Armstrong at the Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, FL 32301, 1(850)681-3188. If you are 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: Melissa Armstrong at the Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, FL 32301, 1(850)681-3188.

WILLIAM W. “BILL” HINKLEY CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT

The **William W. “Bill” Hinkley Center for Solid & Hazardous Waste Management** announces a public meeting to which all persons are invited.

DATE AND TIME: October 2, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Orlando, Florida (exact location to be determined)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Advisory Board.

A copy of the agenda may be obtained by contacting: 352392-6264 or email: rogersrd@ufl.edu

ENTERPRISE FLORIDA, INC.

The **Enterprise Florida Legislative Policy Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 1, 2009, 10:00 a.m. – 10:30 a.m. EST

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of economic development legislative policy issues.

A copy of the agenda may be obtained by contacting: April Money (850)294-5864

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Ellen Stalnaker (407)956-5615 or Debra Flanders (407)956-5613. If you are 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: April Money (850)294-5864

The **Florida Opportunity Fund Board of Directors** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 21, 2009, 11:00 a.m. – 5:00 p.m.

PLACE: Enterprise Florida, 800 N. Magnolia Avenue, Suite 1100, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: On going issues, developing issues and other matters.

A copy of the agenda may be obtained by contacting: Peyton Woodard, (407)956-5696.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 1 days before the workshop/meeting by contacting: Ellen Stalnaker (407)956-5615 or Debra Flanders (407)956-5613. If you are 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: Ellen Stalnaker (407)956-5615.

BROWARD SOIL AND WATER CONSERVATION DISTRICT

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: September 23, 2009, 5:00 p.m.

PLACE: 6191 Orange Drive, Suite 6181-P, Davie, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District Board.

A copy of the agenda may be obtained by contacting: (954)584-1306 or Mail@BrowardSWCD.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)584-1306 or Mail@BrowardSWCD.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).

SMALL BUSINESS REGULATORY ADVISORY COUNCIL

The **Small Business Regulatory Advisory Council** announces a public meeting to which all persons are invited.

DATES AND TIMES: September 25, 2009, 9:00 a.m. Eastern – via teleconference, to be continued October 9, 2009, 9:00 a.m. Eastern, if needed.

PLACE: Teleconference participation is available by calling: 1(888)808-6959, Conference Code: 4737801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business, rule reviews, and Sunset Review scorecards and report.

A copy of the agenda may be obtained by contacting: Vicky Baker at vicky.baker@floridasbrac.org or (850)473-7816.

For more information, you may contact: Vicky Baker at (850)473-7816; email – vicky.baker@floridasbrac.org.

FLORIDA LEAGUE OF CITIES

The **Florida Municipal Construction Insurance Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 25, 2009, 4:15 p.m.

PLACE: Four Seasons, 2800 South Ocean Blvd, Palm Beach, FL (561)582-2800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684

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 HEALTH MAINTENANCE ORGANIZATION CONSUMER ASSISTANCE PLAN

The **Florida Health Maintenance Organization Consumer Assistance Plan** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 21, 2009, 2:00 p.m.

PLACE: Hammock Beach Resort, 200 Ocean Crest Drive, Palm Coast, FL 32137 or by telephone conference call in (877)434-2293, passcode: 8504251634.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Meeting of the FLHMOCAP Board of Directors

A copy of the agenda may be obtained by contacting: Terri Jay at (850)425-1628 or by email at terri.jay@akerman.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Terri Jay, (850)425-1628 or at terri.jay@akerman.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: Terri Jay, (850)425-1628 or at terri.jay@akerman.com

GOVERNOR'S COMMISSION ON DISABILITIES

The **Atlanta Regional Census Center of the U. S. Census Bureau** announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday October 1, 2009, 9:00 a.m. – 5:00 p.m. or until close of business; Friday October 2, 2009, 9:00 a.m. – 12:00 p.m. or until close of business

PLACE: Buena Vista Palace Hotel & Spa, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 2010 Census Summit will bring leaders together from organizations from the disabled and homeless communities to ensure an accurate and complete count for the 2010 Decennial Census.

A copy of the agenda may be obtained by contacting: Barbara Holder, (404)335-1511

Pursuant to the provisions of 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: Barbara Holder (404)335-1511. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Bonita Springs Fire Control and Rescue District, Petitioner, Case #104163-09-FM, on April 30, 2009. The following is a summary of the agency’s disposition of the petition:

A hearing was conducted in Melbourne, Florida on August 10, 2009. The petition asks two questions. The first question is whether the local authority having jurisdiction can waive the Life Safety Code adopted by rule of the Department. The answer is no; only the Department can waive a rule. The second question is whether two doors opening into one set of stairs leading to the outdoors meets the requirements of the Life Safety Code. The answer is no. Two separate means of egress must be provided. The phrase “means of egress” includes three parts: door to stairway, stairway, and door to the outside.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340; or by e-mailing your request to Lesley.Mendelson@myfloridacfo.com.

NOTICE IS HEREBY GIVEN THAT The Department of Financial Services, Office of Insurance Regulation, has received the petition for declaratory statement from EliteHealth.MD, LLC. The petition seeks the agency’s opinion as to the applicability of Sections 641.40-.459, Florida Statutes, and Rules 69O-194.002 and 69O-194.030, Florida Administrative Code, as it applies to the petitioner.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Amanda Parnell, Legal Services Office, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-4206, telephone (850)413-4281.

Please refer all comments to: Amanda Parnell, Legal Services Office, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-4206, telephone (850)413-4281.

NOTICE IS HEREBY GIVEN THAT The Financial Services Commission, Office of Insurance Regulation has received the petition for declaratory statement from Client First Settlement Funding, LLC, Case No. 106407-09, on September 1, 2009. The petition seeks the agency’s opinion as to the applicability of as it applies to the petitioner.

The petition seeks a declaratory statement from the Office whether the structured settlement assignment program described in the Petition requires a Certificate of Authority pursuant to Section 624.401, Florida Statutes. Interested or affected persons may file written comments at the address below on or before September 30, 2009.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Stephen Fredrickson, Assistant General Counsel, Legal Services Office, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-4206, telephone (850)413-4144 or via e-mail at Steve.Fredrickson@floi.com.

Please refer all comments to: Stephen Fredrickson, Assistant General Counsel, Legal Services Office, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-4206, telephone (850)413-4144 or via e-mail at Steve.Fredrickson@floi.com.

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 STATE

Procurement bid and meeting notices

The Department of State purchasing office, in accordance with Section 120.525 F.S., hereby notices interested parties that procurement related public meeting notices, formal solicitations and request for information shall be posted within the Vendor Bid System (VBS) and not by re-advertised in the Florida Administrative Weekly. Amendments, addenda and meeting notice timeline changes shall also post with the VBS. The VBS may be accessed at: http://vbs.dms.state.fl.us/vbs/main_menu.

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida Board of Trustees announces that CM-At-Risk services will be required for the project listed below:

Project: UF-319, Cellulosic Ethanol Plant (Perry, Florida)

The project consists of the construction of a new Biorefinery Pilot Plant on the Florida Buckeye site in Perry Florida. UF/IFAS, Myriant Technologies (UF licensee), and Buckeye Technologies will apply a BioEnergy International, LLC (BEI) technology that will combine a feedstock-flexible biochemical sugar conversion technology for advanced biofuels with expertise in biobased chemicals production for a novel integrated biochemical process. The commercial production of organic acids as intermediate chemicals to competitively displace petroleum-derived chemicals will improve the technical and economic feasibility of fuel production in biorefineries, with chemical building blocks as the bio-chemical with the highest potential to replace petrochemicals.

The total project budget is \$19,500,000.00, including site improvements, underground utilities, fees, surveys & tests, total building commissioning, furnishings & equipment, and contingencies. Construction shall be "fast-tracked" to begin by March 2010, with an estimated construction budget of \$14,000,000.

The contract for construction management services will consist of two phases, pre-construction and construction. Pre-construction services will begin at the FEL 3 stage and will include production of cost studies and estimates; value engineering; analysis of the design documents for constructability, coordination, detailing, materials, and systems; development and maintenance of the construction schedule; production of detailed jobsite management plans; development of strategies for the procurement of trade contracts; and development of a Guaranteed Maximum Price (GMP) proposal based on 90% Construction Documents. If the GMP proposal is accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager's contract.

Applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 25 double-sided, consecutively-numbered pages, with no hard covers, and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and Facilities Program.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Supplement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes and other pertinent credentials for all proposed staff.
5. Proof of the applicant's corporate status in Florida (if applicable) and a copy of the applicant's current contracting license from the appropriate governing board.
6. Proof of applicant's bonding capacity.

As required by Section 287.133, Florida Statutes, an applicant 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.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal, including the project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, UF General Terms and Conditions, standard University of Florida Owner-CM agreement, and other project and process information can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. local time on Tuesday, October 20, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning & Construction
232 Stadium / P.O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)273-4000; Fax: (352)273-4034
Internet: www.facilities.ufl.edu

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Central Florida, on behalf of the Board of Trustees, announces that professional services are required in the following discipline(s): Threshold Inspection.

The consultant, as the SPECIAL INSPECTOR required by Chapter 553, Florida Statutes, for Threshold Buildings, shall provide and perform all of the services that are needed to execute the STRUCTURAL INSPECTION PLAN FOR THRESHOLD BUILDINGS for educational (University) facilities. In providing and performing the Threshold Inspection Services the Licensed Architect or Registered Engineer serving as the SPECIAL INSPECTOR shall, with such frequency as may be needed, personally visit the project site to ensure that all of his/her duly authorized representatives are coordinating, performing and recording all of the necessary Threshold Inspection Services in a complete, adequate, and timely, proper and professional manner throughout the construction phase of the project.

Contracts for these projects provide that the consultant will be available on an as-needed basis. The consultant receiving the award may not have an exclusive contract to perform services

for these projects. The University may have additional campus service professionals under contract during the same time period.

Carefully review the Contract documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents.

Attach to each letter of application:

1. The most recent version of the Florida Board of Education "Professional Qualifications Supplement" (PQS) dated 7/03, completed by the applicant. Do not alter the PQS form.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida. Further, documentation of licensure and/or certification of the Threshold Building Inspector and his/her Authorized Representatives are required.

Submit five (5) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application materials will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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.

The selection committee members have elected not to meet with proposed firms. Please do not contact the selection committee.

The Project Fact Sheet contains the selection criteria which is the primary basis for determining the shortlist. The Project Fact Sheet, Professional Qualifications Supplement forms and descriptive project information may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida, Phone (407) 823-2166, Fax (407)823-5141, Email: gseabroo@mail.ucf.edu, or the Facilities Planning Web site: www.fp.ucf.edu under the heading advertisements.

Submittals must be received in the Office of Facilities Planning, Facilities & Safety Building, University of Central Florida, 4000 Central Florida Blvd., P. O. Box 163020, Orlando, Florida 32816-3020, by 5:00 p.m. local time, on

October 19, 2009. Facsimile (FAX) or email submittals are not acceptable and will not be considered. Late submissions will not be accepted.

NOTICE TO CONSTRUCTION MANAGERS

The Florida International University Board of Trustees announces that construction management services are required for the project identified below:

PROJECT NAME & NUMBER: BT877 Stempel Complex consisting of three components

SCPH Robert Stempel College of Public Health & Social Work

MDCHD Miami-Dade County Health Department

ACC Ambulatory Care Center

PROJECT LOCATION: Modesto A. Maidique Campus (MMC), Miami, Florida

PROJECT DESCRIPTION: The Project combines three distinct yet related programs in one facility. General support – infrastructure, utilities, services, circulation, etc., will be shared. The SCPH component will house faculty/staff offices, research and training labs for the Robert Stempel College of Public Health and Social Work. The gross square footage of the SCPH will consist of approximately 62,704 GSF and is funded by PECO appropriations.

The MDCHD component will consolidate Miami-Dade County's Health Department operations, including administrative and public health units. It will also include some clinical research labs and thereby provide increased opportunities for collaboration between the Florida Department of Health (DOH) operations in Miami-Dade County, and FIU's faculty and students. A primary goal is to strengthen existing public health laboratory sciences curriculum and establish new collaborations to enhance disease/disorder diagnostic capabilities. DOH and FIU faculty & students will work cooperatively in the DOH laboratory and clinical space. The MDCHD component will include a 5,704 GSF teaching clinic, shared research labs with the SCPH, and offices, totaling approximately 98,960 GSF. Funding for the MDCHD is contingent upon the University's procurement of financing for the design and construction of the MDCHD Project on terms acceptable to the University, at its sole discretion.

The third component of this project is the College of Medicine's ACC. The ACC will include Family Medicine/Primary Care, Sports Medicine, an Imaging Center, and Administrative/Support spaces. With approximately 20,896 GSF, it will be open to the general community for diagnosis, treatment and care. Funding for the ACC is contingent upon

the University's receipt of Miami Dade County General Obligation Bond Funds required for design and construction. Completion for this project is slated for April of 2012.

The total building construction cost is approximately \$46,200,000 with an approximate total gross square footage of 178,531. Funding in the amount of \$23,300,000 is secure for the SCPH, the PECO-funded portion of the project. Applicants are hereby notified that in the event the University is unable to secure full funding for either or both of the other project components (MDCHD and the ACC), the University intends to proceed only with design and construction of fully funded component(s).

INSTRUCTIONS: Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Construction Manager Qualifications Supplement form. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm 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 management firm 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.

Submit seven (7) bound copies of the required proposal data and one CD copy of the complete proposal in Adobe Acrobat PDF format of the above requested data bound in the order listed. Applications that do not comply with the above instructions will not be considered. Application material will not be returned. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications without obligation to the respondent. The award of this contract is subject to availability of funds.

The Construction Manager Qualifications Supplement (CMQS) form and the Project Fact Sheet, which describes the selection process schedule for this Project and additional information regarding the Project scope, may be obtained from the web-site <http://facilities.fiu.edu/projects/BT-877.htm>. Requests for meetings by individual firms will not be granted.

Once the firm acquires the required forms, questions may be directed to Real Estate Development and Planning at (305)348-4410 or via email to griffith@fiu.edu.

SUBMIT QUALIFICATIONS TO: Selection Committee, Florida International University, Real Estate Development and Planning, Campus Support Complex, Room #142, University Park, Miami, Florida 33199. Submittals must be received between 8:30 a.m. and 12:30 p.m. or 1:30 p.m. and 4:00 p.m. local time, Monday October 19, 2009.

Submittals will not be accepted before or after the times and date stated above. Facsimile (FAX) submittals are not acceptable and will not be considered.

EXECUTIVE OFFICE OF THE GOVERNOR

Governor's Commission on Volunteerism & Community Service, Volunteer Florida is pleased to announce the availability of 2010-2011 grant funding for AmeriCorps State programs. Proposal Grant Applications will be available on the Volunteer Florida website at www.volunteerflorida.org beginning September 11, 2009. Proposals are due in the federal eGrants system by November 13, 2009.

AmeriCorps State programs engage AmeriCorps members in direct service and capacity-building activities to address unmet community needs. Local programs design service activities for a team of members who have each committed to one year of service. AmeriCorps programs support local community efforts by addressing education, environmental, homeland security, public safety or other human needs. Sample activities include tutoring and mentoring youth, assisting crime victims, building homes, and restoring parks. AmeriCorps members also mobilize community volunteers and strengthen the capacity of the organizations where they serve.

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 AmeriCorps Programs or the funding process, please contact amieko@volunteerflorida.org.

METROPOLITAN PLANNING ORGANIZATION

REQUEST FOR PROPOSALS

“CONTRACT FOR BICYCLE PEDESTRIAN MASTER PLAN”

LEE COUNTY METROPOLITAN PLANNING ORGANIZATION

Proposals for this service must be received by the Lee County Metropolitan Planning Organization (MPO), 1926 Victoria Avenue, Fort Myers, Florida 33901, by 3:00 p.m. (local time), Friday, October 9, 2009. Lee County MPO reserves the right to reject any or all proposals.

SCOPE OF SERVICES: The Lee County MPO is soliciting responses to this request for proposal, which is issued for the purpose of selecting one consulting firm to be retained under a contract from the execution date through December 31, 2010. The firm shall be responsible for knowledge of the compliance with all relevant local, state, and federal laws and regulations, and shall be capable of providing the services described in the scope. The project includes the development of a Bicycle/Pedestrian Master Plan that will identify the bicycle and pedestrian improvements that are needed on all of the arterials and collectors in Lee County. The project will include the identification of all of the existing bicycle/pedestrian facilities and determine recommendations on developing consistent policies and procedures for developing the facilities that are needed. The study will also recommend what the MPO should be doing to encourage walking and biking to reduce congestion. Finally, the study will identify a prioritized bicycle/pedestrian project list that includes all of the costs necessary to develop a safe interconnected system of bicycle and pedestrian facilities throughout the County.

INVITATION TO PROPOSE: The program hereby solicits proposals for selection of a Consultant to propose a Bicycle Pedestrian Master Plan to the Lee County MPO. Award will be made to respondent whose proposal is deemed by the Program to be most beneficial, all factors considered.

REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION (HOW TO APPLY): A Request for Proposals document may be obtained by contacting, in writing, Ms. Meghan Marion, Lee MPO Designee, 1926 Victoria Avenue, Fort Myers, Florida 33901, telephone: (239)338-2550, ext. 219, fax: (239)338-2560 or by email: mmarion@swfrpc.org. Materials will be sent by email or standard mail to the requestor within two business days. All requests for clarification or additional information on the RFP must be submitted in writing to the same address as above by no later than 5:00 p.m. September 29, 2009. Proposals must then be received by the Lee County MPO, 1926 Victoria Avenue, Fort Myers, Florida 33901, by 3:00 p.m. (local time), Friday, October 9, 2009.

This public notice was posted in the lobby of the offices of the Southwest Florida Regional Planning Council and the Lee County MPO at 1926 Victoria Avenue, Fort Myers, Florida

33901, on Friday, September 4, 2009. The Lee County MPO does not discriminate based on age, race, color, sex, religion, national origin, disability or marital status. Qualified minority-owned, women-owned or disadvantaged business enterprises are encouraged to apply.

DEPARTMENT OF MANAGEMENT SERVICES

STATE OF FLORIDA
 DEPARTMENT OF MANAGEMENT SERVICES
 DIVISION OF REAL ESTATE
 DEVELOPMENT AND MANAGEMENT
 PUBLIC ANNOUNCEMENT FOR CONSTRUCTION
 MANAGEMENT SERVICES
 FOR CONTINUING CONTRACTS
SOUTH FLORIDA REGION

The State of Florida, Department of Management Services Division of Real Estate Development and Management requests qualifications from Construction Management at Risk firms located in South Florida. These contracts may be used for projects anywhere in the State of Florida; however, it is anticipated that the firms selected during this process will be activated for projects in the South Florida vicinity. The Department of Management Services may enter into a contract with no less than three (3) Construction Management firms with responsibility for performance of construction contracts which may vary in size up to \$2,000,000.00.

Please visit the Department’s Website listed below and click on “Search Advertisements – Division of Real Estate Development and Management” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

STATE OF FLORIDA
 DEPARTMENT OF MANAGEMENT SERVICES
 DIVISION OF REAL ESTATE
 DEVELOPMENT AND MANAGEMENT
 PUBLIC ANNOUNCEMENT FOR
 CONSTRUCTION MANAGEMENT SERVICES
 FOR CONTINUING CONTRACTS
 CENTRAL FLORIDA REGION

The State of Florida, Department of Management Services Division of Real Estate Development and Management requests qualifications from Construction Management at Risk firms located in Central Florida. These contracts may be used for projects anywhere in the State of Florida; however, it is anticipated that the firms selected during this process will be activated for projects in the Central Florida vicinity. The Department of Management Services may enter into a contract with no less than three (3) Construction Management firms with responsibility for performance of construction contracts which may vary in size up to \$2,000,000.00.

Please visit the Department’s Website listed below and click on “Search Advertisements – Division of Real Estate Development and Management” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

SCHOOL BOARD OF PASCO COUNTY

Construction, Kraft Roll, Art Tissue, and
 Drawing Papers “As Needed” Basis/FEPC

On behalf of the following school districts: Alachua, Brevard, Charlotte, Collier, Desoto, Escambia, Leon, Pasco, and Volusia Counties, notice is hereby given that sealed bids will be received and publicly opened thereafter at the office of the Purchasing Department, District School Board of Pasco County, 20430 Gator Lane, Land O’ Lakes, FL 34638 on or until October 12, 2009. Bids will be accepted and publicly opened on October 12, 2009 if date/time stamped 2:30 p.m. or earlier; date/time stamped of 2:30:01 or later will be rejected.

NAME OF PROJECT: Bid #10-049-KG
 Construction, Kraft Roll, Art Tissue,
 and Drawing Papers
 “As Needed” Basis/FEPC

AVAILABLE: <http://purchasing.Pasco.k12.fl.us>
 (under “Vendor Bid”)

INSURANCE: Standard Workman’s
 Comprehensive, Public Liability,
 Automobile Liability and Property
 Damage

The District School Board of Pasco County reserves the right to waive minor formalities in any bid, to accept any bid which they consider to be in the best public interest, and to reject any part of, or any and all bids. Awards will be made to the lowest and best responsive and responsible bidder, in the opinion and at the option of the District School Board of Pasco County. Their decision shall be final and conclusive.

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT
 CONSISTENT WITH SECTION 163.31777(2), FLORIDA
 STATUTES

DCA DOCKET NO. 53-05

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Polk County School Board and the Town of Dundee, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Town of Dundee, Planning Department, 141 E. Main Street, Dundee, Florida 33838.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Polk County School Board and the Town of Dundee. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of

Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIVR-11-2009-002
 DATE RECEIVED: September 8, 2009
 DEVELOPMENT NAME: KEY WEST RESORT & CONFERENCE CENTER
 DEVELOPER/AGENT: Robert Spottswood/Sherry A. Spiers
 DEVELOPMENT TYPE: 28-24.026, 28-24.023, 28-24.031, F.A.C.
 LOCAL GOVERNMENT: Key West

NOTICE OF FUNDING AVAILABILITY
 STATE OF FLORIDA COMMUNITY DEVELOPMENT
 BLOCK GRANT (CDBG)
 2008 DISASTER RECOVERY FUNDING

The Department of Community Affairs (DCA) announces the availability of disaster recovery funding in the amount of \$81,063,855, to address needs resulting from federally declared disasters in 2008. This CDBG disaster recovery funding is provided by the U.S. Department of Housing and Urban Development (HUD), as outlined in Federal Register / Volume 74, Number 29 and Federal Register / Volume 74, Number 156, and can only be used for Recovery from the federally declared disasters noted in the Federal Register Notices. The federal disaster declarations issued by the Federal Emergency Management Agency (FEMA) cover counties affected by Tropical Storm Fay (FEMA-3288-DR and FEMA-1785-DR), Hurricane Ike (FEMA-3293-DR), and Hurricane Gustav (FEMA-1806-DR). Please note that the Department initially noticed a Draft Action Plan and comment period on the first allocation of funding in the amount of \$17,457,005. However, since that Action Plan was not completed prior to the award of additional funds in the amount of \$63,606,850, and the Action Plan for the additional funds must be submitted to HUD no later than September 30, 2009, the Department determined that best alternative was to combine the two allocations since they were for recovery from the same weather events.

The State of Florida is required to submit an Action Plan to HUD which reflects proposed uses of the funds for disaster relief, long-term recovery, and restoration of infrastructure, public facilities, housing, and commercial or business areas. Urban Entitlements, Non-Entitlements eligible to participate in the Florida Small Cities Community Development Block Grant (CDBG) Program, and federally recognized Indian Tribes within (or contiguous to) the counties listed in the disaster declarations are eligible to apply for assistance.

The Department used FEMA damage assessment data, which was collected at the county level, to determine counties with the greatest unmet need. Damage assessment data and proposed allocations are reflected in the Draft Action Plan.

HUD has provided alternative Citizen Participation requirements to allow states to expedite the allocation of this funding. Therefore, the state will not conduct a public hearing

on the Draft Action Plan. To facilitate the public comment process, the Draft Action Plan is being emailed to local governments and posted to the Department's website at: <http://www.floridacommunitydevelopment.org/disasterrecovery.cfm>.

Comments will be accepted from September 2, 2009, through September 26, 2009, and can be hand-delivered, emailed or mailed to the Department.

Attention: CDBG Program
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100
 Telephone: (850)922-6075

Email: glenn.hodges@dca.state.fl.us or stacie.rolan-toci@dca.state.fl.us

The application cycle will be from October 27, 2009 through December 15, 2009. An application workshop will be held on October 27 and 28, 2009. Additional information about the workshop will be provided to all eligible local governments. Should the Department find it necessary to change the application cycle start and end dates, notice will be provided to all eligible local governments and will be posted to the Department's website.

A copy of the application, along with other relevant information, will be provided to eligible local governments and posted to the Department's website. Applicants must certify that no other funding is available to address the proposed activities reflected in the application and must document that they are directly a result of the 2008 storms. Please contact the Department at the address and telephone number listed above if you have questions.

Florida Small Cities Community Development Block Grant Program

The Department of Community Affairs, Florida Small Cities Community Development Block Grant (CDBG) Program, received \$7,530,194 in funding under the American Recovery and Reinvestment Act of 2009 from the U.S. Department of Housing and Urban Development (HUD). In order to receive this supplemental CDBG funding, the Department was required to amend its 2009 Annual Action Plan for the Small Cities CDBG Program. The Action Plan was submitted to HUD in June 2009 and was approved by HUD on August 13, 2009. This Action Plan outlined the distribution of the funding and specified the local governments that would receive funding. Requirements related to the regular Florida Small Cities CDBG Program apply to this funding.

The Department must amend the Action Plan that was approved due to factors that resulted in two local governments not being eligible for the funding. The Department plans to use the same methodology for awarding the grants, which results in two new local governments becoming eligible.

An amended Draft Action Plan is being posted to the Department's website at: <http://www.floridacommunitydevelopment.org/cdbg/index.cfm>

Comments on the Draft will be accepted from September 2 through September 28, 2009.

Comments may be submitted by email to Jackie.dupree@dca.state.fl.us or faxed to (850)922-5609. They may also be mailed to:

Florida Small Cities CDBG Program
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DCA Final Order No.: DCA09-OR-305

In re: CITY OF MARATHON LAND
 DEVELOPMENT REGULATIONS
 ADOPTED BY ORDINANCE NO. 2009-18

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), F.S. (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.

2. On July 9, 2009, the Department received for review City of Marathon Ordinance No. 2009-18 that was adopted by the City of Marathon Board of City Commissioners on June 9, 2009 ("Ord. 2009-18"). The purpose of Ord. 2009-18 is to amend Section 107.04, Establishment of Allocation Pools to include a new affordable allocation pool category entitled TBR Affordable Pool and amending Section 107.06, Limitations to include conditions for the provision of TBR affordable allocations.

3. Ord. 2009-18 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.5.16 Institute a Program for Transfer of Density and Building Rights; Policy 1-3.3.1 General Redevelopment Criteria; and Goal 2-1 Conserve Housing Stock.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), F.S. (2008).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, F.S. (2008) and Rule 31-31.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), F.S. (2008). The regulations adopted by Ord. 2009-18 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), F.S. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2009-18 is consistent with the following Principle:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 2009-18 is neutral with respect to the remaining Principles. Ord. 2009-18 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-18 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 8th day of September, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA09-OR-308
In re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-17

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), F.S. (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.

2. On August 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-17 that was adopted by the City of Marathon Board of City Commissioners on June 23, 2009 ("Ord. 2009-17"). The purpose of Ord. 2009-17 is to amend Chapter 111, Article 3 of the City of Marathon Land Development Regulations by deleting the current text and substituting a new Article 3 to be entitled Planning Application and Review Fees Required.

3. Ord. 2009-17 is not inconsistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), F.S. (2008).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, F.S. (2008) and Rule 31-31.002 (superseding Chapter 27F-8), F.A.C.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), F.S. (2008). The regulations adopted by Ord. 2009-17 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the

"Principles") as set forth in Section 380.0552(7), F.S. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2009-17 is consistent with the Principles for Guiding Development, Section 380.0552(7), F.S., as a whole and is not inconsistent with any principle.

WHEREFORE, IT IS ORDERED that Ord. 2009-17 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 8th day of September, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA09-OR-304

In re: POLK COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
POLK COUNTY ORDINANCE NO. 09-025.

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), F.S., (2008), approving Polk County Ordinance No. 09-025.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.

2. On July 7, 2009, the Department received for review Polk County Ordinance No. 09-025 which was adopted by the Polk County Board of County Commissioners ("Ordinances") June 17, 2009.

3. The proposed LDC 09T-22 amendment adopted by Ordinance No. 09-25 amends Ordinance No. 00-09, Section 704, Section 804, Section 906, and Section 907 of the Polk County Land Development Code to extend the approval date of Level 3 and Level 4 Review cases which have not yet submitted construction plans. The following Level 3 and Level 4 Review cases are within the Green Swamp Area of Critical State Concern and have been extended as a result of LDC 09T-22: CU 05-02M is extended to April 19, 2013; PD 05-34 is extended to October 11, 2012; CU 07-10 is extended to June 6, 2013; CU 07-27 is extended to October 11, 2013 contain definitions, administrative procedures, revisions to zoning districts, buffer setbacks from environmentally sensitive lands, open space definitions and clustering requirements, impervious surfaces, concurrency requirements, minimum requirements for road access, level of service standards, accessory uses, and general guidance for administering growth decisions.

4. Ordinance No. 09-025 is consistent with the County's Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. Sections 380.05(6) and (11), F.S. (2008).

6. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, F.S. (2008) and Rule Chapter 28-26, F.A.C.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), F.S. (2008). The regulations adopted by the Ordinances are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. Section 380.05(6), F.S.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, F.A.C. ("Principles").

9. Ordinance No. 09-025 is consistent with and furthers the Principles in Rule 28-26.003, F.A.C.

WHEREFORE, IT IS ORDERED that Ordinance No. 09-025 is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 8th day of September, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Michael F. Craig, Esq.
Polk County Attorney
Drawer AT01
P.O. Box 9005
Bartow, FL 33831

Thomas Deardorff, Director
Growth Management Department
P.O. Box 9005, Drawer GM03
Bartow, FL 33831

Sam Thomas, Chairman
Board of County Commissioners
P.O. 9005, Drawer BC01
Bartow, FL 33831

DCA Order No. DCA09-OR-307

In re: A LAND DEVELOPMENT REGULATION
ADOPTED
BY ISLAMORADA, VILLAGE OF
ISLANDS
ORDINANCE NO. 09-03

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On July 23, 2009, the Department received for review Islamorada, Village of Islands Ordinance No. 09-03 ("Ord. No. 09-03") adopted by the Village on March 12, 2009.

3. Ord. No. 09-03 amends Chapter 30 Land Development Regulations, Article II, Rules of Construction and Definitions, Section 30-32 Specific Definitions; Article V Schedule of District, Use and Development Standards, Division 2 Zoning Districts; Section 30-697 Neighborhood Commercial Zoning; and establishing Division 12 Uses Containing Drive-In and Drive-Through Components of Article VI Specific Use Regulations of the Village Code of Ordinances.

4. The purpose of Ord. No. 09-03 is to provide review criteria to address and regulate businesses with drive-in or drive-through components.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), F.S. (2008).

6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, F.S. (2008), and Rule 28-29.002 (superseding Chapter 27F-8), F.A.C.

7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), F.S. (2008). The regulations adopted by Ord. 09-03 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), F.S. (2008). See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 09-03 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

10. Ord. 09-03 is not inconsistent with the remaining Principles. Ord. 09-03 is consistent with the Principles for Guiding Development as a whole.

11. Ord. 09-03 is consistent with the Village Comprehensive Plan Objective 1-1.2: Reinforce and Enhance the Village's Appearance; Policy 1-1.2.1: Reinforce and Enhance the Village's Community Appearance; Policy 1-1.2.2 Enhance the Appearance and Function of the U.S. 1 Corridor; Policy 1-1.2.3 Enhance the Appearance and Function of the Old Road; Policy 1-2.4.1 Guide the Location of Commercial Uses and Revitalize Commercial Areas; Policy 2-1.2.4: Prevent Development Resulting in Additional Trips on Deficient Highway Segments; Policy 2-1.6.1: Participate in the Identification of Improvements to Reduce Accidents in High Accident Locations; and Policy 2-1.6.2: Increase Safety for Travel by all Modes Within Islamorada.

WHEREFORE, IT IS ORDERED that Ord. 09-03 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

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YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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DONE AND ORDERED in Tallahassee, Florida.

 CHARLES GAUTHIER, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 8th day of September, 2009.

 Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Don Achenberg, Mayor
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

Beverly Raddatz, Village Clerk
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

Nina Boniske, Esq.
James White, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
2525 Ponce De Leon Blvd., Suite 700
Coral Gables, Florida 33134-6045

DCA Order No. DCA09-OR-306

In re: A LAND DEVELOPMENT
REGULATION ADOPTED
BY ISLAMORADA, VILLAGE OF
ISLANDS
ORDINANCE NO. 09-04

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), F.S. (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On July 23, 2009, the Department received for review Islamorada, Village of Islands Ordinance No. 09-04 ("Ord. No. 09-04") adopted by the Village on April 9, 2009.

3. Ord. No. 09-04 amends Chapter 30 Land Development Regulations, Article II, Rules of Construction and Definitions, Section 30-32 Specific Definitions; and Article IV Administrative Procedures, Division 11 Building Permit Allocation System of the Village Code of Ordinances.

4. The purpose of Ord. No. 09-04 is to create a mechanism to allow applicants the option of deferring acceptance of a building permit allocation up to a limit of four Building Permit Allocation System quarters not exceeding twelve months.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), F.S. (2008).

6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, F.S. (2008), and Rule 28-29.002 (superseding Chapter 27F-8), F.A.C.

7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), F.S. (2008). The regulations adopted by Ord. 09-04 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), F.S. (2008). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 09-04 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

10. Ord. 09-04 is not inconsistent with the remaining Principles. Ord. 09-04 is consistent with the Principles for Guiding Development as a whole.

11. Ord. 09-04 is consistent with the Village Comprehensive Plan Goal 1-3: Limit Growth in Within the Village; Objective 1-3.1: Implement Limited Growth Objectives and Policies; and Policy 1-3.1.1: Establish a Building Permit Allocation System.

WHEREFORE, IT IS ORDERED that Ord. 09-04 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 8th day of September, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Don Achenberg, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
James White, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
2525 Ponce De Leon Blvd., Suite 700
Coral Gables, Florida 33134-6045

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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 JH Global Services Inc., intends to allow the establishment of Electric Car Outlet, LLC, as a dealership for the sale of low-speed vehicle manufactured by JH Global Services Inc. (STAR) at 572 North Highway 27/441, Lady Lake, (Lake County), Florida 32159, on or after September 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Electric Car Outlet, LLC are dealer operator(s): Matthew Wondrasek, 572 North Highway 27/441, Lady Lake, Florida 32159; principal investor(s): Matthew Wondrasek, 572 North Highway 27/441, Lady Lake, Florida 32159, Art Wondrasek, 572 North Highway 27/441, Lady Lake, Florida 32159 and Scott Allen, 572 North Highway 27/441, Lady Lake, Florida 32159.

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 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jane Zhang, JH Global Services Inc, 52 Pelham Davis Circle, Greenville, South Carolina 29615.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JH Global Services Inc, intends to allow the establishment of The Cart Guys, LLC, as a dealership for the sale of low-speed vehicle manufactured by JH Global Services

Inc (STAR) at 28315 East Twin Lakes Drive, Punta Gorda, (Charlotte County), Florida 33955, on or after September 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of The Cart Guys, LLC are dealer operator(s): Rex Sterling, 28315 East Twin Lakes Drive, Punta Gorda, Florida 33955, principal investor(s): Rex Sterling, 28315 East Twin Lakes Drive, Punta Gorda, Florida 33955 and Carolyn Sterling, 28315 East Twin Lakes Drive, Punta Gorda, Florida 33955.

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 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jane Zhang, JH Global Services Inc, 52 Pelham Davis Cir, Greenville, South Carolina, 29615.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Custom Carriages, Inc. d/b/a Golf & Electric Vehicles
 Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JH Global Services Inc., intends to allow the establishment of Custom Carriages, Inc. d/b/a Golf & Electric Vehicles, as a dealership for the sale of low-speed vehicles manufactured by JH Global Services Inc. (STAR) at 3508 Phillip Highway, Jacksonville, (Duval County), Florida, 32207, on or after September 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Custom Carriages, Inc. d/b/a Golf & Electric Vehicles are dealer operator(s): Jason Brownell, 3508 Philip Highway, Jacksonville, Florida 32207; principal investor(s): Jason Brownell, 18754 East Colonial Drive, Orlando, Florida 32207.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jane Zhang, JH Global Services Inc., 52 Pelham Davis Circle, Greenville, South Carolina, 29615.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Valley Scooters, LLC, 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 Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 1308 East Altamonte Drive, Altamonte Springs, (Seminole County), Florida, 32701, on or after October 11, 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 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: John Dikov, Valley Scooters, LLC, 1687 Blythe Island Drive, Brunswick, Georgia 31523.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175244-007 EV-VE) to Cemex Construction Materials Florida, LLC, 1501 Belvedere Road, West Palm Beach, Florida, 33406, under Section 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the FEC Quarry, to fall below the minimum levels set by Rule 62-302.530, F.A.C. The manmade lakes are proposed to be constructed as part of the proposed expansion of an operating limestone mine in the Miami-Dade County Lake Belt Area, as designated by Section 373.4149(3), F.S. The proposed expansion of the limestone mine is located immediately south of Okeechobee Road, and west of the Florida Turnpike in Miami-Dade County, Florida. The proposed expansion will also require a modification of an existing environmental resource permit which has been assigned a different file number, File No. 175244-004, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of five large quarry pits located in sections 10, 14, 15, 21, 22, 23, 26 and 28, Township 52 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water quality standards listed in Rule 62-302.530, F.A.C., will apply to all surface waters within the mine. On May 28, 2009, Cemex Construction Materials Florida, LLC., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule 62-302.530, F.A.C., for the deeper portions of the manmade lakes. Rule 62-302.530, F.A.C., requires a minimum level of 5.0 mg/L dissolved oxygen in the surface waters of the state.

Most of the surface waters in the proposed manmade lakes will meet the minimum standards for dissolved oxygen proscribed by Rule 62-302.530, F.A.C. However, the deepest layer of water in the lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed by Rule 62-302.530, F.A.C., and there is no practicable means known or available to achieve the required dissolved oxygen levels within the hypolimnion layer of water in the manmade lakes. As a result, a variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is necessary for the hypolimnion layer of water in the manmade lakes. This was anticipated by the Florida Legislature in Section 373.414(6)(a), F.S., which states that "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit."

A variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is not expected to result in any on-site or off-site impacts. Therefore, the Department intends to grant a permanent variance pursuant to Section 403.201(1)(a), F.S., for the dissolved oxygen levels in the hypolimnion layer of the proposed manmade lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

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 the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (850)488-8217.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative

hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

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 of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 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.

If 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. Intervention will be permitted 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 Section 403.201, F.S., 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; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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 order is filed with the Clerk of the Department.

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175252-009 EV-VE) to Cemex Construction Materials Florida, LLC, 1501 Belvedere Road, West Palm Beach, Florida 33406, under paragraph 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of Rule 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the SCL Quarry, to fall below the minimum levels set by

Rule 62-302.530, F.A.C. The manmade lakes are proposed to be constructed as part of the proposed expansion of an operating limestone mine in the Miami-Dade County Lake Belt Area, as designated by Section 373.4149(3), F.S. The proposed expansion of the limestone mine is located immediately north of Tamiami Trail, and west of the Florida Turnpike in Miami-Dade County, Florida. The proposed expansion will also require a modification of an existing environmental resource permit which has been assigned a different file number, File No. 175252-005, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of four large quarry pits located in sections 28, 33, 34, and Government Lot 4, Township 53 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water quality standards listed in Rule 62-302.530, F.A.C., will apply to all surface waters within the mine. On May 28, 2009, Cemex Construction Materials Florida, LLC., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule 63-302.530, F.A.C., for the deeper portions of the manmade lakes. Rule 62-302.530, F.A.C., requires a minimum level of 5.0 mg/L dissolved oxygen in the surface waters of the state.

Most of the surface waters in the proposed manmade lakes will meet the minimum standards for dissolved oxygen proscribed by Rule 62-302.530, F.A.C. However, the deepest layer of water in the lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed by Rule 62-302.530, F.A.C., and there is no practicable means known or available to achieve the required dissolved oxygen levels within the hypolimnion layer of water in the manmade lakes. As a result, a variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is necessary for the hypolimnion layer of water in the manmade lakes. This was anticipated by the Florida Legislature in Section 373.414(6)(a), F.S., which states that "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit."

A variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is not expected to result in any on-site or off-site impacts. Therefore, the Department intends to grant a permanent variance pursuant to Section 403.201(1)(a), F.S., for the dissolved oxygen levels in the hypolimnion layer of the proposed manmade lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

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 the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (850)488-8217.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

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 of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 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.

If 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. Intervention will be permitted 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 Section 403.201, F.S., 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; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for

administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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 order is filed with the Clerk of the Department.

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175232-009 EV-VE) to APAC-Southeast, Inc., 1451 Myrtle Street, Sarasota, Florida, 34234, under Section 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the APAC Mine, to fall below the minimum levels set by Rule 62-302.530, F.A.C. The manmade lakes are proposed to be constructed as part of the proposed expansion of an operating limestone mine in the Miami-Dade County Lake Belt Area, as designated by Section 373.4149(3), F.S. The proposed expansion of the limestone mine is located immediately north of Northwest 41st Street and one mile west of the Florida Turnpike, in Miami-Dade County, Florida. The proposed expansion will also require a modification of an existing environmental resource permit which has been assigned a different file number, File No. 175232-008, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of three large quarry pits located in sections 16, 23 and 24, Township 53 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water quality standards listed in Rule 62-302.530, F.A.C., will apply to all surface waters within the mine. On May 28, 2009, APAC-Southeast, Inc., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule

62-302.530, F.A.C., for the deeper portions of the manmade lakes. Rule 62-302.530, F.A.C., requires a minimum level of 5.0 mg/L dissolved oxygen in the surface waters of the state.

Most of the surface waters in the proposed manmade lakes will meet the minimum standards for dissolved oxygen proscribed by Rule 62-302.530, F.A.C. However, the deepest layer of water in the lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed by Rule 62-302.530, F.A.C., and there is no practicable means known or available to achieve the required dissolved oxygen levels within the hypolimnion layer of water in the manmade lakes. As a result, a variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is necessary for the hypolimnion layer of water in the manmade lakes. This was anticipated by the Florida Legislature in Section 373.414(6)(a), F.S., which states that "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit."

A variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is not expected to result in any on-site or off-site impacts. Therefore, the Department intends to grant a permanent variance pursuant to Section 403.201(1)(a), F.S., for the dissolved oxygen levels in the hypolimnion layer of the proposed manmade lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

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 the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (850)488-8217.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or

substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

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 of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 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.

If 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. Intervention will be permitted 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 Section 403.201, F.S., 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; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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 order is filed with the Clerk of the Department.

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175257-006 EV-VE) to Vecellio and Grogan, Inc., 101 Sansbury's Way, West Palm Beach, Florida 33411, under Section 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum

standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the White Rock Quarries South Mine, to fall below the minimum levels set by Rule 62-302.530, F.A.C. The manmade lakes are proposed to be constructed as part of the proposed expansion of an operating limestone mine in the Miami-Dade County Lake Belt Area, as designated by Section 373.4149(3), F.S. The proposed expansion of the limestone mine is located immediately north of Northwest 58th Street and one-quarter of a mile west of the Florida Turnpike, in Miami-Dade County, Florida. The proposed expansion will also require a modification of an existing environmental resource permit which has been assigned a different file number, File No. 175257-005, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of two large quarry pits located in section 13, Township 53 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water quality standards listed in Rule 62-302.530, F.A.C., will apply to all surface waters within the mine. On May 28, 2009, Vecellio and Grogan, Inc., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule 62-302.530, F.A.C., for the deeper portions of the manmade lakes. Rule 62-302.530, F.A.C., requires a minimum level of 5.0 mg/L dissolved oxygen in the surface waters of the state.

Most of the surface waters in the proposed manmade lakes will meet the minimum standards for dissolved oxygen proscribed by Rule 62-302.530, F.A.C. However, the deepest layer of water in the lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed by Rule 62-302.530, F.A.C., and there is no practicable means known or available to achieve the required dissolved oxygen levels within the hypolimnion layer of water in the manmade lakes. As a result, a variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is necessary for the hypolimnion layer of water in the manmade lakes. This was anticipated by the Florida Legislature in Section 373.414(6)(a), F.S., which states that "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit."

A variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is not expected to result in any on-site or off-site impacts. Therefore, the Department intends to grant a permanent variance pursuant to Section 403.201(1)(a), F.S., for the dissolved oxygen levels in the

hypolimnion layer of the proposed manmade lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

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 the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (850)488-8217.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

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 of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 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.

If 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. Intervention will be permitted 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 Section 403.201, F.S., 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; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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 order is filed with the Clerk of the Department.

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175235-008 EV-VE) to Florida Rock Industries, Inc., Post Office Box 4667, Jacksonville, Florida, 32201-4667, under Section 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the Florida Rock Miami Quarry, to fall below the minimum levels set by Rule 62-302.530, F.A.C. The manmade lakes are proposed to be constructed as part of the proposed expansion of an operating limestone mine in the Miami-Dade County Lake Belt Area, as designated by Section 373.4149(3), F.S. The proposed expansion of the limestone mine is located on both sides of Northwest 41st Street and one mile west of the Florida Turnpike, in Miami-Dade County, Florida. The proposed expansion will also require a modification of an existing environmental resource permit which has been assigned a different file number, File No. 175235-007, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of five large quarry pits located in sections 9, 15, 16, 21, 22, 23 and 26, Township 53 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water quality standards listed in Rule 62-302.530, F.A.C., will apply

to all surface waters within the mine. On May 28, 2009, Florida Rock Industries, Inc., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule 63-302.530, F.A.C., for the deeper portions of the manmade lakes. Rule 62-302.530, F.A.C., requires a minimum level of 5.0 mg/L dissolved oxygen in the surface waters of the state.

Most of the surface waters in the proposed manmade lakes will meet the minimum standards for dissolved oxygen proscribed by Rule 62-302.530, F.A.C. However, the deepest layer of water in the lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed by Rule 62-302.530, F.A.C., and there is no practicable means known or available to achieve the required dissolved oxygen levels within the hypolimnion layer of water in the manmade lakes. As a result, a variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is necessary for the hypolimnion layer of water in the manmade lakes. This was anticipated by the Florida Legislature in Section 373.414(6)(a), F.S., which states that "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit."

A variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is not expected to result in any on-site or off-site impacts. Therefore, the Department intends to grant a permanent variance pursuant to Section 403.201(1)(a), F.S., for the dissolved oxygen levels in the hypolimnion layer of the proposed manmade lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

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 the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (850)488-8217.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the

Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

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 of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 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.

If 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. Intervention will be permitted 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 Section 403.201, F.S., 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; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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 order is filed with the Clerk of the Department.

Water Quality Criteria Exemption

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standards for color and odor pursuant to Rule 62-520.500, F.A.C., as part of the Class V underground

injection control construction Permit Number 220804-001-UC for Manatee County, 4410 66th Street West, Bradenton, Florida 34210. The exemption is for the aquifer storage and recovery (ASR) project injecting reclaimed water from the North Regional Wastewater Treatment Plant into Class G-II ground water. The ASR facility is located at 8500 69th Street East, Palmetto, Manatee County. The exemption is granted for the duration of Manatee County's underground injection control construction permit number 220804-001-UC for ASR-1 and subsequent renewals of said permit, and is made a part of the permit. The applicant, in conjunction with the Permit Number 220804-001-UC, must petition for any future exemptions for any additional ASR wells or an operation permit for any ASR project at the facility.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant, Manatee County, Mr. Daniel T. Gray, Director of Utility Operation, 4410 66th Street West, Bradenton, Florida 34210, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department case or identification number and the county in which the subject matter or activity is located;

(b) A statement of when and how each petitioner received notice of the Department action;

(c) A statement of how each petitioner's substantial interests are affected by the Department action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;

(f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(g) Demand for relief (sought by the petitioner, stating precisely the action that the petitioner wants the Department to take).

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 contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petitions have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application 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 the Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 212E, Tallahassee, Florida 32399-2400; Telephone Joe Haberfeld at (850)245-8655.

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175263-007 EV-VE) to Tarmac America, LLC, 455 Fairway Drive, Deerfield Beach, Florida, 33441, under paragraph 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the Tarmac Pennsuko Quarry, to fall below the minimum levels set by Rule 62-302.530, F.A.C. The manmade lakes are proposed to be constructed as part of the proposed expansion of an operating limestone mine in the Miami-Dade County Lake Belt Area, as designated by Section 373.4149(3), F.S. The proposed expansion of the limestone mine is located immediately west of the Florida Turnpike and two miles south of Okeechobee Road, in Miami-Dade County, Florida. The proposed expansion will also require a modification of an existing environmental resource permit which has been assigned a different file number, File No. 175263-006, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of seven large quarry pits located in sections 26, 27, 28, 33, 34 and 35, Township 52 South, Range 39 East, and sections 1, 3 and 10, Township 53 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water

quality standards listed in Rule 62-302.530, F.A.C., will apply to all surface waters within the mine. On May 28, 2009, Tarmac America, LLC., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule 62-302.530, F.A.C., for the deeper portions of the manmade lakes. Rule 62-302.530, F.A.C., requires a minimum level of 5.0 mg/L dissolved oxygen in the surface waters of the state.

Most of the surface waters in the proposed manmade lakes will meet the minimum standards for dissolved oxygen proscribed by Rule 62-302.530, F.A.C. However, the deepest layer of water in the lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed by Rule 62-302.530, F.A.C., and there is no practicable means known or available to achieve the required dissolved oxygen levels within the hypolimnion layer of water in the manmade lakes. As a result, a variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is necessary for the hypolimnion layer of water in the manmade lakes. This was anticipated by the Florida Legislature in Section 373.414(6)(a), F.S., which states that "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit." A variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is not expected to result in any on-site or off-site impacts. Therefore, the Department intends to grant a permanent variance pursuant to paragraph 403.201(1)(a), F.S., for the dissolved oxygen levels in the hypolimnion layer of the proposed manmade lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

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 the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (850)488-8217.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the

Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

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 of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. 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. If 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. Intervention will be permitted 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 Section 403.201, F.S., 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; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable

filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

NOTICE OF AVAILABILITY OF FLORIDA COASTAL MANAGEMENT PROGRAM FUNDS FOR STATE AGENCIES AND WATER MANAGEMENT DISTRICTS

The Florida Coastal Management Program (FCMP) announces the availability of funds for activities related to implementation of the statutory authorities included in the federally-approved FCMP. A complete list of these statutes can be found at http://www.dep.state.fl.us/cmp/federal/23_statutes.htm. Funding proposals should contribute to the protection, management and enhancement of Florida's ocean and coastal resources, and also focus on achieving the policy issues identified in the Coastal Zone Management Act, including natural resource protection and management; hazard mitigation; water quality protection; siting of major developments; public access; redevelopment of urban, cultural and historic features; expedited governmental decision-making; effective coordination with federal agencies; effective public and local government participation; comprehensive planning and management of living marine resources; shoreline erosion and land subsidence; and ocean resource management. Within the context of these established coastal management priorities, the current national focus is on the effects of climate change, energy use and development, and improving the ability of coastal communities to recover from, and adapt to, both short- and long-term changes related to coastal hazards, climate change, resource management, commerce and business, fisheries, public access, and land use.

Priority consideration for funding will be given to proposals that complement other state and federal ocean and coastal resource management programs and meet or reduce unmet needs. State agencies and water management districts may apply for the grants. Applicants should note the following:

- Chapter 62S-5, F.A.C., describes the procedures for submitting applications and the criteria and procedures by which applications will be evaluated. A copy of the rule may be printed from the FCMP website at <http://www.dep.state.fl.us/cmp/grants/files/62S-5.pdf>. No specific application form is required, but proposals must not exceed 10 pages in length (excluding the cover page).
 - For projects involving construction, exotic species removal, habitat restoration and land acquisition, applicants must include a completed and signed '306A Checklist' with the application. The checklist may be obtained at <http://www.dep.state.fl.us/cmp/grants/files/306a-chklist.doc>.
 - Selected proposals will be included in the FCMP application to NOAA for FY 2010-11. The funding cycle begins July 1, 2010, and ends June 30, 2011.
 - Applications must be received no later than 4:00 p.m. (EST), November 19, 2009. Mail applications to: Florida Coastal Management Program, 3900 Commonwealth Blvd., MS 47, Tallahassee, FL 32399-3000.
- Questions regarding this notice should be directed to Susan Goggin at (850)245-2163 or by email to Susan.Goggin@dep.state.fl.us.

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.

DEPARTMENT OF HEALTH

Notice of Emergency Action

On September 3, 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 James J. Repass, L.M.T. License # MA 55745. 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.

Notice of Emergency Action

On September 4, 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 Leonard J. Walton, III, C.N.A. License # CNA 60506. 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

Notice of Emergency Action

On September 2, 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 Starlet O'Hara Shaver, C.N.A. License # CNA 112841. 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.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN August 31, 2009
 and September 4, 2009

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-601.303	9/2/09	9/22/09	35/30	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Code Administrators and Inspector

61G19-5.002	8/31/09	9/20/09	35/14	35/31
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DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

64B17-4.001	9/2/09	9/22/09	35/22	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Division of Family Health Services

64F-12.024	9/2/09	9/22/09	35/26	
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-4.203	9/1/09	9/21/09	35/29	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

69J-166.031	9/4/09	9/24/09	35/11	35/27
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Finance

69V-85.006	8/31/09	9/20/09	35/11	35/31
69V-160.036	8/31/09	9/20/09	35/11	35/31