

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Environmental Services

RULE NO.:                      RULE TITLE:  
5E-1.012                      Reports and Inspection Fee Payment,  
  Inspection Fees, Reporting,  
  Continuous Bond, Certificate of  
  Deposit Requirement

PURPOSE AND EFFECT: To provide a reference for the Application for Monthly Report of Fertilizer Sold in the State of Florida, (DACS-13239, Rev. 08/08) and Application for Monthly Fertilizer Tonnage Reporting, (DACS-13238, Rev. 05/08), not previously referenced in rule language, to update the rule tonnage reporting requirements, to provide fertilizer companies the means to submit the above referenced forms online using the web based application.

SUBJECT AREA TO BE ADDRESSED: Forms to be utilized for reporting monthly fertilizer tonnage sales and reporting statistical tonnage data.

RULEMAKING AUTHORITY: 570.07(23), 576.181 FS.

LAW IMPLEMENTED: 576.041 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. Bruce Nicely, Chief of Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399, (850)487-8731

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

### DEPARTMENT OF COMMUNITY AFFAIRS

#### Division of Housing and Community Development

RULE NOS.:                      RULE TITLES:  
9B-43.0031                      Definitions  
9B-43.0041                      Application and Administrative  
  Requirements  
9B-43.0051                      Grant Administration and Project  
  Implementation  
9B-43.0061                      Emergency Set-Aside Assistance  
9B-43.0071                      Section 108 Loan Guarantee  
  Program

PURPOSE AND EFFECT: To seek input, exchange ideas and gather information that can be utilized in the development of a program rule and application for Federal Fiscal Year 2009. At the workgroup meeting, staff from the CDBG program will provide an overview of the program and answer questions. Interested parties are encouraged to attend. Recommendations for rule change and/or revisions will be accepted prior to the workshop.

SUBJECT AREA TO BE ADDRESSED: Florida Small Cities Community Development Block Grant Program Chapter 9B-43, F.A.C.

RULEMAKING AUTHORITY: 290.044, 290.048 FS.

LAW IMPLEMENTED: 290.042, 290.043, 290.044, 290.0455, 290.046, 290.047, 290.0475 FS.

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

DATE AND TIME: December 21, 2009, 1:30 p.m. – 5:00 p.m.

PLACE: Florida Department of Community Affairs, 2555 Shumard Oak Boulevard (Room 250L) Tallahassee, Florida. Participation will be allowed utilizing communications media technology, specifically toll free call in number: 1(888)808-6959; conference code 6518651.

Pursuant to the provisions of 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 Department of Community Affairs at (850)487-3644. This also includes anyone with an English language deficiency. If you are 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: Jacquelyn Dupree, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; phone: (850)487-3644; e-mail: jackie.dupree@dca.state.fl.us  
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."

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NO.: 40B-9.081  
 RULE TITLE: Disposition of Surplus Real Property  
 PURPOSE AND EFFECT: The purpose of rule development is to revise the term "District lands" to "District real property" in the above section of Chapter 40B-9, Florida Administrative Code, consistent with a proposed amendment to subsection 40B-9.021(5), F.A.C., where that term is defined.

SUBJECT AREA TO BE ADDRESSED: This notice of proposed rule development will allow the District to include this amendment in the amendments for which a notice of proposed rule development was published on October 9, 2009.

RULEMAKING AUTHORITY: 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.103, 373.139, 373.59 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: Gwen Lord, Business Resource Specialist, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40B-9.081 Disposition of Surplus Real Property Land.

(+) The District may sell or exchange District real property lands considered surplus in accordance with Section 373.089, F.S.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 270.11, 373.103, 373.139, 373.59 FS. History--New 3-1-83, Amended 5-26-88, 5-31-09,\_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management**

RULE NOS.:	RULE TITLES:
60H-1.001	Definitions
60H-1.002	Division Approval; When Required
60H-1.003	Standard Lease Agreement Form
60H-1.004	Filing of Leases
60H-1.006	Escalation Clauses
60H-1.007	Right-to-Terminate Clause Required
60H-1.009	Notice of Renewal
60H-1.013	Fire Code Compliance in Leased Space
60H-1.015	Leases of 5,000 Square Feet or More
60H-1.017	Turnkey (Lease) Construction Program
60H-1.022	Prior Approval of Space Need

60H-1.025	Disclosure Statement – Private Entities
60H-1.026	Disclosure Statement – Public Officials
60H-1.027	Legal Review
60H-1.028	Information and Forms
60H-1.029	Evaluation of Responses
60H-1.030	Rental Rate Guidelines for Privately Owned Space

PURPOSE AND EFFECT: To amend Chapter 60H-1, F.A.C., in order to provide greater detail and explanation related to the statutory requirements for leasing of privately owned space by state agencies. This includes responding to comments from the Joint Administrative Procedures Committee (JAPC) and rule conformity with statute changes in Chapters 2007-220, 2007-73 and 2009-77, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Administrative procedures for state agency's leasing of privately owned space will be adjusted to meet continuing and amended statutory requirements.

RULEMAKING AUTHORITY: 255.249, 255.25, 255.503 FS.

LAW IMPLEMENTED: 255.249, 255.21, 255.25, 255.503, 255.254, 281.02 FS.

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

DATE AND TIME: Wednesday, January 13, 2010, 1:30 p.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, 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 48 hours before the workshop/meeting by contacting: Anthony Andreala at (850)488-3759. If you are 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: Anthony Andreala, Chief of Real Property Administration, Division of Real Estate Development and Management, 4050 Esplanade Way, Suite 315F, Tallahassee, Florida 32399-0950, (850)488-3759; Anthony.Andreala@dms.myflorida.com

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64E-6.001	General
64E-6.003	Permits
64E-6.004	Application for System Construction Permit
64E-6.010	Septage and Food Establishment Sludge
64E-6.0101	Portable Restrooms and Portable or Stationary Holding Tanks
64E-6.012	Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units
64E-6.013	Construction Materials and Standards for Treatment Receptacles
64E-6.015	Permitting and Construction of Repairs
64E-6.019	Requirements for Registration
64E-6.023	Certification of Partnerships and Corporations
64E-6.026	Applications for Innovative System Permits and System Construction Permits
64E-6.027	Permits
64E-6.028	Location and Installation

**PURPOSE AND EFFECT:** Amend rules to incorporate forms used in the administration of the onsite sewage program.

**SUBJECT AREA TO BE ADDRESSED:** Update references to forms incorporated in Chapter 64E-6, Florida Administrative Code. The Forms are used in the application for permitting, permitting, inspection, operation, maintenance and repair of onsite sewage treatment and disposal systems and in the registration and authorization of septic tank contractors and contracting companies.

**RULEMAKING AUTHORITY:** 381.011, 381.0065, 381.0066, 489.552, 489.553, 489.557 FS.

**LAW IMPLEMENTED:** 381.0065, 381.066, 381.0067, 386.041, 489.553, 489.557 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: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64E-6.003	Permits

**PURPOSE AND EFFECT:** Amend rules to provide a method to grant final approval for an onsite sewage treatment and disposal system that was permitted, installed and granted construction approval under the previous rule but had not yet received final system approval when the construction permit expired. The proposed change allows the department to approve the system as meeting the earlier standards rather than requiring the installed system to be brought into compliance with recently promulgated standards. The proposed changes have been reviewed by the members of the Technical Review and Advisory Panel.

**SUBJECT AREA TO BE ADDRESSED:** Permitting, inspection and approval of onsite sewage treatment and disposal systems.

**RULEMAKING AUTHORITY:** 381.0065, 489.553, 489.557 FS.

**LAW IMPLEMENTED:** 381.0065, 381.0067, 386.041 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: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
65G-4.0021	Tier Waivers
65G-4.0022	Tier One Waiver
65G-4.0023	Tier Two Waiver
65G-4.0024	Tier Three Waiver
65G-4.0025	Tier Four Waiver

**PURPOSE AND EFFECT:** To implement the Four-Tier System

**SUBJECT AREA TO BE ADDRESSED:** Home and Community Based Tier Waivers.

RULEMAKING AUTHORITY: 393.066(3) FS.  
 LAW IMPLEMENTED: 393.0661(3) FS.  
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: January 6, 2010, 10:00 a.m. – 12:00 Noon EST  
 PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399, (850)488-6680  
 Pursuant to the provisions of 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: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399 (850)922-0371. If you are 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: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)922-0371  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

SUMMARY: Rules 15C-4.001 through 15C-4.009, F.A.C., Private Recreational Vehicle Inspections, are being repealed because they are obsolete and the Department no longer has the authority to perform private recreational vehicle inspections.  
 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: 320.8256 FS.  
 LAW IMPLEMENTED: 320.8256, 320.824(1), 320.824(2), 320.8231, 320.8232, 120.53(1)(b) 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: Tuesday, December 29, 2009, 9:00 a.m.  
 PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Gentry

## Section II Proposed Rules

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

#### Division of Motor Vehicles

RULE NOS.:	RULE TITLES:
15C-4.001	Recreational Vehicle Inspection
15C-4.002	Minimum Requirements for Approval to Conduct Private and Dealer Inspections
15C-4.004	Certification
15C-4.005	Duties and Responsibilities
15C-4.006	Monitoring
15C-4.007	Code Provisions
15C-4.008	General
15C-4.009	Forms

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-4.001 through 15C-4.009, F.A.C., Private Recreational Vehicle Inspections, because they are obsolete. Section 320.8256, F.S., rulemaking authority for this rule has been repealed; therefore the Department no longer has the authority to perform private recreational vehicle inspections. The effect will be to repeal Rule Chapter 15C-4, F.A.C.

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-4.001 Recreational Vehicle Inspection.  
Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History--New 11-5-80, Formerly 15C-4.01, Amended 1-13-92, Repealed.

15C-4.002 Minimum Requirements for Approval to Conduct Private and Dealer Inspections.  
Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History--New 11-5-80, Formerly 15C-4.02, Amended 1-13-92, Repealed.

15C-4.004 Certification.  
Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History--New 11-5-80, Formerly 15C-4.04, Amended 1-13-92, Repealed.

15C-4.005 Duties and Responsibilities.  
Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History--New 11-5-80, Formerly 15C-4.05, Amended 1-13-92, Repealed.

15C-4.006 Monitoring.  
Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256, 320.824(2), 320.8231, 320.8232 FS. History--New 11-5-80, Amended 2-8-81, Formerly 15C-4.06, Amended 1-13-92, Repealed.

15C-4.007 Code Provisions.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256, 320.8231, 320.8232, 320.824(1) FS. History--New 11-5-80, Amended 2-8-81, Formerly 15C-4.07, Amended 1-13-92, Repealed.

15C-4.008 General.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History--New 11-5-80, Formerly 15C-4.08, Repealed.

15C-4.009 Forms.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 120.53(1)(b), 320.8256 FS. History--New 11-5-80, Formerly 15C-4.09, Amended 1-13-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Julie Gentry, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Field Operations, 2900 Apalachee Parkway, Mail Stop 64, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

RULE NOS.:	RULE TITLES:
15C-5.001	Type Inspection Station
15C-5.002	Procedure for Appointment as an Inspection Station
15C-5.003	Minimum Requirements for Official Vehicle Inspection Station; (Public)
15C-5.004	Equipment Required for Official Inspection Station
15C-5.005	Approved Testing Devices
15C-5.006	Responsibility of Station Owner or Operator
15C-5.007	Approval of Certified Inspectors
15C-5.008	Duties and Responsibilities of Authorized Inspectors
15C-5.009	Period of Inspection
15C-5.010	Inspection Certificates
15C-5.011	Delinquent Fees
15C-5.012	Replacement Certificates

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-5.001 through 15C-5.012, F.A.C., Motor Vehicle Inspection, because they are obsolete. Section 325.26, F.S., rulemaking authority for this rule has been repealed; therefore the Department no longer has the authority to perform motor vehicle inspections. The effect will be to repeal Rule Chapter 15C-5, F.A.C.

SUMMARY: Rules 15C-5.001 through 15C-5.012, F.A.C., Motor Vehicle Inspection, are being repealed because they are obsolete and the Department no longer has the authority to perform motor vehicle inspections.

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: 325.26 FS.

LAW IMPLEMENTED: 325.12, 325.13, 320.15, 325.16, 325.19, 325.20, 325.21, 325.22, 325.23, 325.24, 325.25, 325.26, 325.27 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: Tuesday, December 29, 2009, 10:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Gentry, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Field Operations, 2900 Apalachee Parkway, Mail Stop 64, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-5.001 Type Inspection Station.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20, 325.21, 325.27 FS. History--New 5-7-81, Formerly 15C-5.01, Repealed.

15C-5.002 Procedure for Appointment as an Inspection Station.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20, 325.26 FS. History--New 5-7-81, Formerly 15C-5.02, Repealed.

15C-5.003 Minimum Requirements for Official Vehicle Inspection Station; (Public).

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20 FS. History--New 5-7-81, Formerly 15C-5.03, Repealed.

15C-5.004 Equipment Required for Official Inspection Station.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20 (1)(d), 325.26 FS. History--Revised 1-19-73, 1-19-74, Amended 12-14-75, Formerly 15-7.05, Amended 5-7-81, Formerly 15C-5.04, Repealed.

15C-5.005 Approved Testing Devices.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20(1)(d) FS. History—Revised 1-19-73, 1-19-74, Amended 12-14-75, Formerly 15-7.05, Formerly 15C-5.05, Repealed.

15C-5.006 Responsibility of Station Owner or Operator.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.16, 325.19, 325.20, 325.21, 325.22, 325.23, 325.25, 325.27 FS. History—New 5-7-81, Formerly 15C-5.06, Repealed.

15C-5.007 Approval of Certified Inspectors.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20, 325.22, 325.23, 325.26 FS. History—New 5-7-81, Formerly 15C-5.07, Repealed.

15C-5.008 Duties and Responsibilities of Authorized Inspectors.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.16, 325.19, 325.20 FS. History—Formerly 15-7.04, New 5-16-68, Revised 5-9-70, 1-19-73, Amended 12-14-74, Formerly 15-7.08, Formerly 15C-5.08, Repealed.

15C-5.009 Period of Inspection.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.12, 325.13, 325.15, 325.16 FS. History—New 5-7-81, Formerly 15C-5.09, Repealed.

15C-5.010 Inspection Certificates.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.23 FS. History—New 5-7-81, Formerly 15C-5.10, Repealed.

15C-5.011 Delinquent Fees.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.13, 325.24 FS. History—New 5-7-81, Formerly 15C-5.11, Repealed.

15C-5.012 Replacement Certificates.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.23 FS. History—New 1-19-73, Repromulgated 12-14-74, Formerly 15-7.12, Formerly 15C-5.12, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Julie Gentry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Executive Director  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
15C-6.001	Motor Vehicle Emissions Reinspection Facilities and Self-Inspectors
15C-6.002	Exemptions and Waivers from the Requirements for Annual Emissions Inspections
15C-6.003	Emissions Inspection Fee for Annual Emissions Inspections
15C-6.005	Bureau of Emissions Control Forms
15C-6.007	Motor Vehicle Safety Equipment Inspection Standards

**PURPOSE AND EFFECT:** The purpose is to repeal Rules 15C-6.001 through 15C-6.007, F.A.C., Motor Vehicle Emissions Inspection, because they are obsolete. Section 325.219, F.S., rulemaking authority for this rule has been repealed; therefore the Department no longer has the authority to perform motor vehicle emissions inspections. The effect will be to repeal Rule Chapter 15C-6, F.A.C.

**SUMMARY:** Rules 15C-6.001 through 15C-6.007, F.A.C., Motor Vehicle Emissions Inspection, are being repealed because they are obsolete and the Department no longer has the authority to perform motor vehicle emissions inspections.

**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:** 325.26, 325.205(3), 320.011 FS.

**LAW IMPLEMENTED:** 320.02(10), 325.203, 325.205, 320.209, 320.212, 325.213, 325.214 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:** Tuesday, December 29, 2009, 11:00 a.m.

**PLACE:** Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Dwight Davis, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Mobile Home and Recreational Vehicle Construction, 2900 Apalachee Parkway, Mail Stop 66, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-6.001 Motor Vehicle Emissions Reinspection Facilities and Self-Inspectors.

Rulemaking Specific Authority 325.219 FS. Law Implemented 325.212, 325.213 FS. History--New 9-18-90, Amended 2-11-92, 11-10-92, 10-2-95, 11-17-98, Repealed.

15C-6.002 Exemptions and Waivers from the Requirements for Annual Emissions Inspections.

Rulemaking Specific Authority 320.011, 325.219 FS. Law Implemented 320.02(10), 325.203, 325.209 FS. History--New 6-21-90, Amended 2-11-92, 11-10-92, 10-2-95, 11-17-98, Repealed.

15C-6.003 Emissions Inspection Fee for Annual Emissions Inspections.

Rulemaking Specific Authority 325.219 FS. Law Implemented 325.214 FS. History--New 9-18-90, Repealed.

15C-6.005 Bureau of Emissions Control Forms.

Rulemaking Specific Authority 325.219 FS. Law Implemented 325.214 FS. History--New 2-11-92, Repealed.

15C-6.007 Motor Vehicle Safety Equipment Inspection Standards.

Rulemaking Specific Authority 325.205(3), 325.219 FS. Law Implemented 325.205 FS. History--New 8-2-89, Formerly 15C-7.001, Amended 8-4-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dwight Davis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-210.102                      RULE TITLE: Legal Documents and Legal Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the handling and processing of incoming legal mail.

SUMMARY: The proposed rule eliminates the requirement that incoming legal mail be marked as "legal" or "confidential" in order to be processed as legal rather than routine mail; clarifies that staff are to remove any unauthorized packaging

before delivering the contents of incoming legal mailings to inmates; and amends form DC2-522, Incoming Legal and/or Privileged Mail Log, to add columns for staff to indicate an inmate's housing and job assignment.

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

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

RULEMAKING AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.102 Legal Documents and Legal Mail.

(1) No change.

(2) Legal mail shall be defined as mail to and from the following entities:

(a) Municipal Mail to and from municipal, county, state and federal courts.

(b) State Mail to and from state attorneys.

(c) Private Mail to and from private attorneys.

(d) Public Mail to and from public defenders.

(e) Legal Mail to and from legal aid organizations.

(f) Mail to and from Agency clerks Clerks.

(g) Government Mail to and from government attorneys.

(3) through (7) No change.

(8) Processing of Legal Mail.

(a) through (b) No change.

(c) No packaging other than standard envelopes shall be given to inmates. The following types of packaging shall be removed by staff before providing the contents to the inmate: boxes, padded envelopes, envelopes that include metal parts, multilayer packaging, bubble wrap, packing peanuts, or other forms of extra packaging.

~~(d) The sender of incoming legal mail shall mark the outside of the envelope "legal confidential," "legal open only in the presence of the addressee," or similar language which would put the reader on notice that the mail is legal mail of a confidential nature. Mail from the courts subject to public inspection under Chapter 119, Florida Statutes, need not be marked as legal mail. Incoming mail that is not marked as legal~~

~~pursuant to this paragraph shall be treated as routine mail and shall be opened and examined, and is subject to being read by a designated employee outside the presence of the inmate.~~

- (e) through (i) renumbered (d) through (h) No change.
- (9) through (14) No change.

(15)(a) All incoming legal mail received for an inmate shall be entered on Form DC2-522, ~~the~~ Incoming Legal And/Or Privileged Mail Log, ~~Form DC2-522~~. The form shall include the inmate's name, DC number, the date the mail was received by the institution, the full address of the sender, the date the mail was received by the inmate, the signature of the inmate, and the initials of the mailroom officer who is present when the inmate signs for receipt of the mail. Form DC2-522 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of the form is 4-23-09.

- (b) No change.

Rulemaking Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, 8-25-03, 9-20-04, 12-23-07, 4-23-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wendel Whitehurst, Deputy Secretary of Institutions  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2009  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.202  
 RULE TITLE: Use of Inmates in Public Works  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the eligibility criteria of non-department supervisors.  
 SUMMARY: The proposed rule clarifies the eligibility criteria of non-department supervisors.  
 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: 944.09, 946.40(1) FS.  
 LAW IMPLEMENTED: 944.09, 944.10(7), 946.002, 946.40(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 RULE IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-601.202 Use of Inmates in Public Works.
- (1) through (5) No change.

~~(6) For each person not an employee of the Department of Corrections, who is to supervise inmates under this rule, the assistant warden or designee shall conduct a National Crime Information Center/Florida Crime Information Center (NCIC/FCIC) system criminal history background check.~~

- ~~(6)(7) Non-department supervisors.~~

(a) Individuals ~~Persons~~ other than Department of Corrections employees may supervise minimum and community custody inmates under this rule only upon the approval of the warden or ~~his~~ designee. In making this determination, the warden or designee shall consider the following:

1. The individual's criminal history as determined by an initial NCIC/FCIC background check;
  2. Whether the individual is a relative, friend, or victim of any inmate at the institution;
  3. The individual's ability to understand and communicate in English;
  4. Any other factor that may impact the individual's ability to safely and effectively supervise inmates participating in a public works program.
- (b) Upon approval by the warden or designee, a non-department supervisor shall be required to complete a 32-hour orientation and training course before being assigned to supervise inmates.
- (c) Non-department supervisors shall be required to submit annually to an NCIC/FCIC background check, upon which the warden or designee shall reevaluate the individual's eligibility to supervise based on the criteria set forth in paragraph (a) of this subsection.
- (d) Upon re-approval by the warden subsequent to the annual background check and evaluation, a non-department supervisor shall be required to complete an annual refresher training course.

(e) The warden may suspend or revoke a non-department supervisor's authorization to supervise when an incident occurs or when the warden receives information indicating that the individual is unable or unwilling to safely and effectively supervise inmates participating in a public works program.

~~(7)(8)~~ All inmates will be expected to carry out instructions as given by the non-Department of Corrections employee.

~~(8)(9)~~ The Department of Corrections is authorized to enter into agreements with any political subdivision to utilize medium and close custody inmates:

(a) through (b) No change.

Rulemaking Specific Authority 944.09, 946.40(1) FS. Law Implemented 944.09, 944.10(7), 946.002, 946.40(1) FS. History--New 6-20-84, Formerly 33-3.17, Amended 2-26-86, 10-31-86, 1-29-98, 8-13-98, Formerly 33-3.017, Amended 2-7-02, 12-28-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John Hancock, Assistant Deputy Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-8.041  
RULE TITLE: Minimum Flows

PURPOSE AND EFFECT: To amend Rule 40D-8.041, F.A.C., to establish Minimum Flows for the Dona Bay/Shakett Creek below Cow Pen Slough located within the Manasota Basin, Sarasota County, Florida pursuant to Section 373.042, Florida Statutes. For purposes of this rule the Dona Bay/Shakett Creek System includes the watercourse and its tributaries from the most downstream control structure on Cow Pen Slough, known as CPS-2 and operated by Sarasota County to the Gulf of Mexico including Shakett Creek, Salt Creek, Fox Creek and Dona Bay.

SUMMARY: The proposed rule amendment establishes minimum flows for the Dona Bay/Shakett Creek System, which includes the watercourse and its tributaries from the most downstream control structure on Cow Pen Slough, known as CPS-2 to the Gulf of Mexico including Shakett Creek, Salt Creek, Fox Creek and Dona Bay. The Minimum Flow for the Dona Bay/Shakett Creek System is 100% of the natural flow of the system contributed by the watershed below CPS-2.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) through (12) No change.

(13) Minimum Flows for the Dona Bay/Shakett Creek System below Cow Pen Slough located within the Manasota Basin, Sarasota County, Florida.

(a) The Minimum Flows are to ensure that the minimum hydrologic requirements of the water resources and ecology of the natural systems associated with the Dona Bay/Shakett Creek System are met. For purposes of this rule, the Dona Bay/Shakett Creek System includes the watercourse and its tributaries from the most downstream control structure on Cow Pen Slough, known as CPS-2 and operated by Sarasota County (hereinafter referred to as "CPS-2") to the Gulf of Mexico including Shakett Creek, Salt Creek, Fox Creek and Dona Bay.

(b) The Minimum Flow for the Dona Bay/Shakett Creek System is 100% of the natural flow of the system contributed by the watershed below CPS-2. This Minimum Flow is exclusive of flow which is generated from the channelized watershed above CPS-2. Flow generated from the channelized watershed above CPS-2 shall be based on the flow records from CPS-2.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421 FS. History--Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Heyl, Chief Environmental Scientist, Resource Projects, 7601 Hwy 301 North, Tampa, FL 33637-6759, (813)984-7481  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.020  
RULE TITLE: Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective March 1, 2009, in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 110.

1. Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to reduce individual hospital rates proportionately until the required \$84,675,186 savings is achieved. Hospitals that are licensed as a children’s specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent are excluded from this reduction.

2. Public hospitals, teaching hospitals as defined in Section 408.07(45) or Section 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, designated trauma centers and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds 25 percent are permitted to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The Agency shall use the average of 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

SUMMARY: Effective March 1, 2009, in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 110, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to reduce individual hospital rates proportionately until the required savings is achieved. Hospitals that meet specific criteria are eligible to buy back their rate cut.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 409.919 FS.  
LAW IMPLEMENTED: 409.908, 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.9117 409.9118, 409.9119 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: January 14, 2010, 9:00 a.m. – 11:00 a.m.  
PLACE: Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version XXXHIV, Effective Date ~~March 1, 2009~~ ~~July 1, 2008~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History–New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, 8-10-04, 10-12-04, 4-19-06, 12-11-06, 3-4-08, 6-10-08, 1-11-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.020  
RULE TITLE: Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2009, in accordance with Senate Bill 2600, 2009-10 General Appropriations Act, Specific Appropriation 188 and 189.

1. \$168,300 is provided to Lee Memorial Hospital for the Regional Perinatal Intensive Care Center (RPICC) Program.
2. The Agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve a \$35,478,571 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.
3. Elimination of the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. For any public hospital or any leased public hospital found to have sovereign immunity or hospital with graduate medical education positions that does not qualify for the elimination of the inpatient ceilings under this section of proviso or any other proviso listed, such hospitals shall be exempt from the inpatient reimbursement ceilings contingent on the hospital or local governmental entity providing the required state match. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.
4. Elimination of the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.
5. Elimination of the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2009 and any hospital that becomes a designated or provisional trauma center during Fiscal Year 2009-2010. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in Section 12, Chapter 2007-326, Laws of Florida. The Agency shall use the average of the 2003, 2004 and 2005 audited Disproportionate Share Hospital (DSH) data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited Disproportionate Share Hospital (DSH) data for a hospital, the agency shall use the

average of the audited DSH data for 2003, 2004 and 2005 that are available. Funds in Specific Appropriation 188 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. In the event the state share provided through grants and donations is not available to fund the removal of inpatient ceilings for hospitals, the Agency for Health Care Administration shall submit a revised hospital reimbursement plan to the Legislative Budget Commission for approval.

6. Elimination of the inpatient reimbursement ceilings for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the Certificate of Need Program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation. Included in these funds are the annualized amounts to offset the reductions taken against hospitals defined in Section 408.07(45), Florida Statutes, that are not certified trauma centers, as identified in Section 12, Chapter 2007-326, Laws of Florida.

7. \$69,899,581 is provided to buy back of the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for the following three categories of hospitals. Of these funds \$38,503,310 is provided to the first category of hospitals, which are those hospitals that are part of a system that operates a provider service network in the following manner: \$18,152,419 is for Jackson Memorial Hospital; \$5,407,484 is for hospitals in Broward Health; \$5,457,550 is for hospitals in the Memorial Healthcare System; and \$2,748,092 is for Shands Jacksonville and \$6,737,765 is for Shands Gainesville. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the inpatient rate. Of the above funds, \$21,365,269 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. Of the above funds, \$10,031,002 shall be used for the third category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates to rural hospitals. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. For this section of proviso the agency shall use the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the

agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

8. Public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in Section 408.07(45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians and for designated trauma hospitals may buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

9. Medicaid payments for multi-visceral transplant and intestine transplants in Florida. The agency shall establish a reasonable global fee for these transplant procedures and the payments shall be used to pay approved multi-visceral transplant and intestine transplant facilities a global fee for providing transplant services to Medicaid beneficiaries. Payment of the global fee is contingent upon the non-federal share being provided through grants and donations from state, county or other governmental funds. The agency is authorized to seek any federal waiver or state plan amendment necessary to implement this provision.

10. \$155,223,205 is provided for Disproportionate Share (DSH) Hospital payments to public hospitals.

11. A formula for disproportionate share payments to provider service networks.

12. \$66,131,172 is provided for Payments to defined statutory teaching hospitals. Prior to the distribution of these funds to the statutorily defined teaching hospitals. \$6,487,220 shall be allocated to Shands Jacksonville Hospital; \$2,660,440 shall be allocated to Tampa General Hospital; and \$1,083,512 shall be allocated to Shands Teaching Hospital.

12. \$2,000,000 is provided for Payments to hospitals participating in graduate medical education initiatives, specifically consortiums engaged in developing new graduate medical education positions and programs. Consortiums shall consist of a combination of statutory teaching hospitals, statutory rural hospitals, hospitals with existing accredited graduate medical education positions, medical schools, Department of Health clinics, federally qualified health centers, and where possible, the Department of Veterans' Affairs clinics. Ideally, each consortium will have at least five residents per training year. Each consortium must include primary care providers and at least one hospital, and consortium residents shall rotate between participating primary care sites and hospitals. On or before September 1, 2009, consortiums will apply to the agency for funding with the

objective of initiating new medical resident programs and five initial resident positions by July 2010. On or before October 1, 2009, the agency in consultation with the Department of Health shall at a minimum fund two consortiums, one of which shall be designed to serve a rural area. All consortium-initiated residency programs and positions shall be reviewed by the Community Hospital Education Council, which shall report all findings to the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care.

13. \$13,200,000 is provided for Payments to family practice teaching hospitals.

14. \$800,000 is provided for payments to hospitals licensed as specialty children's hospitals. The funds shall be distributed equally among the hospitals that qualify.

15. \$9,216,200 is provided for payments to Provider Service Networks. Distributions are made to qualifying Provider Service Network hospitals or systems proportionally based on Fiscal Year 2006-2007 Provider Service Network patient days from qualifying Provider Service Network hospitals or systems. The Provider Service Network inpatient days used in distributing these funds shall be based on the utilization for the following individual hospitals or hospital systems only: Jackson Memorial Hospital – 15,464 days; Broward Health – 18,109 days; Memorial Healthcare System – 12,047 days; Shands Teaching – Gainesville – 1,581 days; and Shands Teaching – Jacksonville – 13,227 days.

16. Unrelated to SB 2600, the Agency is deleting the phrase "Upon request for a copy of any cost report, the hospital involved shall be notified as to the person making the request and what is being requested. Unless prohibited by a court of competent jurisdiction, the cost report shall be released to the requestor within a limited reasonable time from receipt of the request by the Agency for Health Care Administration. Reasonable time is defined as the time allowed to enable the Agency to retrieve the record and delete exempt portions of the record" from Section A.I. of the Inpatient Hospital reimbursement Plan.

17. Unrelated to SB 2600, the Agency is removing the "October 1, 2003" date from the provision related to the acceptance of audited cost reports.

SUMMARY: Effective July 1, 2009, the proposed rule shall bring the Title XIX Inpatient Hospital Reimbursement Plan into compliance with Senate Bill 2600, 2009-10 General Appropriations Act, Specific Appropriation 188 and 189.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.9117 409.9118, 409.9119 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: January 14, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version XXXHIV, Effective Date ~~July 1, 2009~~ ~~March 1, 2008~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History--New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, 8-10-04, 10-12-04, 4-19-06, 12-11-06, 3-4-08, 6-10-08, 1-11-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:                      RULE TITLE:

59G-6.030                      Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan payment methodology, effective March 1, 2009, in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 111.

Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to reduce individual outpatient hospital rates proportionately until the \$20,952,069 required savings is achieved.

Hospitals that are licensed as a children’s specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent are excluded from this reduction.

The Agency may amend its current facility fees and physician services to allow for payments to hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program in Fiscal Year 2003-2004 provided such hospital implements an emergency room diversion program so that non-emergent patients are triaged to lesser acute settings. Any payments made to qualifying hospitals because of this change shall be contingent on the state share being provided through grants and donations from counties, local governments, public entities, or taxing districts, and federal matching funds.

Public hospitals, teaching hospitals as defined in section 408.07(45) or Section 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, designated trauma centers and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds twenty five percent are permitted to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost.

The agency shall use the 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

SUMMARY: Effective March 1, 2009, in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 111, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to reduce individual hospital rates proportionately until the required savings is achieved. Hospitals that meet specific criteria are eligible to buy back their rate cut.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: January 14, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XVIII~~ XIX Effective date: ~~July 1, 2008~~ March 1, 2009 and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, 10-12-04, 7-4-05, 4-19-06, 12-11-06, 3-4-08, 6-10-08, 1-11-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.030

RULE TITLE:

Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: to the Florida Title XIX Outpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2009, in accordance with Senate Bill 2600, 2009-2010 General Appropriations Act, Specific Appropriation 193.

1. The Agency may amend its current facility fees and physician services to allow for payments to hospitals providing primary care to low-income individuals and participating in the Primary Care Disproportionate Share Hospital (DSH) program in Fiscal Year 2003-2004 provided such hospital implements an emergency room diversion program so that non-emergent patients are triaged to lesser acute settings; or a public hospital assumed the fiscal and operating responsibilities for one or more primary care centers previously operated by the Florida Department of Health or the local county government. Any payments made to qualifying hospitals because of this change shall be contingent on the state share being provided through grants and donations from counties, local governments, public entities, or taxing districts, and federal matching funds. This provision shall be contingent upon federal approval of a state plan amendment.

2. The Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve a \$10,403,322 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

3. Elimination of the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. For any public hospital or any leased public hospital found to have sovereign immunity or hospital with graduate medical education positions that does not qualify for the elimination of the outpatient ceilings under this provision of proviso or any other proviso listed, such hospitals shall be exempt from the outpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

4. Elimination of the outpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.

5. Elimination of the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2009 or become a designated or provisional trauma center during Fiscal Year 2009-2010. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in section 13, Chapter 2007-326, Laws of Florida. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available. Funds provided for the elimination of hospital outpatient ceilings in Specific Appropriation 193 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. The agency shall submit a revised hospital outpatient reimbursement plan to the Legislative Budget Commission for approval if the state share is not available to fund the removal of hospital outpatient ceilings or if the Centers for Medicare and Medicaid Services does not approve amendments to the Medicaid Hospital Outpatient Reimbursement Plan to eliminate the reimbursement ceilings for certain hospitals.

6. \$18,445,845 is provided to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for the following three categories of hospitals:

- \$6,711,233 is provided to the first category of hospitals, which are those hospitals that are part of a system that operate a provider service network in the following manner: \$2,762,760 is for Jackson Memorial Hospital; \$803,934 is for hospitals in Broward Health; \$1,211,814 is for hospitals in the Memorial Healthcare System; and \$795,574 to Shands Jacksonville and \$1,137,151 to Shands Gainesville. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the outpatient rate.

- \$5,985,074 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the outpatient rate.

- \$5,749,538 shall be used for the third category to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for rural hospitals. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the outpatient rate for those individual hospitals. For this section of proviso the agency shall use the average of 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

7. Provided for public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in Section 408.07(45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians and designated trauma hospitals to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid outpatient trend adjustment applied to the individual state mental health hospitals.

8. Unrelated to SB 2600, the Agency is deleting the phrase "Upon request for a copy of any cost report, the hospital involved shall be notified as to the party making the request and the information requested. Unless prohibited by a court of competent jurisdiction, the cost report shall be released to the requestor 15 days from receipt of the request by AHCA" from section A.J. of the Title XIX Outpatient Hospital Plan.

9. Unrelated to SB 2600, The Agency is removing the "October 1, 2003" date from the provision related to the acceptance of audited cost reports.

**SUMMARY:** The proposed rule effective March 1, 2009, brings the Title XIX Outpatient Hospital Reimbursement Plan into compliance with Senate Bill 2600, 2009-2010 General Appropriations Act, Specific Appropriation 193.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The Agency has determined that this rule will not have an impact on small business.

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

**RULEMAKING AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.908 FS.

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

DATE AND TIME: January 14, 2010, 9:00 a.m. – 11:00 a.m.  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services  
Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XX XIX~~ Effective date: July 1, 2009 ~~March 1, 2008~~ and incorporated herein by reference.  
A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.908 FS. History—New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, 10-12-04, 7-4-05, 4-19-06, 12-11-06, 3-4-08, 6-10-08, 1-11-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.090  
RULE TITLE: Payment Methodology for County Health Departments

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX County Health Department Reimbursement Plan in accordance with Senate Bill 2-A, 2008-09 Special Appropriations Act, Specific Appropriation 114.

1. Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to reduce individual County Health Department rates proportionately until the required \$1,907,971 savings is achieved.

2. The services provided at each CHD are in compliance with 42 CFR 440.90, clinic services.  
SUMMARY: Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to reduce individual County Health Department rates proportionately until the required savings is achieved.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: January 14, 2010, 11:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.090 Payment Methodology for County Health Departments.  
Reimbursement to participating county health departments for services provided shall be in accordance with the Florida Title XIX County Health Departments Reimbursement Plan Version ~~VI~~ Effective Date March 1, 2009 ~~July 1, 2008~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking ~~Specific~~ Authority 409.919 FS. Law Implemented 409.908 FS. History—New 6-3-93, Formerly 10P-6.090, Amended 7-21-02, 11-21-04, 1-11-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.090  
 RULE TITLE: Payment Methodology for County Health Departments

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX County Health Department Reimbursement Plan in accordance with Senate Bill 2600, 2009-10 General Appropriations Act, Specific Appropriation 212. The Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan will be amended as follows:

1. The Agency shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to achieve a \$3,024,506 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.
2. A buy back provision for the County Health Departments to apply to their rate reduction.

SUMMARY: Effective July 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to reduce individual County Health Department rates proportionately until the required savings is achieved and implementing a buy back provisions so CHDs may buy back their rate reduction.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: January 14, 2010, 11:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.090 Payment Methodology for County Health Departments.

Reimbursement to participating county health departments for services provided shall be in accordance with the Florida Title XIX County Health Departments Reimbursement Plan Version VII Effective Date July 1, 2009 ~~March 1, 2008~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 6-3-93, Formerly 10P-6.090, Amended 7-21-02, 11-21-04, 1-11-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NO.: 60BB-2.025  
 RULE TITLE: Reports Required of Liable Employers

PURPOSE AND EFFECT: The rule amendment set forth in this Notice of Proposed Rule conforms sections of Rule 60BB-2.025, F.A.C., to statutory amendments made by the Legislature in 2009 to Section 443.1216, F.S., and incorporates the reporting format required by the Bureau of Labor Statistics of the United States Department of Labor for its Multiple Worksite Report for Professional Employer Organizations.

SUMMARY: The rule amendment describes quarterly reporting requirements and prescribes filing methods.

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: 443.1216(1)(a)2.c. FS.

LAW IMPLEMENTED: 443.1216(1)(a)2. FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 7, 2010, 10:30 a.m.

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Conference Room 114, Tallahassee, Florida 32399-4128

Additionally, the following teleconference number is available: Dial – 1(888)808-6959; Enter pass code – 6724792 #

Pursuant to the provisions of 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: Karen Bishop, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150. If you are 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: Karen Bishop, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-2.025 Reports Required of Liable Employers.

(1) Employer’s Quarterly Reports.

(a) Each contributing and reimbursing employer must file quarterly reports on Form UCT-6, *Employer’s Quarterly Report*, incorporated by reference in Rule 60BB-2.037, F.A.C., unless the employer solely employs workers who perform domestic services and has been approved by the Department to file reports annually pursuant to Section 443.131(1), F.S. Payrolling, as defined in Rule 60BB-2.022, F.A.C., is not permitted. Employers that engage in payrolling are subject to the penalties set forth in Section 443.131(3)(g), F.S.

(b) Each quarterly report must:

1. Be filed with the Department by the last day of the month following the calendar quarter to which the report applies, except for reports filed by electronic means, which are to be filed as provided in Rule 60BB-2.023, F.A.C. However, an employer reporting for the first time is authorized 15 consecutive calendar days from the notification date of liability to submit reports for previous calendar quarters without incurring penalty charges; and

2. Be filed for each calendar quarter during which the employer was liable, even if no contributions are payable. If there was no employment during the calendar quarter to which the report applies, the report must be completed to so reflect; and

3. Include wages paid at regular and irregular intervals during the calendar quarter; and

4. Include commissions and bonuses and the cash value of all remuneration paid in any medium other than cash during the calendar quarter.

(2) Reports of Change in Status.

(a) Sale, transfer, cessation, or other disposition of a business or part of a business. Each liable employer must report any change in status to the Department using Form UCS-3, *Employer Account Change Form*, incorporated by reference in Rule 60BB-2.037, F.A.C., or by writing to the Department. The report must be signed by a person with authority to submit such reports and:

1. Be reported on or before the due date of the next quarterly report, and when applicable;

2. State the name and address of the person, firm or corporation to whom all or part of the business was sold, transferred or otherwise disposed; and

3. Include the name and address of the trustee, receiver, or other official placed in charge of the business when the status change results from bankruptcy, receivership or other similar situation; and

4. Be made by the employer’s court appointed personal representative when the status change results from the death of an employer or, in the event no personal representative is appointed by the heirs succeeding in interest of the employer; and

5. Be made by the former partners or joint adventurers when the change is due to dissolution of a partnership or joint venture.

(b) Other Changes. Employers must report changes to business name, address, ownership, officers, legal entity status (such as from sole proprietorship to corporation or from partnership to limited liability company) and business operations in the manner required on Form UCS-3, *Employer Account Change Form*, incorporated by reference in Rule 60BB-2.037, F.A.C., or by writing to the Department.

(3) Special Reports.

(a) Employee Leasing Company Reports.

1. Disclosure of Client Companies and Leased Employees Client List. In addition to the information required by Section 443.036(18), F.S., ~~the bi-annual report of each employee leasing company must file a multiple worksite report each quarter that includes information for each client establishment and each employee leasing company establishment as provided in subparagraphs 2. and 3. below. identify the~~

~~a. Leasing company’s employer identification number; and~~

~~b. Name of each client that leases employees from the company; and;~~

~~c. Name and address of each job site where leased employees work, listed under the name of the respective client; and;~~

- d. ~~Name and social security number of each leased employee, listed under the respective job site; and;~~  
 e. ~~Total number of clients during the reporting period; and;~~  
 f. ~~Total number of employees leased during the reporting period.~~

2. Electronic Filing Required. Each employee leasing company that has 30 or more client companies as of October 1, 2009 must file the report electronically with the U.S. Bureau of Labor Statistics. Each electronic report shall be submitted in the format specified by the Bureau of Labor Statistics of the United States Department of Labor, *Quarterly Census of Employment and Wages, Electronic Data Reporting, Appendix E - MWR File Format (PEO)*. This file format, together with its instructions, are incorporated herein by reference and may be obtained online at <http://www.bls.gov/cew/cewedr11.htm> (last modified Sept. 27, 2005). The sum of the employment data and the sum of the wage data in this report must match the employment and wages reported in Form UCT-6, *Employer's Quarterly Report*.

3. Paper Filing Allowed. Any employee leasing company that has less than 30 client companies as of October 1, 2009 may file the report electronically with the U.S. Bureau of Labor Statistics in accordance with paragraph 2, above, or may complete Form BLS 3020, *Multiple Worksite Report*, which shall be filed with the Agency for Workforce Innovation, Labor Market Statistics, 107 East Madison Street, MSC G-020, Tallahassee, Florida 32399-4111. This form, together with its instructions, are incorporated herein by reference and may be obtained by contacting the Agency at the address above, or online at [http://www.bls.gov/cew/forms/mwr\\_fl.pdf](http://www.bls.gov/cew/forms/mwr_fl.pdf). Once an employee leasing company begins to file its report electronically, it may not thereafter elect to file any paper reports.

4. Transition to Electronic Filing. When an employee leasing company attains 30 client companies it must transition from paper filing to electronic filing. An employee leasing company must file electronically within three quarters following the quarter in which it exceeds 29 client companies. Any employee leasing company that registers to conduct business in Florida after October 1, 2009 must file electronically if it has 30 or more client companies as of that date. Any such employee leasing company must begin electronic filing within three quarters following the quarter in which it begins to conduct business in Florida. The employee leasing company must continue to file Form BLS 3020, *Multiple Worksite Report* with the Agency until it is able to file electronic reports.

5. ~~2. Filing Date.~~ The first quarterly report required by subsection (1) is due no later than October 31, 2010. Each subsequent quarterly report must be filed by the last day of the month immediately following the end of the calendar quarter; i.e. April, July, October, and January of each year. ~~The annual report due June 30 becomes delinquent on August 1.~~

~~The bi-annual report due December 31 becomes delinquent on February 1 of the following year.~~ Delinquent reports are subject to penalties pursuant to Section 443.141(1)(b), F.S. If an employee leasing company fails to timely file the quarterly reports required by this rule, the Agency will report the employee leasing company to the Department of Business and Professional Regulation.

(b) Report of Work and Earnings. During an investigation of eligibility for benefits, an employing unit must, if requested by the Agency or the Department, complete Form UCS-8, *Firm's Statement of Claimant's Work and Earnings*, incorporated by reference in Rule 60BB-2.037, F.A.C.

(c) Independent Contractor Questionnaire. An employing unit must, if requested by the Agency or the Department, complete Form UCS-6061, *Independent Contractor Analysis*, incorporated by reference in Rule 60BB-2.037, F.A.C., when additional information is necessary to establish whether workers are employees or independent contractors.

(d) Annual Reporting of Certain Domestic Workers.

1. Application. An employer whose employees perform only domestic services may elect to report wages and pay taxes annually instead of quarterly, pursuant to Section 443.131(1), F.S., by completing and filing application Form UCT-7A, *Application to Select Filing Period for Employers Who Employ ONLY Employees Who Perform Domestic Services*, incorporated by reference in Rule 60BB-2.037, F.A.C., with the Department by December 1 of the year preceding the calendar year the annual reporting period will begin. The Department will issue written notification of approval or denial to the applicant within 30 days after receipt of a completed application. An employer whose application is approved does not need to resubmit an application for consecutive subsequent years. An employer whose application is denied will have 20 days from the mailing date of the notification of denial to file a written protest with the Department. The protest will be governed by the provisions of Rule 60BB-2.035, F.A.C.

2. An employer who is approved must report wages and pay taxes annually by filing Form UCT-7, in accordance with the instructions contained on the form. However, an employer required to file by electronic means must file Form UCT-7, *Annual Report for Employers of Domestic Employees Only*, by electronic means and concurrently pay taxes by electronic means in accordance with subsection 60BB-2.023(2) and paragraph 60BB-2.027(2)(a), F.A.C.

3. An employer who ceases to qualify for annual reporting and payment or voluntarily discontinues annual reporting and payment or is terminated from the annual reporting and payment program for failure to timely furnish wage information must file with the Department, no later than the last day of the month following the calendar quarter in which the disqualification or termination occurred, all quarterly wage and tax reports due for all completed calendar quarters and pay all amounts due. Any request to discontinue annual reporting

must be submitted in writing to the Department and include the employer's unemployment tax account number and the date the discontinuation is to be effective. An employer whose participation has been terminated by the Department will have 20 days from the mailing date of the notice of termination to file a written protest with the Department. Pending the final resolution of the protest the employer must timely file quarterly reports and pay all taxes due. The protest will be governed by the provisions of Rule 60BB-2.035, F.A.C.

4. Reapplication.

a. An employer who terminates or is disqualified from annual reporting and payment may reapply by completing and filing Form UCT-7A, *Application to Select Filing Period for Employers who Employ ONLY Employees who Perform Domestic Services*, with the Department no later than December 1 of the year following disqualification or termination. Upon re-application, an employer who timely furnished all required wage information and paid taxes due will be reconsidered for annual reporting effective January 1 of the calendar year following re-application.

b. An employer of domestic employees who ceased to participate in annual reporting pursuant to a voluntary written request, may reapply by completing and filing Form UCT-7A with the Department no later than December 1 of the year following disqualification or termination to be considered for annual reporting of wages and paying taxes commencing January 1 of the following year.

Rulemaking Specific Authority 443.1317 FS. Law Implemented 443.036(18), 443.1216, 443.131, 443.141, 443.163, 443.171(5) FS. History--New 8-25-92, Formerly 38B-2.025, Amended 1-19-03, 7-18-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Bishop, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo, Director, Agency for Workforce Innovation, 107 East Madison Street, Tallahassee, Florida 32399-4128

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 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 FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.:	RULE TITLES:
69A-47.013	Regional Access
69A-47.014	Compliance Dates

PURPOSE AND EFFECT: To conform the rules to statutory changes made in Chapter 2006-65, Laws of Florida.

SUMMARY: Chapter 399, Florida Statutes, the "Elevator Safety Act," was enacted in 2001 to promote safety and prevent injuries caused by unsafe and defective elevators. Section 399.15, Florida Statutes, requires that specified buildings be keyed to allow all elevators within each of the seven state emergency response regions to operate in fire emergency situations with one master elevator key. Compliance dates were provided. Section 3, Chapter 2006-65, Laws of Florida, extended the compliance dates.

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: 399.15 FS.

LAW IMPLEMENTED: 399.15 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, December 29, 2009, 9:30 a.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, 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: Lesley Mendelson, Assistant General Counsel, Department of Financial Services, (850)413-3604, [Lesley.Mendelson@myfloridacfo.com](mailto:Lesley.Mendelson@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 RULES IS: The person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-47.013 Regional Access.

Regional emergency elevator access shall be provided for each elevator that allows public access including, but not limited to, public elevators, service elevators, and freight elevators, in each of the following buildings in this state.

(1) Each building which is six or more stories in height, including, but not limited to, hotels and condominiums, on which construction is begun after ~~September 30, 2006~~ June 30, 2004.

(2) Any building in this state which is six or more stories in height that has undergone "substantial improvement" as defined in Section 161.54(12), F.S. (2005).

Rulemaking Specific Authority 399.15 FS. Law Implemented 399.15 FS. History--New 6-6-06, Amended \_\_\_\_\_.

**69A-47.014 Compliance Dates.**

Each existing building that is six stories or more in height must comply with these rules no later than October 1, 2009 ~~July 1, 2007~~.

Rulemaking Specific Authority 399.15 FS. Law Implemented 399.15 FS. History--New 6-6-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
James Goodloe

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

**Section III**

**Notices of Changes, Corrections and Withdrawals**

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-103.005  
RULE TITLE: Informal Grievance  
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. 38, September 25, 2009 issue of the Florida Administrative Weekly.

33-103.005 Informal Grievance.

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

(d) The response to the informal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining form DC1-303, Request

for Administrative Remedy or Appeal, completing the form as required by Rule 33-103.006, F.A.C., attaching a copy of your informal grievance and response, and forwarding your complaint to the warden or assistant warden no later than 15 days after the grievance is responded to receipt of this response. If the 15th day falls on a weekend or holiday, the due date shall be the next regular work day.

(5) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05, 3-25-08, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section IV  
Emergency Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE NO.: 5CER09-1  
RULE TITLE: Temporary Restrictions on Importation of Horses from Texas

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On October 20, 2009, the Texas Animal Health Commission announced that a Texas horse exhibiting clinical signs of Equine Piroplasmiasis (EP) had been diagnosed with the disease. In subsequent testing, in multiple counties in South Texas, over 280 horses have been determined to be positive for the disease.

EP is considered a foreign animal disease, not endemic to the United States. EP is a blood-borne parasitic disease primarily transmitted between horses by ticks or contaminated needles and is not directly contagious from one horse to another. Currently, EP is considered an untreatable disease and under state and federal agreement, all horses testing positive for EP must be quarantined for life or be euthanized. Ticks are the natural method of transmission of EP and those tick species which are known to be efficient at transmitting the EP organism are not believed to exist in Florida. If the tick vectors, detected in Texas, become established in Florida and facilitate the spread of EP among Florida's 500,000 horses, the impact would be devastating.

Acutely affected horses can have depression, fever, anemia (decreased red blood cells) jaundiced (yellow) mucous membranes and low platelet counts and can die from the

disease. In its milder form, EP can also cause horses to have roughened hair coats, constipation, colic, generalized weakness and lack of appetite. Some horses become chronic carriers of the disease showing little clinical signs but having the ability to transmit the disease to other horses via ticks. Treatment of infected horses has not been shown to be effective in eliminating the organism (*Theileria equi*) and infected horses must remain under quarantine.

In an EP incident in Florida in 2008-2009 the Department spent over 4,800 hours managing the disease and testing more than 200 horses. During the incident the owners of 20 positive horses elected to euthanize their animals. Additional industry losses were incurred as many horses were not imported into Florida during the peak winter show season and Canada required testing on Florida horses. While the disease investigation was costly, the impact was much less than could have been the case if a tick vector was present to spread the disease. Currently, it costs Texas more than \$14.0 million dollars a year in its efforts to eradicate a tick which transmits an EP like disease in cattle.

If EP infected horses or a species of tick efficient at transmitting the disease were established in the state countless Florida horses would have to be euthanized or quarantined for life. In addition, many states and countries would not allow importation of Florida's horses, potentially ruining the equine industry which produces goods and services of over \$3.0 billion per year.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** This rule is fair and justified because it takes only the necessary actions to protect the public health, safety, and welfare by preventing the introduction and spread of this dangerous and transmissible disease and its vectors. The rule requires that horses intended for movement to Florida from Texas must be inspected and found free of ticks, be treated with a registered pesticide, and test negative for Equine Piroplasmiasis. The rule also provides an exemption for horses that leave the state destined for Texas, but return to the state within 30 days. The Department is undertaking an aggressive campaign to notify the public about the implementation of this rule. The Department is currently in the process of amending Chapter 5C-3, F.A.C., through formal rulemaking in an effort to incorporate similar provisions for a more permanent solution.

**SUMMARY:** This rule places restrictions upon the importation of horses from Texas to ensure they are not infected with Equine Piroplasmiasis (*T. equi*) or infested with tick vectors capable of transmitting this disease to other horses in Florida. The requirements in this rule are in addition to the import requirements set forth in Chapter 5C-3, Florida Administrative Code.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Dr. Thomas J. Holt, State Veterinarian, Director, Division of Animal Industry,

Department of Agriculture and Consumer Services, 407 S. Calhoun St., Rm. 330, Mayo Bldg., Tallahassee, FL 32399-0800, phone (850)410-0900

THE FULL TEXT OF THE EMERGENCY RULE IS:

5CER09-1 Temporary Restrictions on Importation of Horses from Texas.

(1) Official Certificate of Veterinary Inspection (OCVI). Notwithstanding paragraph 5C-3.002(1)(c), F.A.C., the inspection date of the Official Certificate of Veterinary Inspection (OCVI) that must accompany horse(s) imported into or through the State of Florida must be within 14 days prior to entry into the state and must include the following statement: "All animals identified on this certificate have not been on a premises found positive for *T. equi* or under quarantine within the past 30 days, have been inspected and found free of ticks, and have been thoroughly treated with an approved acaricide labeled for use in horses within 14 days of entry."

(2) Testing. All horses identified on the OCVI must be tested negative for *T. equi* via the CELISA test, performed at the United States Department of Agriculture, Animal and Plant Health Inspection Service, National Veterinary Services Laboratories (USDA-APHIS-NVSL) or other laboratory authorized by the USDA-APHIS-NVSL. The blood sample for the test must be taken within 30 days prior to entry into Florida. The result and accession number must be listed on the OCVI.

(3) Tick Vectors. All horses identified on the OCVI must be examined for, and found free of, ticks and must be thoroughly treated for ticks with an United States Environmental Protection Agency (EPA) registered acaricide labeled for use in horses.

(4) Exemption. Horses from Florida consigned to Texas that are returned to Florida within 30 days of the issuance of the Florida OCVI are exempt from the requirements of this rule.

Rulemaking Authority 570.07(21), (23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History—New 11-18-09.

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: November 18, 2009

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

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

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

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

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on November 12, 2009, the Suwannee River Water Management District has issued an order.

This Order granted variance under Section 120.542, F.S., to Clyde D. and Brenda K. Meziere, 1683 S. E. Boundary Bend Trail, Lee, FL 32059, for a Works of the District residence (ERP09-0208). The petition for variance was received by SRWMD on September 9, 2009. Notice of receipt of petition requesting variance was published in F.A.W., Vol. 35, No. 39, October 2, 2009. No public comment has been received. This Order provides a variance of SRWMDs criteria for paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement and subsection 40B-4.3030(9), F.A.C., as to the zero-rise certification requirement, within Township 2 South, Range 11 East, Section 32, Madison County. SRWMD granted the petition because the petitioners have demonstrated that the purpose of the statute underlying the rule will be met and that a substantial hardship would be created if the petitioners were required to comply with this rule.

A copy of the Order may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on November 13, 2009, the South Florida Water Management District ("District" or "SFWMD") has issued an order.

SFWMD Order No. 2009-284-DAO-ROW was issued to David Fox (Application No. 09-723-1). The petition for waiver was received by the SFWMD on August 14, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 35, on September 4, 2009. No public comment was received. This

Order provides a waiver of the District's criteria to allow a portion of an existing fence enclosure, shed, trees and hedges within 40 feet of the top of the canal bank and an existing dock addition with buried water service, an existing patio and asphalt area to remain within the C-16 Canal right of way, Section 20, Township 45 South, Range 40 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Petitioner from a suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: [jurussel@sfwmd.gov](mailto:jurussel@sfwmd.gov).

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT on November 20, 2009, the Agency for Workforce Innovation, received a petition for Variance of subsection 60BB-4.100(22), F.A.C., which provides the definition of "working family" in the context of determining the eligibility to receive services for the state's school readiness program. The Petition was filed by the Early Learning Coalition of Indian River, Martin, and Okeechobee Counties, 10 S. E. Central Parkway, Suite 400, Stuart, Florida 34994.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on November 20, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by: Hassan Ghalam of Tequesta Towers and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-389).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 20, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code, as submitted by: George Brown of Sun Viking Lodge and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-427).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The Request for Variance is withdrawn by the petitioner, Dana Schikora, Palm Beach Club, Palm Beach, FL, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-590).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The Request for Variance is withdrawn by the petitioner, Melissa Johnson, Castillian Condominium, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-638).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on September 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, The Beachcomber Condominiums, Longboat Key, FL, and location of the Serial Numbers 8299 and 8300, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Stephen M. Zook, Manager (VW 2009-703).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Vantage Pointe Condominiums, Daytona Beach, FL, and location of the Serial Numbers 22030-22033, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Melvyn Van Dyke, Manager (VW 2009-2009-704 & 2009-729).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Brynwood Condominium I Assoc., Inc., Palm Harbor, FL, and location of the Serial Numbers 21965-68, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Thomas P. Reardon, Vice President (VW 2009-705).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Continental Towers Assoc. of St. Petersburg, and location of the Serial Numbers 9760-61, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Fred D. Cottone, Secretary Treasurer (VW 2009-706).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Beta Theta Pi Fraternity House of Gainesville, and location of the Serial Number 97434, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from James Farrow, Agent (VW 2009-707).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, 501 E. Kennedy Associates, LLC, Tampa, FL, and location of the Serial Number 97644, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from James Farrow, Agent (VW 2009-708).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 5, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Glades Tower Condominium Assoc., Inc., Boca Raton, FL, and location of the Serial Numbers 34468 and 37676, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Cynthia J. Soderlund, Esq. (VW 2009-709).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Sections 3.11.3 and 2.7.4, as adopted by Chapter 30, Section

3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, North Shore Normandy Assoc., Inc., St. Petersburg, FL, and location of the Serial Numbers 12320-21, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Judy Butterfield, President (VW 2009-710).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Sections 3.11.3 and 3.10.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, 218 Royal Palm Way, Palm Beach, FL, and location of the Serial Number 3108, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Steven Froot, Manager (VW 2009-712).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, The Prince, Marco Island, FL, and location of the Serial Number 29261, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Fred Arce, CAM (VW 2009-713).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Cove Cay Village IV, Clearwater, FL, and location of the Serial Numbers 29309-12, 31002-03, 35482-83, 32127-28 and 39217-18, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Gerald t. Panagrossi, CAM (VW 2009-714).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Seaside Property Management, Ft. Myers Beach, FL, and location of undisclosed Serial Number(s), requests the variance for an extension of time to complete repairs. The petition was received from Alys Roark, Agent (VW 2009-715).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN that on November 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, DEP Florida Geological Survey of Tallahassee, and location of undisclosed Serial Number(s), requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Carolyn F. Stringer, Operations Manager (VW2009-716).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN that on November 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.3, Section 2.3.1(a), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, DEP Florida Geological Survey of Tallahassee, and location of undisclosed Serial Number(s), requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Carolyn F. Stringer, Operations Manager (VW 2009-717).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN that on November 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.3, Section 3.11.3,

as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bermuda High South of Delray Beach, and location of the Serial Numbers 4755, 4969 and 8328, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Steven C. Lebrun, Secretary (VW 2009-718).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Sections 2.7.4 and 3.11.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Colonial House of Venice, and location of the Serial Number 11681, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Stephen K. Boone, Esq. (VW 2009-719).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Port Belleair #4 of Largo, and location of the Serial Number 9464, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Anita A. Danna, CAM (VW 2009-721).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Boca Teeca Condominium #5 of Boca Raton, and location of undisclosed Serial Number(s), requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Rob Carillo, President (VW 2009-722).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 10, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Monroe Park Tower, Tallahassee, FL, and location of the Serial Numbers 36020-23, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Larry LoCascio, Director of Property Management (VW 2009-724).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 10, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Sections 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Aliko Atrium Condominium, Ormond Beach, FL, and location of the Serial Numbers 30761-62, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mrs. C. Turner, Treasurer (VW 2009-725).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 12, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 2.7.4 and 3.11.1(a)(2), and A17.1, Section 8.6.1.6.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Yachtsman, Clearwater, FL, and location of the Serial Number 17855, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, Agent (VW 2009-726).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 12, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Comfort Inn Universal Studio of Orlando, and location of the Serial Number 35253, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Soli Bratanatawira, General Manager (VW 2009-727).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 12, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Comfort Inn Universal Studio of Orlando, and location of the Serial Number 35254, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Soli Bratanatawira, General Manager (VW 2009-728).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 12, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Comfort Inn Universal Studio, Orlando, FL, and location of the Serial Number 35252, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Soli Bratanatawira, General Manager (VW 2009-729).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 12, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section

3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Comfort Inn Universal Studio, Orlando, FL, and location of the Serial Number 35255, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Soli Bratanatawira, General Manager (VW 2009-730).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 12, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bok Tower Gardens, Lake Wales, FL, and location of the Serial Number 1692, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Christopher Lutton, Director of Facilities (VW 2009-731).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 12, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Lucerne Plaza, Orlando, FL, and location of the Serial Numbers 32809-10, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Barbara J. Petroski, Property Manager (VW 2009-732).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on November 12, 2009, the The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Paragraph 4-301.12(A), 2001 FDA Food Code, Paragraph 5-204.11(A), 2001 FDA Food Code, paragraph 61C-1.004(1)(d), Florida Administrative Code, Paragraph 5-202.11(A), 2001 FDA Food Code, Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Section 5-203.13, 2001 FDA Food Code, subsections 61C-4.010(1), (5), and 61C-1.004(1), Florida Administrative Code, from BBQ Food East, Orlando, FL. The above

referenced F.A.C. addresses the requirements that each establishment have facilities for washing, rinsing and sanitizing dishes and utensils; an area for food preparation that has a conveniently located hand wash sink; discharge sewage into an approved collection system; an approved plumbing system installed; and that food must be properly stored in a licensed establishment. They are requesting to install potable and waste water holding tanks and share warewashing, food preparation and food storage areas, and mop wash facilities with another licensed public food service establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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NOTICE IS HEREBY GIVEN THAT on November 12, 2009, Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Paragraph 4-301.12(A), 2001 FDA Food Code, Paragraph 5-204.11(A), 2001 FDA Food Code, paragraph 61C-1.004(1)(d), Florida Administrative Code, Paragraph 5-202.11(A), 2001 FDA Food Code, Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Section 5-203.13, 2001 FDA Food Code, subsections 61C-4.010(1), 61C-4.010(5), and 61C-1.004(1), Florida Administrative Code, from BBQ Food West, Orlando, FL. The above referenced F.A.C. addresses the requirements that each establishment have facilities for washing, rinsing and sanitizing dishes and utensils; an area for food preparation that has a conveniently located hand wash sink; discharge sewage into an approved collection system; an approved plumbing system installed; and that food must be properly stored in a licensed establishment. They are requesting to install potable and waste water holding tanks and share warewashing, food preparation and food storage areas, and mop wash facilities with another licensed public food service establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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NOTICE IS HEREBY GIVEN THAT on November 13, 2009, Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for received a Petition for a Routine Variance for subsections 61C-4.010(6) and (7), Florida Administrative Code, from Personal Touch Catering, Winter Park, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within an adjacent business for customers only.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

NOTICE IS HEREBY GIVEN THAT on November 23, 2009, the State of Florida Department of Environmental Protection has issued an order.

Notice of receipt of this petition was published in the Florida Administrative Weekly on September 11, 2009. The petition requested a waiver of subsection 62S-2.075(2), Florida Administrative Code, which requires that an applicant for grant funds under the Recreational Trails Program receive the State of Florida Department of Environmental Protection's formal approval of commencement documentation prior to the commencement of construction of an approved project. No public comment was received. The Order, OGC No. 09-3439, granted the petition based on the petitioner showing that a strict application of the rule would result in substantial hardship to the petitioner due to loss of other grant funding and because the purpose of the underlying statute, which is development and improvement of recreational trails and trail-related facilities on publicly-owned lands to provide access to healthful outdoor recreational opportunities for the public, has been achieved by the petitioner by other means.

A copy of the Order may be obtained by contacting: Alexandra Weiss, Office of Greenways and Trails, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #795, Tallahassee, Florida 32399-3000. Ms. Weiss may also be contacted by telephone at (850)245-2052.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT on November 19, 2009, the Florida Housing Finance Corporation, received a petition for Waiver from paragraph 67-48.0072(4)(c), Florida Administrative Code (2007) from North Central Heights, LLC. The petition is seeking a waiver to allow a second requested extension of the time frame within which the HOME loan must close and also grant Petitioner an extension of 120 to close the HOME loan.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website: [www.floridahousing.org](http://www.floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th

day after publication of this notice: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT on April 13, 2009, the Department of Financial Services, Division of Agent & Agency Services, received a petition for waiver of subparagraph 69B-211.042(10)(a)6., Florida Administrative Code, filed by Jason R. Velez, which was deemed approved by operation of Section 120.542(8), F.S., on July 13, 2009. Notice of receipt of the Amended Petition was published in Vol. 35, No. 38 of the Florida Administrative Weekly, on September 25, 2009.

The petition sought a variance from subparagraph 69B-211.042(10)(a)6., Florida Administrative Code, which limits the number of years that mitigating factors will reduce the waiting period for an insurance agent license applicant to reapply after an application for licensure is denied. The limit imposed by that rule is four years of reduction in the waiting period.

Comments on this petition should be filed with: DFS, Agency Clerk, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0390, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Julie Jones, Division of Legal Services, 200 East Gaines Street, Tallahassee, FL 32399-0333, (850)413-4177.

**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN THAT on November 7, 2009, the Office of Insurance Regulation, received a petition for the Amendment and Extension of the Order Granting Variance from Rule 69O-125.003, F.A.C., for travel to Iraq and Afghanistan. The original order granting a variance was issued on February 15, 2010, for a period of two years, subject to an extension of the variance, subject to a petition to so extend.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Debra Seymour by the email address [debra.seymour@flor.com](mailto:debra.seymour@flor.com).

**Section VI****Notices of Meetings, Workshops and Public Hearings****DEPARTMENT OF STATE**

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Sunday, December 13, 2009, 10:00 a.m.  
PLACE: Mission San Luis Visitor Center, Tallahassee, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: The FOMSL Board of Directors will meet to discuss end of year activities including the FY08-09 audit, special events, the opening of the new visitor center and other Friends business. A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)245-6379 or email: jbshiver@dos.state.fl.us. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jessica Shiver at (850)245-6379 or email: jbshiver@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued. For more information, you may contact: Jessica Shiver at (850)245-6379 or email: jbshiver@dos.state.fl.us.

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The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.  
DATE AND TIME: Tuesday, December 15, 2009, 10:30 a.m.  
PLACE: R. A. Gray Building, Room 307, 500 S. Bronough St., Tallahassee, FL 32301  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Chairman David B. Ramsay and Mr. Vern Williams of the FOMSL Board of Directors will meet with the Division Director and other members of the Secretary's staff to discuss budgetary issues. A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)245-6379 or email: jbshiver@dos.state.fl.us. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jessica Shiver at (850)245-6379 or email: jbshiver@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued. For more information, you may contact: Jessica Shiver at (850)487-1666 or email: jbshiver@dos.state.fl.us.

#### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.  
DATE AND TIME: December 3, 2009, 11:00 a.m.  
PLACE: Please call (850)414-3300 for instructions on participation.  
GENERAL SUBJECT MATTER TO BE CONSIDERED: The 4th Quarterly Meeting of 2009 of the Florida Commission on the Status of Women.  
NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.  
A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.  
Pursuant to the provisions of 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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131. If you are 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 Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **State Fair Authority** announces a public meeting to which all persons are invited.  
DATE AND TIME: December 16, 2009, 9:30 a.m. – 11:30 a.m.  
PLACE: Florida State Fairgrounds, Tampa, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: A Training Session regarding Government in the Sunshine and Public Records will be presented by a Governor's office representative from 9:30 a.m. until 11:30 a.m. on December 16, 2009. The Commissioner of Agriculture is requesting that all Florida State Fair Board members attend this training. A copy of the agenda may be obtained by contacting: Kathleen Fisher at (813)627-4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Kathleen Fisher at (813)627-4221. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kathleen Fisher at (813)627-4221.

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The Florida **State Fair Authority Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 16, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: Florida State Fairgrounds, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher at (813)627-4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Kathleen Fisher at (813)627-4221. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kathleen Fisher at (813)627-4221.

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The **Florida Citrus Production Research Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday December 15, 2009, 1:30 p.m.

PLACE: Citrus Research and Education Center, 700 Experiment Station Road, Lake Alfred, Florida 33850; Via Phone: 1(888)808-6959 and when prompted enter 4873444 followed by the # key to join the call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to discuss council issues, research, and funding for 2009 and 2010.

A copy of the agenda may be obtained by contacting: Marshall Wiseheart at (850)488-4366.

Pursuant to the provisions of 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: Marshall Wiseheart at (850)488-4366. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## DEPARTMENT OF EDUCATION

The Florida **Department of Education**, Charter School Appeal Commission announces a public meeting to which all persons are invited.

DATES AND TIMES: December 9, 2009, 10:00 a.m. – completion; December 10, 2009, 9:00 a.m. – completion

PLACE: Claude Pepper Building, 111 West Madison Street, 3rd Floor, Conference Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission will hear the appeals of the following Application Denials: Imagine Schools at South Indian River County, LLC. vs. School Board of Indian River County, Journey Charter Elementary vs. School Board of Indian River County, Somerset Academy – Palm Bay Charter vs. School Board of Brevard County, Padah's Academy vs. School Board of Hillsborough County, Manatee Charter School vs. School Board of Manatee County.

A copy of the agenda may be obtained by contacting: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

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The **Education Practices Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Training for New Commission Member, December 9, 2009, 2:30 p.m. or as soon thereafter

PLACE: Staybridge Suites, 1600 Summit Lake Drive, Tallahassee, Florida 32317, (850)219-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The new Commissioner will learn the procedures, processes, and administrative law necessary to consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are

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

For more information, you may contact: Janice Harris or Kathleen M. Richards.

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The **Education Practices Commission** announces a hearing to which all persons are invited.

**DATE AND TIME:** A Teacher Hearing Panel, December 10, 2009, 9:00 a.m. or as soon thereafter as can be heard

**PLACE:** Staybridge Suites, 1600 Summit Lake Drive, Tallahassee, Florida 32317, (850)219-7000

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are 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: Janice Harris or Kathleen M. Richards at (850)245-0455.

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The **Education Practices Commission** announces a hearing to which all persons are invited.

**DATE AND TIMES:** An Administrator Hearing Panel, December 11, 2009, 9:00 a.m. or as soon thereafter as can be heard; A Business Meeting, 9:45 a.m. or as soon thereafter

**PLACE:** Staybridge Suites, 1600 Summit Lake Drive, Tallahassee, Florida 32317, (850)219-7000

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are 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: Janice Harris or Kathleen M. Richards at (850)245-0455.

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## DEPARTMENT OF REVENUE

The **Department of Revenue** announces a hearing to which all persons are invited.

**DATE AND TIME:** December 14, 2009, 9:00 a.m. – 5:00 p.m. or upon adjournment

**PLACE:** Training Room D, Building C-1, Taxworld, 5050 W. Tennessee Street, Tallahassee Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx, digital video production, and conference calling technology. The requirements to participate are access to the Internet and a phone. The public can participate in this electronic hearing by accessing the broadcast from their home or office. Specific information about how to participate in this electronic meeting from your home or office is posted on the Property Tax Oversight Program's VAB Internet site at <http://dor.myflorida.com/dor/property/vabwb/vabrules.html>.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To hold a second public hearing on the proposed rules about uniform procedures and supporting forms for hearings before value adjustment boards and their special magistrates. These proposed rules include new Chapter 12D-9, F.A.C. (Requirements for Value Adjustment Boards in Administrative Reviews; Uniform Rules of Procedure for Hearings) and revised Rule 12D-16.002 (Index to Forms), Florida Administrative Code. A further draft of proposed rule Chapter 12D-9 is anticipated to be posted on our website the week of November 30 – December 4, 2009. The draft will be posted at <http://dor.myflorida.com/dor/property/vabwb/vabrules.html>.

The Department held a public hearing on October 9, 2009, at which the public offered comments and concerns.

A copy of the agenda may be obtained by contacting: Janice Forrester at (850)922-7945 or ForrestJ@dor.state.fl.us or by going to the Department's Internet site: <http://dor.myflorida.com/dor/rules>.

Pursuant to the provisions of 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: Janice Forrester at (850)922-7945 or ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2009, 8:30 a.m.

PLACE: Holiday Inn Express, 9402 Corporate Lake Drive, Tampa, FL 33634

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).

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The Florida **Department of Transportation** announces a hearing to which all persons are invited.

DISTRICT FIVE TENTATIVE FIVE YEAR WORK PROGRAM PUBLIC HEARING

DATE AND TIME: December 16, 2009, 6:00 p.m.

PLACE: Florida Department of Transportation, DeLand District Office, 719 South Woodland Boulevard, Cypress A & B Conference Rooms, DeLand, FL 32720

SPACE COAST TRANSPORTATION PLANNING ORGANIZATION (BREVARD COUNTY) – PUBLIC HEARING

DATE AND TIME: December 10, 2009, 9:00 a.m.

PLACE: Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 3rd Floor, Florida Room, Viera, FL 32940

FLAGLER COUNTY – PUBLIC INFORMATION MEETING

DATE AND TIME: December 21, 2009, 5:00 p.m.

PLACE: Flagler County Commission, Government Services Building, 1769 E. Moody Boulevard, Building 3, Suite 3-1, Bunnell, FL 32110

LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION – PUBLIC INFORMATION MEETING

DATE AND TIME: December 2, 2009, 2:00 p.m.

PLACE: Minneola City Hall, 800 N. US Hwy. 27, Minneola, FL 34715

OCALA/MARION TRANSPORTATION PLANNING ORGANIZATION – PUBLIC INFORMATION MEETING

DATE AND TIME: January 26, 2010, 4:00 p.m.

PLACE: County Commission Chambers, 601 S. E. 25th Avenue, Ocala, FL 34471

METROPLAN ORLANDO (ORANGE, OSCEOLA & SEMINOLE COUNTIES) – PUBLIC INFORMATION MEETING

DATE AND TIME: December 9, 2009, 9:00 a.m.

PLACE: Metroplan Orlando, 315 East Robinson Street, Suite 355, One Landmark Center, Board Room, Orlando, FL 32801

Written comments or questions from all interested parties will be accepted by the Department at the Public Hearings and for a period of ten days after the Public Hearings. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Comments or questions should be addressed to: Noranne Downs, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, FL 32720.

Pursuant to the Americans with Disability Act, if requested, the Department will provide special assistance or translation services for those persons who are disabled at the Public Hearings free of charge. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact: Vicki Mitchell, 719 South Woodland Boulevard, DeLand, Florida 32720, (386)943-5461 at least ten days prior to the public hearing date.

The presentation of the Department's Tentative Five Year Work Program will also be available through various local TV stations. Please check the website [www.d5wpqh.com](http://www.d5wpqh.com) for the availability in your area. For more information on the dates and places of the District Five Florida Department of Transportation's Work Program Public Hearings, please contact: Vicki Mitchell at (386)943-5461.

A copy of the agenda may be obtained by contacting: Vicki Mitchell, 719 South Woodland Blvd., DeLand, FL 32720, (386)943-5461.

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

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

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**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Florida Energy & Climate Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 21, 2009, 1:00 p.m. – until completion

PLACE: Toni Jennings Room, 110 Senate Office Building, 404 South Monroe St., Tallahassee, FL. The dial-in number is 1(866)233-5216 and the Conference Code is 5654699#.

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. Staff will conduct the conference call from the Toni Jennings Room, 110 Senate Office Building, where members of the public are invited to attend. Members of the public are also invited to listen to the call, but due to noise considerations are asked to dial-in from a land line and keep their phone lines muted until the public comment section of the agenda.

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 2 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).

For more information, you may contact: Brittany Cummins at (850)487-3800.

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**REGIONAL PLANNING COUNCILS**

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 16, 2009, 10:00 a.m.

PLACE: ECFRPC 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772 or tbyrd@ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 17, 2009, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the SWFRPC Board to discuss and take action on issues affecting Southwest Florida.

A copy of the agenda may be obtained by contacting: Ms. Nichole Gwinnett at (239)338-2550, #232 or ngwinnett@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, #210 or dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: [www.swfrpc.org](http://www.swfrpc.org)

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**WATER MANAGEMENT DISTRICTS**

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2009, during a regular meeting of the Governing Board, 9:00 a.m.

PLACE: Nature's Classroom, 13100 Verges Road, Thonotosassa, FL 33592

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 40D-8.041, F.A.C., Minimum Flows; Rule 40D-80.075, F.A.C., Recovery Strategy for the Lower Alafia River System; Withdrawal of proposed Rule 40D-80.075, F.A.C., describing the recovery strategy for proposed rule amendments to Rule 40D-8.041, F.A.C., establishing minimum flows for the Lower Alafia River. These proposed rule amendments were noticed in the September 25, 2009, (Vol. 35, No. 38), Florida Administrative Weekly.

A copy of the agenda and the meeting materials may be obtained by going to the District's Internet site: <http://www.swfwmd.state.fl.us/calendar/meetingfiles> seven days prior to

the meeting or by contacting: Annette Zielinski, Senior Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7122, extension 4651.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dianne Lee, Administrative Supervisor, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4657. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2009, during a regular meeting of the Governing Board, 9:00 a.m.

PLACE: Nature's Classroom, 13100 Verges Rd., Thonotosassa, FL 33592, (813)987-6969

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 40D-1.607, Permit Processing Fee; Rule 40D-2.091, Publications Incorporated By Reference; Rule 40D-2.301, Conditions for Issuance of Permits; Rule 40D-2.321, Duration of Permits; Rule 40D-2.322, 20 Year Permit Requirements; Adoption of amendments to Rules 40D-1.607, 40D-2.091, 40D-2.301, and 40D-2.321 and adoption of Rule 40D-2.322, F.A.C. relating to issuance of 20 year water use permits.

A copy of the agenda may be obtained by contacting: Annette Zielinski, Senior Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dianne Lee, Administrative Supervisor, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4657. If you are 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: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

The **Southwest Florida Water Management District** (SWFWMD) announces a workshop to which all persons are invited.

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

PLACE: TECO Center at Nature's Classroom, 13100 Verges Road, Thonotosassa, FL 33592

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing and Basin Boards Joint Workshop: Discuss state of the water resources and emerging issues.

A copy of the agenda may be obtained by contacting: www.WaterMatters.org – Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of 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 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702, TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.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.

For more information, you may contact: Luanne.Stout@watermatters.org, 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4605 (Ad Order EXE0004).

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 15, 2009, 12:30 p.m.

PLACE: TECO Center at Nature's Classroom, 13100 Verges Road, Thonotosassa FL 33592

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, Committee Meetings and Public Hearing: Consider SWFWMD business. Some Board members may participate in the meeting via communications media technology.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of 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 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702, TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.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.

For more information, you may contact: Luanne.Stout@watermatters.org, 1(800)423-1476 (FL Only) or (352)796-7211, ext, 4605 (Ad Order EXE0004).

The **Big Cypress Basin** announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2009, 9:00 a.m.

PLACE: Big Cypress Basin, The Mary Ellen Hawkins Building, 6089 Janes Lane, Naples, Florida 34109

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Basin Board business.

A copy of the agenda may be obtained by contacting: Kathleen Tetrault 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: Kathleen Tetrault 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: Kathleen Tetrault at (239)263-7615.

The **Upper East Coast Regional Water Supply Plan**, WRAC Issues Workshop announces a public meeting to which all persons are invited.

DATE AND TIME: December 16, 2009, 9:30 a.m. – 12:00 Noon

PLACE: University of Florida, IFAS, 2199 South Rock Road, Ft. Pierce, FL 34945

GENERAL SUBJECT MATTER TO BE CONSIDERED: Upper East Coast Overview of Water Supply Planning requirements and update process:

Public water supply population projections and demands.

Goal and proposed objectives for UEC Plan Update.

A copy of the agenda may be obtained by contacting: Linda Hoppes at lhoppes@sfwmd.gov, (561)682-2213.

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

contacting: District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Linda Hoppes at lhoppes@sfwmd.gov, (561)682-2213.

The **Water Resources Advisory Commission (WRAC)** Adaptive Protocols Issues Workshop announces a public meeting to which all persons are invited.

DATE AND TIME: December 16, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: SFWMD-Lower West Regional Service Center, 2301 MacGregor Blvd., Ft. Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding Adaptive Protocols and the Lake Okeechobee Water Regulation Schedule 2008 (LORS2008)

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: December 17, 2009, 12:30 p.m. – 2:15 p.m. (EST)

PLACE: Golden Corral #646, 940 S. Broad Street, Brooksville, FL 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: Withlacochee District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Marilyn Anderson, Department of Elder Affairs, 1515 Silver Springs Blvd., #203, Ocala, FL 34470, (352)620-3088 or email: [andersonm@elderaffairs.org](mailto:andersonm@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: Marilyn Anderson, Department of Elder Affairs, 1515 Silver Springs Blvd., #203, Ocala, FL 34470, (352)620-3088 or email: [andersonm@elderaffairs.org](mailto:andersonm@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: Marilyn Anderson, Department of Elder Affairs, 1515 Silver Springs Blvd., #203, Ocala, Florida 34470, (352)620-3088 or email: andersonm@elderaffairs.org.

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#### 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, December 16, 2009, 10:30 a.m. – 2:00 p.m.

PLACE: Fort Knox Office Complex, 2727 Mahan Drive, Building 3, Conference Room D, 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 given on the notice, telephone: (850)922-7312. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Agency for Health Care Administration**, on behalf of the Low Income Pool (LIP) Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, December 17, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: Conference Call: 1(877)215-2988, Passcode: 43601898#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

A copy of the agenda may be obtained by contacting: Contact Edwin Stephens at (850)413-8067, stephene@ahca.myflorida.com, with any questions or to obtain an agenda once available.

For more information, you may contact: Edwin Stephens at (850)413-8067, stephene@ahca.myflorida.com, with any questions or to obtain an agenda once available.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 14, 2009, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Board of Trustees.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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The **Acquisition and Restoration Council** announces a public meeting to which all persons are invited.

DATE AND TIME: December 4, 2009, 6:00 p.m.

PLACE: Brevard Commission Board Room, 2725 Judge Fran Jamieson Way, Bldg. C, First Floor, Viera, FL 32940

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing of the Acquisition and Restoration Council, established pursuant to Section 259.035, F.S., is scheduled to take public testimony on all Florida Forever land acquisition projects and new proposals.

A copy of the agenda may be obtained by contacting: Office of Environmental Services at (850)245-2784 and Jim Farr at jim.farr@dep.state.fl.us.

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

(850)245-2784 and Jim Farr at jim.farr@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).

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: Office of Environmental Services at (850)245-2784 and Jim Farr at jim.farr@dep.state.fl.us.

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The **Acquisition and Restoration Council** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, December 9, 2009, 9:00 a.m.

PLACE: Alfred B. Maclay Gardens State Park, Gardener's Cottage, 3540 Thomasville Road, Tallahassee, FL 32309, (850)487-4556

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop of a technical advisory group to provide input on data layers and scoring methods for quantitative measures related to activities of the Acquisition and Restoration Council, established pursuant to Section 259.035, F.S.

A copy of the agenda may be obtained by contacting: Office of Environmental Services at (850)245-2784, or Greg Brock at greg.brock@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Office of Environmental Services at (850)245-2784 or Greg Brock at greg.brock@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).

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: Office of Environmental Services at (850)245-2784 or Greg Brock at greg.brock@dep.state.fl.us.

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The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 15, 2009, 1:00 p.m. (EST)

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to present information and receive public comments on the Department's statewide Mercury Total Maximum Daily Load (TMDL) project. This will be the third Mercury TMDL stakeholders meeting (the first and second meetings were held in October 2007 and November 2008, respectively), and will provide a detailed status update regarding the project.

A copy of the agenda may be obtained by contacting: Denise Miller, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS #6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8068 or e-mail: denise.miller@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Denise Miller at (850)245-8068. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### DEPARTMENT OF HEALTH

The Florida **Coordinating Council for the Deaf and Hard of Hearing**, Legal Systems Accessibility Task Force Subcommittee announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 11, 2009, 10:30 a.m. – 12:00 Noon (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5221678031#

Computer-assisted real-time translation (CART) services will be provided remotely via the following weblink: <http://www.streamtext.net/text.aspx?event=FCCDHH>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The general subject of the meeting is a discussion of a video and training manual regarding accessibility in the legal/law enforcement/court arenas in Florida for persons who are deaf, hard of hearing, late-deafened and deaf-blind.

A copy of the agenda may be obtained by contacting: MaryGrace\_Tavel@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: MaryGrace\_Tavel@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: MaryGrace\_Tavel@doh.state.fl.us.

The Probable Cause Panel of the Florida **Board of Acupuncture** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, December 17, 2009, 9:00 a.m. or shortly thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454588

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: Kaye Howerton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256, (850)245-4161.

Pursuant to the provisions of 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: Paula Mask 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.

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The **Board of Medicine and Osteopathic Medicine Pain Management Clinic Standards of Practice Joint Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, December 19, 2009, 10:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, Hotel phone #: (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss standards of practice for physicians practicing in pain management clinics subject to the provisions of SB 462.

A copy of the agenda may be obtained by contacting: Christy Robinson at [christy\\_robinson@doh.state.fl.us](mailto:christy_robinson@doh.state.fl.us) or call (850)245-4161.

Pursuant to the provisions of 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: Christy Robinson at [christy\\_robinson@doh.state.fl.us](mailto:christy_robinson@doh.state.fl.us) or call (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.

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The **Department of Health, Board of Psychology** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 14, 2009, 8:30 a.m. or soon thereafter

PLACE: Meet Me Number: 1(888)808-6959. After dialing the meet me number, when prompted, enter conference code 4246812343 followed by the # sign in order to join the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Subcommittee Meeting.

A copy of the agenda may be obtained by contacting: Board office at (850)245-4373, ext. 3467.

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

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## FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** Species Conservation Planning Section announces a public meeting to which all persons are invited.

DATE AND TIME: December 16, 2009, 9:00 a.m.

PLACE: Larson Building, Room #B43, 200 East Gaines Street, Tallahassee, FL 32399-0314

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is an organizational meeting of the Steering Committee that will oversee the development of a Habitat Conservation Plan (HCP) for Florida's sandy beaches. The Florida Department of Environmental Protection (FDEP) has undertaken a project to obtain an Incidental Take Permit from the U.S. Fish and Wildlife Service to cover take of federally listed species that may occur as a result of activities permitted by FDEP's Coastal Construction Control Line permitting program. In order to obtain this permit, an HCP that quantifies impacts to listed species and proposes minimization and mitigation measures must be developed. FDEP has determined that a Steering Committee will aid in the development of a comprehensive HCP. This initial Steering Committee meeting is intended to provide background information and introduce issues that will be faced in the development of the HCP.

A copy of the agenda may be obtained by contacting: FDEP website at: <http://www.dep.state.fl.us/beaches/notices.htm> or may be obtained by contacting Kat Diersen, Florida Fish and Wildlife Conservation Commission, Species Conservation Planning Section, 620 South Meridian Street, MS 2A, Tallahassee, Florida 32399-1600, (850)410-0656, ext. 17323, [katherine.diersen@myfwc.com](mailto:katherine.diersen@myfwc.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 5 days before the workshop/meeting by contacting: Kat Diersen at the mailing address, e-mail address, or telephone number listed above in this notice. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### DEPARTMENT OF FINANCIAL SERVICES

The Florida **Department of Financial Services, Division of Workers' Compensation** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December, 18, 2009, 1:00 p.m.

PLACE: Room 116, Larson Bldg., 200 E. Gaines St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Three-Member Panel will consider testimony and comments regarding the proposed revision of the Florida Workers' Compensation Health Care Provider Reimbursement Manual, Rule 69L-7.020, F.A.C., with an emphasis on the applicable fee conversion factors. Additionally, the Panel will consider authorizing rulemaking to update the Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2006 Edition. This rulemaking authority would amend Rule 69L-7.100, F.A.C.

A copy of the agenda may be obtained by contacting: Samuel Willis at (850)413-1898.

Pursuant to the provisions of 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: Samuel Willis at (850)413-1898. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### CITIZENS PROPERTY INSURANCE CORPORATION

The Information Systems Advisory Committee of **Citizens Property Insurance Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, December 10, 2009, 2:00 p.m.

PLACE: Dial in Number 1(866)765-5861

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, business before the ISAC.

A copy of the agenda may be obtained by contacting: Stephanie Martin at (850)513-3751 or visiting the corporation's website at: <https://www.citizensfla.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 5 days before the workshop/meeting by contacting: Stephanie Martin. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### SOUTHWOOD SHARED RESOURCE CENTER

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 11, 2009, 9:00 a.m.

PLACE: Burns Building, Room 479, 605 Suwannee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Standing Committee on Technology for the SSRC Board of Trustees.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, [rick.mitchell@ssrc.myflorida.com](mailto:rick.mitchell@ssrc.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, [rick.mitchell@ssrc.myflorida.com](mailto:rick.mitchell@ssrc.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, [rick.mitchell@ssrc.myflorida.com](mailto:rick.mitchell@ssrc.myflorida.com).

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#### FLORIDA HEALTH INSURANCE ADVISORY BOARD

The **Florida Health Insurance Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: 401 Senate Office Building, 404 South Monroe St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will conduct the regular and general business of the organization.

A copy of the agenda may be obtained by contacting: Torre A. Grissom at email: [edFHIAB@gmail.com](mailto:edFHIAB@gmail.com) or (919)773-8996.

Pursuant to the provisions of 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: edFHIAB@gmail.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).

**ADVOCACY CENTER FOR PERSONS WITH DISABILITIES**

The **PAIMI Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: December 18, 2009, 10:00 a.m. – 3:00 p.m.

PLACE: Embassy Suites Jacksonville Baymeadows, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Leslie Evans at (850)488-9071, ext. 231 or Leslie@advocacycenter.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: Leslie Evans at (850)488-9071, ext. 231 or Leslie@advocacycenter.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).

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco has received the petition for declaratory statement from Dr. Jonathan Gropper, OBO BeerRightNow.com LLC. The petition seeks the agency's opinion as to the applicability of Section 561.42, F.S., as it applies to the petitioner.

Petitioner seeks a Declaratory Statement as to the applicability of Section 561.42, F.S., to the legal operation of BeerRightNow.com LLC within the State of Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Cecelia D. Jefferson, Chief Attorney, Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399-2202 or by faxing a request for a copy of the Petition for Declaratory Statement to (850)488-5074.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Gloria Ellinwood, Petitioner, In Re: Covington Court Hyde Court. The petition seeks the agency's opinion as to the applicability of Section 718.111(11), Florida Statutes, as it applies to the petitioner.

Whether Covington Court Hyde Court is responsible for remediating the mold and mildew and interior repairs in a unit caused by water damage from another unit's water leak under Section 718.111(11), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT the Department of Health, Office of School Psychology, has issued an order disposing of the petition for declaratory statement filed by Leigh E. Wooten on October 1, 2009. Rule 64B21-502.004, F.A.C., Continuing Education Credit Guidelines. The following is a summary of the agency's disposition of the petition:

The petition was granted. The Department found that the coursework taken by petitioner was sufficient to satisfy 28 hours of continuing education for the current biennium.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Office of School Psychology, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO ASBESTOS ABATEMENT CONSULTANTS**  
The University of South Florida announces that continuing professional services are required for the following discipline: Asbestos Abatement Consultants (up to 2) (Tampa Campus with ability to include other campuses as required).

**PROJECT DESCRIPTION:**

Projects included in the scope of this agreement will be specific projects for renovations, alterations, new construction, and additions for University facilities that have an asbestos abatement construction budget that does not exceed \$2,000,000 or survey or studies for which the fee for professional services that does not exceed \$200,000. Projects for University facilities may include Teaching, Research, Health, Academic, Administrative, Recreation and Residence Life Facilities, as well as Infrastructure and utility projects. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for an initial period of one (1) year with an Owner’s option to renew for one (1) additional year at a time, up to a total of two (2) additional years. This selection is based upon Asbestos Abatement Consultant services only. Other services (including architectural, structural, etc.) that may be required for specific projects shall be provided as part of basic services through the selected Asbestos Abatement Consultant based upon project need. Use of USF Continuing Service Consultants by the selected Asbestos Abatement Consultants shall be encouraged for other services if required. A consultant receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional continuing service professionals under contract during the same time period. Blanket professional liability insurance in the amount of \$1,000,000 shall be required for the contract. Services required to be provided under the Continuing Service Contracts include the development of record drawings by the Continuing Service Consultant for projects designed by that consultant to reflect as-built conditions to facilitate the University’s space management program. The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

**INSTRUCTIONS:**

Firms desiring to provide professional services shall submit one (1) original submittal and four (4) copies consisting of a letter of interest and a completed “USF Professional Qualifications Supplement for Asbestos Abatement Consultant” form dated December 2009 and any required or additional information within the proposal limits as described in the PQS General Instructions. Submittals that do not comply with these requirements or do not include the requested data may not be considered. No submittal material will be returned. Submittals become part of the public record. 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 properly chartered by the Florida Department of State to operate in Florida.

**PROJECT SELECTION CRITERIA:**

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability, design ability, past performance, workload, volume of USF work (including USF Foundation), and location. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. 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 \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The "USF Professional Qualifications Supplement for Asbestos Abatement Consultant", dated December 2009 and "Project Fact Sheet" which include project information may be obtained by contacting: Kathy Bennett, Contracts Administrator, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, e-mail: kbennett@admin.usf.edu, phone: (813)974-3098, (813)974-2625 or Fax: (813)974-3542. All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 10:00 a.m. (Eastern Time), Wednesday, December 16, 2009, at the University of South Florida, Tampa Campus, Marshall Center Oak Room #3707, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. (Those unfamiliar with the campus may find directions at the Campus Information Center at the Fowler entrance and/or consult a campus map website at: <http://www.usf.edu/Locations/Maps-Directions/tampa.asp>).

Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the applicants and the employees of University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above address. One (1) original and four (4) bound copies of the above required proposal data shall be submitted to: John-Thomas McCaffrey, Architect, Facilities Planning and Construction, University of South Florida, Facilities Planning and Construction, 4202 East Fowler

Avenue, FPC110, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned. Submittal shall be submitted at the above campus address (4202 East Fowler Avenue, FPC110, Tampa, FL 33620-7550), to the Attention: John-Thomas McCaffrey, Architect, by 2:00 p.m. (Eastern Time), Wednesday, January 6, 2010. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

**NOTICE TO PROFESSIONAL CONSULTANTS**

FLORIDA ATLANTIC UNIVERSITY, on behalf of its Board of Trustees, announces that professional services for minor projects in the discipline of Civil Engineering will be required for this contract.

**Project and Location:** Located on all of Florida Atlantic University Campuses; specific projects will include parking lots, roadway improvement, realignments, utility right-of ways, storm water permitting and review, infrastructure capacity studies and other civil projects that have a basic construction budget estimated to be \$2,000,000 or less, or studies for which the fee for professional services is \$200,000 or less. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services. The University may have additional campus service professionals under contract during the same time period. The initial term of agreement is for one year with the option to extend the agreement for two additional one year terms, to be evaluated annually, for a total of three years. At least three firms will be selected for these services.

**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Florida Atlantic University Professional Qualifications Supplement" (FAUPQS Revised August, 2008). Applications on any other form may not be considered.
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.

Submit 4 (four) sets of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials

will not be returned. The plans and specifications for the State of Florida University 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 consultants must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

**Sole Point of Contact:** The FAU Construction Manager Qualifications Supplement, and the Project Fact Sheet are available online at <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php> or by contacting the University's Sole Point of Contact for this project: Ms. Jill Rosen, Department of Facilities Planning, (561)297-4110, Fax: (561)297-2260 or e-mail: [jrosen58@fau.edu](mailto:jrosen58@fau.edu).

From the date of issuance of this Notice until a final selection of a consultant is made or a notice of cancellation is posted, the consultant must not make available or discuss its proposal, or any part thereof, with any member of the Selection Committee, unless permitted by the Sole Point of Contact, in writing, for purposes of clarification only, as set forth herein.

Any individual associated with a consultant who contacts members of the Selection Committee, regarding any aspect of this project, whether such contact be in person, telephone, or through electronic or written correspondence, may be determined to have violated the terms and conditions of this solicitation. If that determination is made, any proposal received from such an individual OR their company may be rejected as non-responsive and not subject to evaluation. If there are any changes or additions to the Sole Point of Contact information at any time in the process, participating consultants will be notified via an addendum to the Notice.

Questions regarding the Notice and/or process should be submitted via fax or email to the Sole Point of Contact. No oral communications shall be considered as a change to the Notice. FAU may respond to questions deemed by the University to be material in nature via a written addendum to the Notice. Interpretation of the wording of this document shall be the responsibility of the FAU and that interpretation shall be final. FAU Professional Qualifications Supplement and the Project Fact Sheet are available online at <http://www.fau.edu/facilities/uavp/AE-CM-advertise-home.php>, or by contacting: Jill Rosen, Facilities Planning, Florida Atlantic University, 777 Glades Road, Campus Operations Building #69, Room 107, Boca Raton, Florida 33431, (561)297-4110 or e-mail: [jrosen58@fau.edu](mailto:jrosen58@fau.edu).

Four (4) bound sets of the required proposal data shall be submitted to: Ms. Jill Rosen, Facilities Planning, at the above address, by 5:00 p.m. (Local Time), January 7, 2010. In an effort to be sustainable; submittals shall be printed double sided (total 20 sheets), on recycled paper and the submittal is to be either stapled or GBC bound (no three ring binders).

Facsimile (FAX) submittals are not acceptable and will not be considered.

#### PROJECT FACT SHEET:

Civil Engineering  
for Minor Projects  
Florida Atlantic University

#### PROJECT DESCRIPTION

The civil engineer will be a single point of responsibility for performance of multiple civil engineering projects up to \$2,000,000 individually, functioning as an independent engineer, publicly bidding trade contracts. Three Civil Engineering contracts will be awarded, for one year with option to extend the agreement for two additional one year terms, to be evaluated annually, for a total of three years.

#### SELECTION CRITERIA

Firms will be evaluated in the following areas: experience and ability; record-keeping, project administration ability, scheduling; cost estimating; cost control; quality control; and qualification of the firm's personnel.

Experience and ability scores will be based on the following criteria:

1. Experience in projects of similar size and scope.
2. Experience in working with Universities.
3. Ability to manage the projects efficiently.

#### SELECTION COMMITTEE

Robert Richman, Director, Facilities Planning  
Jim Baker, Director, Engineering & Utilities  
Paulo Brida, Senior Project Manager, Facilities Planning  
Vince Elliott, Construction Project Specialist, Facilities Planning

#### SELECTION SCHEDULE:

The anticipated schedule for selection, award, and negotiation is as follows:

Submittals Due:	January 7, 2010
Shortlist Meeting:	To Be Determined
Final Interviews:	To Be Determined

#### GENERAL INFORMATION

1. The University is not liable for any costs incurred by the Applicants prior to the issuance of an executed contract.
2. In order to minimize the possibility of unethical pressures or influences on the recommendation of the Selection Committee, no verbal or written communication is

permitted between the applicants and the members of the Selection Committee. Any questions or requests for project information must be in writing to Jill Rosen, Office of Facilities Planning, Telephone (561)297-4110, Fax (561)297-2660, or e-mail jrosen58@fau.edu.

3. All applicants will be notified of the results of the shortlist in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
4. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.

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

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

**REGIONAL PLANNING COUNCILS**

2010 Full-Scale Exercise

The East Central Florida Regional Planning Council invites all qualified firms to submit proposals for consideration in accordance with the terms and conditions set forth in this Request for Proposals (RFP).

Proposals shall be accepted until 4:00 p.m. (Eastern Time), Monday, January 4, 2010. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please visit: <http://www.ecfrpc.org>. Any modifications that occur to the Request for Proposals will be posted at the web site.

**DEPARTMENT OF MANAGEMENT SERVICES**

PUBLIC ANNOUNCEMENT FOR GENERAL AND/OR SPECIALTY WATERPROOFING CONTRACTORS PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL AND/OR SPECIALTY WATERPROOFING CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: MSFM – 29003004  
 PROJECT NAME: Waterproofing Turlington Building Tower  
 PROJECT LOCATION: Tallahassee, Florida  
 ARCHITECT: MLD Architects, 211 John Knox Road, Suite 105, Tallahassee, Florida

**SPECIAL PROJECT PREQUALIFICATION:** To be considered for prequalification, please submit three completed packages that can be obtained from the architect's office. Qualifications submittals are due at the Mandatory Pre-bid meeting on Thursday, January 14, 2010, at 10:00 a.m. local time.

**MANDATORY PRE-BID MEETING**

**DATE AND TIME:** Thursday, January 14, 2010, 10:00 a.m. (Local Time)

**PLACE:** Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399

**BID OPENING:** Thursday, January 28, 2010, 2:00 p.m. (Local Time)

**ESTIMATED BASE BID CONSTRUCTION BUDGET:** \$480,000.00

**PREQUALIFIED BIDDERS:** Refer to DMS Website (below) for further details (this is in addition to the Special Project Prequalification above).

Please visit the Department's Website [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu) and click on "Search Advertisements – Division of Real Estate Development and Management" Look for "Opportunities for Design and Construction Firms" and click on link.

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

**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 XII  
 Miscellaneous**

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Kia Motors America, Inc., intends to allow the establishment of Huston Motors, Inc. d/b/a Huston Motors Kia, as a dealership for the sale of automobiles manufactured by Kia Motors America, Inc. (KIA) at 21280 Highway 27, Lake Wales (Polk County), Florida 33859, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Huston Motors, Inc. d/b/a Huston Motors Kia are dealer operator(s): Samuel D. Huston, Jr., 248 McLean Landing, Winter Haven, Florida 33884; principal investor(s): Samuel D. Huston, Jr., 248 McLean Landing, Winter Haven, Florida 33884 and Timothy C. Huston, 1840 Woodpointe Drive, Winter Haven, Florida 33884.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Leslie Taylor-Moore, Kia Motors America, Inc., Southern Region, 100 Galleria Parkway, Suite 1550, Atlanta, Georgia 30339.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Fairplay Electric Cars, LLC, intends to allow the establishment of Nora Pashkow Wellington Golf Cars, Inc., as a dealership for the sale of low-speed vehicles manufactured by Fairplay Electric Cars, LLC (FPEC) at 3020 Fairlane Farms Road, Wellington (Palm Beach County), Florida 33414, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Nora Pashkow Wellington Golf Cars, Inc. are dealer operator(s): Nora Pashkow, 16059 East Glasgow Drive, Loxahatchee, Florida 33470; principal investor(s): Nora Pashkow, 16059 East Glasgow Drive, Loxahatchee, Florida 33470.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: James Wilson, Fairplay Electric Cars, LLC, 743 Horizon Court, Suite 333, Grand Junction, Colorado 81506.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Chrysler Group Carco, LLC, intends to allow the establishment of Wells Motor Co., as a dealership for the sale of automobiles manufactured by Chrysler Group Carco, LLC (JEEP) at 1600 US 27 South, Avon Park (Highlands County), Florida 33825, on or after January 4, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Wells Motor Co. are dealer operator(s): Stanley H. Wells, 1600 US 27 South, Avon, Florida 33825, principal investor(s): Stanley H. Wells, 1600 US 27 South, Avon, Florida 33825, Kenneth S. Wells, US 27 South, Avon Park, Florida 33825 and Sarah J. Bryant, 1600 US 27 South, Avon Park, Florida 33825.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: P.R. Langley, Chrysler Group Carco, LLC, 10300 Boggy Creek Road, Orlando, Florida 32824.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF BATCHED APPLICATIONS RECEIPT AND NOTICE OF TENTATIVE PUBLIC HEARINGS**

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Other Beds and Programs review cycle with an application due date of November 18, 2009.

- County: Marion District: 3  
CON # 10060 Application Receipt Date: 11/18/2009  
Facility/Project: Mulberry Grove NH LLC  
Applicant: Mulberry Grove NH LLC  
Project Description: Establish a new 60-bed community nursing home through delicensure of 60 beds from New Horizon NH, L.L.C. d/b/a New Horizon Rehabilitation Center
- County: Duval District: 4  
CON # 10061 Application Receipt Date: 11/18/2009  
Facility/Project: Compassionate Care Hospice of Florida, Inc.  
Applicant: Compassionate Care Hospice of Florida, Inc.  
Project Description: Establish a new hospice program
- County: Duval District: 4  
CON # 10062 Application Receipt Date: 11/16/2009  
Facility/Project: Odyssey HealthCare of Central Florida  
Applicant: Odyssey HealthCare of Collier County, Inc.  
Project Description: Establish a new hospice program
- County: Duval District: 4  
CON # 10063 Application Receipt Date: 11/18/2009  
Facility/Project: Seasons Palliative Care of Florida, Inc.  
Applicant: Seasons Palliative Care of Florida, Inc.  
Project Description: Establish a new hospice program
- County: Duval District: 4  
CON # 10064 Application Receipt Date: 11/17/2009  
Facility/Project: United Hospice of Florida, Inc.  
Applicant: United Hospice of Florida, Inc.  
Project Description: Establish a new hospice program
- County: Duval District: 4  
CON # 10065 Application Receipt Date: 11/10/2009  
Facility/Project: VITAS Healthcare Corporation of Florida

- Applicant: VITAS Healthcare Corporation of Florida  
Project Description: Establish a new hospice program  
County: Pinellas District: 5  
CON # 10066 Application Receipt Date: 11/17/2009  
Facility/Project: HPH South, Inc.  
Applicant: HPH South, Inc.  
Project Description: Establish a new hospice program
  - County: Pinellas District: 5  
CON # 10067 Application Receipt Date: 11/18/2009  
Facility/Project: LifePath Hospice, Inc.  
Applicant: LifePath Hospice, Inc.  
Project Description: Establish a new hospice program
  - County: Pinellas District: 5  
CON # 10068 Application Receipt Date: 11/16/2009  
Facility/Project: Odyssey HealthCare of Central Florida  
Applicant: Odyssey HealthCare of Collier County, Inc.  
Project Description: Establish a new hospice program
  - County: Orange District: 7  
CON # 10069 Application Receipt Date: 11/18/2009  
Facility/Project: Catholic Hospice of Central Florida, Inc.  
Applicant: Catholic Hospice of Central Florida, Inc.  
Project Description: Establish a new hospice program
  - County: Orange District: 7  
CON # 10070 Application Receipt Date: 11/17/2009  
Facility/Project: Florida Hospital HospiceCare  
Applicant: Memorial Hospital Flagler, Inc.  
Project Description: Establish a new hospice program
  - County: Orange District: 7  
CON # 10071 Application Receipt Date: 11/16/2009  
Facility/Project: Odyssey HealthCare of Central Florida  
Applicant: Odyssey HealthCare of Collier County, Inc.  
Project Description: Establish a new hospice program
  - County: Orange District: 7  
CON # 10072 Application Receipt Date: 11/17/2009  
Facility/Project: United Hospice of Florida, Inc.  
Applicant: United Hospice of Florida, Inc.  
Project Description: Establish a new hospice program
- Also, IF REQUESTED, tentative public hearings have been scheduled as follows:
- PROPOSAL: Mulberry Grove NH LLC District: 3  
DATE AND TIME: Thursday, January 7, 2010, 1:00 p.m. – 4:00 p.m.  
PLACE: WellFlorida Council, Inc.  
1785 N. W. 80th Boulevard  
Gainesville, FL 32606
  - PROPOSALS: Service Area 4A Hospice Programs District: 4  
DATE AND TIME: Wednesday, January 6, 2010, 1:00 p.m. – 4:00 p.m.  
PLACE: Health Planning Council of N. E. Florida, Inc.  
644 Cesery Boulevard, Suite 210  
Jacksonville, FL 32211

PROPOSALS: Service Area 5B Hospice Programs District: 5  
DATE AND TIME: Wednesday, January 6, 2010, 9:00 a.m. – 12:00 Noon

PLACE: Suncoast Health Council, Inc.  
9600 Koger Boulevard  
2d Floor, Conference Room  
St. Petersburg, FL 33702

PROPOSALS: Service Area 7B Hospice Programs District: 7  
DATE AND TIME: Monday, January 4, 2010, 9:00 a.m. – 12:00 Noon

PLACE: Health Council of East Central Florida, Inc.  
2461 West SR 426, Suite 2041  
Oviedo, FL 32765

Public hearing requests must be in writing and be received at the: Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, Attention: James B. McLemore, by 5:00 p.m., December 18, 2009. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by December 23, 2009.

**Metropolitan Hospital of Miami Emergency Service Exemption**

The Agency for Health Care Administration received an application for an emergency service exemption from Metropolitan Hospital Of Miami, 5959 N. W. 7th Street, Miami, FL 33126 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Ophthalmology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to the Agency for Health Care Administration, Attention: Jack Plagge, Program Administrator, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, (850)414-6938 or by e-mail: [plaggej@ahca.myflorida.com](mailto:plaggej@ahca.myflorida.com).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF AVAILABILITY**

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION  
City of Dade City**

The Florida Department of Environmental Protection has determined that the City of Dade City's project involving the installation of high service pump station and transmission mains will not adversely affect the environment. The total cost of the project is estimated to be \$2,587,791. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Venkata Panchakarla, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8366.

**FLORIDA STATE CLEARINGHOUSE**

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN November 16, 2009  
 and November 20, 2009**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF COMMUNITY AFFAIRS**  
**Division of Housing and Community Development**

9B-72.100	11/19/09	12/9/09	35/34	
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**DEPARTMENT OF CORRECTIONS**

33-210.105	11/17/09	12/7/09	35/36	
33-602.223	11/20/09	12/10/09	35/34	

**WATER MANAGEMENT DISTRICTS**  
**Southwest Florida Water Management District**

40D-1.002	11/17/09	12/7/09	35/41	
40D-1.607	11/17/09	12/7/09	35/33	35/41
40D-4.091	11/19/09	12/9/09	35/37	

**COMMISSION FOR THE TRANSPORTATION**  
**DISADVANTAGED**

41-2.007	11/16/09	12/6/09	35/16	35/31
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**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Office of Licensure and Certification**

59A-7.034	11/18/09	12/8/09	35/38	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL**  
**REGULATION**

**Division of Alcoholic Beverage and Tobacco**

61A-5.0105	11/17/09	12/7/09	33/29	33/46
61A-5.747	11/17/09	12/7/09	33/29	33/46

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

61B-19.001	11/20/09	12/10/09	35/34	
61B-19.002	11/20/09	12/10/09	35/34	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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61B-39.003	11/20/09	12/10/09	35/38	
61B-80.124	11/20/09	12/10/09	35/34	

**Board of Accountancy**

61H1-21.001	11/20/09	12/10/09	35/33	35/41
61H1-21.002	11/20/09	12/10/09	35/33	
61H1-21.005	11/20/09	12/10/09	35/33	
61H1-21.006	11/20/09	12/10/09	35/33	
61H1-22.001	11/20/09	12/10/09	35/40	
61H1-24.001	11/20/09	12/10/09	35/33	35/41
61H1-24.002	11/20/09	12/10/09	35/33	
61H1-26.001	11/20/09	12/10/09	35/40	
61H1-26.002	11/20/09	12/10/09	35/40	
61H1-28.0052	11/20/09	12/10/09	35/40	
61H1-29.002	11/20/09	12/10/09	35/40	
61H1-29.0025	11/20/09	12/10/09	35/40	
61H1-29.003	11/20/09	12/10/09	35/40	
61H1-31.001	11/20/09	12/10/09	35/40	
61H1-33.001	11/20/09	12/10/09	35/31	35/36
61H1-33.003	11/20/09	12/10/09	35/31	35/36
61H1-33.0032	11/20/09	12/10/09	35/31	
61H1-33.0035	11/20/09	12/10/09	35/40	
61H1-33.006	11/20/09	12/10/09	35/40	
61H1-34.002	11/20/09	12/10/09	35/40	
61H1-35.002	11/20/09	12/10/09	35/40	
61H1-36.006	11/20/09	12/10/09	35/40	

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-341.417	11/19/09	12/9/09	35/25	35/40
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**DEPARTMENT OF HEALTH**  
**Board of Clinical Social Work, Marriage and Family**

64B4-21.007	11/17/09	12/7/09	35/37	
64B4-31.007	11/17/09	12/7/09	35/37	

**Office of Statewide Research**

64H-2.002	11/20/09	12/10/09	35/25	35/30
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