

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-18.042	Issuance of License
6A-18.0421	Conditions for Removal from a Facility; Suspension or Revocation of License

PURPOSE AND EFFECT: The purpose and effect of this rule development is to enable criminal history record checks of licensed vending facility vendors and applicants for licensing as vending facility vendors in the Division of Blind Services' Business Enterprises Program.

SUBJECT AREA TO BE ADDRESSED: Issuance of License.

RULEMAKING AUTHORITY: 413.051(12) FS.

LAW IMPLEMENTED: 413.011(2), 413.041, 413.051 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: Joyce Hildreth, Director, Division of Blind Services, Department of Education, 325 West Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0300. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-18.042 Issuance of License.

(1) In order to be eligible for and maintain a license to operate a vending facility, an individual applicant must be:

- (a) Legally blind as defined in 34 CFR 395.1, Terms, and Section 413.033(1), Florida Statutes;
- (b) A citizen of the United States;
- (c) Eighteen (18) years of age or older; ~~and~~
- (d) Possess a high school diploma or equivalency, ~~and~~
- (e) Must undergo a security background investigation, which shall include, but not be limited to, fingerprinting, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

(2) An individual who is found to have been convicted of or pled guilty or nolo contendere to, whether or not adjudication is withheld, a crime which is a first degree misdemeanor, a felony, or any misdemeanor or felony involving moral turpitude shall be disqualified from eligibility for a license to operate a vending facility, unless the agency exempts the individual from disqualification based on a consideration of:

- (a) The passage of time since commission of the crime(s);
- (b) The circumstances surrounding the crime(s);
- (c) The nature of the harm caused any victim of the crime(s); and
- (d) Other evidence provided by the applicant demonstrating to a clear and convincing standard that the applicant should not be disqualified from eligibility.

~~(3)(2)~~ The Division shall issue a license to operate a vending facility after an individual applicant has satisfactorily completed the Application for the Vending Facility Training Program and the subsequent Vending Facility Training Program (See subsection 6A-18.046(2), F.A.C.).

- ~~(4)(3)~~ The license shall be continuously valid, subject to:
- (a) through (d) No change.

Rulemaking Specific Authority 413.051(12) FS. Law Implemented ~~413.011(2), 413.041,~~ 413.051 FS. History--New 4-5-83, Amended 11-5-85, Formerly 6A-18.04, Amended 7-8-87, Formerly 6A-18.004, Amended 10-20-98, Formerly 38K-1.004, Amended _____.

6A-18.0421 Conditions for Removal from a Facility; Suspension or Revocation of License.

(1) A vendor shall be removed from a vending facility or a license shall be suspended or revoked for failing or refusing to comply with these rules, the terms and conditions for licensure, the Licensed Operator Facility Agreement between the vendor and the Division, or the terms and conditions of any permit or lease for property on which a vending facility is located.

(2) A vendor shall also be removed from a vending facility, or a license shall be suspended or revoked for any of the following reasons:

- (a) through (j) No change.
- (3) A vendor's license to operate a vending facility may be revoked for a failure to meet the criminal record requirements of Rule 6A-18.042, F.A.C.

~~(4)(3)~~ The Division shall serve written notice of its intent to remove a vendor from a facility or to suspend or revoke a license by hand delivery or certified mail, to the vendor's last known address. Such action shall be governed by Chapter 120, Florida Statutes.

Rulemaking Specific 413.051(12) FS. Law Implemented ~~413.011(2), 413.041,~~ 413.051 FS. History--New 10-20-98, Formerly 38K-1.0041, Amended _____.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-24.001
 RULE TITLE: Provisions for Prompt Settlement or Legal Defense of Claims and Disqualification for Failure to Settle Claims

PURPOSE AND EFFECT: Rule Chapter 14-24, F.A.C., is being amended to clarify the procedure and requirements for the prompt and satisfactory settlement or legal defense of claims. The title of the Rule Chapter will be changed to "Surety Disqualification For Failure To Settle Claims."

SUBJECT AREA TO BE ADDRESSED: The requirement of prompt settlement or legal defense of claims is addressed.

RULEMAKING AUTHORITY: 334.044(2), 337.18(1) FS.

LAW IMPLEMENTED: 334.044(28), 337.141, 337.18(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.200
 RULE TITLE: Child Health Services Targeted Case Management

PURPOSE AND EFFECT: The purpose is to adopt a new rule for Child Health Services Targeted Case Management. The rule will incorporate by reference a new handbook, October 2010, which will include guidelines specific to the Child Health Services Targeted Case Management Program such as definitions, rules, responsibilities, coverage, limitations and reimbursement.

SUBJECT AREA TO BE ADDRESSED: Child Health Services Targeted Case Management.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906(11), 409.912(7), 409.913 FS.

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

DATE AND TIME: Tuesday, June 8, 2010, 3:00 p.m. – 4:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Gail Underwood at the Bureau of Medicaid Services, (850)412-4224. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gail Underwood, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4224, e-mail: gail.underwood@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.200 Child Health Services Targeted Case Management.

Individuals enrolled as Child Health Services targeted case managers must be in compliance with the Child Health Services Targeted Case Management Handbook, October 2010, which is incorporated by reference. Medicaid will reimburse only targeted case management services that are provided by enrolled individual treating providers employed or contracted with an enrolled targeted case management group provider or agency. Such enrolled provider or agency is not permitted to subcontract with another provider or agency for service delivery.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906(11), 409.912(7), 409.913 FS. History—New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.0109
 RULE TITLE: Point of Sale Coupons

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how alcoholic beverage point of sale coupons are provided.

SUBJECT AREA TO BE ADDRESSED: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

RULEMAKING AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Patricia Nelson at (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Patricia Nelson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61A-1.0109 Point of Sale Coupons.

(1) Coupons include both paper and electronic forms of discounts and rebates. At a vendor's request, paper coupons must be made available in place of electronic coupons. A purchase is required in order for the consumer to receive the discount or rebate.

(2) Coupon promotions may be offered to on-premises or off-premises licensed vendors only, or to both, and must be offered to all vendors in a defined market area. A defined market area is an area no smaller than a 5-digit ZIP code.

(3) All coupons shall have a specific monetary value and shall be offered to vendors in similar quantities, at the same time, based on the vendor's inventory of the promotion products and the promotion products ordered.

(4) When an electronic-form coupon is offered to a consumer, there must be a conspicuous sign or notice of the discount and its amount on the vendor's licensed premises for the duration of the coupon promotion.

(5) Vendors shall seek and accept reimbursement only from a manufacturer or distributor, or their designated agent, for a consumer purchase of the product.

(6) Reimbursement to vendors shall not exceed the face value of the coupon and the customary handling charge, which shall be the same charge for all vendors during the coupon period.

(7) Malt beverage distributors shall not provide malt beverage coupons to vendors; however, they may deliver manufacturer's coupons to vendors.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-5.0033
RULE TITLE: Consolidated and Combined Financial Statements

PURPOSE AND EFFECT: To clarify which entities can file consolidated or combine financial statements.

SUBJECT AREA TO BE ADDRESSED: Consolidated and Combined Financial Statements.

RULEMAKING AUTHORITY: 468.522, 468.525(3)(e) FS.

LAW IMPLEMENTED: 468.525(3)(e) 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: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-17.005
RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify what violations with fines may be disposed of by citations and to update the rule to meet changes in the statutes.

SUBJECT AREA TO BE ADDRESSED: Citations.

RULEMAKING AUTHORITY: 455.224, 455.225 FS., Chapter 94-119, Laws of Florida.

LAW IMPLEMENTED: 455.224 FS., Chapter 94-119, Laws of Florida.

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: Robyn Barineau, Executive Director, Board of Pilots Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0783
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.:	RULE TITLE:
61G14-19.001	Percentage of Gross Pilotage Assessed

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the rate the Department assesses the gross amounts of pilotage earned.

SUBJECT AREA TO BE ADDRESSED: Percentage of gross pilotage assessed.

RULEMAKING AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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: Robyn Barineau, Executive Director, Board of Pilots Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:	RULE TITLE:
61G19-6.0035	Application for Provisional and/or Standard Certification

PURPOSE AND EFFECT: The purpose of this rule development is to clarify the experience requirements for certification as a licensee.

SUBJECT AREA TO BE ADDRESSED: Application for Provisional and/or Standard Certification.

RULEMAKING AUTHORITY: 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.609 FS.

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

DATE AND TIME: June 10, 2010, 1:00 p.m., or as soon thereafter as can be heard

PLACE: Renaissance Tampa Hotel International Plaza, 4200 Jim Walter Blvd., Tampa, FL 33607

Pursuant to the provisions of 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750. If you are 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.0035 Application for Provisional and/or Standard Certification.

(1) Each individual who wishes to obtain a provisional and/or standard certificate in any certificate category shall submit the following to the Board:

(a) through (b) No change.

(c) Each applicant seeking to qualify for certification as an inspector or plans examiner through a combination of related postsecondary or technical education and work experience shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought, with the exception of 1 and 2 family dwelling inspector. For 1 and 2 family dwelling inspector certification, refer to the specific requirements in Rule 61G19-6.017, F.A.C.

(d) through (3) No change.

Rulemaking Specific Authority 468.606, 468.609 FS. Law Implemented 468.609 FS. History—New 11-28-95, Amended 10-1-97, 2-23-99, 6-3-03, 2-6-07, 10-4-07, _____.

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

Board of Massage

RULE NO.: 64B7-30.002
RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: The Board proposes the rule amendment to update its disciplinary guidelines to incorporate the new offenses set forth in Section 456.072, F.S., that were added by the Legislature (Ch. Law 2009-223).
SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.
RULEMAKING AUTHORITY: 456.073(4), 456.079(1), (3), (4), 480.035(7) FS.
LAW IMPLEMENTED: 456.072(2), 456.073(4), 456.079(1), (3), (4), 480.046, 480.047 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: Christy Robinson, Acting Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-8.002
RULE TITLE: Requirements for Prevention of Medical Errors Education
PURPOSE AND EFFECT: The Board proposes the rule amendment to require additional continuing education for those licensed in the first half of the biennium.
SUBJECT AREA TO BE ADDRESSED: Requirements for Prevention of Medical Errors Education.
RULEMAKING AUTHORITY: 456.013(7) FS.
LAW IMPLEMENTED: 456.013(7) 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-8.002 Requirements for Prevention of Medical Errors Education.
 (1) through (2) No change.
(3) Every person licensed pursuant to Chapter 486, F.S., shall be required to complete two contact hours of education in the prevention of medical errors in the twenty-four months preceding each biennial renewal period as established by the Department.
 (3) through (5) renumbered (4) through (6) No change.

Rulemaking Specific Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History—New 10-8-02, Amended 8-18-08,_____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-9.001
RULE TITLE: Continuing Education
PURPOSE AND EFFECT: The Board proposes the rule amendment to require additional continuing education for those licensed in the first half of the biennium.
SUBJECT AREA TO BE ADDRESSED: Continuing Education.
RULEMAKING AUTHORITY: 486.025 FS.
LAW IMPLEMENTED: 456.013(6), 486.109(2) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-6.001	General
64E-6.002	Definitions
64E-6.003	Permits
64E-6.004	Application for System Construction Permit
64E-6.005	Location and Installation
64E-6.006	Site Evaluation Criteria
64E-6.008	System Size Determinations
64E-6.009	Alternative Systems
64E-6.010	Septage and Food Establishment Sludge

- 64E-6.0101 Portable Restrooms and Portable or Stationary Holding Tanks
- 64E-6.011 Abandonment of Systems
- 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-6.014 Construction Standards for Drainfield Systems
- 64E-6.015 Permitting and Construction of Repairs
- 64E-6.0151 Additive Use
- 64E-6.016 U.S. Department of Agriculture Soil Textural Classification System
- 64E-6.017 Definitions
- 64E-6.018 System Location, Design and Maintenance Criteria
- 64E-6.0181 Cesspit and Undocumented System Replacement and Interim System Use
- 64E-6.0182 Coordinated Permitting
- 64E-6.019 Requirements for Registration
- 64E-6.020 Master Septic Tank Contractors
- 64E-6.021 Issuance of Registration Certificates and Renewal
- 64E-6.022 Standards of Practice and Disciplinary Guidelines
- 64E-6.023 Certification of Partnerships and Corporations
- 64E-6.025 Definitions
- 64E-6.026 Applications for Innovative System Permits and System Construction Permits
- 64E-6.027 Permits
- 64E-6.028 Location and Installation
- 64E-6.029 Monitoring
- 64E-6.0295 Innovative System Reclassification
- 64E-6.030 Fees

RULEMAKING AUTHORITY: 381.0011(4), (13), 381.0065(3)(a), 489.553 (3), 489.557(1) FS.
 LAW IMPLEMENTED: 381.0065, 381.0066, 381.0067, 381.0069, 386.041, 489.552, 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 CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-1.047
 RULE TITLE: Crisis Status Criteria

PURPOSE AND EFFECT: The purpose and effect of this Rule Development Workshop is to solicit public input on a petition that has been filed to amend Rule 65G-1.047, F.A.C. The Petition proposes that children living in out-of-home foster care without the possibility of a permanent placement be added to the “first priority” crisis category of the rule. This Notice was previously published on April 16, 2010 with an incorrect phone number. This is a revised notice with the correct phone number.

SUBJECT AREA TO BE ADDRESSED: Crisis Categories.

RULEMAKING AUTHORITY: 393.501(1), 393.065(2) FS.

LAW IMPLEMENTED: 393.065(2) FS.

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

DATE AND TIME: May 26, 2010, 6:00 p.m. – 8:00 p.m., EDT

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399, ADA Contact: Terri McGarrity, 1(866)APD-Cares

Pursuant to the provisions of 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: Terri McGarrity, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-7452. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PURPOSE AND EFFECT: Develop rules to incorporate necessary technical changes, implement the provisions of 2010 legislation, and incorporate modifications proposed through the Technical Review and Advisory Panel.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include but are not limited to: Onsite sewage treatment and disposal system design, permitting, construction, modification, repair and maintenance; System evaluation; Standards for existing systems; Grants for repairs to systems of low-income homeowners; Septic Tank Contractor registration, training and standards of practice; Septage treatment and disposal; and Performance-based treatment standards. All aspects of the rule are open for discussion by the Technical Review and Advisory Panel.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Terri McGarrity, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399	69V-40.053	Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.	69V-40.058	Application Procedure for Mortgage Brokerage Business Branch Office License
	69V-40.060	Fees Earned Upon Obtaining a Bona Fide Commitment
	69V-40.088	Referrals
FINANCIAL SERVICES COMMISSION	69V-40.099	Amendments, Change of Name, Change of Entity and Change in Control or Ownership
Office of Financial Regulation		
RULE NOS.:	RULE TITLES:	
69V-40.001	Definitions	69V-40.100 Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender
69V-40.002	Adoption of Forms	
69V-40.003	Electronic Filing of Forms and Fees	69V-40.105 Branch Office License for Transfer in Ownership or Control of Saving Clause Mortgage Lender
69V-40.008	Fees and Commissions	
69V-40.011	Misleading Practice; Penalty	69V-40.111 Disciplinary Guidelines
69V-40.021	Fictitious Name Registration	69V-40.150 Out of State Examination Costs
69V-40.022	Quarterly Report Filing Requirements	69V-40.155 Lock-in Statement
69V-40.025	Mortgage Broker Examination	69V-40.156 Third-party Fee Accounts
69V-40.026	Curriculum for Mortgage Broker Pre-licensing Classroom Education	69V-40.160 Principal Brokers
69V-40.027	Mortgage Broker Pre-licensing Education Requirement	69V-40.165 Branch Brokers
69V-40.0271	Professional Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives	69V-40.170 Books and Records
69V-40.028	Permit for Mortgage Business School	69V-40.175 Mortgage Brokerage Files
69V-40.0281	Mortgage Business Schools Prohibited Practices and Advertising/Publicity	69V-40.177 Mortgage Brokerage and Lending Transaction Journal
69V-40.029	Mortgage Business School Permit Renewal	69V-40.200 Application Procedure for Mortgage Lender License
69V-40.030	Accreditation Process for a Mortgage Business School	69V-40.201 Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure
69V-40.031	Application Procedure for Mortgage Broker License	69V-40.205 Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation
69V-40.0311	Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure	69V-40.220 Application Procedure for Correspondent Mortgage Lender License
69V-40.033	Disciplinary Guidelines for Mortgage Business Schools	69V-40.225 Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation
69V-40.043	Mortgage Broker License Renewal and Reactivation	69V-40.240 Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office License
69V-40.051	Application Procedure for Mortgage Brokerage Business License	69V-40.242 Principal Representative
69V-40.0511	Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure	

- 69V-40.245 Independent Contractors
- 69V-40.250 Documentation of Net Worth and Surety Bond
- 69V-40.260 Mortgage Lender Files
- 69V-40.265 Mortgage Brokerage and Lending Transaction Journal
- 69V-40.270 Financial Guaranty in Lieu of Uniform Single Audit
- 69V-40.285 Noninstitutional Investor Funds Account
- 69V-40.290 Acts Requiring Licensure as a Mortgage Broker, Mortgage Brokerage Business, Mortgage Lender or Correspondent Mortgage Lender

PURPOSE AND EFFECT: In 2009, the Florida Legislature passed Senate Bill 2226 to bring Florida law into compliance with the federal S.A.F.E. Mortgage Licensing Act of 2008, Title V of P.L. 110-289. SB 2226 was signed into law on June 29, 2009. See Chapter 2009-241, Laws of Florida. The Office of Financial Regulation is proposing rule changes to Rule Chapter 69V-40, F.A.C., to reflect the statutory changes to Chapter 494, F.S.

SUBJECT AREA TO BE ADDRESSED: Mortgage Brokering and Lending.

RULEMAKING AUTHORITY: 494.0011 FS.

LAW IMPLEMENTED: Chapter 494 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: Andrea Moreland, Cabinet and Legislative Director, Office of Financial Regulation, 200 E. Gaines Street, The Fletcher Building, Tallahassee, FL 32399-0370, (850)410-9601, andrea.moreland@flofr.com

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

workers during the early voting period and election day. The proposed changes clarify procedures for voter intake at the polling place and for handling a ballot that has been overvoted. It also enhances the provisions governing persons with disabilities.

SUMMARY: The proposed changes clarify polling place procedures.

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: 20.10(3), 97.012(1), 102.014(5) FS.

LAW IMPLEMENTED: 102.014 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: June 22, 2010, 9:00 a.m.

PLACE: Florida Department of State, Florida Heritage Hall, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eddie Phillips, Executive assistant, General Counsel’s Office, at 1(850)245-6536 or elphillips@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Assistant General Counsel, Florida Department of State at: mimatthews@dos.state.fl.us or (850)245-6536. The incorporated form DS-DE #11 is available upon request.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.034 Polling Place Procedures Manual.

The Department of State, Division of Elections, is required to establish a polling place procedures manual to guide election officials and poll workers in the proper implementation of election procedures and laws. Form DS-DE 11 (eff. ___/___08/08), entitled “Polling Place Procedures Manual,” is hereby incorporated by reference and available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.034 **RULE TITLE:** Polling Place Procedures Manual

PURPOSE AND EFFECT: The proposed changes are to the polling place procedures manual, DS-DE 11, incorporated by reference in the rule. This manual is used as a guide for poll

contact at (850)245-6200, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html>.

Rulemaking Authority 20.10(3), 102.014(5) FS. Law Implemented 102.014(5) FS. History--New 7-4-02, Amended 1-25-04, 3-16-06, 1-1-08, 8-13-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Donald L. Palmer, Director, Division of Elections
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dawn K. Roberts, Interim Secretary of State for Florida Department of State
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2010

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: RULE TITLE:
 IT-1.001 Division of Cultural Affairs
 IT-1.039 Cultural Facilities Program

PURPOSE AND EFFECT: The purpose of this amendment is to:

1. Create a new rule number, Cultural Facilities Program, Rule IT-1.039, F.A.C., that establishes eligibility criteria, application procedures, matching funds, panel review criteria, scoring criteria, Legislative review, reporting requirements, grant administration forms, program guidelines, and criteria related to compliance and the recordation of restrictive covenants for the Cultural Facilities Program.

2. Repeal subsection IT-1.001(3), F.A.C., and incorporate the program information into the new Cultural Facilities Program Rule IT-1.039, F.A.C.

SUMMARY: The proposed rule incorporates the program information from subsection IT-1.001(3), F.A.C., into Rule IT-1.039, F.A.C. The change consolidates information by incorporating by reference program guidelines, administrative forms, and restrictive covenants. The proposed rule repeals subsection IT-1.001(3), F.A.C.

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: 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5) FS.

LAW IMPLEMENTED: 265.701, 286.011, 286.012, 286.25 FS.

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

DATE AND TIME: Monday, June 14, 2010, 9:30 a.m.
 PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

(1) through (2) No change.

~~(3) Cultural Facilities Program. The purpose of this program is to coordinate and guide the State of Florida's support and funding for the renovation, construction, or acquisition of cultural facilities. This program is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.~~

~~(a) Administrative and Legal Eligibility. An eligible applicant for a cultural facilities grant must:~~

~~1. Be a public entity governed by either a municipality, county, or qualified corporation as defined in Section 265.701(2), F.S.~~

~~2. Have ownership of, or have an executed lease at the time of application for the undisturbed use of the land or buildings or both associated with the cultural facility for a minimum of 10 years following the recordation of the restrictive covenant or date of issue of a surety bond. In those cases where the land or building(s) or both, are leased by an eligible applicant, the owner(s) must also meet the requirements of Section 265.701(2) and (4), F.S. For the purposes of this program, an eligible applicant may lease state-owned land or building(s) or both.~~

~~3. Have satisfied the administrative requirements of previous grants received from the Division.~~

~~(b) Ownership of Improvements. The owner of the property or building(s) or both must retain ownership of the improvements made to the property or building(s) or both for at least 10 years following the recordation of the restrictive covenant or date of issue of a surety bond.~~

~~(c) Application Requirements. Applications shall consist of the following:~~

~~1. A completed Cultural Facilities Program Application shall be electronically submitted through the Division's on-line application website at www.floridaarts.org on or before the application deadline, which will be posted on the Division's website. The application is available through the Division's on-line application system.~~

~~2. A complete application shall include the following:~~

~~a. General identification and contact information.~~

~~b. A description of the Project Scope of Work, including a project narrative, the current phases, and the prior phases of the project.~~

~~c. Project Budgets including a summary and detail, a matching funds statement, a match summary chart, and a donor profile.~~

~~d. A description of the Need for the Project, including an operating forecast detail, a list of the organization staff, and a statement regarding the fiscal stability of the organization.~~

~~e. A description of the project's impact on the city, county, or multi county region.~~

~~3. Application Support Materials. The following support materials are required. Directions for submission of support materials shall be available through the online application system:~~

~~a. Documentation of unrestricted ownership or undisturbed use through an executed lease of the land or building(s) or both, related to the cultural facility for a minimum of 10 years following the recordation of the restrictive covenant or date of issue of a surety bond. Leases conditioned on the applicant's receipt of grant funds do not qualify.~~

~~b. Documentation of the applicant's Total Support and Revenue and Total Expenses. Documentation shall consist of an independent certified audit or review, or certification of the organization's Total Support and Revenue and Total Expenses by an authorized official of the applicant. An authorized official shall be either the president of the board, board chair, or another board member authorized to enter into agreements for the organization. If the applicant is an entity of city or county government, the authorized official shall be an elected official of the city or county, or an individual designated by the official to act upon the behalf of the official.~~

~~c. An 8 1/2" x 11" reduction of current architectural plans.~~

~~d. Letters of Support: Submit letters or list of local officials lending support to this project.~~

~~e. For municipalities and counties, a copy of the approved resolution or minutes from the commission meeting showing the dollar amount dedicated and available to the project if the grant is awarded, and the date the funds will be available.~~

~~(d) Funding Request.~~

~~1. The applicant shall not request more than \$500,000 in a single application. There is no minimum amount.~~

~~2. An applicant from the same organization shall not submit more than one application under a single application deadline for the same facility, project, site, or phase.~~

~~3. An organization may not submit funding requests to both the Cultural Facilities Program and the Regional Cultural Facilities Program in the same fiscal year for the same project, facility, site, or phase.~~

~~4. An entity funded by the Legislature outside of the review of the Florida Arts Council or approval by the Secretary of State shall not be eligible to receive grant support for the same renovation, acquisition, or new construction project from the Division of Cultural Affairs within the same fiscal year in which Legislative funding is appropriated.~~

~~(e) Time Limits and Funding Cap. No project shall receive more than \$1.5 million during five (5) consecutive state fiscal years. "Receive" means measured from July 1 of the fiscal year in which grant funds for the Cultural Facilities Program were appropriated by the Legislature.~~

~~(f) Matching Funds.~~

~~1. For eligible organizations with total support and revenue of less than \$500,000, eligible matching funds provided by the applicant organization or by a third party shall be on at least a one-to-one match of the amount requested.~~

~~2. For eligible organizations with total support and revenue of \$500,000 or more, eligible matching funds provided by the applicant organization or by a third party shall be on at least a two-to-one match of the amount requested, except for eligible Rural Economic Development Initiative (REDI) applicants. REDI qualified means those counties or communities designated pursuant to Sections 288.0656 and 288.06561, F.S.~~

~~3. Eligible matching funds provided by eligible REDI applicants shall be at least a one-to-one match of the amount requested.~~

~~4. At least 50% of the required match must be in cash. For the purposes of this program, cash shall include cash on hand, and cash expenditures made on the project within the five-year period prior to the application deadline.~~

~~5. At least 50% of the cash match must be cash on hand and dedicated to the project. For the purpose of this program, cash on hand includes funds identified in executed award letters or contracts from third parties, provided that those funds are expressly for the project for which the grant application is submitted.~~

~~6. No more than 50% of the match may be irrevocable pledges or in-kind contributions. Irrevocable pledges and in-kind contributions must be documented in the application. For the purpose of this program, in-kind contributions by the applicant are not eligible for match.~~

~~7. Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the required support material, which includes the dollar amount dedicated and available to the project if the grant is awarded and the date the funds will be available. Resolutions that have not been approved by the application deadline cannot be used as match documentation. Local funding, as indicated by the resolution, must be made available within 90 days of state award notification.~~

~~(g) Application Review Committee.~~

1. The application review committee shall review each eligible application based on the following criteria: Scope of Work (up to 15 points), Project Budget and Matching Funds (up to 25 points), Need for Program and Operating Forecast (up to 30 points), and Project Impact (up to 30 points).

2. All applications that receive an average score of at least 75 out of 100 possible points will be recommended for funding.

3. The committee shall develop a priority list based on the average score for each application.

4. The committee shall submit the priority list to the Florida Arts Council for review and recommendation.

(h) The Florida Arts Council shall review the priority list and submit the recommendations to the Secretary of State.

(i) The Secretary of State shall review the recommendations of the Council and provide the Legislature with an approved priority list with funding recommendations.

(j) Retaining Projects on the next grant cycle priority list.

1. Projects that are approved and recommended by the Secretary but are not funded by the Legislature shall be retained on the priority list for the next grant cycle only.

2. All applicants with projects that are retained on the priority list shall submit the information in sub-subparagraphs (e)2.a. e. above to report the current status of the project.

3. The deadline for the receipt of updated information and directions for submission shall be posted on the Division's website.

4. Updated projects on the priority list shall not be re-scored, but will retain their original scores and recommended funding amounts, and be merged with the new applications for that year.

5. Projects that are rolled over to the priority list shall be ineligible for a grant if the updated information includes a change in scope, venue, or funding amount; or if all of the required update information is not provided by the deadline.

(k) No changes in project scope or venue will be permitted.

(l) Grant Award Agreement. The Grant Award Agreement (CA2E038, eff. 7/08) incorporated by reference and available from the Division, is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

1. An update of the application project narrative and budget.

2. A completed Assurance of Compliance and Signature Authorization Form (CA2E059, eff. 7/08, incorporated by reference and available from the Division at www.florida-arts.org).

3. A Request for Warrant (CA2E001, eff. 7/08) incorporated by reference and available on the Division's Website at www.florida-arts.org.

4. A Grant Amendment Request (CA2E047, eff. 7/08) incorporated by reference and available on the Division's Website at www.florida-arts.org.

5. Other provisions that shall be agreed to by both the grantee and the state.

(m) Grant Encumbrance Period and Expenditure Date:

1. Encumbrance Period:

a. For the purpose of this program, the encumbrance period is the state fiscal year in which grant funds are appropriated by the Legislature.

b. During the encumbrance period, but not later than the end date of the encumbrance period, the grantee shall execute all required contracts for all work to be accomplished with grant funds.

c. The Division will not release more than 25% of the total grant amount until the executed contract with an architect or contractor has been submitted. The Division shall maintain the signed contract in the grant files. The contract shall reference an amount equal to or in excess of the grant amount and shall be signed and dated by the grantee and the architect or contractor. Acquisition grants that were awarded for the purchase of land on which the cultural facility will be built or for the purchase of a facility are exempt from this provision.

d. Grant funds shall not be used for project expenditures that were incurred prior to the execution of the Grant Award Agreement.

e. The maximum extension of the encumbrance period is 120 days.

2. Expenditure Date:

a. Grant funds must be expended by April 1 of the fiscal year following the fiscal year in which grant funds were appropriated by the Legislature.

b. Grant funds shall not be used for project expenditures that were incurred later than the approved expenditure deadline.

c. The maximum extension of the expenditure date shall be 120 days.

3. The Division may further extend the encumbrance and expenditure deadlines by not more than an additional 120 days each, in the event that the grantee can clearly demonstrate extenuating circumstances. Extenuating circumstances encompass situations beyond the control of the grantee that prevent the timely completion of the project. Such circumstances include natural disaster, death or serious illness of the individual responsible for the completion of the project, litigation, or failure of the contractor or architect to provide the services for which they were hired. Extenuating circumstances do not include failure to read or understand grant administrative requirements or failure to raise sufficient matching funds.

(n) Reporting Requirements:

~~1. Interim Reports shall be submitted at six-month intervals until the project is complete. For the purpose of this program, a project is considered complete when all grant and match funds have been expended. The first Interim Report is due on January 31 of the state fiscal year in which the grant was awarded.~~

~~2. Final Report. A Final Report (CA2E048, eff. 7/08) incorporated by reference and available on the Division's Website at www.florida-arts.org, shall be submitted 45 days after the expenditure of grant and match, but no later than May 15th of the fiscal year following the fiscal year in which the grant was awarded.~~

~~3. All reports shall include the following:~~

~~a. A description of the work completed.~~

~~b. A financial statement showing the expenditure of grant and match.~~

~~e. A state grant expenditure log (CA2E119, eff. 7/08) incorporated by reference and available on the Division's Website at www.florida-arts.org, that includes check number, amount of check, date of check, name of payee, and a description of the expenditure.~~

~~(o) Definitions. For the purposes of this program, a "grantee" is an applicant that has received a Cultural Facilities Program Grant Award. "Property owner" refers to the owners of land or building(s) or both, and all improvements made with grant funds. Section 265.701(4), F.S., requires that the grantee and the property owner either record a restrictive covenant or purchase a surety bond to ensure that the facility is used as a cultural facility for ten (10) years following the recordation of the restrictive covenant or date of issue of the surety bond.~~

~~(p) Restrictive Covenant:~~

~~1. If the grantee chooses to record a restrictive covenant, the grantee, and the property owner(s) if the land or buildings or both are leased by the grantee, shall execute and file a restrictive covenant with the Clerk of the Circuit Court in the county where the property is located, prior to release of the grant funds:~~

~~2. The restrictive covenant shall include the following provisions:~~

~~a. That the restrictive covenant shall run with title to the building(s) and the associated land and improvements made by grant funds, shall encumber them, and shall be binding upon the grantee and the owners, if different, and the successors in interest for ten (10) years from the date of the recordation of the restrictive covenant.~~

~~b. The owner of the improvements made to the building(s) and associated land funded in whole or in part by grant funds shall also execute the restrictive covenant.~~

~~e. The grantee shall permit the Division to inspect the facility and associated land at all reasonable times to determine whether the grantee is in compliance with the grant award agreement and the restrictive covenant or surety bond.~~

~~d. The grantee shall maintain the building(s) as a "cultural facility." For the purposes of this program, a "cultural facility" is a building which shall be used primarily for the programming, production, presentation, exhibition or any combination of the foregoing for any of the following cultural disciplines: music, dance, theatre, creative writing, literature, painting, sculpture, folk arts, photography, crafts, media arts, and historical and science museums.~~

~~e. The restrictive covenant shall also contain an amortization and schedule of the repayment of grant funds, should the grantee or owners or their successors in interest violate the restrictive covenant.~~

~~f. Other provisions as agreed upon by the Division and the grantee.~~

~~3. If the restrictive covenant is violated, the grantee shall reimburse the Division pursuant to the following amortization schedule:~~

~~a. If the violation occurs within five (5) years following the recordation of the restrictive covenant, 100% of the grant amount;~~

~~b. If the violation occurs more than five (5) but less than six (6) years following the recordation of the restrictive covenant, 80% of the grant amount;~~

~~c. If the violation occurs more than six (6) but less than seven (7) years following the recordation of the restrictive covenant, 65% of the grant amount;~~

~~d. If the violation occurs more than seven (7) but less than eight (8) years following the recordation of the restrictive covenant, 50% of the grant amount;~~

~~e. If the violation occurs more than eight (8) but less than nine (9) years following the recordation of the restrictive covenant, 35% of the grant amount; and~~

~~f. If the violation occurs more than nine (9) but less than ten (10) years following the recordation of the restrictive covenant, 20% of the grant amount.~~

~~1. If a surety bond is chosen in lieu of recording a restrictive covenant, the grantee must:~~(q) Surety Bond.

~~a. Purchase a surety bond from an insurer authorized to do business in Florida as a surety; and~~

~~b. Include the surety bond as an addendum to the grant award agreement;~~

~~2. The following shall be included in the surety bond;~~

~~a. That the facility described in the grant award agreement will be used as a cultural facility for ten (10) years following the date of issue of the surety bond, and that failure to do so shall constitute a violation of the surety bond;~~

~~b. That in the event of violation, the surety shall reimburse the Division pursuant to the amortization schedule set forth below.~~

~~3. A certified copy of the surety bond must be provided to the Division prior to the release of grant award funds.~~

4. If the surety bond is violated, the surety shall reimburse the Division pursuant to the following amortization schedule:

- a. If a violation occurs within three (3) years following the date of issue of the surety bond, 100% of the grant amount;
- b. If a violation occurs more than three (3) but less than four (4) years following the date of issue of the surety bond, 80% of the grant amount;
- e. If a violation occurs more than four (4) but less than five (5) years following the date of issue of the surety bond, 70% of the grant amount;
- d. If a violation occurs more than five (5) but less than six (6) years following the date of issue of the surety bond, 60% of the grant amount;
- e. If a violation occurs more than six (6) but less than seven (7) years following the date of issue of the surety bond, 50% of the grant amount;
- f. If a violation occurs more than seven (7) but less than eight (8) years following the date of issue of the surety bond, 40% of the grant amount;
- g. If a violation occurs more than eight (8) but less than nine (9) years following the date of issue of the surety bond, 30% of the grant amount; and
- h. If a violation occurs more than nine (9) but less than ten (10) years following the date of issue of the surety bond, 20% of the grant amount.

Rulemaking Authority 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5) FS. Law Implemented 265.285, 265.601-.603, 265.605-.606, 265.701 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05, 12-20-05, 5-22-06, 6-5-06, 6-27-06, 8-20-07, 9-16-07, 1-8-08, 7-8-08, 9-8-08, 3-5-09, 6-17-09, 10-27-09, _____.

IT-1.039 Cultural Facilities Program.

(1) This rule provides the requirements for the Cultural Facilities Program administered by the Division of Cultural Affairs (Division). All grant applicants must meet the requirements set forth in the 2011-2012 guidelines, which are available from the Division at www.Florida-arts.org and are hereby incorporated by reference. The program guidelines contain eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms. All grant awards are subject to the approval of the Secretary of State and Legislative appropriation.

(2) The Cultural Facilities Program Application (Form CA2E147), effective 6/10; must be submitted on-line at www.Florida-arts.org, is available from the Division, and is hereby incorporated by reference.

(3) The following forms must be used in the administration of the Cultural Facilities Program and are hereby incorporated by reference and available at www.Florida-arts.org:

- (a) Cultural Facilities Report Form (Form CA2E048), effective 6/10;
- (b) State Funds Expenditure Log (Form CA2E119), effective 6/10;
- (c) Grant Amendment Request (Form CA2E047), effective 6/10;
- (d) Grant Award Agreement (Form CA2E038), effective 6/10;
- (e) Request for Warrant (Form CA2E001), effective 6/10.

Rulemaking Authority 265.701(5) FS. Law Implemented 265.701 FS. History—New _____.

Editorial Note: Formerly subsection IT-1.001(3), F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2010; Vol. 36, No. 12

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09422	Florida Comprehensive Assessment Test and End-of-Course Assessment Requirements

PURPOSE AND EFFECT: The purpose of the rule amendment is to specify the new statewide assessment requirements in order to comply with the passage of Senate Bill 4 and House Bill 105 by the 2010 Legislature. The amendments include the specification of new FCAT 2.0 and End-of-Course Assessment requirements, including new passing scores on those assessments required for course credit and high school graduation. In addition, obsolete language is deleted.

The primary effect is that students will be required to participate in new statewide assessments and earn at least the minimum scale score in achievement level 3 on assessments required for course credit and high school graduation.

SUMMARY: This rule is amended to specify new statewide assessment requirements, including new passing scores on those assessments required for course credit and high school graduation.

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: 1001.02, 1008.22(3)(c)5., 1008.22(11) FS.

LAW IMPLEMENTED: 1001.02, 1001.11, 1008.22, 1008.25, 1008.33 FS.

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

DATE AND TIME: June 15, 2010, 9:00 a.m.

PLACE: Orange County School Board, 445 West Amelia Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kris Ellington, Assistant Deputy Commissioner, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09422 Florida Comprehensive Assessment Test and End-of-Course Assessment Requirements.

(1) The statewide program of educational assessment required by Section 1008.22(3)(c), Florida Statutes, shall be developed under the direction and supervision of the Commissioner of Education and shall be ~~called the Florida Comprehensive Assessment Test (FCAT). It shall be:~~

(a) Kept secured at all times.

(b) Provided to all school districts in the quantity needed for the students in the district.

(c) Administered in accordance with standard written instructions appropriate for the assessment examination. The written instructions ~~shall~~ will be issued by the Commissioner in the form of test administration manuals and other written communications, as required, and provided to school districts in sufficient time prior to each assessment test.

(d) Revised and updated as needed.

(e) Developed in consultation with teachers and other appropriate professionals and approved by the Commissioner prior to being administered to students.

(f) Be derived from the student performance standards adopted in Rule 6A-1.09401, F.A.C.

(2) ~~The assessment program test shall include the Florida Comprehensive Assessment Test® (FCAT), the Florida Comprehensive Assessment Test® (FCAT) 2.0, and the Florida End-of-Course (EOC) Assessments be developed in consultation with teachers and other appropriate professionals and shall be approved by the Commissioner prior to being administered to students. The FCAT shall:~~

(a) Before the 2010-2011 school year, the FCAT shall consist ~~Consist~~ of four (4) sections: one (1) measuring reading skills in grades three through ten;; one (1) measuring

mathematics skills in grades three through ten;; one (1) measuring writing skills in grades four, eight and ten;; and one (1) measuring science skills in grades five, eight, and eleven. Beginning with the 2010-2011 school year, the FCAT shall consist of three (3) sections: one (1) measuring mathematics skills in grade ten; one (1) measuring writing skills in grades four, eight, and ten; and one (1) measuring science skills in grades five, eight, and eleven. Beginning with the 2011-2012 school year, the FCAT shall consist of one (1) section measuring writing skills in grades four, eight, and ten. The FCAT Retake in reading shall continue to be administered through the 2011-2012 school year, and the FCAT Retake in mathematics shall continue to be administered through the 2012-2013 school year.

(b) Beginning with the 2010-2011 school year, the FCAT 2.0 shall consist of two (2) sections: one (1) measuring reading skills in grades three through ten, and one (1) measuring mathematics skills in grades three through eight. Beginning with the 2011-2012 school year, the FCAT 2.0 shall consist of three (3) sections: one (1) measuring reading skills in grades three through ten, one (1) measuring mathematics skills in grades three through eight, and one (1) measuring science skills in grades five and eight. Be derived from the skills adopted in Rule 6A-1.09401, F.A.C.

(c) The Florida EOC Assessments shall consist of assessments measuring the skills specified in five (5) courses: Algebra 1, Biology 1, Geometry, United States History, and Civics.

(3) The statewide assessment program FCAT shall be administered as follows:

(a) Before the 2010-2011 school year, all All eligible students in grades three through ten shall take the FCAT Reading and Mathematics reading and mathematics tests. Beginning with the 2010-2011 school year, all eligible students in grades three through ten shall take the FCAT 2.0 Reading, and all eligible students in grades three through eight shall take the FCAT 2.0 Mathematics. All eligible students in grades four, eight, and ten shall take the FCAT Writing writing test. Eligible students are those who are not exempted from the assessment pursuant to Section 1008.22(3)(c), Florida Statutes. All eligible students in grades five, eight, and eleven shall take the science test.

(b) Before the 2011-2012 school year, all eligible students in grades five, eight, and eleven shall take the FCAT Science. Beginning with the 2011-2012 school year, all eligible students in grades five and eight shall take the FCAT 2.0 Science. Eligible students are those who are not exempted from the assessment pursuant to Section 1008.22(3)(c), Florida Statutes.

(c) Beginning with the 2010-2011 school year, all students enrolled in a high school Algebra 1 or equivalent course must take the Algebra 1 EOC Assessment.

(d) Beginning with the 2011-2012 school year, all students enrolled in a high school Geometry or equivalent course must take the Geometry EOC Assessment, and all students enrolled in a high school Biology 1 or equivalent course must take the Biology 1 EOC Assessment.

(e) Beginning with the 2012-2013 school year, all students enrolled in a high school United States History or equivalent course must take the United States History EOC Assessment.

(f) Beginning with the 2013-2014 school year, all students enrolled in a middle school civics education course must take the Civics EOC Assessment.

(g)(b) Provisions shall be made by school districts to administer the assessment test to students who are absent on the designated testing dates according to directions specified by the Commissioner. The directions shall will be issued in the form of test administration manuals and other written communications, as required, and provided to school districts in sufficient time prior to each assessment test.

(h)(e) Provisions shall be made by the Commissioner to permit the assessment test to be administered to home school students and private school students pursuant to Sections 1002.39 and 1002.395, Florida Statutes, under conditions which preserve the security of the assessment test and require the public school districts to be responsible for the test administration procedures.

(i)(d) In accordance with the requirements of Section 1008.25(4)(c), Florida Statutes, provisions shall be made by the Commissioner to retest students the following year if they do not attain minimum performance expectations and are retained.

(j)(e) The assessments FCAT shall be administered to students in grades 3 through 9 not less than one (1) time per year on a schedule approved by the Commissioner and up to

~~three times per year for students who do not attain minimum performance expectations on the grade 10 FCAT as specified in subsection (7) of this rule.~~

(4) Examinee scores on the FCAT Reading and Mathematics reading and mathematics shall be reported on a score scale from 100 to 500 defined by the baseline assessment test administered during January and February 1998, and a developmental scale of approximately 0 to 3000 that defines performance across grades ~~three 3~~ through ~~ten 10~~. Examinee scores on the FCAT Science shall be reported on a score scale from 100 to 500 defined by the baseline assessment test administered during March 2003. Examinee scores on the FCAT Writing writing shall be reported on a score scale from 1 to 6 defined by the FCAT Writing writing holistic rubrics. ~~Each examinee shall receive a total score for each subject area in addition to part scores that can be reliably reported.~~

(5) The total scores on the FCAT Reading, Mathematics, and Science also are also reported on an achievement-level scale. Achievement levels range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on the assessment. The total scores that correspond to each achievement level are shown in the following paragraphs.

(a) ~~The Beginning with the effective date of this rule, until changes are recommended by the Commissioner of Education to the State Board of Education, the achievement levels for the FCAT Reading and Mathematics in the first phase of implementation (step 1) shall be as shown in the following tables.~~

FCAT Reading grade-level scale scores (100 to 500) for each achievement level ~~step 1:~~

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-258	259-283	284-331	332-393	394-500
4	100-274	275-298	299-338	339-385	386-500
5	100-255	256-285	286-330	331-383	384-500
6	100-264	265-295	296-338	339-386	387-500
7	100-266	267-299	300-343	344-388	389-500
8	100-270	271-309	310-349	350-393	394-500
9	100-284	285-321	322-353	354-381	382-500
10	100-286	287-326	327-354	355-371	372-500

FCAT Reading developmental scale scores (86 to 3008) for each achievement level ~~step 1:~~

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	86-1045	1046-1197	1198-1488	1489-1865	1866-2514
4	295-1314	1315-1455	1456-1689	1690-1964	1965-2638
5	474-1341	1342-1509	1510-1761	1762-2058	2059-2713
6	539-1449	1450-1621	1622-1859	1860-2125	2126-2758
7	671-1541	1542-1714	1715-1944	1945-2180	2181-2767
8	886-1695	1696-1881	1882-2072	2073-2281	2282-2790
9	772-1771	1772-1971	1972-2145	2146-2297	2298-2943
10	844-1851	1852-2067	2068-2218	2219-2310	2311-3008

FCAT Mathematics grade level scale scores (100 to 500) for each achievement level ~~step 1:~~

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-252	253-293	294-345	346-397	398-500
4	100-259	260-297	298-346	347-393	394-500

5	100-287	288-325	326-354	355-394	395-500
6	100-282	283-314	315-353	354-390	391-500
7	100-274	275-305	306-343	344-378	379-500
8	100-279	280-309	310-346	347-370	371-500
9	100-260	261-295	296-331	332-366	367-500
10	100-286	287-314	315-339	340-374	375-500

FCAT Mathematics developmental scale scores (375 to 2709) for each achievement level—step 1:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	375-1078	1079-1268	1269-1508	1509-1749	1750-2225
4	581-1276	1277-1443	1444-1657	1658-1862	1863-2330
5	569-1451	1452-1631	1632-1768	1769-1956	1957-2456
6	770-1553	1554-1691	1692-1859	1860-2018	2019-2492
7	958-1660	1661-1785	1786-1938	1939-2079	2080-2572
8	1025-1732	1733-1850	1851-1997	1998-2091	2092-2605
9	1238-1781	1782-1900	1901-2022	2023-2141	2142-2596
10	1068-1831	1832-1946	1947-2049	2050-2192	2193-2709

(b) ~~The Commissioner of Education will review FCAT performance data after each test administration and make a recommendation to the State Board of Education about future implementation of the Reading and Mathematics step 2 achievement levels shown in the following tables.~~

~~Reading grade-level scale scores (100 to 500) for each achievement level—step 2:~~

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-271	272-296	297-344	345-406	407-500
4	100-287	288-311	312-351	352-398	399-500
5	100-268	269-298	299-343	344-396	397-500
6	100-277	278-308	309-351	352-399	400-500
7	100-279	280-312	313-356	357-401	402-500
8	100-283	284-322	323-362	363-406	407-500
9	100-297	298-334	335-366	367-394	395-500
10	100-299	300-339	340-367	368-384	385-500

~~Reading developmental scale scores (86 to 3008) for each achievement level—step 2:~~

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	86-1129	1130-1281	1282-1572	1573-1949	1950-2514
4	295-1395	1396-1536	1537-1770	1771-2046	2047-2638
5	474-1419	1420-1587	1588-1839	1840-2135	2136-2713
6	539-1525	1526-1697	1698-1936	1937-2202	2203-2758
7	671-1613	1614-1786	1787-2017	2018-2252	2253-2767
8	886-1761	1762-1947	1948-2137	2138-2347	2348-2790
9	772-1846	1847-2046	2047-2220	2221-2372	2373-2943
10	844-1925	1926-2142	2143-2293	2294-2385	2386-3008

~~Mathematics scale scores (100 to 500) for each achievement level—step 2:~~

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-265	266-306	307-358	359-410	411-500
4	100-272	273-310	311-359	360-406	407-500
5	100-300	301-338	339-367	368-407	408-500
6	100-295	296-327	328-366	367-403	404-500
7	100-287	288-318	319-356	357-391	392-500
8	100-292	293-322	323-359	360-383	384-500
9	100-273	274-308	309-344	345-379	380-500
10	100-299	300-327	328-352	353-387	388-500

~~Mathematics developmental scale scores (375 to 2709) for each achievement level—step 2:~~

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	375-1142	1143-1331	1332-1572	1573-1812	1813-2225
4	581-1337	1338-1503	1504-1717	1718-1923	1924-2330
5	569-1516	1517-1696	1697-1833	1834-2021	2022-2456
6	770-1613	1614-1750	1751-1918	1919-2078	2079-2492
7	958-1715	1716-1840	1841-1994	1995-2135	2136-2572
8	1025-1786	1787-1905	1906-2051	2052-2146	2147-2605
9	1238-1828	1829-1947	1948-2069	2070-2188	2189-2596
10	1068-1888	1889-2003	2004-2105	2106-2249	2250-2709

~~(b)(e) The Beginning with the effective date of this rule, the achievement levels for the FCAT Science shall be as shown in the following table.~~

FCAT Science grade-level scale scores (100 to 500) for each achievement level:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
5	100-272	273-322	323-376	377-416	417-500
8	100-269	270-324	325-386	387-431	432-500
11	100-278	279-323	324-379	380-424	425-500

~~(d) The achievement levels for the 2007 and 2008 FCAT Writing shall be as shown in the following table.~~

Writing grade level scale scores (100 to 500) for each achievement level:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
4	100-239	240-289	290-364	365-426	427-500
8	100-249	250-298	299-355	356-415	416-500
10	100-249	250-299	300-341	342-402	403-500

~~The passing standard for the 2007 and 2008 Grade 10 FCAT Writing shall be a score equal to or greater than 300 on the 100 to 500 scale. The achievement levels and passing standard specified in this subsection shall apply only to the 2007 and 2008 administrations of FCAT Writing.~~

(6) Examinee scores on the FCAT 2.0 Reading and Mathematics shall be reported by the use of scaled scores and achievement levels defined by the baseline assessment administered during the 2010-2011 school year. Examinee scores on the FCAT 2.0 Science shall be reported by the use of scaled scores and achievement levels defined by the baseline assessment administered during the 2011-2012 school year. Examinee scores on EOC assessments shall be reported by the use of scaled scores and achievement levels defined by the baseline assessment administered as follows: Algebra 1 EOC Assessment (2010-2011), Geometry EOC Assessment (2011-2012), Biology 1 EOC Assessment (2011-2012), United States History EOC Assessment (2012-2013), and Civics EOC Assessment (2013-2014). Achievement levels will range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on the assessment.

(7)(6) Students Pursuant to Section 1008.22(3)(e)5., F.S., students who entered were enrolled in grade nine during in the 1999-2000 school year through the 2008-2009 school year fall of 1999 and thereafter, shall be required to earn passing scores on the Grade 10 FCAT Reading grade ten Florida Comprehensive Assessment Test in reading and mathematics and students who entered grade nine during the 1999-2000 school year through the 2009-2010 school year shall be required to earn passing scores on the Grade 10 FCAT Mathematics. Students who entered grade nine during the 2009-2010 school year and thereafter, shall be required to earn passing scores on the Grade 10 FCAT 2.0 Reading.

(8)(7) For students who entered grade nine during the 2000-2001 school year through the 2009-2010 school year, in the graduating class of 2003-04 school year and beyond, the

passing score for the required reading and mathematics assessments tests shall be a score equal to or greater than 300 on the 100 to 500 scale, and 1926 for the reading assessment test and 1889 for the mathematics assessment test on the developmental scale, unless the student had previously qualified for the passing scores required for the 2002-2003 graduating class. For students entering grade nine during the 2010-2011 school year and beyond, the passing score for all assessments required for high school graduation or for course credit shall be the minimum scale score in achievement level 3.

~~(9)(8) The Commissioner of Education shall review annually student performance levels annually and recommend to the State Board of Education whether to maintain the existing passing scores and achievement levels or to increase one or more of the requirements.~~

~~(10)(9) The assessments test shall be administered according to a schedule approved by the Commissioner.~~

~~(11)(40) Students with disabilities may be provided test modifications or accommodations in accordance with the provisions of Rule 6A-1.0943, F.A.C.~~

~~(12)(41) Invalidity of a section of this rule shall not invalidate the remainder of the rule.~~

Rulemaking Specific Authority 1001.02, 1008.22 FS. Law Implemented 1001.02, 1001.11, 1008.22, 1008.25, 1008.33 FS. History—New 1-24-99, Amended 10-7-01, 1-22-02, 12-23-03, 3-27-06, 3-1-07, 2-25-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Sellers, Interim Deputy Commissioner, Accountability, Research and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0995
RULE TITLE: Form of High School Diplomas and Certificates of Completion

PURPOSE AND EFFECT: This rule is amended to establish the format for the State of Florida High School Performance-Based Diploma.

SUMMARY: The rule establishes the format for the Florida High School Performance-Based Diploma.

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: 1001.02, 1003.435, 1003.438 FS.

LAW IMPLEMENTED: 15.03(3), 1001.02, 1003.43, 1003.435, 1003.438 FS.

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

DATE AND TIME: June 15, 2010, 9:00 a.m.

PLACE: Orange County School Board, 445 West Amelia Street, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nikolai Vitti, Deputy Chancellor for School Improvement and Student Achievement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400; (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0995 Form of High School Diplomas and Certificates of Completion.

Pursuant to Sections 1003.43 and 1003.438, F.S., the form of the Standard Diploma, the Special Diploma, State of Florida High School Performance-Based Diploma, the Certificate of Completion and the Special Certificate of Completion shall contain the wording and be in the form prescribed herein.

(1) through (2) No change.

(3) State of Florida High School Performance-Based Diploma:

Name of School

City, State

Florida Seal

This certifies that

(Name of Student)

having satisfactorily completed the requirements for the State of Florida High School Performance-Based Diploma as prescribed by the State Board of Education, and the District School Board is hereby awarded this

DIPLOMA

under the authority of the Florida Department of Education and by order of the County District School Board (Date of Award)

Superintendent of Schools Chairman, School Board

Principal

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

(6)(5) Districts must determine designations for each of the following accomplishments and include on standard diplomas issued beginning in May 2009 as applicable:

(a) Completion of four credits in the same Major Area of Interest as provided in Section 1003.428, F.S.

(b) Completion of four or more accelerated college credit courses in Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), or dual enrollment courses, provided that the student is eligible for college credit pursuant to Sections 1007.27 and 1007.271, F.S. Successful passage of AP, IB, and AICE exams are designated in the Articulation Coordinating Committee Credit-by-Exam Equivalencies list available from the Department's web site at http://www.fldoe.org/articulation/pdf/2007 ACC-CBE.pdf. Successful passage of dual enrollment coursework constitutes a grade of C or better.

(c) Industry Career education certification in accordance with Section 1003.431, F.S., and

(d) Florida Ready to Work Credential in accordance with Section 1004.99, F.S.

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

Rulemaking Specific Authority 1001.02, 1003.438 FS. Law Implemented 15.03(3), 1001.02, 1003.43.438 FS. History-New 11-14-78, Amended 6-9-81, Formerly 6A-1.995, Amended 4-3-90, 1-5-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0211
 RULE TITLE: Performance-Based Exit Option Model and State of Florida High School Performance-Based Diploma

PURPOSE AND EFFECT: This is a new rule to establish and specify the requirements for the Performance-Based Exit Option Model leading to a new Florida High School Performance-Based Diploma. The Performance-Based Exit Option Model will be a program strategy for students who are enrolled in high school classes, but are in jeopardy of not graduating with their kindergarten cohort group because they are overage-for-grade, behind in credits, or have a low GPA. Students will be awarded the State of Florida High School Performance-Based Diploma.

SUMMARY: The rule creates the Performance-Based Exit Option Model leading to a new Florida High School Performance-Based Diploma.

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: 1001.02, 1003.435, 1003.53 FS.

LAW IMPLEMENTED: 1003.435, 1003.53 FS.

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

DATE AND TIME: June 15, 2010, 9:00 a.m.

PLACE: Orange County School Board, 445 West Amelia Street, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nikolai Vitti, Deputy Chancellor for School Improvement and Student Achievement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400; (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0211 Performance-Based Exit Option Model and State of Florida High School Performance-Based Diploma. The Department of Education shall award a State of Florida High School Performance-Based Diploma pursuant to Section 1003.435, F.S., to a candidate who meets all of the requirements of the Performance-Based Exit Option Model, as prescribed herein.

(1) General and Administrative Components.

(a) The Department shall designate the authority of awarding the State of Florida High School Performance-Based Diploma to each approved school district participating in the Performance-Based Exit Option Model.

(b) This program is also known as the "GED Exit Option."

(c) School districts must apply and be approved by the Department in order to implement the Performance-Based Exit Option Model at all school sites. Beginning with the 2010/2011 school year, and bi-annually thereafter, each approved school district must submit a renewal application to continue to implement the Performance-Based Exit Option Model. School districts who are seeking initial approval to implement the Performance-Based Exit Option Model may apply during any given school year. The Performance-Based Exit Option Model Application, Form BFCO 001, effective July 2010, is incorporated by reference and made a part of this rule and may be obtained by contacting the Director of Dropout Prevention, Bureau of Family and Community Outreach, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, or online at <http://www.fldoe.org/family/dropoutp/default.asp>.

(d) School districts may amend approved applications anytime during the school year by completing and submitting an amendment to the Department.

(e) The district shall identify a Performance-Based Exit Option Model administrator who is responsible for ensuring that each approved school site is provided with the appropriate number of GED Testing Authorization Forms. The district Performance-Based Exit Option Model administrator must contact the Department of Education for additional Testing Authorization forms throughout the school year.

(2) Eligibility and Admission Components.

(a) The Performance-Based Exit Option Model is not to be a preferred or accelerated means of completing high school. Thus, this model is not a vehicle for the early exit of students and may only be exercised for students who are off track to graduate with their kindergarten cohort due to being overage for grade, behind in credits or having a low Grade Point Average (GPA). Students participating in the Performance-Based Exit Option Model may not graduate prior to their kindergarten cohort. Participation in this model is voluntary and requires parental notification and consent. Entry and exit policies must conform to state compulsory attendance requirements, as well as district daily attendance policies.

(b) Any eligible student currently enrolled in a PK-12 program, including special programs such as exceptional student education, dropout prevention, teenage parent, Department of Juvenile Justice, and English for Speakers of Other Languages (ESOL) may participate in the Performance-Based Exit Option Model. To be eligible to participate in the Performance-Based Exit Option Model, a student must, at a minimum, be:

1. At least sixteen (16) years old and currently enrolled in a PK-12 program;

2. Enrolled in and attending high school courses that meet high school graduation requirements as specified in Section 1003.428 or 1003.43, F.S., whichever is applicable;

3. In jeopardy of not graduating with their kindergarten cohort because they are overage for grade, behind in credits, or have a low GPA;

4. Assessed at a seventh grade reading level or higher at the time of selection (ninth grade or higher at the time of GED testing), as documented by the Test of Adult Basic Education (TABE) reading component or other assessment to determine grade level proficiency.

(c) The student eligibility criteria articulated in this rule in paragraph (2)(b) are the minimum requirements to which each school district implementing the Performance-Based Exit Option Model must adhere.

(d) After the student's initial eligibility has been determined, a comprehensive review of student records by designated school personnel or a child study team, including, but not limited to grades, credits, attendance, behavior and education plans, must be completed to decide if the Performance-Based Exit Option Model is the most appropriate educational strategy.

(e) If the student is a minor, parents or guardian(s) must be informed and give written consent to a student's participation in the Performance-Based Exit Option Model. The student's record must include written notification of the student's eligibility, parents' or guardians' right to an administrative review of the proposed placement, and parental or guardian consent, in writing, for student's participation prior to utilizing this model. The student's parent or guardian must be informed of the results of the record review and provided clarification that the student's transcript will indicate an alternative graduation route.

(f) Counseling is required before program entry and during participation in the program. Counseling and advisement services must be provided to both students and parents or guardians regarding the Performance-Based Exit Option Model and other graduation options prior to participation so that they can make an informed decision regarding placement.

(3) Curriculum and Instruction.

(a) The curricula and instructional content for the Performance-Based Exit Option Model must be at the high school level and must be rigorous and relevant to the student's postsecondary goals. Each student must be enrolled in and attending K-12 high school courses that meet the high school graduation requirements specified in Section 1003.428 or 1003.43, F.S., whichever is applicable.

(b) The content of the Performance-Based Exit Option Model must be academic and may include career education instruction or activities. The school district must provide a full range of instruction that aligns with the State Standards and the

core content measured by GED Tests (high school mathematics, writing, social studies, reading, and science). Career Education instruction and activities should be directed at the knowledge, skills, and abilities required for securing and maintaining employment.

(c) Instruction for the Performance-Based Exit Option Model must be of sufficient intensity and duration to ensure that participating students have a fair opportunity to raise their skills to the level necessary to earn a State of Florida High School Performance-Based Diploma in a reasonable period of time. Appropriate curriculum materials must be provided in adequate quantities and must be available when students need them. Instructional strategies that focus on individual student progress are strongly encouraged.

(d) Students are required to adhere to district attendance and code of conduct policies.

(e) Districts must administer the official GED Practice Tests administered under student testing conditions, prior to testing students for the GED. Districts must provide academic interventions to students who do not earn acceptable scores on the official GED Practice Tests.

(4) Program Completion Requirements.

(a) For students to successfully complete the Performance-Based Exit Option Model, the student must:

1. Continue enrollment and attendance in high school courses that meet high school graduation requirements as specified in Section 1003.428 or 1003.43, F.S., whichever is applicable.

2. Pass the required sections of the FCAT, or receive a concordant score in accordance with Section 1008.22, F.S.;

3. Pass the GED Tests; and

4. Complete any additional requirements established by the school district.

(b) Students earning the State of Florida High School Performance-Based Diploma are not required to obtain the minimum credits and GPA that are required for a standard high school diploma.

(c) Students must successfully participate in the Performance-Based Exit Option Model for at least one full semester.

(d) Students who are participating in the Performance-Based Exit Option Model during their 13th year of school and their kindergarten cohort has already graduated are not required to continue classes until the end of the currently enrolled semester if they have:

1. Successfully passed the required sections of the FCAT or received a concordant score in accordance with Section 1008.22, F.S.;

2. Passed the GED Tests; and

3. Completed any additional requirements established by the school district.

(5) Official Recognition

(a) Performance-Based Exit Option Model students must receive official recognition. Students enrolled in the Performance-Based Exit Option Model are eligible to participate in all standard high school activities, including extracurricular activities, as well as graduation and other recognition ceremonies.

(b) A student completing the Performance-Based Exit Option Model who passes the GED Tests and the required sections of the FCAT, or receives a concordant score in accordance with Section 1008.22, F.S., must be awarded a State of Florida High School Performance-Based Diploma.

(c) A student completing the Performance-Based Exit Option Model who does not meet the graduation requirements established in Section 1003.28 or 1003.43, F.S., as applicable, does not qualify to receive a standard high school diploma.

(d) If a student passes the GED Tests but does not pass the FCAT, the student must only be awarded the State of Florida High School Diploma (GED).

(e) Rule 6A-1.0995, F.A.C., provides the allowable format for State of Florida High School Performance-Based Diploma.

Rulemaking Authority 1001.02, 1003.435, 1003.53 FS. Law Implemented 1003.435, 1003.53 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.095
 RULE TITLE: Site Determined Baccalaureate Access

PURPOSE AND EFFECT: The purpose of the new rule is to provide an outline of procedures and documents required for approval of new baccalaureate degree programs and authorized exemptions for Florida College System institutions. The effect is a rule to implement current statutes relating to baccalaureate degree access.

SUMMARY: This rule outlines approval procedures for new Baccalaureate Programs for colleges within the Florida College System. The rule also provides guidelines for the transfer of authority for approval of new programs from the State Board of Education to the local college Board of Trustees in certain circumstances as authorized in Section 1007.33, Florida Statutes.

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: 1001.02, 1007.25, 1007.33(7) FS.

LAW IMPLEMENTED: 1007.25, 1007.33, 1008.32(1) FS.

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

DATE AND TIME: June 15, 2010, 9:00 a.m.

PLACE: Orange County School Board, 445 West Amelia Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia Frohe, Director of Postsecondary Academic Programs, (850)488-0555, patricia.frohe@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.095 Site Determined Baccalaureate Access.

(1) Purpose. This rule implements a uniform approval process for new baccalaureate degree programs proposed by Florida colleges, in accordance with Section 1007.33, F.S.

(2) Definitions. For the purposes of this rule, the following definitions shall be used.

(a) "Florida colleges" means institutions within The Florida College System.

(b) "SACS" means the Southern Association of Colleges and Schools Commission on Colleges.

(c) "Division" means the Division of Florida Colleges.

(3) Letter of intent. The following requirements shall apply to the Letter of Intent that is required pursuant to Section 1007.33(5)(a), F.S.

(a) The description of the program shall include:

1. The name of the program;
2. The type of degree to be conferred under the program;
3. Key skills expected of graduates; and
4. A description of the career path or potential employment opportunities for graduates of the program.

(b) The letter of intent shall include a summary of discussions with the state university in the Florida college's service district and other public and nonpublic postsecondary institutions in the region regarding evidence of need, demand, and economic impact.

(c) The letter of intent shall include the expected term and year of the first term of upper division enrollment in the proposed program.

(d) The letter of intent shall include a description of funds available for program startup costs, including promised support from local businesses and industries.

(4) Proposals by Florida colleges. Florida colleges seeking consideration of approval by the State Board of Education for a new baccalaureate degree proposal must complete and submit the Baccalaureate Proposal Approval Application, which is

hereby incorporated by reference in this rule to become effective July 2010. A copy of the form may be found at http://www.fldoe.org/cc/students/bach_degree.asp, or by writing to the Division at 325 West Gaines Street, Suite 1544, Tallahassee, Florida 32399.

(5) Alternative proposals by a Florida state university or regionally accredited private college or university. Alternative proposals must be submitted electronically by email to the Chancellor of the Florida College System at Chancellor.FloridaCollegeSystem@fldoe.org and must address all criteria specified in Section 1007.33(5)(c), F.S., and specifically include:

(a) A description of a proposed partnership agreement with the Florida college submitting the proposed baccalaureate program that includes joint approval of the curriculum.

(b) A calculation of the total tuition and fees for a student starting as a first-time, freshman student in the program and a total for completing the program as an upper division transfer student.

(6) Review / Approval Process.

(a) Upon receipt of a Florida college proposal, the Division shall review the proposal to determine compliance with criteria in Section 1007.33(5)(d), F.S. The proposal shall include:

1. Evidence of collaboration via internal and external planning processes or meetings that include need, demand, regional capacity, and impact discussions with postsecondary institutions in proximity to the college.

2. An analysis of data and a description of the employment gap between the number of job openings and the number of graduates in the discipline area in that service region, which demonstrate demand and unmet need for graduates of the program.

3. A description of both existing and planned facilities, equipment, library/media, and academic resources needed for the program demonstrating physical capacity to support the program.

4. An enrollment projection and funding requirements for the program, including start-up costs, required faculty salaries, library resources, facility renovations/remodeling, and other anticipated operational costs to develop and maintain the program over a four-year period. Supplemental funding from outside sources should be included in a budget plan within the proposal.

5. The program curriculum, including course numbers and titles, credit hours and established or proposed common course prerequisites demonstrating comprehensive academic content and adherence to requirements adopted pursuant to Section 1007.25, F.S.

(b) Absent deficiencies, upon notification of completed review, the Florida college may submit a revised proposal to replace the original or notify the Division that the original proposal is final.

(c) The Division shall forward the final proposal to the Commissioner of Education with a written analysis, which the Commissioner shall consider in his recommendation to the State Board of Education.

(7) Exemption from State Board of Education Approval. A Florida college board of trustees may submit an exemption request to the Division on or before July 1 of the year in which the college desires to be considered for an exemption. In the event that July 1 falls on a weekend or state holiday, the deadline shall move to the following business day.

(a) The exemption request must be submitted in the Application for Exemption from Baccalaureate Proposal Approval, which is hereby incorporated by reference in this rule to become effective July 2010, and may be accessed at http://www.fldoe.org/cc/students/bach_degree.asp, or by writing to the Division at 325 West Gaines Street, Suite 1544, Tallahassee, Florida 32399. The application must, at a minimum, include the following documentation:

1. The Florida college shall provide the Division with a copy of the SACS letter reflecting the date on which it was approved as a baccalaureate-degree-granting institution.

2. The Florida college shall demonstrate maintenance of qualified faculty and institutional resources upon the submission of:

a. A certification statement by the Florida college board of trustees that all faculty members meet Southern Association of Colleges and Schools Commission on Colleges' Principles of Accreditation: Foundations for Quality Enhancement, 2010 Edition, section 3.7.1, for postsecondary instructors in the course and discipline, which is hereby incorporated by reference. The document may be accessed at <http://www.sacscoc.org/pdf/2010principlesofaccreditation.pdf>.

b. A certification statement by the Florida college board of trustees that financial resources are available to support faculty and other instructional resources such as libraries or support services.

3. The Division shall verify upper division enrollment based on an annual enrollment report that shall include:

a. An unduplicated upper division student headcount and enrolled semester hours.

b. An unduplicated upper division student enrollment headcount disaggregated by age, gender, and ethnicity.

4. The college shall provide evidence indicating the absence and/or correction of compliance or financial audit findings related to its baccalaureate programs for the 3 years immediately preceding the exemption request. The review process for audit findings shall be in accordance with the Division of Florida College's Procedures for Reviewing Audit Reports, as authorized in Section 1008.32(1), F.S., which are hereby incorporated by reference. These procedures may be accessed at http://www.fldoe.org/CC/policy/cc_gpm2.asp#audit.

5. The Florida college shall provide a copy of the relevant sections of the board of trustees policies and procedures for review, demonstrating compliance with the requirements of Sections 1007.33(2)(a) and (3), F.S.

6. The timely submission of an annual baccalaureate performance accountability report in the format prescribed by the Division, which is hereby incorporated by reference and may be accessed at http://www.fldoe.org/cc/students/bach_degree.asp, or by writing to the Division at 325 West Gaines Street, Suite 1544, Tallahassee, Florida 32399. The report shall include, at a minimum, retention and success rates, degree completion rates, and rates showing employment and/or enrollment in a graduate program of study.

a. Reports shall be considered timely if the Division has received a report for the most recent prior year on or before August 15.

b. Additional evidence of baccalaureate degree success may be included in the exemption application.

(8) Exempt Florida College Compliance Review. For compliance review of a new baccalaureate program approved by a Florida college board of trustees the college must submit to the Division:

(a) The name of the program and degree type;

(b) The Classification of Instructional Program (CIP) code assigned;

(c) The full upper division curriculum, including common-prerequisites and, if applicable, limited access request;

(d) A copy of the SACS letter reflecting the date on which it was approved as a baccalaureate-degree-granting institution.; and

(e) The expected implementation date.

(9) Compliance Review Feedback. Within thirty (30) days of receipt of a Florida college's completed baccalaureate program Compliance Review, the Chancellor of the Florida College System shall advise the President of the college, and the Commissioner of Education, in writing, if the criteria for implementation in Sections 1007.33(5)(d) and (6)(c), F.S., and subsection (8) of this rule have been met. If all criteria have not been met, a program may be resubmitted to the Division of Florida Colleges following correction of deficiencies for compliance review, or may be submitted to the State Board of Education for approval.

Rulemaking Authority 1001.02, 1007.25, 1007.33(7) FS. Law Implemented 1007.25, 1007.33, 1008.32(1) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Will Holcombe, Chancellor, Florida College System
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-22.0011	General Procedural Requirements
14-22.002	Regulations Covering Qualification of Contractors
14-22.003	Rating the Applicant
14-22.0041	Procedure for Qualification and Issuance of Certificate of Qualification
14-22.0042	Notification of Conviction of Contract Crime
14-22.005	Period of Validity of Qualification
14-22.006	Current Capacity Rating
14-22.007	Joint Ventures
14-22.008	Eligibility for Obtaining Proposal Documents
14-22.009	Over-Bidding
14-22.0101	Special Classes of Work
14-22.0111	Subletting
14-22.012	Suspension, Revocation, or Denial of Qualification
14-22.0121	Reapplication and Reinstatement
14-22.014	Emergency Suspension and Revocation
14-22.0141	Contractor Non-Responsibility
14-22.015	Forms

PURPOSE AND EFFECT: Amendments are being made in order to clarify and update the rule chapter, repeal outdated rules, and incorporate by reference additional forms needed for contractor qualification for certain work classes. The rule chapter title will be changed to “Contractor Certificate of Qualification and Non-Responsibility.”

SUMMARY: These amendments update the conditions required for contractor qualification, and for non-responsibility.

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: 334.044(2), 337.14(1) FS.
LAW IMPLEMENTED: 337.11, 337.14, 337.164, 337.167 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-22.0011 General Procedural Requirements.

(1) Purpose. This rule chapter sets forth the requirements ~~for applicants~~ to be certified by the Department as qualified to bid for the performance of road, bridge, or public transportation construction contracts, in excess of \$250,000.

(2) Exceptions. Except for the provisions of Rules 14-22.012 and 14-22.0141, F.A.C., this rule chapter does not apply to bidders who wish to bid on construction contracts of \$250,000 or less, or other contracts not having to do with the construction of roads, bridges, or other public transportation projects, or where the Department has waived the qualification requirements ~~for of c~~onstruction projects having a contract price of less than \$500,000 based upon ~~due to~~ the determination that the projects are of a non-critical nature and that waiver of qualification requirements will not endanger public health, safety, or property.

(3) Time. The provisions of Chapter 28-106, F.A.C., shall apply in computing any period of time prescribed by this ~~rule~~ chapter.

~~(4) Request for Hearing. All requests for hearing shall be in writing and shall be filed with the Clerk of Agency Proceedings, Department of Transportation, MS 58, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0458. A request for hearing is filed when it is delivered to and received by the Clerk of Agency Proceedings at the above address and accordingly, is not timely filed unless it is received by the Clerk of Agency Proceedings within the appropriate time period.~~

~~(4)(5) Definitions.~~

(a) The following terms shall have the meanings set forth in Section 337.165, F.S.: “contractor,” “contract crime,” “convicted,” or “conviction,” and “affiliate.”

(b) For matters not involving contract crimes, ~~the term~~ “~~A~~ffiliate” shall mean business concerns, organizations, or individuals where, directly or indirectly, ~~either~~ one controls or has the power to control the other, or a third party controls or has the power to control both. Indicia of control include interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the revocation, denial, or suspension or proposed revocation, denial, or suspension of a contractor which has the same or similar management, ownership, or principal employees as the contractor that was revoked, denied, or suspended or proposed for revocation, denial, or suspension.

~~(c) The term “Applicant” means the person, firm, or combination of either persons or firms for which qualification is requested desired. Joint ventures are addressed in Rule 14-22.007, F.A.C.~~

~~(d) The term “Bidder” means an entity qualified under an entity which is qualified according to this rule chapter, and which possesses sufficient current capacity to obtain bid proposal documents from the Department.~~

~~(e) The term “Construction assets” means resources assets used for the construction of roads, bridges, or public transportation projects. The term “non-construction assets” means assets not used for the construction of roads, bridges, or public transportation projects.~~

~~(f) The term “Qualified equipment appraiser” means an individual employed by an equipment company that sells, rents, or leases the general type of equipment being appraised, or a company or individual(s) engaged in the business of appraising equipment regularly used in the construction of roads, bridges, or other transportation projects.~~

~~(g) The term “Qualified real estate appraiser” means an individual who meets all of the requirements prescribed by of the laws of the state in which the appraisal occurs. Florida Real estate appraisals on Florida real estate must be performed by a “Certified General Appraiser,” as described defined in Section 475.611, F.S Florida Statutes.~~

~~(h) The term “Construction revenues” means all earnings received revenues earned through contracting for the performance of road, bridge, and other construction projects (including to include all earnings revenues derived from providing administration, labor, material, equipment, supplies, and services necessary to fulfill contractual obligations incurred in the performance of road, bridge, and other construction projects).~~

Rulemaking Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11 337.11(3)(b), 337.11(5)(a)1, 3., 337.11 (7)(b)1., 337.11(7)(e), 337.14, 337.16, 337.165, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.011, Amended 12-20-89, 1-4-94, 7-1-95, Amended 8-6-96, 1-17-99, 7-8-01, 6-27-04, 1-23-08,_____.

14-22.002 Regulations Covering Qualification of Contractors.

(1) Application for Qualification.

(a) Persons or firms who request ~~desire~~ to qualify ~~with the Department in order~~ to bid for the performance of road, bridge, or public transportation construction projects in excess of \$250,000, shall file an annual ~~annually with the Department an~~ Application for Qualification, (Online Web Application), Form 375-020-38, Rev. 11/07 ~~11/7/2007~~. An Application for Qualification shall be filed electronically at http://www.dot.state.fl.us/cc-admin/PreQual_Info/prequalified.shtm. Information or assistance regarding the Application can be obtained ~~from by writing to~~ the Department at the address listed below. Persons or firms may obtain information on how

to obtain a user name and password to use the Application filing process by contacting the Contracts Administration Office at the address below. The Application will consist of requested information on the Applicant, Applicant's stakeholder, Applicant's affiliates, and ~~shall~~ ~~would~~ include the Applicant firm's background, current and historical contract detail, construction experience, and expertise, financial information, and requested work classes. Persons or firms shall also file two copies of audited financial statements, one copy to ~~accompany~~ ~~be accompanied with~~ the electronic application, ~~and as well as~~ one hard copy as required by this section via hand delivery or mail to Department of Transportation, Contracts Administration Office, 605 Suwannee Street, MS 55, Room B-1, Haydon Burns Building, Tallahassee, Florida 32399-0455, (850)414-4000 or contracts.admin@dot.state.fl.us.

(b) A separate application must be submitted for each person, firm, or combination thereof for which qualification is ~~requested~~ ~~desired~~.

(c) The applicant must indicate the classes of work for which qualification is ~~requested~~ ~~sought~~.

(d) All statements made by the applicant ~~in the application~~ shall be furnished under oath.

(e) The data in the applicant's financial statement ~~shall~~ ~~must~~ be reflected in the financial sections of the application.

(f) All applications must include the appropriate federal tax reference number.

1. For corporations (including Subchapter S corporations), partnerships, sole proprietorships, joint ventures, limited liability companies, and other entities, the appropriate tax reference number is the federal Employer Identification Number (EIN).

2. For individuals, the appropriate tax reference number is the Social Security Number (SSN) of the individual.

3. For foreign corporations organized outside the United States, the Department will assign a special identification number.

(g) In the event the Department finds a timely application is incomplete or contains inadequate or inaccurate information ~~needed~~ for processing of the application, or the Department needs more information to make a decision regarding the applicant's competency, responsibility, or financial resources, the Department shall verbally ~~request~~ or ~~request~~ in writing ~~request~~ that the applicant provide the necessary information or the source for verification of the information. If the requested information is not provided within 20 days, of the initial request, the Department shall request the information a second time via email or in writing express delivery, delivery receipt. If the information is not provided within 10 days of receipt of the second request, the application shall be denied.

(h) The Department shall act upon the application for qualification within 30 days ~~from when~~ ~~after~~ the Department determines that the application is complete.

(2) Financial Statements. Each application shall include the latest annual audited financial statements, including any supplementary information and schedules of the applicant that were completed within the last 12 months. Audited financial statements required to be submitted with the application shall be prepared in accordance with Generally Accepted Accounting Principles (GAAP). If the audited annual financial statements show the financial condition of the applicant more than four months prior to the date on which the application is filed with the Contracts Administration Office, then an updated application and audited interim financial statements ~~shall~~ ~~must~~ also be submitted. The audited interim financial statements ~~shall~~ ~~must~~ cover the period from the ending date of the audited annual statements and ~~shall~~ ~~must~~ show the financial condition of the applicant no more than four months prior to the date on which the application is filed ~~Contracts Administration Office~~. ~~The~~ ~~These~~ annual and interim financial statements must be audited and accompanied by the opinion of a Certified Public Accountant.

(a) An adverse opinion or a disclaimer of an opinion shall result in disapproval of the application. A qualified opinion will result in adjustments to the financial portions of the application; if such qualification arises because of the use of an accounting principle at variance with GAAP, or the qualification is of such magnitude as to materially affect the current ratio, liabilities, or ~~the~~ adjusted net worth.

(b) When consolidated financial statements are required by GAAP, and qualification is ~~requested~~ ~~desired~~ for one or more of the subsidiary companies, a consolidating balance sheet is required and ~~shall~~ ~~must~~ be included by the Certified Public Accountant. When combined financial statements are allowed by GAAP, and qualification is desired for one of the combining affiliated entities, a combining balance sheet is required and must be included by the Certified Public Accountant.

1. For those applications described in paragraph (2)(b) ~~above~~, financial information entered in the Details Relative to Assets and Details Relative to Liabilities sections of the ~~a~~ Application ~~shall~~ ~~for~~ ~~Qualification~~ ~~must~~ be obtained from the consolidating or combining balance sheets, as appropriate, and reflect only those portions of the financial statements relative to the ~~qualifying~~ applicant.

2. Only the financial data of the applicant, as shown on the consolidating or combining balance sheets and reflected in the application, will be used in determining the applicant's Current Ratio Factor (CRF), Adjusted Net Worth, (ANW), and Maximum Capacity Rating (MCR), as defined in Rule 14-22.003, F.A.C.

(c) The financial statements shall include, ~~but shall not be~~ ~~restricted to~~ the following basic financial statements:

1. ~~The~~ ~~s~~Statements (sub-subparagraphs a. through d.) shown below and the opinion of the certified public accountant on these statements.

- a. A balance sheet.
- b. An income statement.
- c. A statement of retained earnings or changes in stockholders equity.
- d. A statement of cash flows.

2. The ~~Income Statement~~ above shall provide separate totals for "construction revenues," ~~as defined by paragraph 14-22.0011(3)(h), F.A.C.,~~ and all revenues earned during the audit period.

3. Notes to financial statements. ~~Supplemental data including a schedule of selling, general and administrative expenses, and a schedule of contracts in progress.~~

4. Upon written request, ~~any such~~ additional financial information necessary for the Department to verify the financial adequacy of the applicant as presented in their financial statements and the opinion of the Certified Public Accountant.

(d) Applicants not qualified with the Department the previous year shall furnish audited financial statements for a minimum twelve (12) month period showing the financial condition of the applicant no more than four (4) months prior to the date on which the application is filed. Applicants established for less than one year shall furnish audited financial statements from establishment through a period no more than four months prior to the date on which the Application is filed.

(3) List of Equipment. Each major item of equipment owned by the applicant that is utilized in performing the requested classes of work shall be listed in the application with its book or salvage value, make, model, and description shown. Items held under capital lease agreements shall be identified so that the book value of these items can be readily determined. Items required for each class of work may be grouped together, but shall be listed separately. An applicant who ~~requests~~ desires that the value of the equipment owned be calculated on 50 percent of appraised value shall provide an additional list which includes an appraisal by a qualified equipment appraiser. For an appraisal to be valid, the appraiser ~~shall~~ must state that they have personally inspected and/or examined the equipment. Certified statements of availability of equipment from affiliated companies may be used for obtaining classes of work. The same equipment may be used to qualify no more than two affiliated applicants. Letters of commitment from at least two equipment rental companies may be used to obtain certification in classes of work in which the applicant has expertise. The letters of commitment must list the equipment that the applicant intends to lease for the classes of work sought, and commit the lessor for the maximum period of qualification requested ~~the applicant is seeking qualification.~~

(4) Experience Record.

(a) Each application shall include a current list of projects completed within the past three years by the applicant as prime or subcontractor stating the actual dollar amount of work executed and listing each class of work performed on those

projects by the applicant's own employees. The list shall not include work sublet to others or performed with rented equipment and operators. Résumés must be submitted to show the construction experience of personnel at a superintendent level or and above for each class of work for which the applicant is requesting qualification. The same list of personnel shall not be used to qualify more than two affiliated applicants.

(b) Newly established firms, applicants qualifying for the first time, and applicants whose Certificate of Qualification has been expired for more than two years, shall provide letters of recommendation from at least two agencies or firms with direct knowledge of the applicant's key personnel and work performance in sufficient detail to assist in rating the applicant's ability to perform road and bridge construction and services incidental thereto. The letters must contain specific information regarding the following:

- 1. Specific projects, including project numbers and location.
- 2. Size of projects by dollar value.
- 3. Description of projects and classes of work performed with applicant's own employees and equipment.
- 4. Whether projects were timely completed.
- 5. Whether the applicant was cooperative and facilitated changes to ~~projects~~ the project when required.

Rulemaking Specific Authority 334.044(2), 337.14(1), ~~337.167~~ FS. Law Implemented 337.11, 337.14, 337.164, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(1), (2), (3), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.02, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 6-27-04, 5-15-06, 1-23-08, _____.

14-22.003 Rating the Applicant.

(1) Verification of Information. The Department will make such inquiries and investigations as deemed necessary to verify and evaluate whether the applicant is competent, ~~is~~ responsible, and possesses the necessary financial resources to perform the ~~desired~~ work, based upon the following:

(a) Organization and management, including construction experience; and past work performance record of the applicant, or applicant's employees, whether with, or prior to their employment by ~~the~~ that applicant, including deficiency in quality of completed work, any history of payment of liquidated damages, any untimely completion of projects where liquidated damages were not paid, uncooperative attitude, contracts litigation, claims, unpaid bill(s), notices of non-payment filed by subcontractors or suppliers, or defaults in the State of Florida or other states.

(b) Equipment; as shown on the equipment list for the requested classes of work. Adequate equipment shall be basic equipment used by the industry in ~~the~~ normal construction for each class of work, or called for in the Standard Specifications for Road and Bridge Construction in force at the time of application.

(c) Integrity, including evaluation of truthfulness of statements in the application ~~or and in~~ other contractual documents.

(d) Financial resources; sufficient to establish a Maximum Capacity Rating (MCR) as set forth in (2) below. The Department will consider any other relevant financial information.

(2) MCR.

(a) Definition and Formula. The MCR shall be the total aggregate dollar amount of uncompleted work an applicant may have under contract at any one time as prime contractor and/or subcontractor, regardless of its location and with whom contracted. The MCR shall be established by the Department using the following formula, and consideration of ~~the~~ general qualification factors listed in subsection 14-22.0041(1), F.A.C.:

$$\text{MCR} = \text{AF} \times \text{CRF} \times \text{ANW}, \text{ in which}$$

$$\text{MCR} = \text{Maximum Capacity Rating}$$

AF = Ability Factor (determined from the Ability Score as provided below)

CRF = Current Ratio Factor (determined as provided below)

ANW = Adjusted Net Worth (~~for rating purpose,~~ determined as provided below).

1. Ability Score.

a. New applicants and applicants who have not been qualified under this rule for more than two years shall have their Ability Factor determined from the total Ability Score resulting from evaluations of the applicant's organization, management, work experience, and letters of recommendation. The maximum values used in determining the ability score for the above applicants are as follows:

ABILITY SCORE	
ORGANIZATION AND MANAGEMENT	MAXIMUM VALUE
Experience Of Principals	15
Experience Of Construction Supervisors	15
WORK EXPERIENCE	
COMPLETED CONTRACTS	
Highway and Bridge Related	25*
Non-highway and Bridge Related	10
ONGOING CONTRACTS	
HIGHWAY AND BRIDGE RELATED	25*
NON-HIGHWAY AND BRIDGE RELATED	10
TOTAL	100
*MAXIMUM VALUE SHALL BE INCREASED TO 35 IF APPLICANT'S EXPERIENCE IS EXCLUSIVELY IN HIGHWAY AND BRIDGE CONSTRUCTION.	

b. If the applicant has been qualified under this rule within the last two years, and ~~the Department has~~ three or more Contractor Past Performance Reports are on file for projects completed for the Department within five years of the application filing date, ~~and which~~ have not been previously used to determine an Ability Score, the applicant's Ability Score shall be calculated by adding the scores of these reports plus the average score from the previous application and dividing ~~the this~~ sum by the number of scores used. Contractor Past Performance Reports shall reflect the applicant's organization, management, and demonstrated work performance, including work sublet to others, as set forth in Form 700-010-25, Rev. 09/05, ~~which is incorporated by reference in Rule 14-22.015, F.A.C.~~

c. If the applicant has been qualified under this rule within the last two years, and the Department does not have three or more Contractor Past Performance Reports on file ~~for the applicant~~ for projects completed for the Department within five years of the application filing date, then the Ability Factor (AF) from the applicant's last successful application shall will be brought forward and used.

d. The average Ability Score determined in a. or b. above is converted to an AF pursuant to sub-subparagraph Rule Section 14-22.003(2)(a)2., F.A.C., or AF is brought forward as indicated in c. ~~above~~. The AF is then used in the formula as described in pursuant to paragraph 14-22.003(2)(a), F.A.C. to compute the applicant's MCR.

2. Ability Factor. The Ability Score for new and active applicants shall determine the AF as follows:

Ability Score	AF
64 or less	1
65-69	2
70-73	3
74-76	4
77-79	5
80-84	8
85-89	10
90-93	12
94-97	14
98-100	15

a. Notwithstanding the requirements in paragraph 14-22.003(2)(a), sub-subparagraphs 14-22.003(2)(a)1.a., 1.b., 1.c., 1.d., and subparagraphs 14-22.003(2)(a)2., F.A.C., ~~above~~, the AF will be limited to a maximum of 4 if the applicant receives an ability score of 76 or less on the initial application, ~~or~~ receives an ability score of 76 or less on two or more Contractor Past Performance Reports ~~on file~~ for projects on file and completed during the 12 month period preceding the applicant's fiscal year ending date for which the Certificate of Qualification is being issued, unless the applicant's average ability score (inclusive of all scores received during the period) is 87 or greater. The use of a surety commitment letter to raise the MCR is prohibited.

b. ~~The~~ This AF limitation will remain in effect during the current qualification period.

3. Current Ratio Factor (CRF). The current ratio is the number resulting from dividing the adjusted current assets by the adjusted current liabilities. The calculated current ratio from 0.60 up to a maximum of 2.00 will be used as the CRF. The maximum current ratio of 2.00 will be used for the CRF, even if the actual value is greater ~~For current ratios greater than 2.00, 2.00 will be used as the CRF.~~ The applicant will be denied qualification if its calculated current ratio is less than 0.60.

4. Adjusted Net Worth (ANW). The ANW must be a positive value for the applicant to be considered for qualification. The ANW used in the MCR formula will be the amount of capital and surplus (net worth) as adjusted.

5. The following adjustments shall be applied in the establishment of the CRF and ANW:

a. ~~The v~~Value allowed for equipment shall be the book value, ~~or~~ 50 percent of actual value given by a qualified equipment appraiser, whichever is greater. Equipment appraisals must be dated no earlier than six months prior to receipt of the application.

b.~~The v~~Value allowed for real estate used for business purposes (road, bridge, or public transportation construction) shall be:

(I) The book value or the value given by a qualified real estate appraiser, ~~(real estate appraisals shall be dated no earlier than two years prior to receipt of the date the application is filed),~~ less

(II) Encumbrances against same, ~~(such encumbrances will not also be deducted elsewhere).~~

c. No value will be allowed for investments, real estate, or any other property not used in road, bridge, or public transportation construction, and no allowance shall be given for homesteads or personal property. Encumbrances against these assets shall be eliminated entirely. ~~Calculation for real estate adjustments will be the book value less any encumbrances against the same.~~

d. Assets of doubtful value, ~~as more fully defined by GAAP,~~ are recorded transactions that, based upon the known facts and circumstances, do not lead to the realization of value for use in the contractor's operations in the current operating period. These assets shall be eliminated in part or entirely.

e. Contingent liabilities, ~~as more fully defined by GAAP,~~ are debts or obligations that would require the use of the contractor's resources within the current operating period, given that certain events take place in the future. These shall be treated as actual liabilities, wholly or in part, depending on the probability of such liabilities becoming actual liabilities.

f. Patents, organizational expense, non-compete agreements, goodwill, and intangible assets, ~~as defined by GAAP,~~ shall be eliminated entirely.

g. Past due receivables or unexplained receivables, ~~officer and employee receivables, or other related party receivables,~~ unsecured notes receivable, and the interest for these notes shall be eliminated entirely. Subsidiary or affiliate receivables, based upon the known facts and circumstances that do not lead to the realization of value for use in the contractor's operations shall be eliminated in part or entirely.

h. Officer and employee receivables, or other related party receivables, where it is determined that one party can exercise control or significant influence over the management and/or operating policies of the other party, shall be eliminated entirely. Furthermore, subsidiary or affiliate receivables, based upon the known facts and circumstances, that do not lead to the realization of value for use in the contractor's operations shall be eliminated in part or entirely.

i.~~h.~~ Prepaid expenses, deposits, prepaid taxes, and deferred interest, and the excess of deferred tax assets over deferred tax liabilities shall be eliminated entirely.

j.~~i.~~ The book value of leasehold improvements and the excess of book value over liabilities for capital lease assets shall be eliminated entirely. Cash surrender value life insurance shall be eliminated entirely.

k. Construction claims included as current assets associated with contracts shall be eliminated entirely.

6. MCR. The calculated MCR shall be rounded off according to the following scale:

- Up to \$500,000 – round off to nearest \$10,000
- Above \$500,000 to \$2,000,000 – round off to nearest \$25,000
- Above \$2,000,000 – round off to nearest \$50,000

(b) Bonding Capacity.

1. Except for the provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., above, an applicant qualifying for a positive rating, or a contractor having a current certificate of qualification, has an Ability Score of 80 or higher, and has a Current Ratio Factor of at least 1.00, is eligible to request an increase in its MCR upon receipt of evidence of a current bonding capacity exceeding the calculated MCR from a surety company authorized to do business in the State of Florida. Such evidence shall be in the form of a Surety Commitment

Letter and executed by an officer of the surety, ~~who is~~ authorized to bind the surety, with a power of attorney attached. The Surety Commitment Letter must be dated within four months of the request, and cover the certification period. The limit for an MCR issued on the basis of such bond

commitment for applicants with an Ability Score of 80 through 90 will be determined by the following "Surety Capacity" formula:

$$SC = SM \times MCR \times (CRV \div TRV)$$

In which:

- SC = Surety Capacity
- SM = Surety Multiplier (Determined from Ability Score – Surety Multiplier Table as provided below)
- MCR = Maximum Capacity (Determined as provided in paragraph 14-22.003(2)(a), F.A.C.)
- CRV = Construction Revenues (As set forth in applicant’s financial statements per subparagraph 14-22.002(2)(c)2., F.A.C.)
- TRV = Total Revenues (As set forth in applicant’s financial statements)

ABILITY SCORE – SURETY MULTIPLIER TABLE	
Ability Score	Surety Multiplier
80	3.0
81	3.4
82	3.8
83	4.2
84	4.6
85	5.0
86	5.6
87	6.2
88	6.8
89	7.4
90	8.0

2. Except for the provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., ~~above~~, the MCR for firms that have an Ability Score of 91 or greater will be the "Aggregate of Contracts" amount stipulated in the surety commitment letter. An MCR established through the use of a surety commitment letter shall not exceed the "Aggregate of Contracts" amount stipulated in the surety commitment letter.

3. Except for the provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., ~~above~~, use of a surety commitment letter to increase an applicant’s MCR will only be considered if at the time of application the applicant’s CRF is at least 1.00, as defined in subparagraph 14-22.003(2)(a)3., F.A.C., and the applicant has an Ability Score of 80 or higher. No event(s) during the qualification period, subsequent to the ending date of the audited financial statements used for qualification, will be considered in determining an applicant’s CRF. However, the Department will evaluate ~~consider~~ the general qualification factors listed in subsection 14-22.004(1), F.A.C., in consideration of an increase to the applicant’s MCR through the use of a surety commitment letter.

(3) Classification of Work.

(a) Applicant request for class(es) of work. Applicants shall indicate each class of work for which they request ~~desire~~ qualification. The Department will consider qualification ~~qualifying the applicant~~ only in the specific class or classes of work requested.

(b) The major classes of work are as follows:

1. Bascule Bridge Rehabilitation. ~~Major Bridges:~~
 - a. ~~Bridges which includes bascule spans~~
 - b. ~~Bridges which include curved steel girders~~
 - c. ~~Bridges with multi-level roadways~~
 - d. ~~Bridges of concrete segmental construction~~
 - e. ~~Bridges which include steel truss construction~~
 - f. ~~Bridges which include cable stayed construction~~
 - g. ~~Bridges of conventional construction over a water opening of 1,000 feet or more~~
 - h. ~~Cast-in-place post-tensioned superstructure~~
2. Bridge Deck Overlays. ~~Intermediate Bridges are bridges that contain none of the types of construction listed under Major Bridges and span lengths exceeding 50 feet (center to center of cap):~~
3. Bridge Painting. ~~Minor Bridges are bridges with span lengths not exceeding 50 feet (center to center of cap) and total length not exceeding 300 feet. A Minor Bridge shall not contain any type of construction listed under Major Bridges or Intermediate Bridges:~~
4. Cathodic Protection. ~~Basecule Bridge Rehabilitation~~
5. Computerized Traffic Control. ~~Repair and Rehab (R&R) Major Bridges~~
 - a. ~~BRIDGES OF CONVENTIONAL CONSTRUCTION WHICH ARE OVER A WATER OPENING OF 1,000 FEET OR MORE~~
 - b. ~~CABLE STAYED CONSTRUCTION~~
 - c. ~~CONCRETE SEGMENTAL CONSTRUCTION~~
 - d. ~~MULTI-LEVEL ROADWAY~~
 - e. ~~STEEL TRUSS CONSTRUCTION~~
 - f. ~~CURVED STEEL GIRDERS~~
6. Debris Removal (Emergency)* (Form # 375-020-70). ~~Repair and Rehab (R&R) Intermediate Bridges:~~

7. Drainage (includes all storm drains, pipe culverts, culverts, etc.). Repair and Rehab (R&R) Minor Bridges.

8. Electrical Work (includes roadway, bridge, and runway lighting). Grading (includes clearing and grubbing, excavation, and embankment).

9. Fencing. Drainage (includes all storm drains, pipe culverts, culverts, etc.).

10. Flexible Paving (includes limerock, shell base and other optional base courses, soil-cement base, mixed-in-place bituminous paving, bituminous surface treatments and stabilizing). Flexible Paving (includes limerock, shell base and other optional base courses, soil-cement base, mixed-in-place bituminous paving, bituminous surface treatments and stabilizing)

11. Grading (includes clearing and grubbing, excavation, and embankment). Portland Cement Concrete Paving.

12. Grassing, Seeding and Sodding, Hot Plant Mix Bituminous (includes structural and surface courses)

13. Guardrail, Debris Removal

14. Hot in Place Resurfacing * (Form # 375-020-71). Specialty Classes

a. Electrical work (includes roadway, bridge, and runway lighting)

b. Fencing

e. Guardrail

d. Grassing, Seeding, and Sodding

e. Landscaping

f. Traffic Signals

g. Computerized Traffic Control Systems

h. Bridge Painting

i. Bridge Deck Overlays

j. Pavement Markings (includes delineators, traffic stripe painting, and thermoplastics)

k. Roadway Signing

l. Cathodic Protection

m. Hot in place resurfacing

n. Other Specialty class not otherwise noted

15. Hot Plant-Mixed Bitum. Course (includes structural and surface courses).

16. Intelligent Transportation Systems * (Form # 375-020-73).

17. Intermediate Bridges that contain none of the types of construction listed under Major Bridges and span lengths exceeding 50 feet (center to center of cap).

18. Landscaping * (Form # 375-020-72).

19. Major Bridge – Bascule Spans.

20. Major Bridge – Bridges of conventional construction which are over a water opening of 1,000 feet or More.

21. Major Bridge – Cable Stayed Construction.

22. Major Bridge – Cast in Place/Post-Tensioned/Super-Structure.

23. Major Bridge – Concrete Segmental Construction.

24. Major Bridge – Curved Steel Girders.

25. Major Bridge – Multi-Level Roadways.

26. Major Bridge – Steel Truss Construction.

27. Minor Bridges that contain span lengths not exceeding 50 feet (center to center of cap) and total length not exceeding 300 feet. A Minor Bridge shall not contain any type of construction listed under Major Bridges or Intermediate Bridges.

28. Pavement Marking (includes delineators, traffic stripe painting, and thermoplastics).

29. Portland Cement Concrete Roadway Paving.

30. R&R Intermediate Bridges as defined in Number 17.

31. R&R Major Bridge – Bridges of conventional construction which are over a water opening of 1,000 feet or more.

32. R&R Major Bridge – Cable Stayed Construction.

33. R&R Major Bridge – Concrete Segmental Construction.

34. R&R Major Bridge – Multi-Level Roadways.

35. R&R Major Bridge – Steel Truss Construction.

36. R&R Major Bridge – Curved Steel Girders.

37. R&R Minor Bridges as defined in Number 27.

38. Roadway Signing.

39. Traffic Signal.

40. Other Specialty Work Classes Requested.

(c) For work classes identified with an asterisk, provide additional information required in referenced forms (375-020-70; 375-020-71; 375-020-72; 375-020-73, as applicable).

(d)(e) For the Work Class of Debris Removal (Emergency), the contractor(s) shall complete the Application for Qualification accompanied by a Reviewed Financial Statement. See Form # 375-020-70.

Rulemaking Specific Authority 420.53(1)(a); 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.11(3)(b), 337.11(5)(a) 1., 3., 337.11(7)(b) 1., 337.11(7)(e); 337.14, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(4), Amended 3-23-79, 11-10-82, 8-25-83, 1-9-84, 10-1-85, Formerly 14-22.03, Amended 12-20-89, 4-22-92, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 6-27-04, 5-15-06, _____.

14-22.0041 Procedure for Qualification and Issuance of Certificate of Qualification.

(1) General Qualification Requirements. General qualification factors the Department will consider in determining qualification include:

(a) Adequacy of financial resources as set forth in subparagraphs 14-22.003(2)(a)3. and 4., F.A.C.

(b) History of conviction for contract crime by an applicant or its affiliate(s).

(c) History of suspension or revocation of Certificate of Qualification.

(d) ~~Unsatisfactory~~ Record of past work performance or payment of obligations.

(e) Employment of, or otherwise providing compensation to, any employee or officer of the Department.

(f) Evidence of willfully offering an employee or officer of the Department any pecuniary or other benefit with the intent to influence the employee's or officer's official action or judgment.

(g) Whether the applicant or its affiliate is currently delinquent or has been delinquent on any contract previously awarded by the Department.

(2) Certificate of Qualification. The Certificate of Qualification shall state the applicant's Maximum Capacity Rating, the class or classes of work approved for bidding, the applicant's name for submitting bids, and the expiration date of the qualification.

(3) Revision of Certificate of Qualification.

(a) The Department may issue a Revised Certificate of Qualification that expires no later than the expiration date of the previous valid Certificate of Qualification. A revised Certificate of Qualification ~~shall will~~ be issued when at least one of the following occurs: changes in classes of work, Maximum Capacity Rating, company name, ~~or and~~ correction of technical errors.

1. Written requests for additional classes of work shall ~~will~~ be considered according to paragraph Section 14-22.0041(2)(a), F.A.C.

2. Written requests for raising the Maximum Capacity Rating must conform to subparagraph Section 14-22.003(2)(b), F.A.C.

3. Revisions to the Ability Score of non-active contractors ~~shall will~~ be made by the Department using the procedure described in sub-subparagraph Section 14-22.003(2)(a)1.a., F.A.C.

4. Name changes will be made if consistent with paragraph Section 14-22.005(4), F.A.C.

(b) Denial, or partial denial, of written requests for Revised Certificates of Qualification shall be processed according to paragraph Section 14-22.0041(2), F.A.C.

Rulemaking Specific Authority 334.044(2), 337.14(1), 337.164, 337.165, 337.167 FS. Law Implemented 120.53(1)(a), 120.57, 120.62, 337.14, 337.164, 337.165, 337.167 FS. History—New 11-10-82, Amended 8-25-83, 10-1-85, Formerly 14-22.041, Amended 12-20-89, 1-4-94, 7-1-95, 6-27-04, _____.

14-22.0042 Notification of Conviction of Contract Crime.

A contractor who is currently qualified, or seeking to be qualified, shall notify the Contracts Administration Office in writing within 30 days of after the filing of a criminal Information ~~or an~~ Indictment; or the conviction of a contract

crime applicable to the contractor, or any affiliates, officers, directors, executives, shareholders active in management, employees, or agents of the contractor.

Rulemaking Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.164, 337.165(5), (6) FS. History—New 8-25-83, Amended 10-1-85, Formerly 14-22.042, Amended 12-20-89, 1-4-94, 5-15-06, _____.

14-22.005 Period of Validity of Qualification.

(1) The applicant's period of qualification shall be 18 months from the ending date of represented by the audited annual financial statements included in the application. For good cause, the Department ~~shall will~~ approve a period of qualification less than 18 months. Good cause shall mean as set forth defined in Rule 14-22.012 14-22, F.A.C. The Certificate of Qualification shall expire on the expiration date of the certificate, regardless of whether an administrative or not a hearing has been requested concerning the Department's action on the application. Submission of an application shall not affect the expiration of the Certificate of Qualification. Issuance of a new Certificate of Qualification will determine the new Ability Factor and Maximum Capacity Rating that is effective on the date of issuance and supersedes the current Certificate of Qualification.

(2) Qualified applicants in good standing ~~will shall~~ be notified of the impending deadline date for submittal of their application ~~for qualification~~ at least 45 days prior to that date. Failure of notification shall not affect the deadline date for submittal of applications ~~for qualification~~.

(3) Qualified applicants entities shall submit a new application with financial statements as required by subsection 14-22.002(2), F.A.C., within four months from the date ~~that~~ a change of ownership or incorporation of a non-incorporated firm occurs. ~~A Also, a~~ new application shall also be required whenever the Department has reason to believe that the position of a qualified applicant entity is less favorable than at the time of its last application, or that a subsequent, material event has occurred which that is material and adversely affects the financial position of the applicant entity.

(4) A qualified applicant entity need not submit a new application solely based on a because of any change in the officers or ~~the~~ name of a corporation, but such information shall be certified to the Department within 10 days of the event such events.

(5) A qualified applicant entity shall notify the Department, in writing, within 10 days of the decrease in its available surety performance bond credit amount.

(6) A Certificate of Qualification shall not be issued to an applicant or affiliate that is insolvent.

(7) A qualified ~~entity or~~ applicant or affiliate shall notify the Contracts Administration Office in writing upon the filing of a bankruptcy petition. The notice ~~must shall~~ be received by the Contracts Administration Office within 10 days of the initial filing.

(8) A qualified applicant entity, upon written request from the Department (stating the reasons for this request), shall submit updated or other additional financial information necessary for the Department to verify the financial adequacy ~~of the qualified entity~~ during the period of validity of qualification.

Rulemaking Specific Authority 334.044(2), 337.14(1) FS. Law Implemented ~~337.11, 337.14, 337.164~~ FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(7), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.05, Amended 12-20-89, 1-4-94, 6-27-04, 5-15-06, _____.

14-22.006 Current Capacity Rating.

(1) The Certificate of Qualification shall establish an applicant's entity's Maximum Capacity Rating, which will be reduced by the total value of their current uncompleted work, regardless of its location and with whom it may be contracted, to determine ~~the their~~ bidding capacity at any particular time. Current Capacity is the applicant's bidding capacity. Current capacity shall be amended immediately upon issuance of a new Certificate of Qualification, regardless of whether the existing Certificate of Qualification has expired. This bidding capacity shall be called Current Capacity.

(2) In determining the Current Capacity of a prospective bidder, the deduction for uncompleted work shall include work subcontracted from others. The bidder will be given credit for work sublet to others; provided, for contracts with the Department, the request for authorization to sublet the work has been approved in writing. The Department, in determining the bidder's eligibility to be issued a bid proposal, will decrease a bidder's uncompleted work by deducting ten percent per month from the Astatus of Contracts on Hand@ report in the Certification of Current Capacity form submitted with the bidder's most recent bid, or the uncompleted work listed in the bidders's Application for Qualification, whichever is most current ~~and, which~~ will increase the Current Capacity accordingly.

(3) All bidders must certify their total dollar amount of work underway and submit Form 375-020-39, or a spreadsheet in a similar and accepted format prior to submitting a bid. This information must be submitted within thirty (30) days of submitting a bid or at least once during the month a bid is due via the "Work Underway" link in the Contractor Pre-Qualification System. Failure to submit the Certification of Work Underway shall result in the bidder being prohibited from receiving bidding documents, submitting bids, or receiving contract awards until the certification is submitted. If a Form 375-020-39 is submitted, and the contractor is awarded

a contract during that month that exceeds 25% of the total dollar amount of work underway, a revised Form 375-020-39 must be submitted prior to submitting another bid during that month.

~~In order for the Department to have the information required to determine a bidder's Current Capacity, it is necessary that the bidder certify the total dollar amount of all work the bidder has underway. This certification shall be accomplished electronically by submitting the Certification of Work Underway (Online Web Application), Form 375-020-39, 11/7/2007, to the Department concurrently with the bid submittal for the first letting in the calendar month that the bidder submits a bid.~~

~~(4) In submitting this certification the following shall apply:~~

~~(a) If the letting is not later than the 25th day of the month, the certification and report shall reflect the uncompleted work as of the 15th day of the month preceding the month of the letting.~~

~~(b) If the letting is after the 25th day of the month, the certificate and report shall reflect the uncompleted work in progress as of the 15th day of the month of the letting.~~

(4) In determining a bidder's Current Capacity, any projects in a prior letting pending award by the Department to such bidder ~~shall also shall~~ be debited against the bidder's Current Capacity, unless the award is to be delayed for an indefinite period of time. Further, no credit shall be given for proposed subcontracting of any work included in such proposal pending award.

Rulemaking Specific Authority 334.044(2), 337.14(1) FS. Law Implemented ~~337.11 337.11(3)(b), 337.11(5)(a) 1-3, 337.11 (7)(b)1, 337.11(7)(e), 337.14, 337.164~~ FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 7-24-75, Formerly 14-22.01(8), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.06, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 7-2-95, 12-18-05, 5-15-06, 1-23-08, _____.

14-22.007 Joint Ventures.

(1) Two or more qualified bidders may bid jointly provided ~~that~~ each party has requested ~~that~~ the proposal document be issued to the joint venture; ~~that~~ the combined joint venture meets the requirements of subsection 14-22.008(1), F.A.C., and that the combined Current Capacity of the parties to the joint venture equals or exceeds the budget estimate of the project. The parties to a joint venture shall submit, prior to the issuance of the proposal document, a statement in the name of the joint venture signed by each party, indicating the percentage of proposed contract work to be debited against each one's Current Capacity. The total of these percentages must equal one hundred percent. No party in the joint venture may exceed its Current Capacity by virtue of the percentage of work to be debited against its available capacity, as expressed on the signed statement and using the budget estimate as the comparison figure. To comply with this

~~Section, the parties to a joint venture shall submit Form 375-020-18 and receive approval prior to the due date of the letter of interest, the request for proposal, or issuance of the proposal, whichever is due or occurs first. If any party exceed(s) its Current Capacity, by virtue of the percentage of the work to be debited against its available capacity, as expressed on the signed statement and using the budget estimate as the comparison figure, then the party must take action prior to the issuance of a proposal document in the name of the joint venture which results in their percentage being within their Current Capacity.~~

(2) If the joint venture parties are affiliated in any way as to ownership, officers, or key employees, they may indicate the desired apportionment of the capacity debit; however, the Department reserves the right to change such apportionment as justified by the circumstances.

(3) The provisions of this section regarding the apportionment of the debit ~~for a joint venture~~ among the parties ~~to the joint venture~~ shall in no way divide the responsibility for the joint venture bid or contract among the parties ~~hereto~~.

(4) Qualified parties who form a joint venture under the provisions of this ~~rule section~~ must have a federal Employer Identification Number (EIN) for the joint venture or give proof that ~~the EIN has been requested they have requested same. The joint venture shall provide~~ ~~The Department must be provided~~ this number ~~to the Department~~ before ~~the~~ contract award can be made.

~~Rulemaking Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11 337.11(3)(b), 337.11(5)(a) 1-3, 337.11 (7)(b)1., 337.11(7)(e), 337.14, 337.164 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(9), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.07, Amended 12-20-89, 1-4-94, 7-1-95, _____.~~

14-22.008 Eligibility for Obtaining Proposal Documents.

(1) Proposal documents for a specific project shall be issued only to a prospective bidder who has a Current Capacity equal to or ~~greater larger~~ than the budgeted contract amount and a Certificate of Qualification, which expires on or after the date proposals are to be received, covering one or more classes of work, as identified in paragraph 14-22.003(3)(b), F.A.C., which, in the aggregate, comprise 50 percent or more of the percentage of the Department's budget estimate of the major classes of work in the specific contract .

(2) If the Department's budget estimate for a specific project has a majority ~~of~~ percentage of speciality classes of work, as identified in paragraph 14-22.003(3)(c), F.A.C., then a contractor must be qualified in 50 percent or more of the ~~percentage of the~~ Department's budget estimate for the total classes of all work in the specific project.

(3) In determining whether a contractor shall receive proposal documents, the Department ~~shall will~~ automatically credit all contractors as being qualified in 50 percent of the Maintenance of Traffic percentage of the Department's budget estimate for a specific project.

(4) ~~The term "Current Capacity" as used herein is as defined in Rule Section 14-22.006(1), F.A.C.~~

(4)(5) Eligibility for obtaining proposal documents shall have no effect on determination of the Current Capacity.

(5)(6) A qualified bidder will be issued proposal documents for any number of projects, provided the estimated contract amount of any individual project requested does not exceed their Current Capacity. Except for the provisions of ~~sub-subparagraph Rule Section 14-22.003(2)(a)2.a., F.A.C., above,~~ qualified firms that desire to bid ~~for~~ a project which exceeds their Current Capacity, ~~but~~ whose CRF was at least 1.00, based on the financial statements used for current qualification, and that have an Ability Score of 80 or higher, ~~shall will~~ be allowed to bid that specific project if the firm furnishes a commitment letter from a surety company, authorized to do business in the State of Florida; that the project amount does not exceed the firm's Surety Capacity ~~as established by Rule Section 14-22.003(2)(b)1., F.A.C.~~ Issuance of proposal documents by the Department ~~shall will~~ be subject to the payment of applicable costs by the qualified bidder.

(6)(7) The bid shall be signed by the owner for sole proprietorships, ~~the~~ partner(s) authorized to bind the entity for ~~a partnerships, partnership;~~ the president or vice president for corporations, ~~and the authorized executing official~~ for limited liability companies ~~an authorized executing official~~. Bids submitted by a joint venture shall be signed by the authorized executing officials of the business entities comprising the joint venture and the attorney-in-fact for the joint venture.

~~Rulemaking Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11 337.11(3)(b), 337.11(5)(a) 1-3, 337.11 (7)(b)1., 337.11(7)(e), 337.14 FS. History—Formerly Chapter 14-8, Amended 7-1-68, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.08, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 5-15-06, _____.~~

14-22.009 Over-Bidding.

(1) Any bid that exceeds the Current Capacity of the bidder based upon the most recently issued Certificate of Qualification shall be rejected unless the bidder fulfills the requirements of subsection Rule Section 14-22.009(3), F.A.C. Pursuant to subsection 14-22.006(1), F.A.C. Current Capacity is amended immediately upon issuance of a new Certificate of Qualification.

(2) In the event a bidder submits the low bid on two or more projects in the same letting, where the aggregate dollar amount of the bids is greater than the Current Capacity of the bidder, and the bidder is unable to increase its Current Capacity by fulfilling the requirements of ~~subsection Rule Section~~

14-22.009(3), F.A.C., the Department shall select the particular project or projects for award that will result in the least cost to the Department.

(3) Before the Department takes action under the provisions of either of the preceding two paragraphs, the bidder shall be notified in writing of the Department's action, and, except for the AF provisions of sub-subparagraph Rule Section 14-22.003(2)(a)2.a., F.A.C., above, shall be allowed a ~~period of 10 days from the date the bid was opened to submit a certification of work underway pursuant to Rule 14-22.006, F.A.C.~~

(4) The determination of the successful bidder on any project or projects in which bids have been rejected ~~under the provisions of this section,~~ shall be made without consideration of the rejected bid(s).

Rulemaking Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.11(3)(b), 337.11(5)(a) 1-3., 337.11 (7)(b)1., 337.11(7)(e), 337.14, FS. History--Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.09, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 12-18-05, 1-23-08, _____.

14-22.0101 Special Classes of Work.

Rulemaking Specific Authority 334.044(2), 337.105, 337.14(1) FS. Law Implemented 337.105, 337.11, 337.14, 337.164 FS. History--New 12-20-89, Amended 1-4-94, Repealed _____.

14-22.0111 Subletting.

Rulemaking Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.14, 337.164 FS. History--New 12-20-89, Amended 1-4-94, Repealed _____.

14-22.012 Suspension, Revocation, or Denial of Qualification.

(1) As provided in Section 337.16(2), F.S., (The Department will, for good cause, may deny, suspend, or revoke a, or deny any contractor's Certificate of Qualification to bid. A suspension, revocation, or denial for good cause pursuant to this rule shall prohibit the contractor from bidding on any Department construction contract for which qualification is required by Section 337.14, F.S., shall constitute a determination of non-responsibility to bid on any other Department construction or maintenance contract, and shall prohibit the contractor from acting as a material supplier or subcontractor on any Department contract or project during the period of suspension, revocation, or denial. ~~As provided in Section 337.16(2), F.S., such Good cause shall include the following; but shall not be limited to,~~

(a) One of the circumstances specified under Section 337.16(2), F.S. Florida Statutes, has occurred.

(b) Affiliated contractors submitted more than one proposal for the same work. In this event the Certificate of Qualification of all of the affiliated bidders will be revoked, suspended, or denied. All bids of affiliated bidders will be rejected.

(c) The contractor made or submitted ~~to the Department~~ false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any Department contract, including the Certification of Work Underway ~~to the Department.~~

(d) The contractor or its affiliate defaulted on any contract, or a contract surety assumed control of financial responsibility for, any contract of the contractor.

(e) The contractor's qualification to bid is suspended, revoked, or denied by any other public or agency, semi-public agency.

(f) The contractor failed to comply with contract or warranty requirements, or failed to follow Department direction in the performance of a contract.

(g) The contractor failed to timely furnish all contract documents required by the contract specifications, ~~or~~ special provisions, or by any state or federal statutes or regulations. If the contractor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the contractor's Certificate of Qualification shall remain suspended, revoked, or denied until the documents are furnished ~~by the contractor.~~

(h) The contractor failed to notify the Department's Contracts Administration Office within 10 days of the contractor, or any of its affiliates, being declared in default or otherwise not completing work on a contract, or being suspended from qualification to bid or denied qualification to bid by any other public or agency, semi-public agency, ~~or private entity.~~

(i) The contractor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents.

(j) The contractor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects, uncooperative attitude, contract litigation, inflated claims or defaults.

(k) An affiliate of the contractor has previously been determined by the Department to be non-responsible, and the specified period of suspension, revocation, denial, or non-responsibility remains in effect.

(l) The contractor or affiliate(s) has been convicted of a contract crime, as provided in Section 337.165, F.S.

(m) Any other circumstance constituting "good cause" under Section 337.16(2), F.S., exists.

(2) The Department shall deny or revoke the Certificate of Qualification ~~to bid~~ of any contractor and its affiliates for a period of 36 months, pursuant to Section 337.165, F.S., when it is determined by the Department that the contractor has, subsequent to January 1, 1978, been convicted of a contract crime within the jurisdiction of any state or federal court. Any such contractor shall not act as a prime contractor, material supplier, subcontractor, or consultant on any Department contract or project during the period of denial or revocation.

(3) The Certificate of Qualification of a contractor found delinquent under Section 337.16(1), ~~F.S. Florida Statutes~~, shall be denied, suspended, or revoked. A suspension or revocation shall prohibit the contractor from being a subcontractor on Department work during the period of ~~denial~~, suspension, or revocation, except when a prime contractor's bid has used prices of a subcontractor who becomes disqualified after the bid, ~~but~~ and before the request for authorization to sublet is presented.

~~In order to be timely, when the Department's intent is to deny a Certificate of Qualification for reasons other than delinquency or conviction for contract crime, the petition must be filed with the Department's Clerk of Agency Proceedings within 10 days after receipt of the Department's notice, in accordance with Sections 337.14 and 337.16, F.S. When the Department's intent is to revoke or suspend a Certificate of Qualification or deny a Certificate of Qualification for delinquency or conviction for contract crime, the petition shall be filed within 21 days of receipt of the Department's notice, pursuant to Rule 28-106.111, F.A.C.~~

(4) If a contractor's Certificate of Qualification is revoked, suspended, or denied and the contractor receives an additional period of revocation, suspension, or denial of its Certificate of Qualification, the time periods will run consecutively.

(5) The revocation, denial, or suspension of a contractor's Certificate of Qualification under this Section shall be for a specific period of time based on the seriousness of the deficiency.

(a) Examples of factors affecting the seriousness of a deficiency are:

1. Impacts on project schedule, cost, or quality of work,
2. Unsafe conditions allowed to exist,
3. Complaints from the public,
4. Delay or interference with the bidding process,
5. The potential for repetition,
6. Integrity of the public contracting process,
7. Effect on the health, safety, and welfare of the public.

Rulemaking Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.14, 337.16, 337.165, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.12, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 2-16-99, 7-8-01, 6-27-04, 1-23-09,_____.

14-22.0121 Reapplication and Reinstatement.

(1) A contractor whose qualification to bid has been revoked or denied because of contract crime may, at any time after revocation or denial, file a petition for reapplication or reinstatement. However, a contractor may not petition for reapplication or reinstatement for a period of 24 months after revocation or denial for a subsequent conviction occurring within 10 years of a previous revocation or denial for contract crime.

~~(a) The petition for reapplication or reinstatement shall be in writing and shall be filed with the Clerk of Agency Proceedings, Department of Transportation, Burns Building, MS 58, 605 Suwannee Street, Tallahassee, Florida 32399-0458 and shall include:~~

- ~~1. The name and address of the party making the request.~~
- ~~2. A statement of the specific grounds upon which the petition is based and the proposed terms and conditions upon which reapplication or reinstatement is sought.~~
- ~~3. A list of all witnesses and exhibits to be presented.~~
- ~~4. A statement whether the contractor requests the hearing be held by the Division of Administrative Hearings (formal hearing).~~

~~(b) Upon the filing of a petition for reapplication or reinstatement the Department shall:~~

- ~~1. If the hearing is before the Department (informal hearing), schedule a hearing within 30 days following receipt of the petition unless otherwise stipulated by the parties, or~~
- ~~2. Notify the Division of Administrative Hearings within five days following receipt of the petition for scheduling of the hearing in accordance with Section 337.165(2)(d) and 120.57, Florida Statutes. As required by Section 337.165(2)(d), F.S., the Director of the Division of Administrative Hearings shall assign a hearing officer within five days after notice by the Department. This officer shall conduct the hearing within 30 days thereafter, unless otherwise stipulated by the parties.~~

(2) If the petition for reapplication or reinstatement is denied, the contractor cannot petition for a subsequent hearing for a period of nine months following the date of the final order of revocation or denial.

(3) If the petition for reapplication or reinstatement is granted, the contractor must file a current Application for Qualification with the Contracts Administration Office. Reinstatement shall not be effective until issuance of a Certificate of Qualification. The financial statements submitted with the reinstatement application must comply with paragraph 14-22.002(2), F.A.C.

Rulemaking Specific Authority 334.044(2), 337.14(1), ~~337.167(2)~~ FS. Law Implemented 337.14, 337.16, 337.164, 337.165, 337.167 FS. History—New 8-25-83, Amended 10-1-85, Formerly 14-22.121, Amended 12-20-89, 1-4-94, 1-23-08,_____.

14-22.014 Emergency Suspension and Revocation.

(1) The Department may summarily issue an emergency suspension of a contractor’s qualification to bid if it finds that imminent danger exists to the public health, safety, or welfare.

(2) The written notice of emergency suspension shall state the specific facts and reasons for finding an imminent danger to the public health, safety, or welfare exists.

(3) The Department, within 10 days of ~~after~~ the emergency suspension, shall initiate formal suspension or revocation proceedings in compliance with Rule 14-22.012, F.A.C., except ~~that~~ the 10 day notice requirement ~~in Rule 14-22.012, F.A.C.~~ shall not be construed to prevent a hearing at the earliest time practicable upon request of the aggrieved party.

Rulemaking Specific Authority ~~420.57,~~ 334.044(2), 337.14(1), 337.167(2) FS. Law Implemented 337.11 ~~420.57,~~ 337.14, 337.16, 337.164, 337.167 FS. History–New 11-10-82, Amended 8-25-83, Formerly 14-22.14, Amended 12-20-89, 1-4-94, _____.

14-22.0141 Contractor Non-Responsibility.

(1) Contractors who do not possess a Certificate of Qualification shall be determined non-responsible if the Department determines that good cause exists. Good cause shall exist when which shall include the following:

~~(a) any~~ one of the circumstances specified in subsection 14-22.012(1), F.A.C., occurs.;

(2) Determination of Contractor Non-Responsibility. The Contractor will be determined to be non-responsible based upon good cause as set forth in subsection 14-22.012(1), F.A.C., for a specific period of time; based on the factors specified in subsection 14-22.012(5), F.A.C.

(a) This rule does not limit the Department’s ability to reject a bid ~~submitted by a contractor,~~ or cancel an award; for a particular contract based upon the contractor being non-responsible.

(b) A determination of non-responsibility shall prohibit ~~the~~ contractor from bidding, subcontracting, or acting as a material supplier on any Department contracts or projects during the period of non-responsibility.

(c) If a contractor is declared non-responsible and the contractor receives an additional determination of non-responsibility, the time periods shall run consecutively.

~~(3) Notice of intended agency action under this section will be provided in accordance with Rule 28-106.111, F.A.C. The Department’s action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201 and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department’s Clerk of Agency Proceedings within 21 days after receipt of the Department’s notice, in accordance with Rule 28-106.111, F.A.C.~~

Rulemaking Specific Authority 334.044 (2) FS. Law Implemented 337.11, 337.16 (2) FS. History–New 4-11-95, Amended 12-7-97, 7-8-01, 6-27-04, 1-23-08, _____.

14-22.015 Forms.

The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room B-1, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020-38	<u>11/07</u> 11/7/2007	Application for Qualification (Online Web Application)
375-020-39	<u>11/07</u> 11/7/2007	Certification of Current Capacity (Online Web Application)
700-010-25	09/05	Contractor Past Performance Report
375-020-37	07/06	Application for Qualification for Emergency Debris Removal
<u>375-020-18</u>	<u>03/09</u>	<u>Declaration of Joint Venture and Power of Attorney For Bidding On Specified Project(s)</u>
<u>375-020-70</u>	<u>02/10</u>	<u>Debris Removal (Emergency) – Contractor Additional Experience</u>
<u>375-020-71</u>	<u>02/10</u>	<u>Hot-in-Place Resurfacing-Contractor Additional Experience</u>
<u>375-020-72</u>	<u>02/10</u>	<u>Landscaping-Contractor Additional Experience</u>
<u>375-020-73</u>	<u>02/10</u>	<u>Intelligent Transportation Systems (ITS) – Contractor Additional Experience</u>

Rulemaking Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.14, 337.167 FS. History–New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 6-27-04, 12-18-05, 5-15-06, 11-5-06, 1-23-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David A. Sadler, Director, Office of Construction
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2010

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.028
RULE TITLE: Reimbursement Premium Formula
PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2010-2011 contract year.

SUMMARY: Proposed amended Rule 19-8.028, F.A.C., establishes the premium formula and adopts the rates for the 2010-2011 contract year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7) 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: Tracy Allen, Senior Attorney, Florida Hurricane Catastrophe Fund, State Board of Administration, P.O. Box 13300, Tallahassee, FL 32317-3300, telephone (850)413-1341, tracy.allen@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.

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

(c) Citizens Property Insurance Corporation or ~~“(Citizens)”~~ means the entity formed under Section 627.351, F.S., and refers to both Citizens Property Insurance Corporation High Risk Account and Citizens Property Insurance Corporation Personal Lines and Commercial Lines Accounts.

(d) through (3)(l) No change.

(m) For the 2010-2011 Contract Year, the Formula developed by the Board’s Independent Consultant, “Florida Hurricane Catastrophe Fund: 2010 Ratemaking Formula Report Presented to the State Board of Administration of Florida, March 18, 2010” is hereby adopted and incorporated by reference into this rule. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 13, 2010, are hereby adopted and incorporated by reference in Form FHCF-Rates 2010, “Florida Hurricane Catastrophe Fund Proposed 2010 Rates, Presented to the State Board of Administration of Florida, March 18, 2010” and is hereby adopted and incorporated by reference into this rule. These incorporated documents may be obtained directly from the SBA website: www.sbafla.com/fhcf or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.

(a) through (c)3.a., No change.

b. On or before March 1 of the Contract Year, the Company shall report its actual exposure as of December 31 of the Contract Year to the Administrator on Form FHCF-D1A, “Florida Hurricane Catastrophe Fund Data Call” which is

~~hereby~~ adopted and incorporated by reference in Rule 19-8.029, F.A.C., and is available from the Administrator as described in subsection (5), below. The Administrator shall calculate the Company’s actual Reimbursement Premium for the period specified in subparagraph (c)2. based on its actual exposure. To recognize that New Participants have limited exposure during this period, the actual Premium as determined by processing the Company’s exposure data shall then be divided in half, the provisional Premium shall be credited, and the resulting amount shall be the total Premium due for the Company for the remainder of the Contract Year. However, if that amount is less than \$1,000, then the Company shall pay \$1,000. The Premium payment is due no later than May 1 of the Contract Year. The Company’s retention and coverage will be determined based on the total Premium due which is the Premium calculated based on the Company’s December 31 ~~12/31~~ exposure and divided in half as described in this sub-subparagraph.

4. This subparagraph applies to Companies writing new business on or after December 1 but up to and including May 31 of the Contract Year. All New Participants writing new business during this period shall pay a Premium of \$1,000 to provide consideration for the Contract. The Company shall pay no other Premium for the remainder of the Contract Year. The Company shall not report its exposure data for this period to the Board. The Premium shall be paid upon signing the Reimbursement Contract.

5. through 7. No change.

(5) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, MN 55437 ~~8200 Norman Center Drive, Abominating, Minnesota 55437.~~

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-20-99, Amended 7-3-00, 9-17-01, 7-17-02, 7-2-03, 7-29-04, 7-17-05, 7-6-06, 7-17-07, 6-16-08, 8-2-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009, Val. 35, No. 51

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.105
 RULE TITLE: Probation and Parole – Use of Force
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate Form DC3-210, Community Corrections Report of Force Used, and Form DC3-225, Community Corrections Incident Report.

SUMMARY: The proposed rule incorporates by reference Form DC3-210, Community Corrections Report of Force Used, and Form DC3-225, Community Corrections Incident Report.

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 FS.
 LAW IMPLEMENTED: 944.35 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-302.105 Probation and Parole – Use of Force.
- (1) Physical force shall not be used on offenders under supervision in the performance of duty unless required:
 - (a) In self-defense or the protection of others; ~~or~~
 - (b) To prevent damage to property owned or leased by the department; ~~or~~
 - (c) To quell a disturbance on property owned or leased by the department; ~~or~~
 - (d) To overcome physical resistance to application of handcuffs or authorized restraining devices; ~~or~~
 - (e) through (f) No change.
 - (2) No change.
 - (3) Whenever force is used, the highest ranking official involved or the most senior highest ranking official shall inform the circuit administrator immediately. Whenever force is used, except as provided in paragraph (4)(e), a detailed written report of force used shall be prepared, dated, and signed by the initial employee using force. This report shall be completed within one working day (Monday through Friday) of the incident.
 - (4) through (7) No change.

(8) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (a) DC3-210, Community Corrections Report of Force Used, effective _____.
- (b) DC3-225, Community Corrections Incident Report, effective _____.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.35 FS. History–New 5-28-86, Amended 8-6-90, 2-15-98, Formerly 33-24.017, Amended 10-2-01, 2-19-03, 8-13-03, 12-6-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Shari Britton, Bureau Chief – Probation and Parole Field Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2010

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The amendment will add a minus sign that was dropped from the formula used to convert well data when calculating minimum flows for the Weeki Wachee River System.

SUMMARY: Minimum flows for the Weeki Wachee River System became effective in 2009. Since then, staff found a typographical error in the formula used to convert well data to flow. A minus sign was dropped from the formula. The Joint Administrative Procedures Committee is requiring that the typographical error be corrected through a rule amendment. The proposed amendment will add the minus sign in the formula.

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 FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dianne Lee, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4657 (OGC#20100020)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) through (11) No change.

(12) Minimum Flows for Weeki Wachee River System located within Hernando County, Florida.

(a) through (c) No change.

(d) Because climatic variation can influence river flow regimes, five and ten year mean and median standards have been developed and are set forth in Table 8-18 ("Means and Medians") as a tool to assess whether compliance with the Minimum Flow maintains 90% of the natural flow of the Weeki Wachee River System. The Means and Medians are hydrologic statistics that represent flows expected to occur during long-term periods when the Minimum Flows are being met. The Means and Medians are generated from flow records that are representative of a period devoid of significant anthropogenic impacts. The District will periodically evaluate the Means and Medians. These are evaluated as the mean and medians of annual means and medians, evaluated from January 1 through December 31 of each year. The evaluation is for both the flow at the Brooksville Gage and at the USGS Weeki Wachee Well No. 283201082315601. The flow at the Brooksville Gage is evaluated directly against Table 8-18. The well data is converted to flow with the relation $Q \text{ (cfs)} = -47.487 + 12.38 Q \text{ (cfs)} = 47.487 + 12.38$ (well level) (ft) and then evaluated against Table 8-18. The Means and Medians were developed using the Minimum Flow and the presumed historic flow records. Therefore, it is expected that the Means and Medians will be met if compliance with the Minimum Flow is maintained. However, since future structural alterations could potentially affect surface water or groundwater flow characteristics within the watershed and additional information pertaining to Minimum Flows development may become available, the District is committed to periodic review and revision of the Minimum Flows, as necessary.

(e) No change.

Table 8-18 No change.

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, 3-23-10, 3-28-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Heyl, Chief Environmental Scientist

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 2010

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

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-4.001
RULE TITLE: Trainee Registration

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated form.

SUMMARY: An updated form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2), (3), (4), 483.825 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: Sharon Guilford, Acting Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-4.001 Trainee Registration.

(1) No change.

(2) An applicant for trainee registration shall apply to the Department Form #DH-MQA 3005 (02/10 ~~12/09~~) "Clinical Laboratory Trainee" which is incorporated by reference herein copies of which, can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from its website at <http://www.doh.state.fl.us/mqa/ClinLab/index.html>.

(3) through (7) No change.

Rulemaking Authority 483.805(4) FS. Law Implemented 483.809(3), 483.811(2), (3), (4), 483.825 FS. History—New 7-20-93, Formerly 21KK-4.001, 61F3-4.001, Amended 4-10-96, 7-3-97, Formerly 59O-4.001, Amended 3-19-98, 2-15-01, 3-24-02, 3-30-04, 6-17-09, 5-11-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.008
RULE TITLE: Public Health Laboratory Personnel
PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated form.
SUMMARY: An updated form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.812 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: Sharon Guilford, Acting Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.008 Public Health Laboratory Personnel.

(1) through (3) No change.

(4) All applicants for licensure as a Public Health Laboratory Scientist shall apply to the Department on Form # DH-MQA 3001 (02/10 ~~42/09~~) "Application for Public Health Laboratory Scientist" which is incorporated by reference herein, copies of which can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from its website at <http://www.doh.state.fl.us/mqa/ClinLab/index.html>.

Rulemaking Authority 483.805(4) FS. Law Implemented 483.812 FS. History—New 5-26-98, Amended 4-20-04, 6-17-09, 5-6-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-7.0027
RULE TITLE: Procedure for Compliance with Board Ordered Laws and Rules Exam

PURPOSE AND EFFECT: The Board proposes the rule amendment to move the special testing accommodations questions to another part of the application.

SUMMARY: A revised form will be referenced in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Allen Hall, Executive Director, at the address listed below. The following is a summary of the SERC:

- Over a five year period, approximately eighty licensees would be required to pass the laws and rules examination due to discipline.
- The only costs to be incurred are rulemaking costs. No effect on state or local revenue is expected.
- No transactional costs are expected to be incurred by applicants or other entities by the proposed changes to the rule.
- The proposed change is not expected to impact small business, small counties or small cities.

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: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.0027 Procedure for Compliance with Board Ordered Laws and Rules Exam.

Licensees ordered to take and pass the examination as a result of a disciplinary proceeding or reinstatement, must file DOH Form #DH-MQA 1144, PT Florida Laws and Rules Examination Application, Revised ~~0802~~09, which is available through www.doh.state.fl.us/mqa.

Rulemaking Authority 456.036, 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History--New 5-21-09, Amended 8-10-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 2010

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-11.001	Definitions
65G-11.002	Wait List Prioritization Criteria
65G-11.003	Wait list Prioritization Procedure

PURPOSE AND EFFECT: The purpose of this proposed rulemaking is to provide specific rule language to implement the prioritizing of the waitlist for enrollment on the Developmental Disabilities Home and Community Based Services Waivers. This rule is required to implement statutory language to Chapter 393, F.S., adopted during the 2009 Florida Legislative session.

SUMMARY: This rule describes the categories for the waitlist for waiver services as required by Florida Statute 393.065(5). Included in the rule is the documentation needed from individuals and the process the Agency will use to make the waitlist prioritization assignment.

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: 393.065(7) FS.

LAW IMPLEMENTED: 393.065(5) FS.

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

DATE AND TIME: June 9, 2010, 3:00 p.m. – 5:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, 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 7 days before the workshop/meeting by contacting: Denise Arnold, Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399, (850)488-3673. If you are 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: Denise Arnold, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-3673

THE FULL TEXT OF THE PROPOSED RULES IS:

65G-11.001 Definitions.

In addition to the terms defined in Section 393.064, F.S., and for the purpose of this rule, the following terms and phrases shall have the following meanings:

- (1) “Agency” is the Agency for Persons with Disabilities.
- (2) “Area Office” is the local office responsible for management one of the Agency’s service areas.
- (3) “Caregiver” is defined as the person who provides personal care, supervision, training or housing to an individual and who is not paid by APD to perform these tasks. For purposes of this rule, a caregiver is defined as a parent stepparent, grandparent, sibling, spouse or other relative or friend living in the same residence as the individual. Further, the caregiver must be a resident of the State of Florida for a minimum of 12 consecutive months and may not be receiving monetary compensation for the caregiver duties.
- (4) “Central Office” is the Agency’s headquarters located at 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399-0950, main telephone number (850)488-4257.
- (5) “Crisis Enrollment” is the waiver enrollment of an eligible individual to a Home and Community Based Services Waiver, in accordance with Rule 65G-1.046, F.A.C.
- (6) Questionnaire for Situational Information (QSI)” is the agency approved assessment that assesses a person’s need for level of support in areas of community living, functional, behavioral and physical health. The assessment is completed every three years and is updated as the needs and life circumstances of the individual changes. The QSI is administered by trained and certified agency staff.
- (7) “Waitlist” is the prioritized list maintained by the APD Central Office of Persons with Disabilities that have been determined eligible for APD services and eligible to receive waiver services when funding is available.

(8) "Waiver" is a Home and Community Based Services (HCBS) waiver authorized by 42 U.S.C. 1396n© of the federal Social Security Act and Section 409.906, F.S., that provides Medicaid funding for home and community based services to eligible persons with developmental disabilities who are eligible for Agency services and who live at home or in a home-like setting. The Agency currently operates four HCBS waivers: Tier One, Two, Three and Four. In accordance with Section 393.0661(3), Florida Statutes and Rules 65G-4.0026 through 65G-4.0029, Florida Administrative Code.

(9) "Wait list Priority Checklist" is the tool completed at the time an eligible individual applies for waiver-funded services and consists of an indication of the category that the individual will be placed on the wait list. This checklist identifies services needed and current services received and requests information about the individual's current and short-term life situation, condition and circumstances. The checklist is reviewed on an annual basis and is updated when the Agency is notified that the individual's needs and circumstances have changed.

Rulemaking Authority 393.065(7) FS. Law Implemented 393.065(5) FS. History—New _____.

65G-11.002 Wait List Prioritization Criteria.

(1) In accordance with Chapter 393, F.S., beginning July 1, 2010, the Agency will assign a category of priority for the wait list by collecting information about the individual's needs and the status of the individual's caregiver if applicable. If an individual meets the criteria for more than one criterion, the highest-ranking category will be assigned. If funding is available, the Agency shall offer waiver enrollment to individuals on the waitlist in the order of the categories, category 1 being the top category. Within each category, the date the individual was determined eligible for the wait list shall be determine the order for waive documentation provided to the agency, such as, Florida Driver's License, school records, utility bill, housing lease or rental agreements, employment information.

(2) Determination of residency of the caregiver for 12 consecutive months shall be determined by documentation provided to the agency, such as Florida Driver's License, school records, utility bill, housing lease or rental agreement, employment information.

(3) If a backup caregiver is available, the name, relationship and age of the backup caregiver must be provided.

(4) Category 1 includes individuals determined to meet the crisis criteria specified in Rule 65G-1.047, F.A.C. The process for crisis determination will follow the requirements outlined in Rule 65G-1.046, F.A.C.

(a) Individuals whose situation has reached a crisis may request a crisis application be completed by the area office. In addition to the requirements of Chapter 65G-1, F.A.C., the following shall apply:

(b) A temporary placement in jail is not considered a form of housing and therefore will not exclude the individual from the definition of homeless. Additionally an individual that is within 90 days of discharge from an institutional setting and does not have an acceptable home or residential situation in place shall be considered in Category 1.

(5) Category 2 includes children who are jointly served by the Agency and the Department of Children and Families in the Child Welfare program. A monthly data match between the two agencies identifies these individuals. DCF may bring to the attention of APD any child in need of critical services with an open case with the Department of Children and Families in the Child Welfare program, rather than wait for the data match. If the youth is still on the wait list for APD services at the age of 18 when they age-out of foster care, the youth will remain under Category 2 until they begin receiving services, unless they are deemed homeless and qualify under Category 1.

(6) Category 3 includes the following individuals:

(a) Individuals for whom the caregiver has a condition or circumstance that is expected to render the caregiver unable to provide care within the next twelve months and other caregivers are unable, unwilling or unavailable to provide care. The evaluation of the caregiver's condition or circumstance should consider the level of care necessitated by the client's needs and the caregiver's ability to provide that level of care. The condition or circumstance that renders the caregiver unable must be documented by a physician's statement if it is a medical condition and must explain the reason the current caregiver can no longer provide the individual's care. Circumstances that are not medical in nature must be described and signed by the caregiver and notarized. This documentation will be provided to the Area Office for a determination of eligibility for Category 3.

(b) Individuals who are at substantial risk of incarceration or court commitment as defined by unlawful activity by the individual that has required the intervention of local or state law enforcement even if the unlawful activity did not result in an arrest or criminal charges. Documentation is required to include a summary of incidents in which the individual has engaged in dangerous behavior, has past history of involvement with the court system or law enforcement, is currently involved with the court system or law enforcement, multiple arrests, incarceration in jail, prison or admission to the mentally retarded defendant program.

(c) This category includes individuals who are currently incarcerated and are expected to be released within 12 months. Documentation for placing an individual in the priority category includes copies of any past court commitments, documentation from law enforcement, and court ordered competency evaluations. Documentation must include: 1) a summary of incidents in which the individual has engaged in dangerous behavior, has past history of involvement with the court system or law enforcement, is currently involved with the

court system or law enforcement, multiple arrests, incarceration in jail, prison or admission to the mentally retarded defendant program, and 2) copies of any past court commitments, documentation from law enforcement, and court ordered competent evaluations.

(d) Individuals whose behaviors or physical needs place them or their caregiver at risk or harm within the next 12 months, and for whom no other supports are currently available to meet their needs. In such cases, the individual will provide documentation of behaviors that are causing the risk or potential harm or the physical needs that are present and the medical treatment provided to the individual or to others because of the individual's behavioral or physical issues. Documentation of behaviors or physical needs that are causing the risk or potential harm and the medical treatment provided to the individual or to others because of the individual's behaviors or physical needs must be provided. Documentation of the frequency, intensity and duration of behavioral incidents and an explanation of behavioral interventions that have used must also be provided.

(e) Individuals who are identified by the facility as ready for discharge from a state mental health hospital, intermediate care facility for the developmentally disabled, a skilled nursing facility, correctional facility, or a secure forensic facility within the next twelve months. There must be evidence that without the provision of waiver-funded services, these individuals will be at risk of readmission to an institution due to a lack of available caregiver or a lack of appropriate or available services. Documentation for this category must include a discharge summary from the facility that indicates the individual is ready for discharge or no longer meets the criteria for the level of care required by the facility and the status of available caregivers for the individual. Documentation that there are no other resources or services available other than waiver services to meet the individual's needs must be provided.

(f) Individuals receiving Voluntary Protective Services (VPS) or requesting DCF assistance to prevent their child from entering foster care. The parents or caregivers shall provide documentation from the applicable agencies or departments confirming this information

(g) In reviewing the caregiver's ability to provide, care the Agency shall consider the reliability and long-term commitment of the caregiver in order to ensure continuity of care. Additionally, the caregiver's responsibility for other minors under their care shall be considered.

(7) Category 4 includes individuals whose primary caregiver is age 70 years of age or older and no other alternate caregiver is available, willing or able to provide support. Additionally, other government or community resources are not available to provide assistance for the caregiver. Documentation of the date of birth of the primary caregiver must be provided as well as documentation that the individual

needs a caregiver and no other caregiver is available is required. The Agency shall include a review of the caregiver's ability to provide the level of support the individual needs and not just consider the age of the caregiver. The health of the caregiver(s) will be considered. Additionally the age of both parents who are providing care giving shall be considered and if one is able to provide the care then the individual will not be considered for Category 4.

(8) Category 5 includes individuals who are expected to graduate from secondary school within the next 12 months, individuals who have received a special diploma and need the support available through waiver funded services to obtain or maintain competitive employment, or individuals who have applied for and been accepted to an accredited institution for postsecondary education. Documentation of the individual's graduation is required as well as documentation that there are no other resources available, other than waiver funded services to provide the individual with the support to obtain or maintain a job.

(9) Category 6 includes individuals who are age 21 years of age older and do not meet the criteria for any other category. Documentation of this category is obtained through verification of the individual's date of birth and verification that documentation does not qualify the individual for any other category. The Agency shall provide short term services to these individuals through the use of Social Services Block Grant funding as allocated by the legislature. These services shall not duplicate any services required by other state agencies or departments and shall only be provided when other community resources are not available.

(10) Category 7 includes those individuals who are younger than 21 years of age and who do not meet the criteria for any other category. Documentation of this category is obtained through verification of the individual's date of birth and absence of any documentation that places an individual into another category. The Agency shall provide short-term services to these individuals using Social Services Block Grant funding as allocated by the legislature. These services shall not duplicate any services required by other state agencies or departments and shall only be provided when other community resources are not available. Prevention and early intervention services that are critical to the child's developmental growth shall be a high priority for services from the Agency as well as support to the parents or caregivers to maintain the child in the family home.

Rulemaking Authority 393.065(7) FS. Law Implemented 393.065(5) FS. History—New _____.

65G-11.003 Wait list Prioritization Procedure.

(1) The Agency shall assign the wait list categories to each individual on the wait list upon adoption of this rule by using information from the current needs assessment and the Questionnaire for Situational Information (QSI), version 4.0, and the Wait list Prioritization Checklist. Additionally, the

Agency will also request information about: 1) identification of the current caregiver, 2) demographic information of the caregiver, 3) medical circumstances or other circumstances of the caregiver that prevent the caregiver from providing care, and 4) the availability of other caregiver.

(2) The Agency will notify each individual/guardian on the wait list in writing of the individual's assigned wait list category and eligibility determination date. The individual/guardian may submit documentation to the area office if there is a need for the category assignment to be reconsidered. Upon review of the information provided, the Agency will notify the individual in writing within 15 working days, of the reconsideration decision.

(3) At any time during the year, the individual can request a reevaluation to move to another category by submitting to the area office a written request with the required documentation as specified for each category.

(4) The individual, family or guardian must ensure that accurate address and phone contact information is provided to the area staff and must notify the area office at any time this information changes.

(5) Individuals will be removed from the wait list and the individual's Agency record will be closed if the individual: becomes domiciled in another state.

(a) Becomes ineligible for APD and the waiver, or

(b) Cannot be contacted or located over a two month period using the information provided to the area office staff. The individual can reapply for APD services at any time.

(6) The Agency shall provide regular communication to the individuals on the wait list and their parents/guardians/family members regarding possible resources in the community or other government programs, and the ongoing activities of the Agency.

Rulemaking Authority 393.065(7) FS. Law Implemented 393.065(5) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Denise Arnold, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-3673

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim DeBeaugrine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NOS.:

68-5.001

68-5.002

68-5.004

RULE TITLES:

Introduction of Non-native Species into the State

Conditional Non-native Species

Amnesty for Persons Relinquishing Non-native Pets

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to (1) update and clarify requirements for the issuance of permits for the importation and possession of conditional and prohibited species; (2) establish criteria for issuance and denial of research permits for conditional and prohibited species; (3) retain conditional and prohibited species status for any taxon that subsequently undergoes any taxonomic alterations, such as reclassifying into a different genus or splitting into subspecies; (4) change the status of the six reptile of concern species and their taxonomic successors to conditional species; (5) allow properly permitted recipients to legally accept unpermitted reptiles of concern and conditional reptiles at any time.

The effects of these rule changes will be stricter, more consistent regulations regarding the importation and possession of certain non-native species, conditional species and prohibited species; limit the possession of the current reptile of concern species and their taxonomic successors to permitted commercial businesses, researchers and public exhibitors and prohibit the future acquisition of these species for personal possession; allow reptiles of concern in personal possession on or before July 1, 2010 to remain with their owners for the rest of the animals' lives, provided the owners maintain valid reptile of concern permits; and allow for properly permitted persons to accept unpermitted reptile of concern and conditional reptile species at any time. These species are considered to be dangerous to the ecology and/or the health and welfare of the people of Florida. By adopting these regulations the State of Florida will be contributing to the effort to prevent introductions of non-native species.

SUMMARY: Rule 68-5.001, F.A.C. (Introduction of Non-native Species into the State) would be amended to codify eligibility requirements for issuance of research permits for conditional species, establish criteria for denial of research permits for conditional and prohibited species, establish criteria for issuance of public exhibition permits for prohibited species, establish the rules relating to the caging and transport of reptiles listed as conditional species and revise protocols for importation of leopard (*Geochelone pardalis*), African spurred (*Geochelone sulcata*) and Bell's hingeback tortoises (*Kinixys belliana*). Rule 68-5.002, F.A.C. (Conditional Non-native species) would be amended to include the Indian or Burmese python (*Python molurus*), Northern African python (*Python sebae*), Southern African python (*Python natalensis*), Amethystine python (*Morelia amethystinus*), Scrub python

(*Morelia kinghorni*), Black or Boelen's python (*Morelia boeleni*), Green anaconda (*Eunectes murinus*), and Nile monitor (*Varanus niloticus*) as conditional species. Rule 68-5.003, F.A.C. (Prohibited Non-native Species) would be amended to address two incorrect rule references and a spelling error. Rule 68-5.004 F.A.C. (Amnesty for Persons Relinquishing Non-native Pets) would be amended to allow the transfer of unpermitted reptiles of concern and reptiles listed as conditional species to properly permitted recipients at any time of the year. Reptiles of concern in personal possession on or before July 1, 2010 will be allowed to remain with their owners for the rest of the animals' lives, provided the owners maintain valid reptile of concern permits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___ or will not X have an impact on small business. A SERC has ___ or has not X 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, June 23-24, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Lake Mary, 1501 International Parkway, Lake Mary, 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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael Yaun, Deputy General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 68-5.001 follows. See Florida Administrative Code for present text.)

68-5.001 Introduction of Non-native Species into the State.

(1) No person shall transport into the state, introduce, or possess, for any purpose that might reasonably be expected to result in liberation into the state, any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state, without having secured a permit from the Commission, except:

(a) Fathead minnow (*Pimephales promelas*).

(b) Variable platy (*Xiphophorus variatus*).

(c) Coturnix quail (*Coturnix coturnix*).

(d) Ring-necked pheasant (*Phasianus colchicus*).

(2) Unless otherwise specifically provided in Titles 68A through 68E, F.A.C., all species of freshwater aquatic life and wild animal life not native to Florida may be taken throughout the year, without restrictions.

(3) Conditional Non-native Species – No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in Rule 68-5.002, F.A.C., except by Conditional/ Prohibited/ Nonnative species permit and as provided in paragraphs (a) through (f) below:

(a) Permits shall be issued only to individuals or institutions engaged in research, or to commercial import or export businesses, public aquaria, public zoological parks, or public exhibitors providing educational exhibits. Permits shall not be issued for display of these species in private aquaria, private zoological parks, or for personal possession, except as provided in Rule 68-5.002, F.A.C.

(b) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer Services issued pursuant to Chapter 597, F.S., and who is authorized to possess such species in accordance with Chapter 597, F.S., is not required to obtain the permit.

(c) Conditional freshwater fish and aquatic invertebrate species:

1. Species held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Homeland Security. Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee's property. Public visitation at facilities in possession of conditional non-native species shall occur only under supervision of the permittee or his/her designee.

2. Conditional freshwater fish and aquatic invertebrate species held indoors may only be held in culture systems having no water discharge, having a water discharge through a

closed drain system, or other system designed to prevent discharge of water containing adults, juveniles and eggs from the permittee's property.

3. Conditional non-native aquatic species shall not be taken on a fee- or for-hire basis using hook and line or rod and reel.

(d) Conditional turtle species:

1. Outdoor facilities must have a permanent containment barrier secured at least six inches below ground level to prevent escape by digging, erosion, climbing or by passing through gaps. Such barriers may be constructed of solid metal or weather-resistant and rot-resistant material, and may not use mesh material.

2. All eggs must be removed and destroyed daily from outdoor facilities.

(e) Snakes and lizards:

1. Conditional snake and lizard species may only be held in safe, secure and proper housing in cases, cages, pits or enclosures of the following specifications:

a. Cage may be constructed of a variety of materials including: plate glass of at least one-quarter inch thickness, break-resistant plastic of similar strength, concrete reinforced with wire, sheet metal, molded fiberglass, plywood or interlocking lumber that has been treated to be impervious to moisture and is not less than one-half inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Cages and doors to cages shall be sealed. The doors of each cage shall be securely locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion.

b. A room or out-building may contain conditional snake and lizard species in cages that are not locked provided that such a room or out building is locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion, is inaccessible to unauthorized personnel, is constructed and maintained as to be escape-proof, and has been inspected and approved as conforming to these rules by Commission personnel prior to use. Any out building so used must be of strong construction with concrete or other suitable flooring and securely anchored to the ground. Such building shall be clearly posted at point of entry with a sign stating "Danger – Dangerous Reptiles."

c. Facilities with one or more permittee at the same facility location may not commingle their respective live conditional species inventories. All cages or enclosures must be clearly identified or visibly marked with the name of the permittee or other identifier to facilitate inventory inspections.

d. All individuals associated with a facility authorized to possess conditional snake and lizard species shall demonstrate knowledge of facility requirements, and secure handling protocols for conditional snakes and lizards as established by the permittee.

2. Identification: Conditional snakes and lizards shall be permanently identified with a unique passive integrated transponder (PIT tag). Identification shall consist of the implantation of a unique PIT tag under the specimen's skin in a manner to maintain the PIT tag permanently in place.

a. For snakes implantation shall be in specimens with a one (1) inch or greater diameter. The PIT tag shall be implanted in the rear one-third (1/3) of the snake, forward of the anal plate.

b. For lizards implantation shall be in the body cavity in close proximity to and forward of a rear leg, or in a rear leg.

c. The requirement pertaining to the location of the PIT tag implantation shall not apply to specimens implanted prior to acquisition of the animal or prior to the effective date of this rule.

d. Records of identification including PIT tag number where applicable, along with information about the specimen being identified (species, specimen name or number, gender, and age) must be provided to the Commission within 72 hours of acquisition and maintained in the possessor's records for as long as the specimen is possessed.

e. Exemption: Conditional snakes and lizards being held for export by any person who possesses such animals in accordance with Sections 379.304 and 379.372, F.S., are exempt from the permanent identification requirement of this section for a period not to exceed 180 days provided such animals or their enclosures are permanently marked so as to be traceable to written records indicating the date such conditional snakes and lizards were acquired.

f. Effective Date: All The permanent identification requirements for conditional snake and lizard species in this rule shall not take effect until August 1, 2010.

3. Inspection: Conditional snake and lizard species held in captivity are subject to inspection by Commission personnel. Commission personnel shall determine whether the snakes or lizards are securely, properly and safely housed. In the event that any conditional snakes or lizards are not safely housed, Commission personnel shall report the situation in writing to the person authorized to possess or exhibit such reptiles. Failure of the possessor or exhibitor to correct the situation within 30 days after such written notice shall be grounds for revocation of the permit.

4. Transporting: Conditional snake and lizard species shall be transported only after placement in a closely woven, double-seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Said containers shall be prominently labeled "Dangerous Reptiles."

5. Disaster and Critical Incidents Plans.

a. A plan to secure conditional snakes or lizards in the event of disasters or critical incidents shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts, Part A of form FWCDLE 619 shall be submitted at the time of initial application to possess conditional snake and lizard species; and Part B shall be retained on file at the facility and be made available for inspection upon request of Commission personnel.

b. No later than 24 hours prior to the National Weather Center's projected onset of hurricane-force winds of Category 3 or greater, all conditional snakes and lizards shall be placed in a closely woven, double-seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Any conditional snakes and lizards in an outdoor enclosure shall be moved to a secure indoor facility of strong construction with concrete or other suitable flooring and securely anchored to the ground. Persons authorized to possess conditional snakes and lizards shall report their critical incident preparation status to their county emergency management agency prior to the onset of critical conditions.

6. Record Keeping: Persons authorized to possess conditional snake and lizard species shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all conditional snakes or lizards. Such records shall be kept on the permitted premises on a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. Such records shall be open to inspection upon request by Commission personnel.

a. Records of births or deaths shall include the date of the birth or death; and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch.

b. Records of acquisition shall include the date of acquisition; quantity and species of reptiles acquired; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, for each specimen; name and complete address of supplier, except for animals acquired

under the provisions of paragraph 68-5.004(3)(c), F.A.C.; and conditional species permit number of supplier where applicable.

c. Transfer: Conditional snake and lizard species may be transferred to persons authorized to possess conditional snakes and lizards. Such transfers must be accompanied by Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall be signed by the originator upon shipment and by the recipient upon receipt and shall list the common name, scientific name, and quantity of each species in transport; name and address of the originator and recipient; conditional species permit number of the recipient; if the shipment originates within Florida, the conditional species permit number of the originator.

7. Reporting:

a. Persons exhibiting or selling live conditional snakes and lizards in accordance with Section 379.304, F.S., shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of permit and six months thereafter.

b. Any person authorized to possess conditional snakes and lizards must report any escapes to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement immediately upon discovery of escape.

(f) Research involving conditional species:

1. A detailed research proposal shall accompany the application for the permit. The proposal shall state with particularity research objectives, methodology and study duration, and outline planned safeguards to assure proper containment of the species. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

2. All research involving conditional species shall be conducted according to the provisions of paragraphs (3)(c)-(e) above.

3. The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report shall include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken

during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

4. Any escape or release of conditional species shall be reported immediately to the Commission.

(4) Prohibited Non-native Species – No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in Rule 68-5.003, F.A.C., except by Conditional/ Prohibited/ Nonnative Species permit and as provided in paragraphs (a) and (b) below:

(a) Exhibition of prohibited species: public aquaria, zoological parks, or public exhibitors shall be granted a permit provided the following requirements are met:

1. Prohibited aquatic species shall be maintained in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater retention area with no public access.

2. Prohibited terrestrial species shall be maintained in indoor facilities in cages or other confinement facilities that prevent escape and public contact.

3. Critical incident and disaster plan. A plan for securing animals on site, evacuating and /or euthanizing animals in the event of a natural disaster or critical incident shall be submitted by the applicant and approved by the Commission before a permit will be issued. The critical incident and disaster plan shall also include methods to transport and return evacuated animals to the exhibition facility. Commission personnel will review the critical incident and disaster plan to ensure the State of Florida is adequately protected from the risk of introduction of the species.

4. Inspections. Exhibitors permitted to possess prohibited species may be inspected by Commission personnel or an authorized representative of the Commission prior to issuance of a permit. Scheduled and unannounced inspections to ensure general security measures are followed may be conducted at any time during the permit period.

5. The permit will expire 12 months from the date of issuance.

6. Possession of sea snakes (Family Hydrophiidae, all species) is limited to public aquaria, public zoological parks, or public exhibitors providing educational exhibits, for public exhibition purposes only, under the following conditions:

a. Only male sea snakes may be possessed.

b. A public aquarium, zoological park, or public exhibitor possessing sea snakes shall not be located in a coastal county and shall have no contiguous connection with any waters of the state.

c. Each public aquarium, public zoological park, or public exhibitor possessing sea snakes shall provide quarterly reports to the Commission regarding the number of each species of sea snakes on the premises and any changes in inventory resulting from death or additions by importation.

d. Each public aquarium, zoological park, or public exhibitor possessing sea snakes shall post with the Commission a \$1 million letter of credit. The letter of credit shall be in favor of the State of Florida, Fish and Wildlife Conservation Commission, for use by the Commission to remove any sea snake accidentally or intentionally introduced into waters of the state. The letter of credit shall be written in the form determined by the Commission. The letter of credit shall provide that the zoological park or aquarium is responsible for the sea snakes within that facility and shall be in effect at all times that the zoological park or aquarium or public exhibitor possesses sea snakes.

e. No person or public aquarium, public zoological park, or public exhibitor shall barter, sell, or trade sea snakes within this state.

f. A public aquarium, public zoological park, or public exhibitor that imports sea snakes pursuant to this subsection may transport sea snakes into this state only by airplane that may land only at an airport located in a non-coastal county within this state.

g. A public aquarium, public zoological park, or public exhibitor possessing sea snakes pursuant to this subsection shall abide by all regulatory requirements of the Fish and Wildlife Conservation Commission with respect to venomous reptiles.

(b) Research involving prohibited species: Individuals or institutions engaged in research shall be granted a permit, provided the following requirements are met:

1. Eligibility. A permit for research involving prohibited species shall be issued only to a principal investigator who is a faculty member of a college or university, is affiliated with an accredited institution, or is a member of a federal, state or county agency.

2. Research proposal. A detailed research proposal shall be submitted and shall state with particularity research objectives, methodology and study duration, and shall outline planned safeguards to ensure proper containment of all specimens. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

3. General security measures and containment.

a. Applicants shall submit to the Commission a list of personnel that have access to the prohibited species and arrangements for final disposition or euthanization of specimens.

b. All research on prohibited aquatic species shall be conducted in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater retention area with no public access.

c. All research on prohibited terrestrial wildlife species shall be conducted in indoor facilities in cages or other confinement facilities that prevent escape.

4. Critical incident and disaster plan. A plan for securing animals on site, evacuating and /or euthanizing animals in the event of a natural disaster or critical incident shall be submitted by the applicant and approved by the Commission before a permit will be issued. The critical incident and disaster plan shall include methods to transport and return evacuated animals back to the research facility. Commission personnel will review the critical incident and disaster plan to ensure the State of Florida is adequately protected from the risk of introduction of the species.

5. Inspections. All research facilities where research involving prohibited species is to be conducted will be inspected by Commission personnel or an authorized representative of the Commission prior to issuance of a permit. Scheduled and unannounced inspections to ensure general security measures are followed may be conducted at any time during the permit period.

6. The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report will include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

7. Any escape or release of prohibited species shall be reported immediately to the Commission, and escape or release shall constitute grounds for revocation of the permit to conduct research involving prohibited species.

(5) No permits shall be granted for possession of any species of piranha or pirambeba (subfamily Serrasalminae).

(6) No leopard tortoise (*Geochelone pardalis*), African spurred tortoise (*Geochelone sulcata*), or Bell's hingeback tortoise (*Kinixys belliana*) shall be imported or transported into this state, without a Conditional/Prohibited/Nonnative Species permit subject to the following:

(a) Tortoises shall be inspected by a veterinarian and certified as being free of external parasites prior to being imported. Certified veterinary health certificates and written notice of the shipment shall be submitted to the Commission no less than 10 days before arrival of any tortoise.

(b) Containers used to transport tortoises shall be disinfected prior to importation, and shall be incinerated within 24 hours of arrival or exported out of Florida within 72 hours.

(c) Such other conditions as may be necessary to ensure that no tortoise infested with ticks capable of transmitting the Heartwater disease is imported into Florida.

(7) No person shall allow or permit any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state, to remain in any facility that is no longer maintained or operated for the production or maintenance of such non-native species. The presence of any such non-native species in any facility shall constitute possession by the owner or operator of the facility.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-7-08, Amended _____.

68-5.002 Conditional Non-native Species.

Live specimens of the following species, including their taxonomic successors, subspecies, or hybrids or eggs thereof may be possessed only pursuant to permit issued by the Executive Director except as provided in subsection 68-5.001(3)(2), F.A.C.

(1) Non-native freshwater fish and aquatic invertebrate species.

(a) through (p) No change.

~~(q) Red-eared slider (*Trachemys scripta elegans*):~~

~~1. Red-eared sliders in personal possession prior to July 1, 2007 may continue in the possession of the owner.~~

~~2. Red-eared sliders less than four inches carapace length may not be possessed after July 1, 2008 without a permit.~~

~~3. Red-eared sliders with distinctive aberrant color patterns, including albino or amelanistic specimens, may be possessed without a permit otherwise required by this rule.~~

~~(q)(+) Arowanas (Family Osteoglossidae, all species except silver arowana, *Osteoglossum bicirrhosum*).~~

~~(r)(+) Northern largemouth bass (*Micropterus salmoides salmoides*), except that intergrade largemouth bass (northern largemouth bass x Florida largemouth bass *Micropterus salmoides floridanus*) may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.~~

~~(2) Non-native mammals – Nutria (*Myocaster coypus*).~~

~~(3) Non-native turtles. Red-eared slider (*Trachemys scripta elegans*): red-eared sliders may be possessed only by permitted individuals or commercial import or export businesses according to the provisions of paragraph 68-5.001(3)(d), F.A.C., except as provided below:~~

~~(a) Red-eared sliders in personal possession prior to July 1, 2007 may continue in the possession of the owner without a permit, except that red-eared sliders less than four inches carapace length may not be possessed after July 1, 2008 without a permit.~~

~~(b) Red-eared sliders with distinctive aberrant color patterns, including albino or amelanistic specimens, may be possessed without a permit otherwise required by this rule.~~

(4) Non-native Snakes and lizards: The following species possessed for personal use by reptile of concern license holders prior to July 1, 2010 may continue in the possession of the owner for the life of the animal. A valid license to possess these animals must be maintained pursuant to Section 379.372, F.S.

- (a) Indian or Burmese python (*Python molurus*)
- (b) Reticulated python (*Python reticulatus*)
- (c) Northern African python (*Python sebae*)
- (d) Southern African python (*Python natalensis*)
- (e) Amethystine python (*Morelia amethystinus*)
- (f) Scrub python (*Morelia kinghorni*)
- (g) Black or Boelen’s python (*Morelia boeleni*)
- (h) Green anaconda (*Eunectes murinus*)
- (i) Nile monitor (*Varanus niloticus*).

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 6-7-07, Amended 9-11-09, _____.

68-5.004 Amnesty for Persons Relinquishing Non-native Pets.

It is the policy of the Fish and Wildlife Conservation Commission to encourage persons possessing unwanted non-native fish or wildlife as pets to relinquish such pets to qualified adopters as an alternative to releasing them into Florida’s environment. In furtherance of this policy, the Commission will sponsor amnesty events for such purpose.

- (1) No change.
- ~~(2) State and county wildlife control agencies may accept non-native fish and wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.~~
- ~~(2)(3) Any person relinquishing or adopting non-native fish or wildlife pursuant to this rule is hereby deemed not to be in violation of the permit requirement of subsection 68A-6.0023(7) 68A-6.0024(2), F.A.C.~~

(3) Relinquishing reptiles of concern, or conditional snakes and lizards.

(a) Persons with a valid license to possess or exhibit reptiles designated as reptiles of concern after July 1, 2010, may accept reptiles of concern as defined in subsection 68A-6.007(1), F.A.C. from persons who have not obtained a permit from the Commission for possession of such reptiles without violating the provisions of subsection 68A-6.0023(7), F.A.C., which prohibits the buying, selling or transferring of wildlife to or from an unpermitted entity within Florida.

(b) Persons authorized to possess conditional snakes and lizards may accept conditional snakes and lizards as defined in subsection 68-5.002(5), F.A.C., from persons who have not obtained a permit from the Commission for possession of such conditional snakes and lizards without violating the provisions

of subsection 68A-6.0023(7), F.A.C., which prohibits the buying, selling or transferring of wildlife to or from an unpermitted entity within Florida.

(c) Persons accepting unpermitted reptiles of concern, or conditional snakes and lizards, shall complete a Captive Wildlife Inventory-Donated Reptile form, which is available from the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, and submit the form to the same address within 72 hours of acquisition.

(d) Any person relinquishing or accepting reptiles of concern, or conditional snakes and lizards, under this subsection is authorized to make such transfer and is not in violation of the prohibitions on buying, selling or transferring contained in subsection 68A-6.0023(7), F.A.C.

(e) Persons accepting unpermitted reptiles of concern, or conditional snakes or lizards, under this subsection must otherwise comply with all permit conditions and Commission rules, specifically including provisions in Chapter 68A-6, F.A.C.

(4) State and county wildlife control agencies may accept non-native fish and wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.

Rulemaking Authority Article IV, Section 9, Florida Constitution. Law Implemented Article IV, Section 9, Florida Constitution. History–New 10-23-08, Amended _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Breault, Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-4.002
 RULE TITLE: Possession of Gun While Using a Light Prohibited

PURPOSE AND EFFECT: The purpose and effect of this rule change is to make the rule consistent with new Rule 68A-9.012, F.A.C., (Taking Wildlife on Airport Property).

SUMMARY: A new Rule 68A-9.012, F.A.C., consolidates from several existing rules into one rule the provisions concerning aircraft and human safety issues posed by wildlife on airport property. The new rule largely eliminates permitting requirements for taking of wildlife on airports for the purpose of aircraft or human safety. Consolidation of provisions addressing aircraft and human safety issues posed by wildlife from several rules into one rule also makes it easier for airport operators to understand how they may handle such issues. Other rules are repealed (68A-27.002) or modified (68A-9.010) because provisions are now included in the new rule, or modified (68A-4.002 and 68A-24.005) to be consistent with the new rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___or will not X have an impact on small business. A SERC has ___ or has not X 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, June 23-24, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, 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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-4.002 Possession of Gun While Using a Light Prohibited.

(1) Except while engaging in activities provided for in Rules ~~68A-9.012~~ ~~68A-9.010~~, 68A-23.002, 68A-24.002, 68A-25.003, 68A-25.032, and 68A-25.042, F.A.C., the displaying or use of a light at night in a place where wildlife or freshwater fish might be found and in a manner capable of disclosing the presence of wildlife or freshwater fish, together with the possession of a gun by one or more persons then and there in the presence of each other is prohibited.

(2) through (3) No change.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.1025 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3015, 379.404(2) FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-4.02, 39-4.002, Amended 4-3-08,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.010
 RULE TITLE: Taking Nuisance Wildlife

PURPOSE AND EFFECT: The purpose and effect of these proposed rule changes is to consolidate provisions for the harassment and take of wildlife that pose a threat to aircraft safety and human life at airports and to eliminate most permitting requirements for such actions

SUMMARY: A new Rule 68A-9.012, F.A.C., consolidates from several existing rules into one rule the provisions concerning aircraft and human safety issues posed by wildlife on airport property. The new rule largely eliminates permitting requirements for taking of wildlife on airports for the purpose of aircraft or human safety. Consolidation of provisions addressing aircraft and human safety issues posed by wildlife from several rules into one rule also makes it easier for airport operators to understand how they may handle such issues. Other rules are repealed (68A-27.002) or modified (68A-9.010) because provisions are now included in the new rule, or modified (68A-4.002 and 68A-24.005) to be consistent with the new rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___or will not _X_ have an impact on small business. A SERC has ___ or has not _X_ 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, June 23-24, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, 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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.010 Taking Nuisance Wildlife.

Any person owning property may take nuisance wildlife or they may authorize another person to take nuisance wildlife on their behalf except those species listed in subsection (1) below

on their property by any method except those methods listed in subsection (2) below. Persons responsible for government owned property are considered “landowners” for the purpose of this rule. Notwithstanding the provisions of this section, the executive director or a designee may issue permits authorizing the take of additional species of wildlife, additional methods of take or alternative forms of disposition and transportation for justifiable purposes pursuant to Rule 68A-9.002, F.A.C., provided authorizations shall be denied or revoked upon reasonable conclusion that the requested or permitted activity would be detrimental to fish and wildlife resources or public health and safety.

(1) Wildlife that may not be taken as nuisance wildlife:

(a) Species listed in Chapter 68A-27, F.A.C.

(b) The following mammals:

1. through 3. No change.

4. Bobcat – Except that a bobcat may be taken, as provided by subsections (2), (3) and (4) below, when it causes or is about to cause property damage, or presents a threat to public safety. Euthanasia of any live captured bobcat is prohibited and any live captured bobcat shall be released as provided by subsection (3).

(c) No change.

(2) Methods that may not be used to take nuisance wildlife:

(a) Gun and light, ~~except as provided in paragraph (5)(b) below.~~

(b) No change.

(3) through (4) No change.

~~(5) Take of nuisance wildlife on airport property.~~

~~(a) Wildlife listed in Chapter 68A-27, F.A.C., that pose an imminent jeopardy to aircraft safety and human life, may be harassed by persistent, non-injurious disturbance without physical capture or direct handling to disperse wildlife by airport operators or their agents on airport property in order to prevent collisions between aircraft and wildlife.~~

~~(b) Airport personnel may take deer or wild turkey on airport property if their presence poses a potential threat to aircraft safety and human life. Deer may be taken by the use of a gun and light at night. Carcasses of deer or wild turkey taken under this rule shall be buried, incinerated on site or donated to a charitable, non-profit institution or agency. No deer or wild turkey carcasses taken under this rule shall be retained for use by airport personnel.~~

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-08, Amended 7-1-10,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.012
 RULE TITLE: Taking of Wildlife on Airport Property

PURPOSE AND EFFECT: The purpose and effect of these proposed rule changes is to consolidate provisions for the harassment and take of wildlife that pose a threat to aircraft safety and human life at airports and to eliminate most permitting requirements for such actions.

SUMMARY: A new Rule 68A-9.012, F.A.C., consolidates from several existing rules into one rule the provisions concerning aircraft and human safety issues posed by wildlife on airport property. The new rule largely eliminates permitting requirements for taking of wildlife on airports for the purpose of aircraft or human safety. Consolidation of provisions addressing aircraft and human safety issues posed by wildlife from several rules into one rule also makes it easier for airport operators to understand how they may handle such issues. Other rules are repealed (68A-27.002) or modified (68A-9.010) because provisions are now included in the new rule, or modified (68A-4.002 and 68A-24.005) to be consistent with the new rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___ or will not X have an impact on small business. A SERC has ___ or has not X 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, June 23-24, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, 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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.012 Take of Wildlife on Airport Property.

Any airport may take wildlife on airport property for the purpose of ensuring aircraft and human safety in accordance with this rule. An airport or other entity owning or operating an airport as defined in Section 330.27(2), F.S. or their officers, employees, contractors (or employee of a contractor) or member of the airport's governing body as referenced in Section 379.2293(5), F.S. may carry out the activities specified in this rule. Notwithstanding the provisions of this section, the executive director or a designee may issue permits authorizing the take of additional species of wildlife, additional methods of take or alternative forms of disposition and transportation for justifiable purposes pursuant to Rule 68A-9.002, F.A.C., provided authorizations shall be denied or revoked upon reasonable conclusion that the requested or permitted activity would be detrimental to fish and wildlife resources or public health and safety.

(1) The taking and disposition of species regulated by the United States Departments of Interior or Commerce in 50 C.F.R. §10.13 (Migratory Birds), 50 C.F.R. § 17.11 and §17.12 (Threatened and Endangered Species), 50 C.F.R. §22 (Bald Eagle), 50 C.F.R. §223.102 and §224.102 (Marine Species), is allowed pursuant to federal authorization. No additional Commission authorization is required.

(2) The following paragraphs control the take of black bears and species described in Chapter 68A-27, F.A.C., except species described in subsection (1):

(a) Any of these species may be harassed by persistent, non-injurious disturbance without physical capture or direct handling to disperse wildlife when the wildlife poses an imminent threat to aircraft and human safety.

(b) Any of these species may be otherwise taken when:

1. The wildlife poses an imminent threat to aircraft and human safety; and

2. A situation requires an emergency response which does not allow time for paragraph (2)(a); or

3. Attempts using paragraph (2)(a) have been documented as unsuccessful and when:

a. The airport is implementing a Federal Aviation Administration approved wildlife hazard management plan and

b. The airport has made habitat management alteration that has eliminated or significantly reduced hazardous wildlife attractants on airport property.

(c) Wildlife burrows, including gopher tortoise burrows, within the safety area as defined in 14 C.F.R. § 139.5 may be destroyed after or while all existing gopher tortoise(s) within the burrows are live captured.

(3) Notwithstanding any provision of Commission rule, an airport authority may take all other wildlife not described in subsections (1) and (2) on airport property if their presence poses a potential threat to aircraft and human safety.

(4) Notwithstanding any provision of Commission rule, wildlife in subsections (2) and (3) taken pursuant to this rule may be taken by any method except the following:

(a) Poison, other than those pesticides that are registered by the Florida Department of Agriculture and Consumer Services without additional authorizations and are only used in a manner consistent with the product labeling.

(b) Leg hold traps except those commercially manufactured padded-jaw traps.

(c) Traps, nets and snares unless they are visited at intervals not exceeding 24 hours.

(d) Any method prohibited pursuant to Section 828.12, F.S.

(e) Live capture of any deer, except Key deer as authorized by subsection (1).

(f) The killing of gopher tortoises is prohibited.

(5) Disposition of live-captured wildlife.

(a) Any species described in subsection (2) live captured shall be immediately released provided the release site and capture site are located on a contiguous piece of airport property or a permit or authorization has been obtained from the Commission for off-site release or alternative forms of disposition.

(b) Any species described in subsection (3) live captured by any method shall be released or euthanized within 24 hours following capture or inspection of a trapping device containing wildlife except,

1. Wildlife may only be released if:

a. The wildlife is released on the property of the airport provided the release site and capture site are located on a contiguous piece of property; or

b. The wildlife is a native species; and

c. The property where the animal is to be released is located within the county of capture and is a minimum of 40 contiguous acres; and

d. The person releasing the wildlife is in possession, at time of release, of written permission from the property owner allowing such action.

2. Euthanasia of wildlife shall be humane as defined by the American Association of Zoo Veterinarians or the American Veterinary Medical Association.

3. Euthanasia of any live captured bobcat is prohibited and any live captured bobcat shall be released as provided in subparagraph 1.

(6) Transportation of wildlife.

(a) Live-captured wildlife described in subsection (3), may be transported pursuant to this subsection only for:

1. The purpose of euthanasia as provided in subsection (5) or

2. The purpose of release as provided in subsection (5).

(b) Transportation of wildlife authorized by this subsection shall not supersede the provisions of any rabies alert or area quarantine issued by County Health Departments or County Animal Services.

(7) Wildlife described in subsections (2) and (3) that is killed pursuant to this rule or parts of that wildlife shall not be retained for personal use and shall be buried or incinerated.

(8) Any take that kills wildlife described in subsection (2) shall be reported by the airport. An Airport Wildlife Incident Report (Form FWC-AWIR 06-2010, herein incorporated by reference) must be submitted to the Commission within 5 business days. The form is available at MyFWC.com and must be submitted to the Protected Species Permit Coordinator, 620 S. Meridian Street, Mail Station 2A, Tallahassee, FL 32399-1600 or by email at AirportIncidents@myFWC.com.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-24.005
 RULE TITLE: Transporting and Shipping Live Raccoons

PURPOSE AND EFFECT: The purpose and effect of this rule change is to make the rule consistent with new Rule 68A-9.012, F.A.C., (Taking Wildlife on Airport Property).

SUMMARY: A new Rule 68A-9.012, F.A.C., consolidates from several existing rules into one rule the provisions concerning aircraft and human safety issues posed by wildlife on airport property. The new rule largely eliminates permitting requirements for taking of wildlife on airports for the purpose of aircraft or human safety. Consolidation of provisions addressing aircraft and human safety issues posed by wildlife from several rules into one rule also makes it easier for airport operators to understand how they may handle such issues. Other rules are repealed (68A-27.002) or modified (68A-9.010) because provisions are now included in the new rule, or modified (68A-4.002 and 68A-24.005) to be consistent with the new rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___or will not X have an impact on small business. A SERC has ___ or has not X 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, June 23-24, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, 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: The ADA Coordinator, at (850)488-6411. If you

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-24.005 Transporting and Shipping Live Raccoons.

No person shall transport within, into, or from the state any wild-trapped, live raccoon, except as authorized by Rules 68A-9.010 and 68A-9.012, F.A.C.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. FS. History–New 8-1-79, Amended 7-5-84, Formerly 39-24.05, 39-24.005, Amended 7-1-08, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-27.002
 RULE TITLE: Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property

PURPOSE AND EFFECT: The purpose and effect of this rule change is to repeal the rule because its provisions are now included in new Rule 68A-9.012, F.A.C., (Taking Wildlife on Airport Property).

SUMMARY: A new Rule 68A-9.012, F.A.C., consolidates from several existing rules into one rule the provisions concerning aircraft and human safety issues posed by wildlife

on airport property. The new rule largely eliminates permitting requirements for taking of wildlife on airports for the purpose of aircraft or human safety. Consolidation of provisions addressing aircraft and human safety issues posed by wildlife from several rules into one rule also makes it easier for airport operators to understand how they may handle such issues. Other rules are repealed (68A-27.002) or modified (68A-9.010) because provisions are now included in the new rule, or modified (68A-4.002 and 68A-24.005) to be consistent with the new rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___or will not X have an impact on small business. A SERC has ___ or has not X 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, June 23-24, 2010, 8:30 a.m. – 5:00 p.m., each day.

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, 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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.002 Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.02, Amended 6-1-86, 5-10-87, 4-13-88, 4-11-90, 6-23-98, 6-23-99, Formerly 39-27.002, Amended 7-1-08, Repealed.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.:
68B-5.002

RULE TITLE:
John Pennekamp Coral Reef State Park: Prohibition on Harvest of Certain Species, Size Limit; Trappers to Comply with Rule 68B-24.0065

PURPOSE AND EFFECT: The purpose of this rule amendment is to modify the Commission’s Rule for John Pennekamp Coral Reef State Park (Park) to allow lionfish (*Pterois volitans*) to be taken from the park without size restrictions. In addition, these rule amendments will update outdated scientific names of organisms included in the rule. The rule changes would: 1) remove the prohibition of harvest on any members of the genus *Pterois*, 2) remove the minimum size limit for any members of the genus *Pterois*, and 3) update outdated scientific names for organisms included in the rule. The effect of these rule amendments is that lionfish will be able to be removed from John Pennekamp State Park with no restrictions. Staff at the Park requested that the FWC make this rule change. Allowing the harvest of lionfish from the Park will aid in the lionfish eradication efforts already underway in the Florida Keys. This removal is important to Florida’s ecosystems, as lionfish are not native to Florida waters, invasive and can be destructive to the ecosystems.

SUMMARY: Rule 68B-5.002, F.A.C. (John Pennekamp Coral Reef State Park: Prohibition on Harvest of Certain Species, Size Limit; Trappers to Comply with Rule 68B-24.0065) would be amended to allow harvest of any member of the genus from *Pterois* without size restrictions and to update outdated scientific names of organisms in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have a substantial 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, June 23-24, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, FL 32746

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-5.002 John Pennekamp Coral Reef State Park: Prohibition on Harvest of Certain Species, Size Limit; Trappers to Comply with Rule 68B-24.0065, F.A.C.

(1) No person shall take, kill, or possess any of the following fish in John Pennekamp Coral Reef State Park:

- (a) through (n) No change.
- (o) Drums – Genera *Equetus*, *Pareques* and *Odontoscion*.
- (p) False morays – Family Chlopsidae ~~Xenocongridae~~.
- (q) through (bb) No change.
- (cc) Scorpionfishes – Family Scorpaenidae: except for species in the Genus Pterois.
- (dd) through (gg) No change.
- (hh) Soapfishes – Genus Rypiticus ~~Family Grammistidae~~.
- (ii) Soles – Family ~~Soleidae~~ Achiridae.
- (jj) through (qq) No change.
- (rr) Triggerfishes and Filefishes – Families ~~Family~~ Balistidae and Monacantidae.
- (ss) through (uu) No change.

(2) Size Limit – No person shall take, kill, or possess any fish in John Pennekamp Coral Reef State Park smaller than 8 inches in total length. This subsection shall not apply to those species for which a specific minimum size limit has been otherwise established by law or rule or to any of the following fish:

- (a) through (g) No change.
- (h) Lionfish – Genus Pterois.
- (3) No change.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History–New 7-3-89, Amended 6-1-94, Formerly 46-5.002, Amended.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 5, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-47.001	Definitions
68B-47.003	Recreational Bag Limits
68B-47.005	Commercial Harvest Limits
68B-47.006	Weakfish, Regulation

PURPOSE AND EFFECT: The purpose of this rule amendment is to modify the Commission’s Weakfish Rule to comply with new weakfish regulations set by the Atlantic States Marine Fisheries Commission in response to a weakfish stock assessment of the entire Atlantic coast’s weakfish population. Adopting these regulations will contribute to the rebuilding of the weakfish stock along the entire Atlantic coast. In addition, these rule amendments would create a weakfish management area that would resolve identification issues in northeast Florida between weakfish, sand seatrout, and the hybrid population that has been created from interbreeding between weakfish and sand seatrout. The changes to this rule would: 1) add a definition for harvest for commercial purposes

and weakfish management area, 2) amend the definition of weakfish, 3) lower the recreational bag limit from four fish to one fish per person per day inside the weakfish management area, 3) establish a commercial harvest limit of 100 pounds per person or per vessel, per day or per trip, whichever is greater, inside the weakfish management area, 4) state that the presence of weakfish aboard a vessel that is actively fishing within the weakfish management area shall constitute prima facie evidence that such weakfish were harvested from that area and will be subjected to the limits for recreational and commercial fishing inside the area. The effect of these rule amendments is Florida will aid in the rebuilding plan for weakfish along the entire Atlantic coast. By adopting these regulations the State of Florida will be contributing to the effort to reduce fishing pressure on weakfish and allow the populations to expand. This should help ensure a larger sustainable harvest for the future. In addition, establishing a weakfish management area where weakfish regulations would be applied to all weakfish-like fish should eliminate the identification confusion for anglers and allow weakfish regulations to be enforced.

SUMMARY: Rule 68B-47.001, F.A.C. (Definitions) would be amended by adding a definition for “harvest for commercial purposes” and “weakfish management area,” as well as expanding the definition of “weakfish.” Rule 68B-47.003, F.A.C. (Recreational Bag Limits) would be amended to reduce the recreational bag limit from four fish to one fish per person per day inside the weakfish management area. Rule 68B-47.005, F.A.C. (Commercial Harvest Limits) would be created to establish a commercial harvest and possession limit of 100 pounds of weakfish per person or per vessel, per day or per trip, whichever is greater, inside the weakfish management area. Rule 68B-47.006, F.A.C. (Weakfish, Regulation) would be established to define that the presence of weakfish aboard a vessel that is actively fishing within the weakfish management area shall constitute prima facie evidence that such weakfish were harvested from within the area and thus the limits for recreational and commercial harvest would apply.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have a substantial 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, June 23-24, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, FL 32746

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-47.001 Definitions.

As used in this chapter:

(1) No change.

(2) “Harvest for commercial purposes” means the taking or harvesting of any weakfish for purposes of sale or with the intent to sell. The harvest of weakfish in excess of the applicable recreational bag limit shall constitute harvest for commercial purposes.

(3)(2) “Land,” when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(4)(3) “Spearing” means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear, or by snagging (snatch hooking).

(5)(4) “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

(6)(5) “Weakfish,” also known as gray seatrout or yellow-mouth trout, means any fish of the species *Cynoscion regalis*, or sand seatrout (*Cynoscion arenarius*) or a hybrid of the two species caught in the Weakfish Management Area, or any part thereof.

(7) “Weakfish Management Area” is defined as the area encompassing the St. Marys River and the inland waters of Nassau County east of Highway 17, north of State Highway 200A, and north of the Shave Bridge on the Amelia River. In addition, state waters off Amelia Island, from the Florida-Georgia border to the southernmost tip of Amelia Island are included in the area. Inside this management area any fish of the species *Cynoscion regalis*, *Cynoscion arenarius*

(sand seatrout), or the hybrid between the two, or any part thereof will be considered a weakfish subject to the regulations in this chapter. Fish that resemble weakfish, sand seatrout, or their hybrids harvested outside this management area in the state of Florida will be considered sand seatrout, not weakfish, and subject to any applicable regulations for sand seatrout.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-17-95, Amended 1-1-98, Formerly 46-47.001, Amended 7-1-06,_____.

68B-47.003 Recreational Bag Limits.

Except for a person possessing a valid saltwater products license, no person shall harvest or land more than 1 4 weakfish per day, nor possess more than 1 4 weakfish at any time while in or on the waters of the state inside the Weakfish Management Area.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-17-95, Formerly 46-47.003, Amended _____.

68B-47.005 Commercial Harvest Limits.

(1) Directed Commercial Harvest of Weakfish Limits – An entity that is harvesting weakfish with allowable gears other than shrimp trawls shall be subject to a limit of 100 pounds per person or per vessel per day or per trip, whichever is greater, inside the Weakfish Management Area.

(2) Bycatch Commercial Harvest of Weakfish Limits – An entity that is harvesting weakfish as bycatch of the shrimp fishery shall be subject to a vessel limit of 100 pounds per vessel per day or per trip, whichever is greater, inside the Weakfish Management Area.

(3) All entities commercially harvesting weakfish are subject to a possession limit of 100 pounds while in the Weakfish Management Area.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

68B-47.006 Weakfish, Regulation.

The presence of weakfish aboard a vessel that is actively fishing in or above the waters of the State of Florida within the Weakfish Management Area shall constitute prima facie evidence that such weakfish were harvested from the Weakfish Management Area and thus the limits for recreational and commercial harvest in this chapter would apply.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 5, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-62.023	Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries

PURPOSE AND EFFECT: The purpose and effect of the rule is to simplify the calculation used to identify firefighter employers experiencing a high frequency of severity of injuries, and the use of available, reliable data.

SUMMARY: Section 633.809, Florida Statutes, directs the Division of State Fire Marshal to develop a means to identify firefighter employers whose firefighter employees have a high frequency or severity of work-related injuries. The purpose is to assist the identified firefighter employers in reducing the frequency and severity of work-related injuries through the development of safety and health programs and 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: 633.804, 633.809 FS.

LAW IMPLEMENTED: 633.804, 633.809 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, June 29, 2010, 1:00 p.m., or as soon thereafter as a prior rule hearing, if requested, is concluded

PLACE: Auditorium, Florida State Fire College, 11655 N.W. Gainesville Rd., Ocala, FL 34482

Pursuant to the provisions of 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: Charles Brush, Health and Safety Program Manager, (352)369-2836; Charlie.Brush@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charles Brush, Health and Safety Program Manager, (352)369-2836; Charlie.Brush@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 69A-62.023 follows. See Florida Administrative Code for present text.)

69A-62.023 Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries.

(1) Definitions:

(a) "Severe injury" means a line of duty injury that results in:

1. Fatality;
2. Loss of a limb;
3. Loss or impairment of a bodily member, organ or mental faculty;
4. More than 24 hours of hospitalization, or
5. Permanent disfigurement to a commonly visible portion of the body.

(b) "Lost time injury" means an "injury/indemnity" as defined in subsection 69L-56.002(41), F.A.C., or a "Medical only to lost time case" as defined in subsection 69L-56.002(45), F.A.C.

(d) "Firefighter employer average frequency of lost time injuries" equals the total of all lost time injuries in a calendar year experienced by a firefighter employer, divided by the total number of employer firefighter employees.

(e) "Statewide average frequency of lost time injuries" equals the total of all lost time injuries experienced by all firefighter employees in the state in a calendar year divided by the total number of firefighter employees experiencing lost time injuries in the state.

(f) "Firefighter employees" are those volunteer and career firefighters whose names are submitted by firefighter employers to the State Fire Marshal pursuant to Rule 69A-37.0335, F.A.C., and this rule chapter.

(g) "Most recent verified data" means the latest complete calendar year data acquired from the Department's Division of Workers Compensation, verified with the firefighter employer.

(2) Any firefighter employer experiencing:

(a) A more than 20 percent higher average frequency of lost time injuries than the statewide average, or

(b) Experiencing a severe injury related to a violation of this Rule Chapter that was investigated by the Department during the same period, is a Firefighter Employer with a High Frequency or Severity of Injuries for purposes of Sections 633.803, .804, and .809, F.S., and this Rule Chapter.

(3) The most recent verified data will be used to calculate the number of lost time injuries in subsection (2). The average statewide lost time injuries, individual employer injuries, and number of firefighter employee from the same period of time will be used in the calculation.

(4) A firefighter employer identified as having a high frequency or severity of injuries must submit a firefighter employee safety and health program in accordance with Rule 69A-62.021, F.A.C., for approval by the State Fire Marshal in accordance with Section 633.809, F.S. The Department will use the safety and health program to inspect the identified firefighter employer. If a firefighter employer so identified has not developed its own approved Safety and Health Program, the Safety and Health Program developed by the division, posted on the Department's website at: <http://www.myfloridacfo.com/sfm/bfst/SafetyHealth/SafetyResrcs.htm>, will be used to conduct the inspection.

Rulemaking Specific Authority 633.804, 633.809 FS. Law Implemented 633.804, 633.809 FS. History--New 9-6-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barry Baker

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-62.050
RULE TITLE: Official State Firefighter Memorial Flag

PURPOSE AND EFFECT: To set forth the design, conditions of production, distribution, and display of an official state firefighter memorial flag to honor firefighters who have died in the line of duty.

SUMMARY: The rule sets forth the design specifications and a competitive process for production of the flags. The flags will be distributed at no cost to the next of kin of those firefighters honored at the annual fallen firefighter memorial service at the State Fire College in Ocala. Flag display is governed by Section 256.05, F.S.

SUMMARY: The rule sets forth the design specifications and a competitive process for production of the flags. The flags will be distributed at no cost to the next of kin of those firefighters

honored at the annual fallen firefighter memorial service at the State Fire College in Ocala. Flag display is governed by Section 256.05, F.S.

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

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

RULEMAKING AUTHORITY: 256.15(3) FS.

LAW IMPLEMENTED: 256.15 FS.

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

DATES AND TIME: Tuesday, June 29, 2010, 1:00 p.m.

PLACE: Auditorium, Florida State Fire College, 11655 N.W. Gainesville Rd, Ocala, FL 34482

Pursuant to the provisions of 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: Charles Brush, Health and Safety Program Manager, (352)369-2836; Charlie.Brush@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charles Brush, Health and Safety Program Manager, (352)369-2836; Charlie.Brush@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-62.050 Official State Firefighter Memorial Flag.

(1) Scope. This rule sets forth the conditions of design, production, distribution, and display of the official state Firefighter Memorial Flag to honor firefighters who have died in the line of duty.

(2) Purpose. To preserve the reverence and dignity associated with the flag, and those whose sacrifice the flag honors.

(3) Design. In addition to the design specifications set forth in statute, the official flag shall be produced in size 5' x 8', and be printed on 200 Denier Solarmax nylon fabric or a fabric of equivalent weather resistance and durability. The flag shall be finished with a canvas heading and two brass grommets, with two rows of lock-stitching on the top and bottom edges, and four rows of stitching on the fly end. The flag shall carry the words "Official State of Florida Firefighter Memorial Flag."

(4) Production. The Department shall utilize a competitive process to choose a vendor to produce the flag. The Department will enter into an Agreement with the Vendor awarded the contract which will include the price at which the flag will be offered to the public as well as to the Department, the number of days to deliver any flag ordered and the cost for shipping. The contract will include a provision requiring the vendor to provide a copy of this rule, with every flag purchased. The contact information for the winning vendor shall be posted on the State Fire Marshal's website.

(5) Distribution. The State Fire Marshal honors Florida Firefighters who have died in the line of duty at a Firefighter Memorial Service conducted every year in the month of October at the State Fire College in Ocala, Florida. The official state Firefighter Memorial Flag will be formally presented at this service to the next of kin of every Florida firefighter honored at the ceremony, at no charge to the recipient. Each flag so presented shall carry a note indicating the following: "This flag is being presented to you by courtesy of the people of Florida" and no other name.

(6) Display. The flag may be displayed at memorial or funeral services of firefighters who have died in the line of duty, at firefighter memorials, at fire stations, at the Fallen Firefighter Memorial located at the Florida State Fire College in Ocala, by the families of fallen firefighters, and any occasion which honors the fire service in a reverent and honorable manner which does not violate Section 256.05, F.S.

Rulemaking Authority 256.15(3) FS. Law Implemented 256.15 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barry Baker

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.

59G-13.083

RULE TITLE:

Developmental Disabilities Waiver Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 9, March 5, 2010 issue of the Florida Administrative Weekly.

The purpose of the amendment to Rule 59G-13.083, F.A.C., is to incorporate by reference the revised Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, May 2010. The following revisions have been made to the handbook.

Page 1-17: Adult Dental Services Provider Requirements, Provider Qualifications. Second paragraph has been changed to read:

Unlicensed dental interns and dental students of university based dental programs may provide services under the general supervision of a licensed dentist but cannot act as a treating provider or bill Medicaid for covered services. The licensed supervising dentist of the facility acts as the treating provider of a covered service. A dentist who has a teaching permit issued by the Florida Board of Dentistry as outlined in Section 466.002, F.S., may also act as the treating provider of a covered service. The facility may bill Medicaid for covered services.

Page 1-18: Behavior Analysis Provider Requirements, Provider Qualifications. Level 3 has been changed to read:

Board or Florida Certified Assistant Behavior Analyst or a Florida Certified Behavior Analyst with bachelors or high school diploma, regardless of experience.

Page 1-20: Companion Provider Requirements, Provider Qualifications. First paragraph has been changed to read:

Providers of companion services may be home health or hospice agencies licensed in accordance with Chapter 400, Parts III and IV, F.S. If providing this service as an agency or group provider, using more than one employee to provide companion services and billing for their services, the provider must be registered as a sitter or

companion provider in accordance with Section 400.509, F.S. if not licensed as a home health agency or a hospice.

Page 1-22: Durable Medical Equipment Provider Requirements, Provider Qualifications. Second paragraph has been changed to read:

In accordance with 42 C.F.R. 440.70, part providers must be in compliance with all applicable laws relating to qualifications or licensure.

Page 1-22: Durable Medical Equipment Provider Requirements, Provider Qualifications, fifth paragraph has been changed to read:

Pharmacies shall hold a permit to operate issued in accordance with Chapter 465, F.S. Medical supply companies and durable medical equipment suppliers shall hold local occupational licenses or permits, in accordance with Chapter 400, Part VII, F.S.

Page 1-22: Durable Medical Equipment Provider Requirements, Provider Qualifications, sixth paragraph has been deleted.

Page 1-31: Respite Care Services Provider Requirements, Provider Qualifications. Third paragraph has been changed to read:

Independent vendors, who are not nurses, are not required to be licensed, certified, or registered if they bill for and are reimbursed only for services personally rendered.

Page 2-11: Definitions, Implementation Plan. Second paragraph has been changed to read:

The implementation plan will be developed, at a minimum, within 30 days of the initiation of the new service, or within 30 calendar days of the support plan effective date for continuation of services and annually thereafter. A copy of the implementation plan, approved by the recipient, shall be furnished to the recipient, guardian and to the waiver support coordinator at the end of this 30-day period. The progress toward achieving the goal(s) identified on the implementation plan shall be documented in daily progress notes or quarterly summaries, as specified in each service description. Data supporting the recipient's progress or lack thereof, summarized in the quarterly summary shall be available for review.

- Page 2-12: Definitions, Monthly Summary. Deleted
- Page 2-13: Definitions, Quarterly Summary, The following has been added to the text to read:
 A written summary of the quarter’s activities indicating the recipient’s progress toward achieving support plan goals for the services billed in that quarter.
 For residential nursing services, the quarterly summary must include details such as health risk indicators, information about medication, treatments, doctor’s appointments and anything else of significance regarding the recipient’s health.
- Page 2-13: Definitions, Service Log. The text has been changed to read:
 A form used to document service delivery. The service log shall include the recipient’s name and Medicaid ID number. The log shall include the date, time, duration of the service, and summary of services provided.
- Page 2-13: Definitions, Supported Living Log, has been changed to read:
 Written documentation of the dates, times and summary of the supports provided during contact with the recipient, as described in Rule 65G-5.012, F.A.C.
- Page 2-24: Behavior Analysis Services, Description. A third paragraph has been added to read:
 Delivery of behavioral services is a complex process that includes provision of services directly to the recipient, at times, or others supporting the recipient in his or her presence, as well as services required to assess, plan and train others without the recipient present. Examples of services provided to the recipient to caregivers, staff or other providers while the recipient is present include: analog functional analysis, observation of the recipient for descriptive functional assessment, observations of and feedback regarding interactions of caregivers, staff or other providers with the recipient, modeling procedures with the recipient for caregivers, staff, or other providers, probing new procedures with the recipient, and direct training to the recipient (typically with caregivers, staff, or other providers present). In addition, services required to support behavior analysis services, may include: behavior plan development, graphing and analysis of data, behavior plan revision, training staff, caregivers or other providers (recipient not present), consultation to other professionals, Local Review Committee presentation, and treatment team meeting (with or without recipient present). The latter support services may not be reimbursed in excess of 25 percent of the total units for the cost plan year.
- Page 2-26: Behavior Analysis Services, Documentation Requirements. The last item has been changed to read:
 *Dated evidence of LRC reviews and recommendations specific to target behaviors and the behavior plan, when the procedures and behaviors meet criteria for review and approval in accordance with Rule 65G-4.010, F.A.C.
- Page 2-47: Durable Medical Equipment and Supplies, Special Considerations. The last paragraph has been changed to read:
 In accordance with Section 393.13, F.S., totally enclosed cribs and barred enclosures are considered restraints and are not covered under the waiver. Strollers and wheelchairs, when used for restraint as defined in Rule 65G-8.001, F.A.C., are also not covered.
- Page 2-70: Residential Habilitation Services, Documentation Requirements, reimbursement and monitoring documentation. Item number five has been changed to read:
 LRC review and approval dates and recommendations made specific to the plan and review schedules for the plan as indicated in Rules 65G-4.009 and 65G-4.010, F.A.C. for individuals residing in licensed behavior focus or intensive behavior homes; and
- Page 2-70: Residential Habilitation Services, Documentation Requirements. Documentation to be sent to the waiver support coordinator, item number four has been changed to read:
 LRC review dates and recommendations made specific to the plan and review schedules for the plan as indicated in Rules 65G-4.009 and 65G-4.010, F.A.C., for individuals residing in licensed behavior focus and intensive behavior homes; and

Page 2-76: Residential Habilitation Services, Residential Habilitation with a Behavioral Focus. First paragraph has been changed to read:

In order for the provider to receive a residential habilitation with a behavioral focus rate for a recipient based on the Provider Rate Table, the provider must meet the specified staff qualifications for the service, and the recipient must exhibit the characteristics listed below. This rate level shall be approved only when it has been determined through use of the APD-approved assessment by a certified behavior analyst and the support planning process that a recipient requires residential habilitation services with a behavioral focus. The need for residential habilitation with a behavioral focus and the rate for the service shall be identified on the recipient's support and cost plan and on the authorization for service submitted to the provider by the recipient's support coordinator. Service authorization shall be based on established need and re-evaluated at least annually while the recipient is receiving the services. The provider must document evidence of continued need as well as evidence that the services are assisting the service provider in meeting the needs of the recipient so that transition to less restrictive services may be possible.

Page 2-77: Residential Habilitation Services, Intensive Behavioral Residential Habilitation. First paragraph has been changed to read:

Intensive behavioral residential habilitation rates for a recipient must be approved and authorized through the prior service authorization process performed by the APD or an agent of the APD. Authorization shall require review by at least one board certified behavior analyst or a Florida certified behavior analyst with expanded privileges who holds a master's degree with a primary emphasis in applied behavior analysis. The review process shall include evaluation of the proposed rates for the service being sought. Authorized rates for this service may vary across providers and recipients based on the specific service needs of the recipient. Service authorization shall occur prior to service delivery, for new services, within 30-days

of the adoption of this rule for existing services and at least annually while the recipient is receiving the service. The provider must meet provider qualifications for this level of service. Further, the following recipient characteristics and service characteristics must be met in order to receive an intense behavioral residential habilitation rate. Service authorization shall be based on established need and re-evaluated at least annually while the recipient is receiving the services. The provider must document evidence of continued need as well as evidence that the service is assisting in meeting the needs so that transition to less restrictive services may be possible.

Page 2-102: Support Coordination, Support and Service Planning Requirements. First paragraph has been changed to read:

A copy of support plan information, pertinent to the provider, and an approved service authorization will also be provided to other providers of services to authorize and initiate service delivery by the effective date of the approved support and cost plans. Through conversations with the recipient, those who know the recipient well, and through review of the service vendor's documentation, the waiver support coordinator monitors the recipient's involvement in purchased services to determine if the activities meet the recipient's expectations. The waiver support coordinator will determine that these services are age and culturally appropriate; address the need for which they are intended; and provide appropriate challenges, motivation and experiences to meet the recipient's identified goals.

Page 2-122: Transportation, Description. Fifth paragraph has been changed to read:

Fifteen passenger vehicles that are not lift-equipped shall not carry more than ten passengers at any given time and shall reference the National Highway Transportation Safety Board guidelines for loading such vehicles.

Page 3-4: Reimbursement Information, Limitations, first paragraph has been changed to read:

Providers may not bill for service when a recipient is not in attendance, except as noted in the description section of that service.

APPENDIX A

Page A-8: 2.0 Program Requirements, paragraph E. has been amended to read:

The provider agrees, within the mission and scope of the service(s) offered, to assist people in their achievement of personal goals, choice, social inclusion, relationships, rights, dignity and respect, health, environment, security and satisfaction.

Page A-8: 2.0 Program Requirements, Paragraph F. has been changed to read:

The provider agrees to participate in and support the individually determined outcome process for each recipient. The provider will also use the recommendations from the person-centered review process to: (1) implement person-centered supports and services; (2) enhance service delivery in a manner that supports the achievement of individually determined outcomes; and (3) make improvements in the provider's service delivery system.

Page A-9: 2.1 Required Training. Paragraph E. has been changed to read:

The Medicaid Waiver Services Agreement and its Attachments. The Developmental Disabilities Waiver Services Coverage and Limitations Handbook and its appendices, and the use of personal goals to establish a person-centered approach to service delivery;

Page A-10: 3.0 Administrative Policies, Procedures, and Practices. Section B, first paragraph was deleted, paragraphs 2.-8. renumbered 1.-7. and item six was changed to read:

The provider's grievance procedures, as outlined in section 3.9 of this document;

Page A-11: 3.1 Self-Assessment. Paragraph is changed to read:

Each agency or group provider, or solo or individual provider furnishing specific services referenced in 3.0 above shall perform an annual self-assessment to determine the effectiveness of services being offered and the provider's compliance with requirements identified in this agreement and the Developmental Disabilities Waiver Services Coverage and

Limitations Handbook. This annual assessment will assist the provider to determine, within the realm and scope of the service(s) that is provided, the extent to which the provider is developing and maintaining person-centered processes that will assist recipients in the achievement of personal goals, choice, social inclusion, relationships, rights, dignity and respect, health, environment, security and satisfaction. At a minimum, the provider's self-assessment survey will include a combination of: a) records review; b) interviews to determine the extent to which provider actions support the achievement of personal goals identified by recipients receiving services; and c) annual recipient satisfaction surveys. The provider, as part of the self-assessment process, develops a Quality Improvement Plan addressing the areas in

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Pilotage Rate Review Board

RULE NO.: 61E13-2.007
 RULE TITLE: Processing of Application
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 7, of the February 19, 2010, issue of the Florida Administrative Weekly. The change is due to concerns by the Joint Administrative Procedure Committee in their letter dated March 30, 2010. The rule shall now read as follows:

The original notice amended subsection (4) to require the notice to be submitted 14 days prior to the hearing. The proposed change from 45 days to 14 days shall be deleted and the required notice shall remain at 45 days.

NAME OF PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Pilotage Rate Review Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE NOS.:	RULE TITLES:
63G-1.011	Definitions
63G-1.017	Monthly/Annual Reconciliation and Dispute Resolution

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. 36, No. 15, April 16, 2010 issue of the Florida Administrative Weekly.

63G-1.011 Definitions.

(1) through (3) No change.

(4) “Fiscally constrained county” means a county ~~within a rural area of critical economic concern as designated by the Governor pursuant to Section 288.0656, F.S., or each county for which the value of a mil will raise no more than \$5 million in revenue, based on the school taxable value certified pursuant to Section 1011.62(4)(a)1.a., from the previous July,~~ which is not required to pay the full costs of its resident juveniles’ detention services.

(5) through (6) No change.

(7) “County of Residence” means the county where, at the time of referral, a child resides, as determined by a department intake officer pursuant to Rule ~~63G-1.012~~ ~~63G-1.003~~, F.A.C., and entered in the Juvenile Justice Information System, except for those youth described in Section ~~1.012(2)~~ ~~1.003(2)~~ below.

(8) through (12) No change.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686 FS. History–New _____.

63G-1.017 Monthly/Annual Reconciliation and Dispute Resolution.

(1) through (2) No change.

(3) The department will make every effort to review all disputes for the previous month between the fifteenth and twenty-fourth day of each month for the reconciliation period. The department’s response, provided on-line, constitutes notice of final action. All pending disputes will be resolved by the department no later than 60 days after the end of the reconciliation period. Any pending disputes not resolved by the department within 60 days after the end of the monthly reconciliation period will be considered the responsibility of the state and not the county.

(4) through (6) No change.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5)-(7) FS. History–New _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-9.0131	Standards of Practice for Physicians Practicing in Pain Management Clinics
64B8-9.0132	Requirement for Pain Management Clinic Registration; Inspection or Accreditation

NOTICE OF PUBLIC HEARING

The Board of Medicine hereby gives notice of a public hearing on Rules 64B8-9.0131 and 9.0132, F.A.C., to be held on Friday, June 4, 2010, at 8:00 a.m., at the Embassy Suites Hotel, 1100 S. W. 17th Street, Fort Lauderdale, Florida 33316. The rule was originally published in Vol. 36, No. 16, of the April 23, 2010, issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-3.001	Licensure as a Physical Therapist by Examination

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. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

The introductory section of (3)(b) shall now read as follows:

(b) Has received a diploma from a program in physical therapy in a foreign country and:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH**Division of Environmental Health**

RULE NO.: 64E-26.005
 RULE TITLE: Sanitary System, Facilities and Fixtures

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. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

The changes are made in response to comments received from the Joint Administrative Procedures Committee and comments received during the time period allowed for submission of materials.

Paragraph 64E-26.005(1)(a), F.A.C., has been changed so that when adopted it will read: "Inmates in areas where no drinking fountains are available shall be provided with single service cups which shall be stored and dispensed in a manner to prevent contamination, or reusable cups that can be and are cleaned and sanitized in accordance with Rule 64E-11.006, F.A.C. Common drinking cups are prohibited."

Paragraph 64E-26.005(4)(b), F.A.C., has been changed so that when adopted it will read:

"If public or contract garbage collection service is available, the detention facility shall subscribe to these services unless the volume makes onsite management feasible. If garbage and trash are managed on premises, the activity shall comply with Chapters 62-701 and 62-709, F.A.C., as appropriate."

DEPARTMENT OF CHILDREN AND FAMILY SERVICES**Economic Self-Sufficiency Program**

RULE NOS.: 65A-1.205
 RULE TITLES: Eligibility Determination Process

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. 36, No. 13, April 2, 2010 issue of the Florida Administrative Weekly.

(1) The individual completes a Department application for assistance to the best of the individual's ability using either the ACCESS Florida Application, CF-ES 2337, ~~05/2010 03/2010~~, incorporated by reference, or an ACCESS Florida Web Application (only accepted electronically), CF-ES 2353, 03/2008, incorporated by reference in Rule 65A-1.400, F.A.C., and submits it. An application must include at least the individual's name, address and signature to initiate the application process. An eligibility specialist determines the eligibility of each household member for public assistance. An applicant can withdraw the application at any time without affecting their right to reapply at any time.

(c) If the eligibility specialist determines during the interview or at any time during the application process that the applicant must provide additional information or verification, or that a member of the assistance group must comply with Child Support Enforcement or register for employment services, the eligibility specialist must give the applicant written notice to provide the requested information or to comply, allowing ten calendar days from request or the interview, ~~whichever is later to furnish the requested information or to comply~~. For all programs, verifications are due ten calendar days from the date of written request or the interview, or 30 days from the date of application, whichever is later. In cases where the applicant must provide medical information, the return due date is 30 calendar days following the written request or the interview, or 30 days from the date of application, whichever is later. If the due date falls on a holiday or weekend, the deadline is the next working day. If the applicant does not provide required verifications or information by the deadline date the application will be denied, unless the applicant requests an extension or there are extenuating circumstances justifying an additional extension. The eligibility specialist makes the decision of whether to grant the request for extension. When the applicant provides all required information or verification, the eligibility specialist determines eligibility for the public assistance programs. If the eligibility criteria are met, benefits are authorized.

(3) The Department conducts phone or face-to-face interviews with applicants/recipients or their authorized/designated representatives when required for the application or complete eligibility review process. The Department conducts face-to-face interviews upon request in the ACCESS Florida office, the applicant's/recipients home, or other agreed upon location. The applicant/recipient or their authorized/designated representative must keep the interview appointment or reschedule the missed appointment. The Department mails a notice of missed interview to food stamp households who miss an interview.

(8) The following forms, incorporated by reference, can be used in the eligibility determination process: Verification of Employment/Loss of Income, CF-ES 2620, ~~05/2010 03/2009~~; Verification of Dependent Care Expenses, CF-ES 2621, 03/2010; Verification of Shelter Expenses, CF-ES 2622, 03/2010; School Verification, CF-ES 2623, 10/2005; and Work Calendar, CF-ES 3007, 10/2005. Copies of materials incorporated by reference are available from the ACCESS Florida Headquarters Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or on the Department's web site: at <http://www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx>. The CF-ES 2353 is available on the Department's web site at <http://www.myflorida.com/accessflorida/>.

Rulemaking Authority 409.919, 414.095, 414.45 FS. Law Implemented 409.903, 409.904, 409.919, ~~410.033~~, 414.045, 414.095, 414.31, 414.41 FS. History–New 4-9-92, Amended 11-22-93, 8-3-94, Formerly 10C-1.205, Amended 11-30-98, 9-27-00, 7-29-01, 9-12-04, 9-11-08, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:
 65C-13.030 Standards for Licensed Out-of-Home Caregivers
 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. 36, No. 9, March 5, 2010, first notice of change published in Vol. 36, No. 16, April 23, 2010 issue of the Florida Administrative Weekly.

65C-13.030(1) through 65C-13.030(5)(h)5., F.A.C. – No change.

65C-13.030(5)(h)6., F.A.C. is changed to read:

6. Storage of guns shall comply with the requirements in Section 790.174, F.S., and all agencies shall, as a part of the home study process, require applicants to sign CF-FSP 5343, Acknowledgement of Firearms Safety Requirements, effective March 2010, which is hereby incorporated by reference and available online at www.dcf.state.fl.us/publications/; ~~If an agency receives a public records request after the promulgation of this rule; identifying information such as; caliber of guns owned, number of guns owned or place of storage of guns, must be redacted. A copy of the form is also available upon request by contacting the Office of Family Safety, at 1317 Winewood Boulevard, Tallahassee, Florida 32399.~~

65C-13.030(5)(h)7. through 65C-13.030(5)(k)2., F.A.C. – No change.

History Notes: The words following the history notes published in the printed version of the Florida Administrative Weekly are unnecessary and deleted as follows:

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 5, 2010~~

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:
 69B-215.080 Immigration Bonds
 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. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly.

A general lines (~~2-20~~) agent license is required in order to transact surety bond business, including immigration bonds, in the State of Florida. A general lines agent license does not

qualify the licensee to transact bail bond business. The general lines agent licensee must also be properly appointed by the surety as required by Sections 626.112 and 626.331, F.S. the Florida Insurance Code.

Rulemaking Authority 624.308(1), 648.26(1) FS. Law Implemented 626.015(5), 626.112, 626.307, 626.331, 626.611(13), 626.621(2), 626.7315(7), 648.24, 648.30 FS. History–New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:
 69B-221.006 Immigration Bonds Exclusion
 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. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly.

The term “limited surety agent” does not include an individual authorized to transact immigration bond business. A limited surety (bail bond) (~~2-34~~) agent license is required to transact bail bond business in the State of Florida, but it does not qualify the licensee to transact business involving other types of surety bonds, including immigration bonds.

Rulemaking Authority 624.308(1), 648.26(1) FS. Law Implemented 624.307, 626.7315(7), 648.24, 648.25(5), 648.27, 648.279, 648.30, 648.45(2)(j), (3)(c) FS. History–New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: RULE TITLE:
 69L-6.012 Notice of Election to be Exempt
 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. 37, September 18, 2009 issue of the Florida Administrative Weekly.

69L-6.012 Notice of Election to be Exempt.

(1) through (14) No change.

(15)(a) If a corporation that is engaged in the non-construction industry and named on a Certificate of Election to be Exempt becomes dissolved or inactive, the Certificate(s) of Election to be Exempt shall be revoked, as provided in Section 440.05, F.S. In addition, if at any time the person named on a Certificate of Election to be Exempt for a corporation engaged in the non-construction industry no longer meets the requirements for issuance of the certificate, such Certificate of Election to be Exempt shall be revoked, as provided in Section 440.05, F.S. If a Certificate of Election to be Exempt is revoked pursuant to Section 440.05, F.S., the revocation date is the date that the corporation becomes dissolved or inactive or the date the Department determines the person named on the Certificate of Election to be Exempt no longer meets the requirements for issuance of the certificate.

~~Dissolution of the corporation or limited liability company named on the Certificate of Election to be Exempt (DWC 252) or the person named on the Certificate of Election to be Exempt no longer being a corporate officer or member of the corporation or limited liability company listed on the Certificate of Election to be Exempt will result in initiation of proceedings by the Department to revoke the Certificate of Election to be Exempt.~~

(b) A corporation that is named on any Certificate of Election to be Exempt that is revoked pursuant to Section 440.05, F.S., shall have 30 days from the date of the revocation within which to petition the Department to review the revocation or in the alternative, file a notice of appeal pursuant to Section 120.68, F.S. and Rule 9.110, Florida Rules of Appellate Procedure.

The remainder of the rule reads as previously published.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19ER10-1	Reimbursement Contract
19ER10-2	Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure
19ER10-3	Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.
19ER10-4	Insurer Reporting Requirements
19ER10-5	Insurer Responsibilities

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The 2010 Legislature has passed CS/SB 1460, effective April 15, 2010, which changes the contract year for the Florida Hurricane Catastrophe Fund ("Fund"), makes changes to the Fund's capacity and Insurers' retentions as well as providing additional Fund reporting requirements. This legislation impacts all of the rules listed above and also impacts some of the forms incorporated into these rules. The 2010 hurricane season begins on June 1, 2010; therefore, time is of the essence in getting the rules and incorporated forms

amended and in effect as soon as possible. Emergency Rules are the only way to implement the legislative changes in time for the 2010 hurricane season.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Hurricane Season begins on June 1st and using the Emergency Rule process is the only way to implement the new legislation by June 1st. The emergency rule was authorized at a published meeting open to the public and is posted to the State Board of Administration's web site.

SUMMARY: During the 2009 Legislative session the Fund's Contract Year was changed as follows: The 2010 Contract Year would begin on June 1 and end on December 31st and all years thereafter would begin on January 1 and end on December 31. CS/SB 1460, passed by the 2010 Legislature, changes the Contract Year back to June 1 through May 31st but also adds a new requirement that the annual Reimbursement Contract be adopted each year by February 1st and be executed by the Insurers by March 1st. In addition, CS/SB 1460 freezes the Fund's capacity and the retention and requires the Fund to publish the Fund's maximum statutory adjusted capacity for the mandatory coverage for each contract year, the maximum statutory coverage for any optional coverage and the aggregate retention used to calculate an individual insurer's retention multiples by January 1st of the immediately preceding contract year.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

THE FULL TEXT OF THE EMERGENCY RULE IS:

19ER10-1 (19-8.010) Reimbursement Contract.
(1) through (15) No change.

(16) The reimbursement contract for the 2010-2011 contract year, including all Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2010K-"Reimbursement Contract" or "Contract" between (name of insurer) (the "Company")/NAIC #() and The State Board of Administration of the State of Florida ("SBA") which administers the Florida Hurricane Catastrophe Fund ("FHCF"), rev. 05/10, as amended, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2010 through May 31, 2011 ~~December 31, 2010~~.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 8-23-09, 3-30-10, 5-11-10.

19ER10-2 (19-8.012) Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure.

(1) through (3)(d)1. No change.

2. If the Board determines that the insurer has an aggregate exposure of less than \$10 million for covered policies, as defined in Section 215.555(2)(c), F.S., and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., and that granting the exemption will not adversely affect the actuarial soundness of the Fund, the Board will notify the insurer that its request has been approved and note that the insurer must immediately notify the Board if its exposure becomes \$10 million or more in the aggregate. If this occurs, the insurer will be treated as a "new participant" and will be subject to the provisions of subparagraph 19-8.028(4)(c)3., F.A.C., if its exposure becomes \$10 million or more during the period from June 1 through November 30 or will be subject to the provisions of subparagraph 19-8.028(4)(c)4., F.A.C., if its exposure becomes \$10 million or more during the period from December 1 through May 31 ~~for the contract year for contract years prior to the 2010 contract year, or if its exposure becomes \$10 million or more during the period from December 1 through December 31 beginning with the 2010 contract year.~~

(e) through (g) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2)(c), (3), (4), (5) FS. History—New 2-17-97, Amended 6-2-02, 5-13-03, 5-19-04, 5-29-05, 5-10-06, 6-8-08, 3-30-09, 3-30-10, 5-11-10.

19ER10-3 (19-8.013) Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.

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

(g) Contract Year, ~~prior to June 1, 2010~~, means the time period which begins at 12:00:01 Eastern Time on June 1 of each calendar year and ends at 12:00 p.m. midnight on May 31 of the following calendar year. ~~The period of time which begins at 12:00:01 Eastern Time on June 1, 2010 and ends at 12:00 p.m. midnight on December 31, 2010 shall be considered the 2010 Contract Year. All Contract Years beginning after December 31, 2010 shall begin at 12:00:01 Eastern Time on January 1 of each calendar year and end at 12:00 p.m. midnight on December 31 of that calendar year.~~

(h) through (5)(d) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-18-97, Amended 12-3-98, 9-12-00, 6-1-03, 5-19-04, 5-29-05, 5-10-06, 9-5-06, 6-8-08, 3-30-09, 3-30-10, 5-11-10.

19ER10-4 (19-8.029) Insurer Reporting Requirements.

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

(c) Contract Year, ~~prior to June 1, 2010~~, means the time period which begins at 12:00:01 Eastern Time on June 1 of each calendar year and ends at 12:00 p.m. midnight on May 31 of the following calendar year. ~~The period of time which begins at 12:00:01 Eastern Time on June 1, 2010 and ends at 12:00 p.m. midnight on December 31, 2010 shall be considered the 2010 Contract Year. All Contract Years beginning after December 31, 2010 shall begin at 12:00:01 Eastern Time on January 1 of each calendar year and end at 12:00 p.m. midnight on December 31 of that calendar year.~~

(d) through (4)(k) No change.

(l) For the 2010/2011 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2010 Data Call," rev. 05/10, hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund's Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year following calendar year, to the Administrator.

(5) through (7)(e) No change.

(f) For the 2010/2011 Contract Year, the applicable Interim Loss Report is the "Contract Year 2010 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)", FHCF-L1A, rev. 05/10, which is hereby adopted and incorporated by reference into this rule. The applicable Proof of Loss Report is the "Contract Year 2010 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)", FHCF-L1B, rev. 05/10, which is hereby adopted and incorporated by reference into this rule. The forms may be obtained from the Fund's Administrator at the address stated in subsection (6) above.

(8) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7), (15) FS. History—New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 5-10-06, 5-8-07, 6-8-08, 3-30-09, 8-2-09, 3-30-10, 5-11-10.

19ER10-5 (19-8.030) Insurer Responsibilities.

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

(e) Contract Year, ~~prior to June 1, 2010~~, means the time period which begins at 12:00:01 Eastern Time on June 1 of each calendar year and ends at 12:00 p.m. midnight on May 31 of the following calendar year. ~~The period of time which begins at 12:00:01 Eastern Time on June 1, 2010 and ends at 12:00 p.m. midnight on December 31, 2010 shall be considered the 2010 Contract Year. All Contract Years beginning after December 31, 2010 shall begin at 12:00:01 eastern Time on January 1 of each calendar year and end at 12:00 p.m. midnight on December 31 of that calendar year.~~

(f) through (4)(b) No change.

~~(c)1. For Contract Years prior to the 2010 Contract Year, New Participants during the period of December 1 through May 31: Those Insurers that first begin writing Covered Policies from December 1 through May 31 of a Contract Year, along with the Insurers described in paragraph (b) immediately above, are New Participants. However, these Insurers shall not complete and submit the Data Call (Form FHCF-D1A) but shall meet all other requirements for New Participants.~~

~~2. For Contract Years 2010 and later, New Participants during the period of December 1 through December 31: Those Insurers that first begin writing Covered Policies from December 1 through December 31 of a Contract Year, along with the Insurers described in paragraph (b) above, are New Participants. However, these Insurers shall not complete and submit the Data Call (Form FHCF-D1A) but shall meet all other requirements for New Participants.~~

(d) through (5)(a) No change.

(b) Current Participants: Each Insurer, with Covered Policies as of June 1 of a Contract Year must participate in the FHCF and must complete and submit the Data Call. The Data Call is incorporated into Rule 19-8.029, F.A.C., and is due, correctly completed, no later than September 1 of the Contract Year.

(c) through (6)(a) No change.

(b) New Participants during the period of June 1 through November 30: Those Insurers that first begin writing Covered Policies from June 1 through November 30 of a Contract Year must submit a payment of \$1,000 on or before the date indicated on the invoice. Once a New Participant's Data Call, which is filed on or before March 1 of the Contract Year, has been reviewed by the Administrator and the company's actual Reimbursement Premium has been determined on its actual exposure, an invoice with the amount due, if any, will be sent to the Company by the Administrator. Payment, if any amounts are shown as due on the invoice, is due within 30 days from the date on the invoice. In no event will the Premium be less than the \$1,000.

~~1. For Contract Years prior to the 2010 Contract Year, the New Participant's Data Call is due on or before March 1 of the Contract Year.~~

~~2. For Contract Years 2010 and later, the New Participant's Data Call is due on or before March 1 of the following calendar year.~~

(c) New Participants during the period of December 1 through May 31:

~~Those 1. For Contract Years prior to the 2010 Contract Year, those Insurers that first begin writing Covered Policies from December 1 through May 31 of a Contract Year shall pay a \$1,000 Premium within 30 days from the date on the invoice sent to the Insurer by the FHCF.~~

~~2. For Contract Years 2010 and later, those Insurers that first begin writing Covered Policies from December 1 through December 31 of a Contract Year shall pay a \$1,000 Premium within 30 days from the date on the invoice sent to the Insurer by the FHCF.~~

(d) through (7)(a)7. No change.

8. For the 2010/2011 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2010 Advance Preparation Instructions," FHCF-EAP1, rev. 05/10. The applicable loss examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2010 Advance Preparation Instructions," FHCF-LAP1, rev. 05/10. These forms are hereby adopted and incorporated by reference into this rule. Copies of these forms may be obtained from the FHCF website, www.sbafla.com/fhcf or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, Florida 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308.

(b) through (8)(d) No change.

(e) For the Contract Year 2010/2011, the applicable "Florida Hurricane Catastrophe Fund Interim Loss Report," is the FHCF-L1A rev. 05/10 and the applicable "Florida Hurricane Catastrophe Fund Proof of Loss Report," is the FHCF-L1B rev. 05/10. These forms are hereby adopted and incorporated by reference into this rule.

These forms are hereby adopted and incorporated by reference into this rule and may be obtained from the Fund's Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, Minnesota 55437. Companies must submit a detailed claims listing (in a delimited ASCII format) to support the losses reported in the FHCF-L1B, Proof of Loss Report, at the same time it submits its first Proof of Loss Report for a specific Covered Event that qualifies the company for reimbursement under that Covered Event, and should be prepared to supply a detailed claims listing for any subsequent Proof of Loss Report upon request. Refer to Form FHCF-LAP1 for the required file layout. The Proof of Loss Report and the detailed claims listing are required to be sent to the FHCF Administrator, Paragon Strategic Solutions Inc., at the address listed above. If your company submits its Proof of Loss Reports electronically through the FHCF's Online Claims System at www.sbafla.com/fhcf, the detailed claims listing may be attached to the Company's submission.

(9) through (12) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-13-03, Amended 5-19-04, 5-29-05, 5-10-06, 5-8-07, 8-13-07, 6-8-08, 3-30-09, 3-30-10, 5-11-10.

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: May 11, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on May 11, 2010, the Criminal Justice Standards and Training Commission, received a petition for a waiver of subsection 11B-27.002(4), F.A.C., by Chadler Llyman Lawnsdail. The rule requires candidates to complete basic recruit training, pass the state officer certification examination (SOCE), and obtain employment within four years of beginning basic recruit training in order to maintain active status for certification as a criminal justice professional. The Petitioner wishes to waive those portions of the rule requiring him to become employed within four years of starting basic recruit training. The petitioner began basic recruit training on August 2, 1999, passed basic recruit training on February 16, 2000, and passed the SOCE on February 17, 2000. He has never been employed as a criminal justice professional.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on May 7, 2010, the South Florida Water Management District (District), received a petition for waiver from U.S. Geological Survey, Application No.: 10-0330-1, for utilization of Works or Lands of the District known as the C-2 Canal for a proposed monitoring well within the north right of way of the C-2 Canal, Section 32,

Township 54 South, Range 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4), (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent or semi-permanent above-ground encroachments within 40 feet from the top of bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on May 7, 2010, the South Florida Water Management District (District), received a petition for waiver from U.S. Geological Survey, Application No.: 10-0330-2, for utilization of Works or Lands of the District known as the C-2 Canal for a proposed monitoring well within the north right of way of the C-2 Canal, Section 32, Township 54 South, Range 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4), (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent or semi-permanent above-ground encroachments within 40 feet from the top of bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on May 7, 2010, the South Florida Water Management District (District), received a petition for waiver from U.S. Geological Survey, Application No.: 10-0330-3, for utilization of Works or Lands of the District known as the C-2 Canal for a proposed monitoring well within the north right of way of the C-2 Canal, Section 32, Township 54 South, Range 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4), (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent or semi-permanent above-ground encroachments within 40 feet from the top of bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the

end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on May 11, 2010, the South Florida Water Management District (District), received a petition for waiver from U.S. Geological Survey, Application No.: 10-0330-4, for utilization of Works or Lands of the District known as the C-2 Canal for a proposed monitoring well within the north right of way of the C-2 Canal, Section 32, Township 54 South, Range 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4), (6) and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent or semi-permanent above-ground encroachments within 40 feet from the top of bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on May 3, 2010, the Agency for Health Care Administration, received a petition for Variance or Waiver of Rule 59A-18.006, Florida Administrative Code, from James Mark. The petition requests a variance or waiver of rule provisions establishing requirements for an individual to be an administrator of a nurse registry. The specific provision on which the waiver is sought is subsection 59A-18.006(1), Florida Administrative Code. The Petitioner in its request seeks a permanent variance from the rule due to substantial hardship.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jamie L. Jackson, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on April 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from firefighter's service, 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, Atlantic Coral Harbor, Islamorada, FL, and location of the Serial Numbers 30943, 29868, 31545 & 31309, requests the variance for an extension

of time to complete repairs and for economic/financial hardship. The petition was received from Carolyn J. Padfield (VW 2010-217).

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

NOTICE IS HEREBY GIVEN THAT on April 5, 2010, 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 Glens Condominium, Inc., Boca Raton, FL, and location of the Serial Numbers 29885-29887, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Leslie Danials (VW 2010-221).

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

NOTICE IS HEREBY GIVEN THAT on April 6, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from A.S.M.E. A17.1, Sections 2.20.4 & 2.24.2.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, The Division of Blind Services, Daytona Beach, FL, requests the variance from these rules which require hoisting ropes of a minimum 9.5mm diameter and metallic sheaves. The petition was received from Lee Rigby (VW 2010-231).

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

NOTICE IS HEREBY GIVEN THAT on April 7, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from firefighter's service, restricted door openings, car emergency signaling devices and platform (apron) guards as required by A17.3, Section 3.11.3, 2.7.4, 3.11.1 and 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, Edwimola Retirement Community, Dade City, FL, and location of the Serial Numbers 33437 & 33438, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from William Snyder (VW 2010-236).

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

NOTICE IS HEREBY GIVEN THAT on April 8, 2010, 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 code, 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 Narberth Condominium, Inc., Delray Beach, and location of the Serial Number 6975, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Tommy Perry, Manager (VW 2010-239).

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

NOTICE IS HEREBY GIVEN THAT on April 21, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from firefighter's service, 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, Bahia Del Mar IV, St. Petersburg, FL, and location of the Serial Numbers 32767 & 32768, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from William Snyder (VW 2010-243).

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

NOTICE IS HEREBY GIVEN THAT on April 12, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Karen J. Cochran on behalf of Diamond Isle Condominium, Clearwater, FL. Petitioner seeks a variance of the requirements of ASME 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), Florida Administrative Code, which requires Fire Fighter Service Phase I and II and restricted door openings. Petitioner states that time is needed to bid the project, raise the funds and complete the work. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 6, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A.S.M.E. A17.3, Section 2.7.4, which requires restricted door openings. The petition was received from Robert Duncan on behalf of Landmark I, Orlando, FL (serial numbers 33324-33327). Petitioner stated it would be a financial hardship to make these corrections now as the elevators are scheduled to be totally remodeled beginning October, 2010.

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

NOTICE IS HEREBY GIVEN THAT on April 12, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurant, received a petition for / from Tray Edmonds, Southeastern Elevator Consulting LLC, c/o Bank of America Building, Lakeland, Florida. Petitioner seeks a variance to the requirements of 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), Florida Administrative Code, that requires upgrades to 2 elevators for firefighters' emergency operations which poses a significant economic/financial hardship.

Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN THAT on April 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for / from Dianne Falgione, Resource Property Management, c/o Key Capri Condominium Association Inc., Treasure Island, Florida. Petitioner seeks a variance to the requirements of 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), Florida Administrative Code, that requires upgrading 4 elevators for firefighters' emergency operations which poses a significant economic/financial hardship.

Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN THAT on April 19, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for / from Mitchell Fusek, Alliant Property Management, c/o Silver Sands, Bonita Beach, Ft. Myers, Florida. Petitioner seeks a variance to the requirements of 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), Florida Administrative Code, that requires upgrading the elevator for firefighters' emergency operations which poses a significant economic/financial hardship.

Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN THAT on May 5, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Section 509.221(1)(b), Florida Statutes, paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code, subsection 61C-1.004(1), Florida Administrative Code and Section 5-203.13, 2001 FDA Food Code from The Hot Dawg Shack. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees and at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to share the bathroom and mop sink with an adjacent 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.

NOTICE IS HEREBY GIVEN THAT on April 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for from Mark Milone on behalf of Boca Corporate Center, Boca Raton, FL. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 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), Florida

Administrative Code, requiring Fire Fighter Service Phase I & II, restricted door openings and two-way communication. Petitioner states that the owners will be doing a major elevator modification next year and will be able to make all the needed upgrades at that time. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for / from Raymond Nordine, c/o Wage Building, West Palm Beach, Florida. Petitioner seeks a variance to the requirements of 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), Florida Administrative Code, that requires upgrading the elevator for firefighters' emergency operations which poses a significant economic/financial hardship.

Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN THAT on April 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for from Peter Northrup on behalf of Ocean Optics, Dunedin, FL. Petitioner seeks a variance of the requirements of ASME 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), Florida Administrative Code, which requires Fire Fighter Service Phase I & II. Petitioner states that this upgrade will require a major retrofit at considerable expense. The additional time is needed to raise the funds needed and complete the work. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 21, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for / from

William Snyder, c/o The Links Condominium Phase II, Seminole, Florida. Petitioner seeks a variance to the requirements of A17.3, Section 3.11.3, 3.11.1, 4.5, and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevator for firefighters' emergency operations which poses an undue significant economic/financial hardship.

Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN THAT on April 14, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for temporary variance from Brian Vaas on behalf of FL-1200 Corporate LLC, Boca Raton, FL. Petitioner seeks a variance of the requirements of 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), Florida Administrative Code. Petitioner states that due to high vacancies and tenants in arrears the building does not have the funds necessary to make the required upgrades at this time. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(6), Florida Administrative Code, Subparagraph 6-101.11 (A)(1) & (3), 2001 FDA Food Code, Paragraph 6-201.11, 2001 FDA Food Code from The Vineyard Wine Bar. The above referenced F.A.C. addresses the requirement that ceilings in a public food service establishment must be smooth, nonabsorbent and easily cleanable. They are requesting to operate with a ceiling that is not smooth and easily cleanable.

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.

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 April 26, 2010, the Department of Environmental Protection, received a petition for JRW Bioremediation, LLC seeking a variance from the prohibition from a zone of discharge under subsection 62-522.300(3) (renumbered as subsection 62-520.310(9)), F.A.C., for the use of CHITOREM® to cleanup sites that are contaminated with halogenated aromatic and aliphatic hydrocarbons and other chemicals. The petition has been assigned OGC File No.: 10-1502.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Program, MS #3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8654. Written comments must be received by Cathy McCarty at the above address no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance filed by Edward A. Bayo, Esq. on behalf of Laura Hernandez, D.D.S. The Notice of Petition for Variance was published in Vol. 36, No. 10, of the March 12, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 9, 2010. The petition requested a waiver or variance from the requirement imposed by paragraph 64B5-2.013(3)(i), F.A.C., as to an applicant who fails to pass the Practical or Clinical Examination in three (3) attempts, the applicant shall not be eligible for reexamination unless she or he completes additional education requirements as specified by the Board.

The Board's Order, filed on May 6, 2010, denies the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), Florida Statutes. Specifically, Petitioner has not demonstrated how the purpose of the underlying statute has been achieved or will be achieved by other means. Additionally, Petitioner has not demonstrated that strict application of paragraph 64B5-2.013(3)(i), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is not eligible for a waiver or variance of paragraph 64B5-2.013(3)(i), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT on May 10, 2010, the Department of Health, received a petition for a Permanent Waiver from subparagraph 64E-13.004(6)(a)5., Florida Administrative Code, from Southwest Florida College, 950 Tamiami Trail, Units 106, 107, and 108, Port Charlotte, Florida. This school sanitation rule requires that all group toilet rooms shall be provided with at least one floor drain and one hose bib. The floor shall be sloped to the drain. Stall urinals do not serve for the required floor drains. Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida, 32399-1710, (850)245-4277.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on April 30, 2010, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Florida Low Income Housing Associates, Inc.

DATE PETITION WAS FILED: March 22, 2010.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.018(1)(c), F.A.C. – Credit Underwriting and Loan Procedures.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, April 9, 2010, Vol. 36, No. 14.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED ORDER CLOSING FILE: April 30, 2010.

THE GENERAL BASIS FOR THE DECISION: This petition was withdrawn.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, (850)488-4197 or e-mail: Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website: www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on April 30, 2010, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Florida Low Income Housing Associates, Inc. (Marylane)

DATE PETITION WAS FILED: March 22, 2010.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.018(1)(c), F.A.C. – Credit Underwriting and Loan Procedures.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, April 9, 2010, Vol. 36, No. 14.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED ORDER CLOSING FILE: April 30, 2010.

THE GENERAL BASIS FOR THE DECISION: This petition was withdrawn.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, (850)488-4197 or e-mail: Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website: www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on April 30, 2010, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: North Central Heights, LLC

DATE PETITION WAS FILED: March 30, 2010.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0072(4)(c), F.A.C. (2007) – Credit Underwriting and Loan Procedures.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, April 9, 2010, Vol. 36, No. 14.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: April 30, 2010.

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, (850)488-4197 or e-mail: Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website: www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on April 30, 2010, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Villa Aurora, LLLP

DATE PETITION WAS FILED: March 1, 2010.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-48.004(1), F.A.C. – Universal Application Instruction Part III.F.2. (2005 Cycle and 2007 Cycle)

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, March 12, 2010, Vol. 36, No. 10.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: April 30, 2010.

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, (850)488-4197 or e-mail: Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website: www.floridahousing.org.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
 - Division of Bond Finance
 - Financial Services Commission:
 - Office of Insurance Regulation
 - Office of Financial Regulation
 - Agency for Enterprise Information Technology
 - Department of Veterans' Affairs
 - Department of Highway Safety and Motor Vehicles
 - Department of Law Enforcement
 - Department of Revenue
 - Administration Commission
 - Florida Land and Water Adjudicatory Commission
 - Board of Trustees of the Internal Improvement Trust Fund
 - Department of Environmental Protection
- DATE AND TIME: June 8, 2010, 9:00 a.m.
 PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.
 The **State Board of Administration** will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to

Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The **Division of Bond Finance** of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The **Financial Services Commission** will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the **Office of Insurance Regulation** concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the **Office of Financial Regulation** relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The **Agency for Enterprise Information Technology** will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

The **Department of Veterans' Affairs** will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The **Department of Highway Safety and Motor Vehicles** will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The **Department of Law Enforcement** will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The **Department of Revenue** will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, administrative procedure matters, and consideration of other matters within its authority.

The **Administration Commission** will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The **Florida Land and Water Adjudicatory Commission** will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The **Board of Trustees of the Internal Improvement Trust Fund** will take action on matters for which it is responsible pursuant to law (including duties pursuant to Title 18 of the Florida Statutes and Title 18 of the Florida Administrative Code) and that are duly presented on its agenda, which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services; mineral leases or sales; state or sovereign land leases, sales, exchanges, dedications, and easements; conservation and preservation lands and other land purchases; land planning matters; rulemaking under Title 18 of the Florida Administrative Code and other matters within its authority.

The **Department of Environmental Protection** will present for consideration those matters required by law to be reviewed by the Governor and Cabinet, sitting as the Siting Board, which may include, but are not limited to siting of power plants and electric and natural gas transmission lines.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/> or by contacting each individual agency.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to provide at least 48 hours' notification before the meeting by contacting the Governor's Cabinet Affairs Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee

DEPARTMENT OF STATE

The **Division of Cultural Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 1, 2010, 1:00 p.m.

PLACE: Conference Room, 1st District Court of Appeal, 301 South Martin Luther King Jr. Boulevard, Tallahassee, Florida 32399-1850

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Art Selection Committee for this facility will hold a meeting to review the proposals submitted by their selected finalists.

A copy of the agenda may be obtained by contacting: Lee Modica, ASB Administrator, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)294-5445.

Pursuant to the provisions of 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: Laura Blischke at (850)245-6475. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida State Fair Authority**, Marketing Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 3, 2010, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6217822#

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.

The **Aquaculture Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 14, 2010, 9:00 a.m.

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301, Conference Call: 1(888)808-6959, Conference Code: 4884033#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Kim Norgren, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301, (850)488-4033.

Pursuant to the provisions of 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: Kim Norgren at (850)488-4033. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The **University of South Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 26, 2010, 1:00 p.m. – 4:30 p.m.

PLACE: Graphicstudio, 3702 Spectrum Blvd., Suite 100, Tampa, FL 33612, (813)974-3503

GENERAL SUBJECT MATTER TO BE CONSIDERED: The local public art committee for BR550, the new Music Teaching & Performance Building on the Tampa campus, will meet to review finalist presentations.

A copy of the agenda may be obtained by contacting: Sheena Simmons at (813)974-4333 or email: sdsimmo3@usf.edu.

Pursuant to the provisions of 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: Sheena Simmons at (813)974-4333 or email: sdsimmo3@usf.edu. If you are 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: Sheena Simmons at (813)974-4333 or email: sdsimmo3@usf.edu.

The **Florida Atlantic University** announces a public meeting to which all persons are invited.

DATE AND TIME: May 24, 2010, 10:00 a.m.

PLACE: FAU Boca Raton Campus, 777 Glades Road, Bldg. 69, Room 118, Boca Raton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a proposal meeting for four finalists for BT-624 FAU/UF Joint Use Facility in Davie Campus project for Art in State Building Program.

A copy of the agenda may be obtained by contacting: Corina Mavrodi at (561)297-0541.

Pursuant to the provisions of 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: Corina at (561)297-0541. If you are 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: Corina at cmavrodi@fau.edu.

The **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 4, 2010, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, FSDB Campus, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: L. Daniel Hutto, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: L. Daniel Hutto at (904)827-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: L. Daniel Hutto, President, at the afore mentioned address.

The **Florida State College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION:

DATE AND TIME: June 1, 2010, 12:00 Noon – 2:00 p.m.

PLACE: Advanced Technology Center, Room T-140, 401 W. State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Year End Review of 2009-10 Priorities.

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: June 1, 2010, 2:00 p.m. – 3:00 p.m.

PLACE: Administrative Offices, Board Room 405, 501 W. State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS:

DATE AND TIME: June 1, 2010, 3:00 p.m. – 5:00 p.m.

PLACE: Administrative Offices, Room 403A, 501 W. State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, May 25, 2010, and copies will be provided upon written request and the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting.

All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with: The College President, Florida State College at Jacksonville, on or before June 1, 2010. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. Through the months of June and July 2010, the Board will hold informal meetings each Thursday, 12:00 Noon – 4:00 p.m., at the Administrative Offices, Room 403A, for the purpose of discussing College business as appropriate.

The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal

opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs, Division of Housing and Community Development**, The Florida Building Commission, "The Commission" announces a public meeting to which all persons are invited.

Code Administration Technical Advisory Committee

DATE AND TIME: June 1, 2010, 9:00 a.m. – until completion

PLACE: Conference Call: 1(888)808-6959, Conference Code: 1967168#, Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Declaratory Statement and other business for the Commission.

For further information, please contact: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824 or Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, Website: www.floridabuilding.org.

The **Department of Community Affairs, Division of Housing and Community Development**, The Florida Building Commission, "The Commission" announces a public meeting to which all persons are invited.

Roofing Technical Advisory Committee

DATE AND TIME: June 1, 2010, 10:30 a.m. – until completion

PLACE: Conference Call: 1(888)808-6959, Conference Code: 1967168#, Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Declaratory Statement and other business for the Commission.

For further information, please contact: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

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

For more information, you may contact: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, Website: www.floridabuilding.org.

The **Department of Community Affairs, Division of Housing and Community Development**, The Florida Building Commission, "The Commission" announces a public meeting to which all persons are invited.

Special Occupancy Technical Advisory Committee concurrent with the Structural Technical Advisory Committee

DATE AND TIME: June 1, 2010, 1:30 a.m. – until completion
PLACE: Conference Call: 1(888)808-6959, Conference Code: 1967168#, Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Declaratory Statement and other business for the Commission.

For further information, please contact: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824, Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, Website: www.floridabuilding.org.

The **Department Of Community Affairs, Division of Housing and Community Development**, The Florida Building Commission, "The Commission" announces a public meeting to which all persons are invited.

The Structural Technical Advisory Committee concurrent with the Special Occupancy Technical Advisory Committee

DATE AND TIME: June 1, 2010, 1:30 a.m. – until completion
PLACE: Conference Call: 1(888)808-6959, Conference Code: 1967168#, Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Declaratory Statement and other business for the Commission.

For further information, please contact: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824, Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, Website: www.floridabuilding.org.

The **Florida Building Commission**, “the Commission” announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 2, 2010, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 1967168#, Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss “accreditor” and “course” applications for recommendation to the Florida Building Commission; report on status of Building Code Compliance and Mitigation Program Request for Proposal (RFP); report on status of Rule 9B-70.002, F.A.C., regarding the draft rule language to allow self affirmation by providers for advanced courses requiring minor technical changes; Update/discussion regarding the recent legislative session and the possible effects on the FBC Education Program; Education Administrator activity report; and, general subject matters.

A copy of the agenda may be obtained by contacting: Ms. Ila Jones, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Jennifer Drake, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ms. Ila Jones, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, Website: www.floridabuilding.org.

The **State Emergency Response Commission**, Training Task Force announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 2010, 10:00 a.m. – 12:00 Noon

PLACE: This is a telephone conference call which can be attended via the internet and telephone. Go to the web site: <https://www2.gotomeeting.com/join/821520963>, then dial 1(888)808-6959, Password: 4148565, Meeting ID: 821-520-963

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continue to develop projects based on deficiencies found in the Hazardous Materials Teams Operational Readiness Evaluations.

A copy of the agenda may be obtained by contacting: Division of Emergency Management at (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399,

(850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF TRANSPORTATION

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

DATES AND TIMES: May 25, 2010, 1:30 p.m. – 4:00 p.m.; June 17, 2010, 4:00 p.m. – 6:30 p.m.; June 22, 2010, 4:00 p.m. 6:30 p.m. (CST)

PLACE: Florida Department of Transportation Headquarters, Burns Building Auditorium, 605 Suwannee Street, Tallahassee, FL; Jackson County Agricultural Conference Center, 2741 Pennsylvania Ave., Suite 3, Marianna, FL; Baptist Medical Park, Azalea Room, 9400 University Parkway (corner of University Pkwy. and Nine Mile Rd.), Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Florida Transportation Plan (FTP) is to establish and define the state’s long-range transportation goals and objectives. The FDOT is currently updating the FTP. The planning horizon for the plan will extend to the year 2060 to focus attention on Florida’s most pressing long-term issues over the next 50 years, in addition to current transportation needs. Since FTP is a plan for all of Florida, not just the FDOT, it will take the collective efforts of many entities to implement this plan.

A copy of the agenda may be obtained by contacting: Ms. Kelly Parker, FDOT FTP Coordinator, District 3, P. O. Box 607, Chipley, Florida 32428, (850)415-9533, Kelly.parker@dot.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: Ms. Kelly Parker, FDOT FTP Coordinator, District 3, P. O. Box 607, Chipley, FL 32428, (850)415-9533; Kelly.parker@dot.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: Ms. Kelly Parker, FDOT FTP Coordinator or the FDOT Public Information Director, Mr. Tommie Speights at 1(888)638-0250, ext. 208; tommie.speights@dot.state.fl.us.

The **Florida Transportation Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 3, 2010, 2:00 p.m. – until conclusion of business

PLACE: Florida Transportation Commission, 605 Suwannee Street, Room 176, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: FTC Authorities Subcommittee.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lisa O. Stone at (850)414-4316. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, MS #9, Room 176, Tallahassee, Florida 32399, (850)414-4105.

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.”

The Florida **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 16, 2010, 6:00 p.m.

PLACE: Guana Tolomato Matanzas NERR, 505 Guana River Road, Ponte Vedra Beach, Florida 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group for the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) is holding a meeting to provide advisory input for the management of GTMNERR.

A copy of the agenda may be obtained by contacting: Annette Odom by e-mail: Annette.Odom@dep.state.fl.us, by phone: (904)823-4500, by mail: 505 Guana River Road, Ponte Vedra Beach, Florida 32082.

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

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 25, 2010, 9:00 a.m. – conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration will consider proposed amended rules and will be asked for permission to file the following rules for notice: Rule 19-7.010, F.A.C. (Pooled Investment Accounts); Rule 19-7.011, F.A.C. (Rate of Return Calculation); Rule 19-7.012, F.A.C. (Pool Participation); Rule 19-7.013, F.A.C. (Reporting Procedures); Rule 19-7.015, F.A.C. (Allocation of Earnings); Rule 19-7.016, F.A.C. (Close of Business); Rule 19-7.017, F.A.C. (Pooled Investment Account Reserve Fund). The rules are amended to reflect a new rate of return calculation; the elimination of investment service charges; to allow the closing of an account if the balance is less than \$1,000; to indicate 1:00 p.m. (EST), as the close of business; and to delete unnecessary rules.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1253.

Pursuant to the provisions of 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: Tina Joanos, Agency Clerk, Office of the General Counsel, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1197, tina.joanos@sbafla.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).

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: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1182, ruth.smith@sbafla.com.

The **Participant Local Government Advisory Council (PLGAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 7, 2010, 8:30 a.m. – 12:00 Noon

PLACE: Hermitage Centre, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Participant Local Government Advisory Council. The PLGAC is a six-member advisory council, which reviews the administration of the Local Government Investment Pool Trust Fund (aka Florida

PRIME) and makes recommendations regarding such administration to the Trustees. The Council operates under Section 218.409(10)(a), Florida Statutes.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration at (850)413-1253 or diane.bruce@sbafla.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: James Linn at (850)413-1166. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Investment Advisory Council (IAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 7, 2010, 10:00 a.m. – 5:00 p.m.

PLACE: The Hermitage Centre, Hermitage Conference Room, 1801 Hermitage Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council. The IAC is a six-member advisory council, which reviews the investments made by the staff of the State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444, Florida Statutes.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration at (850)413-1253 or diane.bruce@sbafla.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: James Linn at (850)413-1166. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Commission on Hurricane Loss Projection Methodology** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 8, 2010, 10:00 a.m. – 2:00 p.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida, Conference Call: 1(888)808-6959, Conference Code: 4765251363#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will review a computer model submitted under the standards and acceptability process for 2009. In addition, other general business of the Commission may be addressed.

A copy of the agenda may be obtained by contacting: Donna Sirmons at (850)413-1349 or donna.sirmons@sbafla.com.

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

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 8, 2010, 1:00 p.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled meeting with the Trustees to discuss general State Board of Administration operations and investments of trust funds.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration at (850)413-1253 or diane.bruce@sbafla.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: James Linn at (850)413-1166. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Prepaid College Board** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, June 8, 2010, 1:30 p.m. or soon thereafter – until completion

PLACE: Broward College, Willis Holcombe Center, FAU Higher Education Building, Building 33, Room 1208, 111 East Las Olas Boulevard, Fort Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a workshop to review the Comprehensive Investment Plan for the Florida Prepaid College Program; to discuss the evaluation of the asset allocation structure within the equity segment; and, to discuss the preliminary analysis of the actuarial adequacy and contract pricing.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

Pursuant to the provisions of 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 Faxing a written request: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 8, 2010, 6:30 p.m. or soon thereafter – until completion

PLACE: Johnny V Restaurant, 625 East Las Olas Boulevard, Fort Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The members of the Florida Prepaid College Board will have a dinner in advance of the Board meeting on June 9, 2010, in Fort Lauderdale, 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 Faxing a written request: Thomas J. Wallace, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL 32308 at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 2010, 8:30 a.m. or soon thereafter – until completion

PLACE: Broward College, Willis Holcombe Center, FAU Higher Education Building, Building 33, Room 1208, 111 East Las Olas Boulevard, Fort Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

Pursuant to the provisions of 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 Faxing a written request: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are

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

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

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 2010, 10:30 a.m. or soon thereafter – until completion

PLACE: Broward College, Willis Holcombe Center, FAU Higher Education Building, Building 33, Room 1208, 111 East Las Olas Boulevard, Fort Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

Pursuant to the provisions of 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 Faxing a written request: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Florida Prepaid College Foundation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 2010, following the adjournment of the meeting of the Florida Prepaid College Board – until completion

PLACE: Broward College, Willis Holcombe Center, FAU Higher Education Building, Building 33, Room 1208, 111 East Las Olas Boulevard, Fort Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Foundation Board to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

Pursuant to the provisions of 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 Faxing a written request: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, June 9, 2010; June 16, 2010; June 30, 2010, 8:30 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission at (850)488-1293.

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

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

PUBLIC SERVICE COMMISSION

NOTICE OF CANCELLATIONS – The Florida **Public Service Commission** announces a cancellation of Prehearing Conference.

PREHEARING

DATE AND TIME: Thursday, May 13, 2010, 1:30 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

HEARING

DATE AND TIME: Thursday, June 3, 2010, 1:00 p.m.

PLACE: Ocala Police Department, Community Room, 402 South Pine Ave., Ocala, FL 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO.: 080562-WU – Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fees, in Marion County, by East Marion Sanitary systems, Inc.

NOTE: THIS PREVIOUSLY NOTICED PREHEARING AND HEARING HAS BEEN CANCELLED.

EMERGENCY CANCELLATION OF PREHEARING AND HEARING: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this prehearing/hearing is asked to advise the agency at least 48 hours before the prehearing/hearing by contacting: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public workshop in the following docketed matter to which all persons are invited.

DATE AND TIME: Thursday, June 10, 2010, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff review of 2010 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Progress Energy Florida, Inc. in Docket No.: 100262-EI, Tampa Electric Company in Docket No.: 100263-EI, Florida Public Utilities Company in Docket No.: 100264-EI, Gulf

Power Company, in Docket No.: 100265-EI, and Florida Power & Light Company, in Docket No.: 100266-EI. The purpose of this workshop is for staff to commence the review of the Storm Hardening Plans submitted by these Utilities. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

For questions, contact: Commission staff, Melissa L'Amoreaux at (850)413-6980.

EMERGENCY CANCELLATION OF STAFF WORKSHOP: If a named storm or other disaster requires cancellation of the workshop, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the workshop will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at this workshop because of a physical impairment is asked to advise the agency at least 48 hours before the workshop by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public customer meeting in the following docket to which all persons are invited.

DATE AND TIME: June 10, 2010, 6:00 p.m.

PLACE: DeeAnn Lakefront Estates Clubhouse, 409 Stephen Drive, Lake Placid, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No.: 090531-WS – Application for staff-assisted rate case in Highlands County by Lake Placid Utilities, Inc. The purpose of this meeting is to give customers and other interested persons an opportunity to offer comments to Commission Staff regarding the quality of service the Utility provides and to ask questions, and comment on the proposed rates as well as other issues. Commission Staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the Utility may also be in attendance. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the customer meeting. All persons who wish to comment are urged to be present at the beginning of the meeting, since the meeting may be adjourned early if no customers are present.

EMERGENCY CANCELLATION OF CUSTOMER MEETING: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Mrs. Lydia Roberts at (850)413-6877.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

REGIONAL PLANNING COUNCILS

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

DATE AND TIME: June 2, 2010, 10:30 a.m.

PLACE: Suwannee Valley Transit Authority, Board Room, 1907 Voyles Street, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Suwannee County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: June 2, 2010, 1:30 p.m.

PLACE: Santa Fe Meeting Room, Florida Department of Transportation, District 2, Jeffery Maintenance Complex, 710 Lake Jeffery Road, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Columbia County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIMES: Thursday, June 3, 2010, Personnel, Budget and Finance Committee, 9:00 a.m.; Planning & Growth Management Committee, 8:00 a.m.; Full Board of Directors, 10:00 a.m.; Legislative Committee immediately following the Board Meeting

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

The **Flagler County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 8, 2010, 10:00 a.m.

PLACE: Flagler County Government Services Building, Building 2, 1769 East Moody Blvd., Bunnell, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Hearing for the Flagler County Transportation Disadvantaged Local Coordinating Board to voice concerns regarding the public transportation system will take place in conjunction with the Board's quarterly meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council at (904)279-0880.

Pursuant to the provisions of 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: Ed Lehman at (904)279-0880. If you are 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 **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: June 7, 2010, 3:00 p.m.

PLACE: Metroplan Orlando, 315 East Robinson Street, Suite 335, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is intended to solicit public input as it relates to the Draft East Central Florida 2060 Strategic Policy Plan. East Central Florida Regional Planning Council staff will present an overview of the Plan and solicit any comments and input.

A copy of the agenda may be obtained by contacting: George Kinney, Planning Manager at email: gkinney@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 by contacting: George Kinney at (407)262-7772 or email: gkinney@ecfrpc.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: George Kinney, Planning Manager at email: gkinney@ecfrpc.org.

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

DATE AND TIME: Thursday, June 3, 2010, 10:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: SWFRPC's Lower West Coast Watersheds Implementation Committee monthly meeting.

A copy of the agenda may be obtained by contacting: Mr. David Crawford at (239)338-2550, #226 or email: dcrawford@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, #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.

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

DATE AND TIME: Monday, May 24, 2010, 3:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Revolving Loan Fund Policy and Procedures and review loan applications.

A copy of the agenda may be obtained by contacting: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact: South Florida Regional Planning Council at (954)967-4152, ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact: Council at (954)985-4416.

The **South Florida Regional Planning Council** announces a public meeting of the State Road 7/U.S. 441 Collaborative Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, June 10, 2010, 2:00 p.m. – 3:30 p.m.

PLACE: Lauderhill City Hall, 5581 West Oakland Park Boulevard, Lauderhill, FL 33313, (954)739-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue deliberations regarding economic development, aesthetic improvement and increased intergovernmental cooperation along the corridor.

A copy of the agenda may be obtained online at www.sfrpc.com/sr7/htm or by contacting: the South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Regional Planning Council at (954)985-4416. If you are hearing or speech impaired, please contact the agency at (954)967-4152, ext. 40 (TDD).

If any person decides to appeal any decision made by the State Road 7/U.S. 441 Collaborative Steering Committee with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 4, 2010, 8:30 a.m.

PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics at website: www.ethics.state.fl.us or (850)488-7864.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Commission on Ethics at (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

METROPOLITAN PLANNING ORGANIZATIONS

The **Hillsborough County MPO Transportation Disadvantaged Coordinating Board Planning Subcommittee** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 25, 2010, 10:00 a.m. – 11:30 a.m.

PLACE: The Planning Commission Offices, 601 E Kennedy Blvd., 18th Floor, Tampa, FL 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update of the Transportation Disadvantaged Service Plan.

A copy of the agenda may be obtained by contacting: Michele Ogilvie at email: ogilviem@plancom.org or (813)273-3774, ext. 317.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch Inc.**, a non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIMES: June 3, 2010, Workshop, 3:00 p.m.; Board of Directors meeting, 7:00 p.m.

PLACE: Suwannee River Water Management District Headquarters, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop and regular monthly Board of Directors meeting to discuss the development of equestrian facilities of Suwannee River Water Management District properties.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.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 by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.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: Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: June 3, 2010, 10:00 a.m. – 5:00 p.m.

PLACE: Governing Board Room, St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scientific Peer Review Meeting for Proposed Minimum Lake Levels in Lake, Orange, Seminole, and Volusia Counties. This

meeting will re-examine and discuss all scientific peer review for Minimum Levels proposed for Lake Avalon, Lake Hiawassee, and Lake Prevatt in Orange County; Johns Lake in Lake and Orange Counties; Indian Lake in Volusia County; and Sylvan Lake in Seminole County, all as set forth in the District's Notice of Proposed Rule Development published in the Florida Administrative Weekly on December 18, 2009. Potential revisions and comments to the draft reports for all of these lakes will also be considered at this meeting.

All of these reports may be found on the District's website at: <http://floridaswater.com/minimumflowsandlevels/index.html>.

A copy of the agenda may be obtained by contacting: Dina Hutchens at (386)329-4239 or website: <http://floridaswater.com/minimumflowsandlevels/index.html>.

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

DATE AND TIME: Wednesday, June 2, 2010, 9:00 a.m.

PLACE: Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33537-6749

GENERAL SUBJECT MATTER TO BE CONSIDERED: Permit No. and Project Name: 43034979.000 Hillsborough County – Stearns and Hillsgrove Road Drainage Improvements; 43004993.003 – Lowes of Tarpon Springs.

A copy of the agenda may be obtained by contacting: Patty McLeod, Southwest Florida Water Management District, PMO, 2379 Broad Street, Brooksville, FL 34609-6749.

Pursuant to the provisions of 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) or 1(800)231-6103, 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).

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

DATE AND TIME: Loxatachee River Management Coordinating Council, June 2, 2010, 9:00 a.m. – 5:00 p.m.

PLACE: River Center, 805 North US Highway One, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special workshop to discuss the goals and objectives regarding the management of the Wild and Scenic portion of the Loxahatchee River.

A copy of the agenda may be obtained by contacting: Gardenia Banks Long, South Florida Water Management District, 780 Southeast Indian Street, Stuart, Florida 34997, email: glong@sfwmd.gov, www.sfwmd.gov, (772)223-2600, ext. 3617.

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

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

For more information, you may contact: Gardenia Banks Long at (772)223-2600, ext. 3617.

The Water Resources Advisory Commission (WRAC) announces a public meeting to which all persons are invited.

DATE AND TIME: June 3, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: City of North Miami Beach, Parks and Recreation, McDonald Center, 17011 N. E. 19 Avenue, North Miami Beach, FL 33162

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517, 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).

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

DATE AND TIME: Loxatachee River Management Coordinating Council, June 28, 2010, 2:00 p.m.

PLACE: River Center, 805 North US Highway One, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Address important natural resources, recreation, protection of the Loxahatchee River.

A copy of the agenda may be obtained by contacting: Gardenia Banks Long, 780 Southeast Indian Street, Stuart, Florida 34997, email: glong@sfwmd.gov, website: www.sfwmd.gov, (772)223-2600, ext. 3617.

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

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

For more information, you may contact: Gardenia Banks Long at (772)223-2600, ext. 3617.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: June 4, 2010, 10:00 a.m. – 5:00 p.m. (EDT)

PLACE: Mid-Florida Area Agency on Aging (Elder Options), 5700 S. W. 34th Street, Suite 222, Gainesville, Florida 32608-5371, Conference Call: 1(888)808-6959, Conference Code: 4142039#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the initiatives that the advisory council and the department wish to undertake.

A copy of the agenda may be obtained by contacting: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2318, email: hultsw@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2318, email: hultsw@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2318, email: hultsw@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 3, 2010, 10:00 a.m. – 2:00 p.m.

PLACE: Florida Hospital Association, 307 Park Lake Circle, Orlando, Florida 32803, Conference Call: (641)593-6241, Pass Code: 5384968#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the State Consumer Health Information and Policy Advisory Council Data Standard Transparency Steering Committee to which all interested parties are invited. The purpose is to conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by contacting: Marsha Webb, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, MS #16, Tallahassee, Florida 32308-5403. The agenda will also be posted at http://ahca.myflorida.com/SCHS/chis_dtsc.shtml seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Marsha Webb at (850)412-3785. If you are 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: Marsha Webb at (850)412-3785.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 2, 2010, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 2, Conference Room F, Third Floor, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Panel on Excellence in Long-Term Care will be considering applications received for the Gold Seal Award designation. Other business as needed may also be discussed.

A copy of the agenda may be obtained by contacting: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308.

For more information, you may contact: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or via email: jacqueline.williams@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation** announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, June 1, 2010, 3:00 p.m. – 4:00 p.m.

PLACE: Conference Room 110, Caldwell Building, 107 E. Madison Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to Rules 60BB-3.0261, 60BB-3.0262 and 60BB-3.0263, F.A.C.

A copy of the agenda may be obtained by contacting: John R. Perry, Assistant General Counsel, 107 E. Madison Street, Tallahassee, Florida 32399.

The **Agency for Workforce Innovation**, Unemployment Compensation Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 2010, 10:30 a.m. – 12:00 Noon

PLACE: Caldwell Building, Conference Room B49, 107 E. Madison Street, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code:7532872126#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/Events/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Corbett at (850)245-7285. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Management Services**, Division of Telecommunications, Joint Task Force Technical and Standard Operating procedures Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 1, 2010, 8:30 a.m. – 12:00 Noon

PLACE: Woodcrest Office Complex, Building K, 325 John Knox Road, Tallahassee, Florida 32303, Conference Call: 1(888)808-6959, Passcode: 9227435#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss recommendations for inclusion for JTF Draft Report to the Legislature, address chair vacancy for JTF SOP Committee, finalize talkgroup structure for Indian River State College, discuss radio code testing results and status.

A copy of the agenda may be obtained by contacting: Todd Preston, Fish and Wildlife Conservation Commission at (850)410-0656, ext. 17120.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Department of Management Services at (850)922-7435. If you are 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: Bruce Meyers at (850)922-7510 or e-mail: bruce.meyers@dms.myflorida.com.

The **Department of Management Services, Division of Telecommunications**, Joint Task Force Board on Law Enforcement Communications announces a public meeting to which all persons are invited.

DATE AND TIME: June 2, 2010, 9:30 a.m. – 11:30 a.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Passcode: 9227435#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters for the Statewide Law Enforcement Radio System.

A copy of the agenda may be obtained by contacting: Bruce Meyers at (850)922-7510 or e-mail: bruce.meyers@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Department of Management Services at (850)922-7435. If you are 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 BUSINESS AND PROFESSIONAL REGULATION

The **Board of Auctioneers** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 14, 2010, 9:00 a.m.

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, Florida 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Board of Auctioneers at (850)922-5012 or Fax: (850)617-4458.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Auctioneers at (850)922-5012 or Fax: (850)617-4458. If you are 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: Board of Auctioneers at (850)922-5012 or Fax: (850)617-4458.

The **Board of Pilot Commissioners** announces a public meeting to which all persons are invited.

DATES AND TIMES: July 8, 2010, 1:00 p.m.; July 9, 2010, 9:00 a.m.

PLACE: The Westin Key West Resort & Marina, 245 Front Street, Key West, FL 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel (portions may be closed to the public) and regular board business.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399-0773.

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

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

The **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Monday, June 7-8, 2010, 8:30 a.m. or soon thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801-1757

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board: Topics include, but not limited to, proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions, and general subject matter.

A copy of the agenda may be obtained by contacting: Beverly Ridenauer, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Department of Business and Professional Regulation at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 2010, 9:00 a.m. or soon thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Division of Real Estate, Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 8, 2010, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett at 1(888)862-7010.

For more information, you may contact: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047 Tallahassee, FL 32315, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection**, Bureau of Mining and Minerals Regulation announces a public meeting to which all persons are invited.

DATE AND TIME: June 4, 2010, 9:00 a.m.

PLACE: Sarasota County Office Building – Large Training Room, 1001 Sarasota Center Blvd., Sarasota, FL 34240

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Peace River Basin Management Advisory Committee will meet to discuss implementation of the Peace River Basin Resource Management Plan adopted by the Department of Environmental Protection in 2007.

A copy of the agenda may be obtained by contacting: Lisa Robertson, Department of Environmental Protection, 2051 East Dirac Dr., Tallahassee, FL 32310, (850)488-8217.

Pursuant to the provisions of 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: Lisa Robertson at (850)488-8217. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lisa Robertson at (850)488-8217.

DEPARTMENT OF HEALTH

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

DATE AND TIME: Monday, May 24, 2010, 3:00 p.m. – 5:00 p.m. (EDT)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5221678031#; Computer-assisted real-time translation streaming (CART) services following this 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 training methods to implement the law enforcement 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: website: info@fccdhh.org, email: MaryGrace_Tavel@doh.state.fl.us, (850)245-4913, TTY: (850)245-4914, Toll-free TTY: 1(866)602-3276.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by contacting: website: info@fccdhh.org, email: MaryGrace_Tavel@doh.state.fl.us, (850)245-4913, TTY: (850)245-4914, Toll-free TTY: 1(866)602-3276. If you are 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: website: info@fccdhh.org, email: MaryGrace_Tavel@doh.state.fl.us, (850)245-4913, TTY: (850)245-4914, Toll-free TTY: 1(866)602-3276.

The Florida **Board of Acupuncture** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 11, 2010, 9:00 a.m. or soon thereafter

PLACE: Renaissance Tampa Hotel International Plaza, 4200 Jim Walker Blvd., Tampa, FL 33607, (813)877-9200

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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

NOTICE OF REVISION – The Board of Nursing (BON) and Council on Certified Nursing Assistants (CNA) announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, June 9, 2010, 8:30 a.m. and 3:00 p.m.

PLACE: Hyatt Regency Riverfront, 225 East Coastline Drive, Jacksonville, FL, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: 8:30 a.m. CNA Council meets to discuss general business.

3:00 p.m. BON meets to discuss general business.

To view the public agenda materials visit: http://www.doh.state.fl.us/mqa/nursing/nur_minutes.html.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

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

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

For more information, you may contact: call (850)245-4125.

The Florida **Board of Speech-Language Pathology and Audiology** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 10, 2010, 9:00 a.m. or soon thereafter

PLACE: Renaissance Tampa Hotel International Plaza, 4200 Jim Walker Blvd., Tampa, FL 33607, (813)877-9200

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, 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: Christy Robinson at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Department of Health** announces a workshop to which all persons are invited.

DATE AND TIME: June 4, 2010, 10:00 a.m. – 3:00 p.m. (EDT)

PLACE: Florida Department of Health, Capital Circle Office Complex, Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code: 2454070#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Permitting and approval standards of onsite sewage treatment systems that provide treatment other than a septic tank, such as performance based treatment systems, aerobic treatment units, and innovative systems.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070 or by e-mail: Susan_Polangin@doh.state.fl.us.

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

For more information, you may contact: Eberhard Roeder, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070 or by e-mail: Eberhard_Roeder@doh.state.fl.us.

The **Division of Environmental Health**, Bureau of Onsite Sewage Programs announces a public meeting to which all persons are invited.

DATE AND TIME: June 10, 2010, 9:30 a.m. (EDT)

PLACE: Gulf Coast Research and Education Center, 14625 County Road 672, Wimauma, FL 33598; Conference Call: 1(888)808-6959, Conference Code: 1454070#; Website: <http://connectpro22543231.na5.acrobat.com/rrac/>

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and guide current, proposed, and potential future onsite sewage research projects. This meeting will include a discussion of the Florida Nitrogen Reduction Strategies Study and a presentation on the Town of Suwannee Study. Part of this meeting may be accessible via web conference with details to be posted on the Bureau website: <http://www.doh.state.fl.us/environment/ostds/research/index.html>.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, e-mail: Susan_Polangin@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070 or by e-mail: Susan_Polangin@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, e-mail: Susan_Polangin@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families**, SunCoast Region announces a public meeting to which all persons are invited.

DATE AND TIME: June 1, 2010, 10:00 a.m.

PLACE: Prospective Vendors Conference, Room 807, 9393 N. Florida Avenue, Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SunCoast Region will hold a Prospective Vendors Conference to discuss details regarding ITN #23GS11001.

A copy of the ITN is available online at: http://vbs.dms.state.fl.us/vbs/main_menu. This meeting, previously scheduled for May 11, 2010, and other previously scheduled procurement meetings regarding this ITN were previously noticed by publication in F.A.W. Vol. 36, No. 18, May 7, 2010 and are rescheduled as specified below:

DATE AND TIME: June 16, 2010, 10:00 a.m., rescheduled from May 26, 2010

PLACE: Evaluation Team Initial Mtg., Room 806, 9393 N. Florida Avenue, Tampa, FL 33612

DATE AND TIME: June 18, 2010, 10:00 a.m., rescheduled from May 28, 2010

PLACE: Evaluation Team Debriefing, Room 803, 9393 N. Florida Avenue, Tampa, FL 33612

DATE AND TIMES: June 24, 2010, Negotiation Meetings, Vendor A, 8:30 a.m. – 10:30 a.m.; Vendor B, 11:00 a.m. – 1:00 p.m., Vendor C, 2:00 p.m. – 4:00 p.m., Room 803, rescheduled from June 3, 2010

PLACE: 9393 N. Florida Avenue, Tampa, FL 33612

DATE AND TIMES: June 25, 2010, Negotiation Meetings, Vendor B, 8:30 a.m. – 10:30 a.m., Vendor C, 11:00 a.m. – 1:00 p.m., Vendor A, 2:00 p.m. – 4:00 p.m., Room 803, rescheduled from June 4, 2010

PLACE: 9393 N. Florida Avenue, Tampa, FL 33612

A copy of the agenda may be obtained by contacting: Douglas Heaven at (813)558-5732.

Pursuant to the provisions of 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: Douglas Heaven at (813)558-5732. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Children and Families**, Circuit 10 announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 2010, 2:30 p.m.

PLACE: Department of Children and Families, 1055 US Hwy. 17 N., Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Heart of Florida Community Alliance.

A copy of the agenda may be obtained by contacting: Diane Dvorak, DCF at (863)534-7100.

Pursuant to the provisions of 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: Diane Dvorak, DCF at (863)534-7100. If you are 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: Diane Dvorak, DCF at (863)534-7100.

The **Adult Protective Services Program** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, June 2, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4882881#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of the review of all aspects of the Department's adult protection system and identify areas that need improvement.

A copy of the agenda may be obtained by contacting: Adult Protective Services Program at (850)488-2881.

Pursuant to the provisions of 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: Adult Protective Services Program at (850)488-2881. If you are 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: Robert Anderson, Director of Adult Protective Services Program at (850)488-2881.

The **Agency for Persons with Disabilities**, Area 14, Family Care Council announces a public meeting to which all persons are invited.

DATE AND TIME: June 25, 2010, 10:00 a.m.

PLACE: Visions ADT, 155 US 27 North, Suite 2, Sebring, Florida 33872

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Sara Howerton at (863)413-3360.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sara Howerton at (863)413-3360. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Sara Howerton at (863)413-3360.

FISH AND WILDLIFE CONSERVATION COMMISSION

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

DATE AND TIME: June 3, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: Bryant Building, Room 272, 620 South Meridian Street, Tallahassee, FL 32399-1600

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Steering Committee for the Florida Beaches Habitat Conservation Plan. Topics to be discussed include: staff updates on progress during the last quarter; HCP plan area and consideration of including critically eroded beaches; and options for protecting non-federally listed, at-risk species through the HCP. No votes are planned for this meeting.

A copy of the agenda 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: 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.

DEPARTMENT OF FINANCIAL SERVICES

The **Division of State Fire Marshal** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, May 27, 2010, 1:30 p.m.

PLACE: Miami Beach Convention Center, Meeting Room C 223/224, 1901 Convention Center Drive, Miami Beach, Florida 33139

GENERAL SUBJECT MATTER TO BE CONSIDERED: THIS WORKSHOP IS CANCELLED.

For more information, you may contact: Jim Goodloe, Chief, Bureau of Fire Prevention at (850)413-3620 or email: Jim.Goodloe@myfloridacfo.com.

The **Division of State Fire Marshal** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, May 28, 2010, 9:00 a.m.

PLACE: Department of Environmental Protection, Main Conference Room, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926

GENERAL SUBJECT MATTER TO BE CONSIDERED: THIS WORKSHOP IS CANCELLED.

For more information, you may contact: Jim Goodloe, Chief, Bureau of Fire Prevention at (850)413-3620 or email: Jim.Goodloe@myfloridacfo.com.

The **Department of Financial Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 2010, 9:00 a.m.

PLACE: The Hermitage Centre, 1801 Hermitage Blvd. Suite 440-C, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Deferred Compensation Advisory Council will hold its regular meeting to discuss updates on the Deferred Compensation program.

A copy of the agenda may be obtained by contacting: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, 200 E. Gaines St., Tallahassee, FL 32399-0346, (850)413-3162, Fax: (850)488-7186.

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

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: June 8, 2010, during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rule 690-137.002, Florida Administrative Code, published on March 26, 2010, Vol. 36, No. 12, of the Florida Administrative Weekly has been changed from May 25, 2010 to June 8, 2010.

A copy of the agenda may be obtained by contacting: Paul Johns, Life and Health Financial Oversight, Office of Insurance Regulation at email: Paul.Johns@floir.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: Paul Johns, Life and Health Financial Oversight, Office of Insurance Regulation at email: Paul.Johns@floir.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: Paul Johns, Life and Health Financial Oversight, Office of Insurance Regulation at email: Paul.Johns@floir.com.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: June 8, 2010, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-149.303, Florida Administrative Code, published on April 9, 2010 in Vol. 36, No. 14, of the Florida Administrative Weekly.

A copy of the agenda may be obtained by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation at email: Gerry.Smith@floir.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: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation at email: Gerry.Smith@floir.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation at email: Gerry.Smith@floir.com.

NOTICE OF CHANGE – The Financial Services Commission, Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: June 8, 2010, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rules 690-157.302, .303, .304, Florida Administrative Code, published on February 19, 2010 in Vol. 36, No. 7, of the Florida Administrative Weekly, has been changed from May 25, 2010 to June 8, 2010.

A copy of the agenda may be obtained by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation at email: Gerry.Smith@floir.com.

For more information, you may contact: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation at email: Gerry.Smith@floir.com.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology (AEIT)**, Chief Information Officers Council Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 4, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Collins Building, Room 138, 107 W. Gaines St., Tallahassee, FL (use public entrance on Bloxham St.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Margie (Rainey) Drury, Florida Department of Legal Affairs, Office of Information Technology at (850)414-3525 or email: margie.rainey@myfloridalegal.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: Margie (Rainey) Drury at (850)414-3525. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Enterprise Information Technology (AEIT)** announces a hearing to which all persons are invited.

DATE AND TIME: June 8, 2010, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval to publish a Notice of Proposed Rulemaking for Chapter 71A-1, F.A.C. (Florida Information Technology Resource Security Policies and Standards).

A copy of the agenda may be obtained by contacting: Dawn Creamer at (850)922-7502 or by e-mail: contactaeit@aeit.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: Dawn Creamer at (850)922-7502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: June 10, 2010, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: June 10, 2010, 2:00 p.m.

PLACE: Room 219 West, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of the April 15, 2010 Meeting, Committee Reports and such other business as the Authority may deem appropriate or as may come before the Authority.

A copy of the agenda may be obtained by contacting: The Treasure Coast Education, Research and Development Authority (“Authority”) at (772)467-3107.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Authority at (772)467-3107. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

NORTHWOOD SHARED SOURCE CENTER

The **NSRC Administration Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: May 26, 2010, 1:00 p.m.

PLACE: Department of State, 1949 N. Monroe Street, Suite 79, Room 115, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General topics.

A copy of the agenda may be obtained by contacting:
monica_cash@nsrc.myflorida.com.

The **NSRC Finance Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: May 28, 2010, 9:00 a.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Financial matters.

A copy of the agenda may be obtained by contacting:
monica_cash@nsrc.myflorida.com.

SOUTHWOOD SHARED SOURCE CENTER

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

DATE AND TIME: Wednesday, May 26, 2010, 1:00 p.m.

PLACE: Bryant Building, Conference Room 272, 620 South Meridian Street Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular Meeting of the SSRC Standing Committee on Customers and Services.

A copy of the agenda may be obtained by contacting: Christine Calianno at (850)414-2870 or email: Christine.Calianno@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 2 days before the workshop/meeting by contacting: Christine Calianno at (850)414-2870 or email: Christine.Calianno@MyFWC.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: Christine Calianno at (850)414-2870, Christine.Calianno@MyFWC.com.

FLORIDA SUBSTANCE ABUSE AND MENTAL HEALTH CORPORATION

The **Florida Substance Abuse and Mental Health Corporation** announces a public meeting to which all persons are invited.

DATES AND TIMES: June 7, 2010, 1:00 p.m. – 4:15 p.m.; June 8, 10:00 a.m. – 12:00 Noon

PLACE: Embassy Suites, 1100 S. E. 17th Street, Fort Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Quarterly Board of Directors meeting.

June 7, 2010 Executive Director’s review of the final recommendations of the SAMH Corporation and a review of the recommendations for the Reinvestment Grant. Roundtable discussion on the accomplishments of the SAMH Corp.

June 8, 2010 Tour Freedom House, 921 N. W. 45th Court, Fort Lauderdale, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: linda@samhcorp.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: linda@samhcorp.org.

ABLE TRUST

The **Able Trust (Florida Endowment Foundation for Vocational Rehabilitation)** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, June 10, 2010, 12:00 Noon – 5:00 p.m.; Friday, June 11, 2010, 9:00 a.m. – conclusion

PLACE: Golden Eagle Country Club, 3700 Golden Eagle Drive, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Able Trust (Florida Endowment Foundation for Vocational Rehabilitation) will hold its quarterly Board of Directors meeting. The agenda will include review and approval of grants to assist in creating fair employment opportunities for persons with disabilities; reviewing committee reports; presentation of financial reports and fiscal year 2011 budget; strategic planning; and other business that may come before the organization. The annual Ability Awards are scheduled at 12:00 Noon, Friday, June 11, 2010.

A copy of the agenda may be obtained by contacting: The Able Trust at (850)224-4493 or at info@abletrust.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 4 days before the workshop/meeting by contacting: The Able Trust at (850)224-4493 or at info@abletrust.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: The Able Trust at (850)224-4493 or at info@abletrust.org.

FLORIDA INDEPENDENT LIVING COUNCIL, INC.

The **Florida Independent Living Council, Inc.** announces a workshop to which all persons are invited.

MEETING: Independent Living Conference

DATES AND TIME: June 15-16, 2010, 1:00 p.m.

PLACE: Hilton in Walt Disney Resort, 1751 Hotel Plaza Boulevard, Lake Buena Vista, FL 32830, (407)827-4000

MEETING: Full Council Meeting

DATES AND TIME: June 17-18, 2010, 9:00 a.m.

PLACE: Hilton in Walt Disney Resort, 1751 Hotel Plaza Boulevard, Lake Buena Vista, FL 32830, (407)827-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by contacting: Molly Gosline, Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

A copy of the agenda may be obtained by contacting: Molly Gosline at (850)488-5624.

FLORIDA COLLEGE SYSTEM RISK MANAGEMENT CONSORTIUM

The **Florida College System Risk Management Consortium** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 28, 2010, 9:00 a.m.

PLACE: Renaissance Hotels and Resorts, 5445 Forbes Place, Orlando, FL 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Florida College System Risk Management Consortium, 5700 S. W. 34th Street, Suite 1205, Gainesville, FL 32608.

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

For more information, you may contact: Florida College System Risk Management Consortium at (352)955-2190.

ST. LUCIE TRANSPORTATION PLANNING ORGANIZATION

The **St. Lucie Transportation Planning Organization (TPO)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 2010, 2:00 p.m.

PLACE: St. Lucie County Walton Road Annex, 2nd Floor Conference Room, 1664 S. E. Walton Road, Port St. Lucie, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the St. Lucie Local Coordinating Board for the Transportation Disadvantaged (LCB).

A copy of the agenda may be obtained by contacting: Marceia Lathou, Senior Planner-Transit at (772)462-1671.

Pursuant to the provisions of 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: St. Lucie County Housing and Community Services Department at (772)462-1777. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Marceia Lathou, Senior Planner-Transit, St. Lucie TPO, 2300 Virginia Avenue, Fort Pierce, Florida 34982, (772)462-1671.

POLK TRANSPORTATION PLANNING ORGANIZATION

The **Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: June 14, 2010, 1:30 p.m.

PLACE: Neil Combee Administration Building, Board Room, 330 West Church Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Transportation Disadvantaged.

A copy of the agenda may be obtained by contacting: Diane Slaybaugh at (863)534-6495.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by

contacting: Diane Slaybaugh at (863)534-6495. If you are 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: Diane Slaybaugh at (863)534-6495.

SOIL AND WATER CONSERVATION DISTRICTS

The **Hendry Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: May 27, 2010, 1:00 p.m.

PLACE: Dallas B. Townsend Agr. Building, 1085 Pratt Blvd., LaBelle, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

For more information, you may contact: Barbara Tillis at (863)674-4160.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The Finance and Audit Committee of the **Florida Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 3, 2010, 2:00 p.m. (Eastern Time)

PLACE: Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet regarding general business of the Association. The agenda will include RFP and Investment Policy.

A copy of the agenda may be obtained by contacting: Cathy Irvin at cirvin@agfgroup.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Irvin at cirvin@agfgroup.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).

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 21, 2010, 1:00 p.m.

PLACE: Azalea Room, Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, FL 32034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Third Quarter meeting of the FLSO Board of Governors'. General business matters to be discussed.

A copy of the agenda may be obtained by contacting: Georgie Barrett via email: gbarrett@fslso.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Georgie Barrett via email: gbarrett@fslso.com or 1(800)562-4496, ext. 101. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA ASSOCIATION OF COMMUNITY COLLEGES

The **Florida College System Council of Presidents** announces a workshop to which all persons are invited.

DATE AND TIME: June 3, 2010, 8:30 a.m. – 12:15 p.m.

PLACE: Coral Springs Marriott, 11775 Hernon Bay Blvd., Coral Springs, Florida 33076

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to Florida's public community colleges.

A copy of the agenda may be obtained by contacting: Tina Ingramm at (850)222-3222.

For more information, you may contact: Michael Brawer at (850)222-3222.

The **Florida College System Council of Presidents** announces a public meeting to which all persons are invited.

DATE AND TIME: June 4, 2010, 8:30 a.m.

PLACE: Coral Springs Marriott, 11775 Hernon Bay Blvd., Coral Springs, Florida 33076

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to Florida's public community colleges.

A copy of the agenda may be obtained by contacting: Tina Ingramm at (850)222-3222.

For more information, you may contact: Michael Brawer at (850)222-3222.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **FWCJUA Investment Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 28, 2010, 10:00 a.m.

PLACE: To participate in the teleconference meeting, contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics shall include approval of minutes; investment marketplace update; compliance review of current investment portfolio; review of policy and guidelines for investment of assets and associated matters; investment manager's performance/selection; and 2010 meeting schedule.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from FWCJUA's website: www.fwcjua.com.

HDR, INC.

The **Escambia County, FL** in cooperation with FDOT, District 3 announces a hearing to which all persons are invited. DATE AND TIME: Thursday, June 24, 2010, 5:30 p.m. – 6:30 p.m.

PLACE: Liberty Church, 221 South Blue Angel Parkway, Pensacola, FL 32506

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to allow interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic and environmental effects of the proposed improvements to SR 173 (Blue Angel Parkway). The limits of the project are from SR 292 (Sorrento Road) to approximately 2,000 feet north of SR 30 (US 98/ Lillian Bridge Road/Dr. Farin Road) in Pensacola, Escambia County, Florida; for a distance of approximately 3.6 miles. The proposed project includes Access Management Modifications at selected locations. The Financial Project Number is: 421012-1-28-01 and the Federal Aid Project Number is: N/A.

A copy of the proposed plans and other information will be available for review Friday, May 21, 2010 through Friday, July 9, 2010 in two locations:

Escambia County Southwest Branch Library
12248 Gulf Beach Highway
Pensacola, Florida 32507
(850)453-7780

HDR Engineering, Inc.
25 West Cedar St. Suite 200
Pensacola, FL 32502
(850)432-6800

The public library is open Monday – Thursday, 9:00 a.m. – 8:00 p.m.; Friday and Saturday, 9:00 a.m. – 5:00 p.m. (excluding holidays). The office of HDR Engineering is open 8:00 a.m. – 5:00 p.m., Monday through Friday (excluding holidays).

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.

A copy of the agenda may be obtained by contacting: John Wimberly HDR Engineering, 25 W. Cedar Street, Suite 200, Pensacola, Florida 32501, (850)432-6800, email: John.Wimberly@hdrinc.com.

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

For more information, you may contact: John Wimberly HDR Engineering, 25 W. Cedar Street, Suite 200, Pensacola, FL 32501, (850)432-6800, John.Wimberly@hdrinc.com.

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT the Agency for Health Care Administration has received the petition for declaratory statement from Citrus Memorial Health Foundation, Inc. The petition seeks the agency's opinion as to the applicability of Chapter 2005-358, L.O.F. as it applies to the petitioner.

Petitioner seeks affirmation that it is not required to separately account for expenditures of Low Income Pool Program funds received from the Agency.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Edwin Stephens, 2727 Mahan Dr., Building 3, Room 2149a, Tallahassee, Florida 32308, (850)412-4077, email: edwin.stephens@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Scott and Hayam Gabr-Sorenson, Unit Owners, In Re: St. Pierre at Waterpark Place Condominium Association, Inc. on February 11, 2010. The following is a summary of the agency's declination of the petition: The Division declined to issue a declaratory statement because Petitioners withdrew their petition.

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

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

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Michael Ungerbuehler, attorney for the petitioner/association, The Lemon Tree – 1 Condominium Association, Inc., Docket No.: 2010021663. The petition seeks the agency's opinion as to the applicability of Section 718.110(4), Florida Statutes, as it applies to the petitioner.

Whether Lemon Tree – 1 Condominium Association must repair eight units totally destroyed by fire or terminate their existence under conflicting provisions of the declaration of condominium and Section 718.110(4), 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 Board of Medicine has received a Petition for Declaratory Statement filed on behalf of U.S. Healthworks Medical Group of Florida, Inc., on May 11, 2010. The Petitioner requests the Board's interpretation as to whether a provider organized as an occupational health care group practice may create an incentive program whereby the practice pays a managing physician who is a member of the group a percentage of the group's aggregate net profit as compensation for management services when (1) the group consists of employed physicians

who have no investment interest in the group; (2) all occupational health care services provided are pre-authorized; (3) the managing physician does not engage in marketing or solicitation of business, and (4) there is no economic incentive to engage in the inappropriate overutilization of occupational health care services. Specifically the Petitioner seeks the Board's interpretation as to whether the facts set forth in the petition would violate Section 456.053, Florida Statutes. The Board will consider this petition at its meeting scheduled for June 4, 2010, in Fort Lauderdale, Florida. Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Eric A. Neilinger on or about May 4, 2010. The petition seeks the agency's opinion as to the applicability of Florida Fire Prevention Code 2007 edition, NFPA 72 2002, section 8.5.1, 8.5.2.2, 8.5.3.5, 8.5.3.5.1, 8.5.3.5.4 (.1 thru .6), 8.5.3.5.5 (1), as it applies to the petitioner.

The address of the building affected by this petition is the Broward County Fire Marshal office. We installed an AES U.L. 864 listed intelligent radio self healing mesh network system. We are operating the system as a type 6 one way system. The system has two way interrogation and response sequence to verify signal transmissions and acknowledgement, exceeding the minimum requirements for a type 6 system. Our network is operating in Dade, Broward and Palm Beach County. The system has been widely accepted in most jurisdictions in these areas. However we have not been able to get approval from the Broward County Fire Marshal for the areas he has jurisdiction in. He is asking clarification from the state on acceptance of the AES Radio System as an acceptable alternate means of transmitting fire alarm signal without the need for telephone lines. The system is U.L. listed 864 and meets and or exceeds the requirements in NFPA 72 for a type 6 one way system.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or by e-mail: Lesley.Mendelson@myfloridacfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has declined to rule on the petition for declaratory statement filed by Randy Pinkham on February 10, 2010. The following is a summary of

the agency’s declination of the petition: The Petitioner asks whether a listed fire alarm communicator which communicates via a packet-switched network (internet), and meets the requirements of NFPA 72 (2002) 8.5.4 “Other Technologies,” is an acceptable alternate to other sections of chapter 8 such as those for active multiplex (DACT); and if so, whether a redundant path of communications is required if the communications path is tested for integrity intervals of less than 5 minutes. The applicable rule is 69A-48.008, Florida Administrative Code; however, the Petitioner has not provided sufficient facts to apply the rule to his facts and provide an answer. Therefore, the Petition is denied.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or by e-mailing your request to: Lesley.Mendelson@myfloridacfo.com.

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

EXECUTIVE OFFICE OF THE GOVERNOR

Notice of Bid/Request for Proposal

PROJECT NAME: FLORIDA CLEAN ENERGY GRANTS PROGRAM

On February 17, 2009, the American Recovery and Reinvestment Act of 2009 (ARRA) was enacted. As a result of this new law, the State of Florida was allocated \$126,089,000 in economic stimulus funds for its State Energy Program (SEP). This funding has been allocated to the Florida Energy and Climate Commission (FECC) from the U.S. Department of Energy (DOE). Of the total amount, the FECC will use \$10,000,000 for the creation of the Florida Clean Energy Grant Program. This competitive grant program is intended to fund specified energy efficiency and renewable energy projects and activities in Florida. Eligible applicants under this program include Florida state and local governments who did not receive a direct allocation of funds from the DOE for the Energy Efficiency Conservation Block Grant Program, Florida school districts, public universities and colleges in Florida, Florida Constitutional Officers, independent special districts, not-for-profit organizations, existing Florida farms and farm operations, and the Florida Department of Agriculture and Consumer Services. Program guidelines and applications are located at www.MyFloridaClimate.com.

SUBMITTING THE APPLICATION: Applications must be submitted in a sealed envelope/package, the face referencing Clean Energy Grant Program with the date and time of the submittal. Submit at least one clearly marked ORIGINAL, five (5) additional copies and one digital format on a non-rewritable

CD, preferably PDF, of the application and all supplemental materials. Each applicant is responsible for ensuring its application is received and delivered at the proper time and to the proper place. The FECC shall not consider late proposals. To be considered, SEALED APPLICATIONS MUST BE RECEIVED BY FECC STAFF BEFORE 5:00 p.m. (EST), JUNE 18, 2010.

Application must be delivered to:
 Florida Energy & Climate Commission
 Executive Office of the Governor
 Clean Energy Grant Program
 600 S. Calhoun Street, Suite 251
 Tallahassee, Florida 32399-0001

Any person requiring a special accommodation because of disability should call: the FECC, (850)487-3800 at least five (5) workdays prior to the scheduled event. If you are hearing or speech impaired, please contact FECC by using the Florida Relay Service at 1(800)955-8771 (TDD).

Notice of Bid/Request for Proposal

PROJECT NAME: PLUG-IN HYBRID ELECTRIC VEHICLE CONVERSION REBATE PROGRAM

On February 17, 2009, the American Recovery and Reinvestment Act of 2009 (ARRA) was enacted. As a result of this new law, the State of Florida was allocated \$30,401,600 in economic stimulus funds for its Energy Efficiency and Conservation Block Grant Program (EECBG). This funding has been allocated to the Florida Energy and Climate Commission (FECC) from the U.S. Department of Energy (DOE). Of the total amount, the FECC will use \$450,000 for the creation of the Plug-In Hybrid Electric Vehicle Conversion Rebate Program. The purpose of this program is to increase the affordability of hybrid plug-in electric conversion kits within the state of Florida by offering a rebate program to convert gasoline-electric hybrid automobiles into plug-in hybrid electric automobiles. Plug-In Hybrid Electric Vehicle Conversion Rebate Program funds are eligible for payment once the applicant has expended the funds and submitted the completed Rebate Application Form and the required accompanying documents. The FECC will issue payment(s) upon acceptance of the completed Rebate Application forms in compliance with applicable Florida Statutes, Florida Department of Financial Services rules and/or U.S. Government requirements, subject to limitations described in this document. Florida residents, Florida incorporated businesses and Florida government entities are eligible for this rebate program. Only the owner of a vehicle registered in the State of Florida at the time of the conversion shall be eligible for the rebate. Subsequent owners of a converted vehicle are not eligible under this rebate program. The issuance of a rebate through other rebate programs does not preclude a consumer

from receiving a rebate through this rebate program. Program guidelines and applications are located at www.MyFloridaClimate.com.

SUBMITTING THE APPLICATION: Applicants for rebates must submit an original, signed Rebate Application Form in paper format. Electronic submissions will not be accepted. All applications must be submitted by certified mail to the FECC. Rebate Application Forms will be accepted and reviewed by the FECC as long as funding is available, but no later than November 23, 2012. The following must accompany the Rebate Application Form: a photocopy of the original purchase receipt showing vehicle identification number of the converted vehicle, installation date, system cost, payment received, and system location; a photograph of the installed system; and emissions standards and safety standards documentation. A photocopy of the converted vehicle's valid and current State of Florida registration must be submitted with the application. All information provided to the FECC must be legible.

Application must be delivered to:

Florida Energy & Climate Commission
 Executive Office of the Governor
 Attn: Plug-In Hybrid Electric Vehicle Conversion Program
 Tallahassee, Florida 32399-0001

Any person requiring a special accommodation because of disability should call: the FECC, (850)487-3800 at least five (5) workdays prior to the scheduled event. If you are hearing or speech impaired, please contact FECC by using the Florida Relay Service at 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

NOTICE OF REQUEST FOR PROPOSALS NO.
 09/10-033WR – Water Quality and Biological Sample
 Collection and Analysis

The Suwannee River Water Management District is requesting proposals from consultants who can provide the expertise and work force to collect and analyze both water quality and biological samples as part of the District's ongoing network. Any work proposed by the District as part of this Request for Proposals (RFP) is subject to District Governing Board approval and funding.

The RFP outlines the scope of services and all general and specific conditions. All proposals submitted to perform the requested services must be prepared in accordance with the RFP document.

A copy of this RFP is available at www.srwmd.state.fl.us OR requests for the RFP document may be directed to:

Debbie Davidson, Business Resource Specialist II
 Suwannee River Water Management District
 9225 CR 49
 Live Oak, FL 32060
 (386)362-1001 or 1(800)226-1066 (Florida Only)

Firms interested in being considered for these services are required to complete and submit the “Contractor Registration Form” in Section 6 by 4:00 p.m., May 28, 2010. Final proposals received after June 4, 2010, 4:00 p.m., for any reason, will be rejected.

DEPARTMENT OF MANAGEMENT SERVICES
FOR PROFESSIONAL SERVICES CONTINUING
CONTRACTS FOR
MECHANICAL/ELECTRICAL/PLUMBING
ENGINEERING SERVICES NORTHEAST FLORIDA
REGION

The State of Florida, Department of Management Services (DMS) requests qualifications from engineering firms to provide Professional Services primarily in the Northeast Florida Region. These services may be used for projects anywhere in the State of Florida, however, it is anticipated that the firms selected during this process will be activated for projects in the Northeast part of the State. The Northeast Region is defined as all counties north of and including Levy, Marion and Volusia and east of Taylor and Madison Counties. Projects will vary in size up to \$2,000,000.00 for construction and up to \$200,000.00 for planning or study fees.

Response Due Date: June 24, 2010 by 4:00 p.m.

Shortlist Date: July 1, 2010

Interview Date: July 29, 2010

Please visit the Department’s Website listed below and click on “Search Advertisements – Division of Real Estate Development and Management” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

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 COMMUNITY AFFAIRS

Notice of Funding Availability – Florida Small Cities Community Development Block Grant Program

The Department of Community Affairs, Florida Small Cities Community Development Block Grant (CDBG) Program, announces the availability of \$800,000 in deobligated funds to be used as emergency set aside for disaster recovery projects related to the tornado that occurred on January 21, 2010. Eligible applicants are those local

governments that currently participate in the Florida Small Cities CDBG Program in the following county. Communities may apply jointly or individually for the funding.

COUNTY ELIGIBLE APPLICANTS
 Bradford Bradford County, Town of Brooker, City of Hampton, City of Lawtey, City of Starke, FL

The emergency set-aside funding may be used for any CDBG eligible activity that is needed in order to recover from the effects of the tornado that occurred on January 21, 2010. The purpose of the set aside is to fund eligible activities that address serious, urgent community needs that pose an immediate and direct threat to the health, safety and welfare of residents of low and moderate-income. The activities to be funded must be documented as being directly related to the disaster event covered in the Governor’s Executive Order 10-41. The amount of funds requested shall be limited to that amount necessary to address an emergency need resulting from the tornado damage. Communities that did not receive substantial damage should not apply for funding.

At least 51% of the funding must benefit low and moderate-income persons. Eligible communities that are interested in receiving funding must provide a Statement of Intent to Apply for the funds no later than May 21, 2010. The statement can be transmitted to the Department by Fax: (850)922-5609 or by regular mail: Department of Community Affairs, Florida Small Cities CDBG Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. In order to apply, local governments must also provide an application to the department no later than 5:00 p.m. (EDST), June 11, 2010:

The application must be submitted to:
 Florida Small Cities CDBG Program
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

Federal and State requirements, including 24 CFR 570, Subpart I, and Rule Chapter 9B-43, Florida Administrative Code, related to the regular Florida Small Cities CDBG Program must be met. Local governments are encouraged to contact the Department if planning or administrative support is needed.

Please contact: Jacquelyn Dupree, Community Program Manager, Florida Small Cities CDBG Program at (850)487-3644 or jackie.dupree@dca.state.fl.us, if you have questions or need additional information.

DCA Final Order No.: DCA10-OR-088

In Re: POLK COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
POLK COUNTY ORDINANCE NO.: 09-066.

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6) and (11), Florida Statutes, (2009), approving Polk County Ordinance No. 09-066.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On March 17, 2010, the Department received for review Polk County Ordinance No.: 09-066 which was adopted by the Polk County Board of County Commissioners on November 23, 2009.
3. Proposed Ordinance No.: 10-003 amends the Polk County Land Development Code 09T-32; Ordinance No.: 00-09; and Section 502, Table 5.2, to add the use Recreation, Active and delete the use Recreation, High Intensity from Table 5.2 Use Table for Green Swamp ACSC. The amendment to the Polk County Land Development Code adds the Recreation, Active use to Table 5.2, and provides for this use within the corresponding land use districts, establishes levels of review, and is in response to DCA Final Order DCA09-OR-272.
4. The Ordinance is consistent with the County's Comprehensive Plan Goals, Objectives, and Policies.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. Sections 380.05(6) and (11), Florida Statutes (2009).
6. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Florida Statutes (2009) and Rule Chapter 28-26, Florida Administrative Code.
7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2009). The regulations adopted by the Ordinances are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. Section 380.05(6), Florida Statutes; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999).

The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. ("Principles").

9. Ordinance No.: 09-066 is consistent with the Principles in Rule 28-26.003, Florida Administrative Code, and are not inconsistent with any one Principle.

WHEREFORE, IT IS ORDERED that Ordinance No.: 09-066 is found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL

ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 12th day of May, 2010.

Paula Ford, Agency Clerk

By U.S. Mail:
Michael F. Craig, Esq.
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831

Thomas Deardorff, Director
Growth Management Department
P. O. Box 9005, Drawer GM03
Bartow, FL 33831

Sam Thomas, Chairman
Board of County Commissioners
P. O. 9005, Drawer BC01
Bartow, FL 33831

DCA Final Order No.: DCA10-OR-086
In Re: POLK COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
POLK COUNTY, ORDINANCE NO. 09-073

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), Florida Statutes (2009), approving Polk County Ordinance No.: 09-073.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On March 10, 2010, the Department received for review Polk County Ordinance No.: 09-073 which was adopted by the Polk County Board of County Commissioners on December 10, 2009.
3. Proposed Ordinance No.: 09-073 amends the Polk County Land Development Code Amendment LDC 09T-07, amending Ordinance No.: 00-09, amending Chapter 2, Table 2.1, Section 206, Accessory Uses, Section 303, Conditional Uses, Chapter 4, Table 4.1, Table 4.3, Table

4.8, Table 4.12, Table 4.14, Table 4.16, Table 4, Chapter 5, Table 5.2, Chapter 7, Table 7.10 and Chapter 10, Definitions, adding the use Adult Day Care Centers and providing for regulations, addressing uses know as Group Living Facilities, Residential – Treatment Facility, Family Care Home, Emergency Shelter and Nursing Homes, to provide for consolidation of such uses, revise conditions of approval, and revise and update Definitions.

4. The Ordinance is consistent with the County’s Comprehensive Plan Goals, Objectives, and Policies including Policy 2.102-A5: Development Standards; Objective 2.109-B, Policy 2.109-B2: Land Use Intensities; Objective 2.128-A Signage: and Policy 2.128-A1.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. Sections 380.05(6) and (11), Florida Statutes (2009).
6. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Florida Statutes (2009) and Rule Chapter 28-26, Florida Administrative Code.
7. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2009). The regulations adopted by the Ordinances are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. Section 380.05(6), Florida Statutes; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. (“Principles”).
9. Ordinance No.: 09-073 is consistent with the Principles in Rule 28-26.003, Florida Administrative Code, and are not inconsistent with any one Principle.

WHEREFORE, IT IS ORDERED that Ordinance No.: 09-073 is found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND

ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 12th day of May, 2010.

Paula Ford, Agency Clerk

By U.S. Mail:
Michael F. Craig, Esq.
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831

Thomas Deardorff, Director
Growth Management Department
P. O. Box 9005, Drawer GM03
Bartow, FL 33831

Sam Thomas, Chairman
Board of County Commissioners
P. O. 9005, Drawer BC01
Bartow, FL 33831

DCA Final Order No.: DCA10-OR-083

In re: POLK COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
POLK COUNTY ORDINANCE NO. 10-003

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), Florida Statutes (2009), approving Polk County Ordinance No.: 10-003.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On March 17, 2010, the Department received for review Polk County Ordinance No.: 10-003 which was adopted by the Polk County Board of County Commissioners on January 6, 2010.
3. Proposed Ordinance No. 10-003 amends the Polk County Land Development Code 09T-32; Ordinance No.: 00-09; and Section 401.03 North US 27 Selected – Area Plan.
4. The Ordinance is consistent with the County's Comprehensive Plan Goals, Objectives, and Policies including Policy 2.131-C4.f.3 Development Criteria of the Polk County Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. Sections 380.05(6) and (11), Florida Statutes (2009).
6. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Florida Statutes (2009) and Rule Chapter 28-26, Florida Administrative Code.
7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2009). The regulations adopted by the Ordinances are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. Section 380.05(6), Florida Statutes; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. ("Principles").
9. Ordinance No.: 10-003 is consistent with the Principles in Rule 28-26.003, Florida Administrative Code, and are not inconsistent with any one Principle.

WHEREFORE, IT IS ORDERED that Ordinance No.: 10-003 is found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 CHARLES GAUTHIER, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 12th day of May, 2010.

 Paula Ford, Agency Clerk

By U.S. Mail:
 Michael F. Craig, Esq.
 Polk County Attorney
 Drawer AT01
 P. O. Box 9005
 Bartow, FL 33831

Thomas Deardorff, Director
 Growth Management Department
 P. O. Box 9005, Drawer GM03
 Bartow, FL 33831

Sam Thomas, Chairman
 Board of County Commissioners
 P. O. 9005, Drawer BC01
 Bartow, FL 33831

DCA Final Order No.: DCA10-OR-089

In Re: CITY OF MARATHON LAND
 DEVELOPMENT REGULATIONS
 ADOPTED BY ORDINANCE NO. 2010-04

 FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2009), rejecting a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On March 22, 2010, the Department received for review City of Marathon Ordinance No.: 2010-04 that was adopted by the City of Marathon Board of City Commissioners on March 9, 2010 ("Ord. 2010-04"). The purpose of Ord. 2010-04 is to amend Sections 6-52(a) and 6-52(b) of the Code of Ordinances of the City of Marathon, Florida. The amendment proposes to allow fill on property including fill on a narrow band of shoreline fringe mangroves along man made water bodies and canals that

does not have a building permit or a principle structure and would allow the clearing of invasive exotic vegetation without a building permit.

3. Ord. 2010-04 is inconsistent with the City's 2010 Comprehensive Plan including Policy 4-1.2.1 Establish Regulations to Protect and Manage Conservation Lands and Natural Resource Systems; Policy 4-1.2.2 Protect Plant and Animal Species; Policy 4-1.3.1 Protect, Conserve and Enhance Coastal Resources, Wetlands, Water Resources, Living Marine Resources, Wildlife Habitats and Other Natural Resources and the Environmental Health of Florida Bay, the Atlantic Ocean and All Surface and Ground Waters; Policy 4-1.5.2 Require Removal of Invasive Exotic Vegetation; Policy 4-1.5.4 Limit Clearing of Native Vegetation; and Policy 4-1.5.13 Protect Natural Resources through Development Review.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), Florida Statutes (2009).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2009) and Rule 31-31.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2009). The regulations adopted by Ord. 2010-04 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2010-04 is inconsistent with the following Principle:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys

(f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

9. Ord. 2010-04 is neutral with respect to the remaining Principles. Ord. 2010-04 is inconsistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2010-04 is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby REJECTED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 CHARLES GAUTHIER, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 12th day of May, 2010.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Ginger Snead, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

John R. Herin, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200, Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA10-OR-082
In Re: MONROE COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY MONROE COUNTY
ORDINANCE NO. 005-2010

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2009), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On March 15, 2010, the Department received for review Monroe County Ordinance No. 005-2010 ("Ord. 005-2010"), adopted by Monroe County on February 17, 2010.
3. The purpose of Ord. No. 005-2010 is to amend Monroe County Code Section 102-55, Registration; Section 110-4, Determination of Completeness and Compliance, Except for Single-Family Dwellings; Section 110-7, Actions by Decision Making Persons and Bodies; Section 110-37, Development Permitted as of Right; Section 110-69, Minor Conditional Uses; Section 110-70, Major Conditional Uses; Section 110-71, Final Development Plan Subsequent to Approval of Conditional Use Permit; Section 110-73, Development Under an Approved Conditional Use Permit; Section 110-98, Preliminary Plat Approval; Section 110-99, Final Plat Approval, to eliminate references to the obsolete position of Development Review Coordinator and to reassign the responsibilities and duties of the Development Review Coordinator to the Planning Director.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), Florida Statutes (2009).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2009) and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2009). The regulations adopted by Ord. 005-2010 are land development regulations.
7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 005-2010 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(l) To protect the public health, safety and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique resource.

9. Ord. 005-2010 is consistent with the Principles for Guiding Development as a whole.

10. Ord. 005-2010 furthers Monroe County Comprehensive Plan and is not inconsistent with the Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Ord. 005-2010 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 12th day of May, 2010.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Sylvia Murphy
Mayor of Monroe County
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Christine Hurley
Growth Management Director
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DCA Final Order No.: DCA10-OR-080

In Re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2010-05

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2009), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On March 9, 2010, the Department received for review City of Marathon Ordinance No. 2010-05 that was adopted by the City of Marathon Board of City Commissioners on March 9, 2010 ("Ord. 2010-05"). The purpose of Ord. 2010-05 is to amend Chapter 101 of the Land Development Regulations to revise the procedure for appointment and other associated functions of the members of the Planning Commission, and to provide for the repeal of all Code provisions and Ordinances inconsistent with this Ordinance.

3. Ord. 2010-05 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), Florida Statutes (2009).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2009) and Rule 31-31.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2009). The regulations adopted by Ord. 2010-05 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2010-05 is consistent with the following Principle:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
9. Ord. 2010-05 is neutral with respect to the remaining Principles. Ord. 2010-05 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2010-05 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21

CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 6th day of May, 2010.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Ginger Snead, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

John R. Herin, Esq.
 Stearns Weaver Miller Weissler
 Alhadeff & Sitterson, P.A.
 Suite 2200, Museum Tower
 150 West Flagler Street
 Miami, Florida 33130

DCA Order No. DCA10-OR-090

In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY ISLAMORADA
 VILLAGE OF ISLANDS, ORDINANCE NO. 10-06

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2009), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On March 29, 2010, the Department received for review Islamorada, Village of Islands Ordinance No.: 10-06 ("Ord. No.: 10-06") adopted by the Village on February 25, 2010.
3. Ord. No.: 10-06 amends Chapter 30, Land Development Regulations, Article IV Administrative Procedures, Division 11 Building Permit Allocation System to extend the maximum length of time for allocation award deferrals.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), Florida Statutes (2009).
5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2009), and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2009). The regulations adopted by Ord. 10-06 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development

(the "Principles") as set forth in Section 380.0552(7), Florida Statutes (2009). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 10-06 promotes and furthers the following Principle:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, dune ridges and beaches, wildlife, and their habitat.
9. Ord. 10-06 is not inconsistent with the remaining Principles. Ord. 10-06 is consistent with the Principles for Guiding Development as a whole.
10. Ord. 10-06 is consistent with the Village Comprehensive Plan including Goal 1-1: Implement Future Land Use Vision.

WHEREFORE, IT IS ORDERED that Ord. 10-06 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE

DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND

YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, “PETITION FOR ADMINISTRATIVE PROCEEDINGS” WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 12th day of May, 2010.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Don Achenberg, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
James White, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
2525 Ponce De Leon Blvd., Suite 700
Coral Gables, Florida 33134-6045

DCA Order No. DCA10-OR-087
In Re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA
VILLAGE OF ISLANDS, ORDINANCE NO. 10-07

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2009), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On March 29, 2010, the Department received for review Islamorada, Village of Islands Ordinance No. 10-07 (“Ord. No. 10-07”) adopted by the Village on February 25, 2010.
3. Ord. No. 10-07 repeals the existing Cost Recovery System by eliminating Chapter 30, Land Development Regulations, Article IV Administrative Procedures, and Division 6 Permit and Development Approval Cost Recovery, Sections 30-331 through 30-339 of the Village Code of Ordinances.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), Florida Statutes (2009).
5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2009), and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2009). The regulations adopted by Ord. 10-07 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in Section 380.0552(7), Fla. Stat. (2009). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 10-07 promotes and furthers the following Principle:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
9. Ord. 10-07 is not inconsistent with the remaining Principles. Ord. 10-07 is consistent with the Principles for Guiding Development as a whole.
10. Ord. 10-07 is consistent with the Village Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Ord. 10-07 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

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IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND

SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 12th day of May, 2010.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Don Achenberg, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
James White, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
2525 Ponce De Leon Blvd., Suite 700
Coral Gables, Florida 33134-6045

DCA Final Order No.: DCA10-OR-084

In Re: LAND DEVELOPMENT REGULATIONS
ADOPTED BY CITY OF KEY WEST
ORDINANCE NO. 10-08

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), Florida Statutes (2009), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The City of Key West is a designated area of critical state concern.
- 2. On April 7, 2010 the Department received for review City of Key West Ordinance No.: 10-08, which was adopted by the City of Key West City Commission on April 7, 2010, ("Ord. 10-08").

3. The purpose of Ord. 10-08 is to amend Chapter 122 of the City of Key West Land Development Regulations and Section 122-1346 to extend the sunset of the Transient Unit Ordinance and its functions from May 15, 2010, to May 15, 2011.
4. Ord. 10-08 is consistent with the City’s Comprehensive Plan: Objective 1-3.2: Manage and Coordinate Future Land Use Decisions; Policy 1-3.2.4: Non – Residential Development Standards; and Objective 1-3.4: Prevent Land Use Inconsistent with City’s Character and Coordinate Coastal Area Population Densities with Hurricane Evacuation Plans.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. Sections 380.05(6) and 380.05(11), Florida Statutes (2009).
6. The City of Key West is an Area of Critical State Concern. Section 380.05, Florida Statutes (2009) and Rule 28-36.001, Florida Administrative Code.
7. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2009). The regulations adopted by Ord. 10-08 are land development regulations.
8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the “Principles”). Section 380.05(6), Florida Statutes; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d.*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Florida Administrative Code.
9. The above identified portions of Ord. 10-08, are consistent the following Principles:
 - (a) Strengthen local government capabilities for managing land use and development.
 - (e) Protection of the historical heritage of Key West and the Key West Historical Preservation District.
 - (h) Protection of public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.
10. WHEREFORE, IT IS ORDERED that Ord. 10-08 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE

OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 12th day of May, 2010.

Paula Ford, Agency Clerk

By U.S. Mail:
The Honorable Craig Cates
Mayor, City of Key West
P. O. Box 1409
Key West, Florida 33041

Cheryl Smith
Clerk to the City Commission
P. O. Box 1409
Key West, Florida 33041

Amy Kimball-Murley, AICP
Planning Director
City of Key West
P. O. Box 1409
Key West, Florida 33041

Larry Erskine
City Attorney
P. O. Box 1409
Key West, FL 33041

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Yamaha Motor Corporation, USA, intends to allow the establishment of S & T Motors, Inc., dba Citrus Cycle Center as a dealership for the sale of motorcycles manufactured by Yamaha Motor Corporation, USA (YAMA) at 1581 West Gulf To Lake Highway, Lecanto (Citrus County), Florida 34461, on or after May 12, 2010.

The name and address of the dealer operator(s) and principal investor(s) of S & T Motors, Inc., dba Citrus Cycle Center, are dealer operator(s): Susan G. Banden, 43 West Keller Street, Hernando, Florida 34442, and Timothy K. Banden, 43 West Keller Street, Hernando, Florida 34442, principal investor(s): Susan G. Banden, 43 West Keller Street, Hernando, Florida 34442, and Timothy K. Banden, 43 West Keller Street, Hernando, Florida 34442.

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: Nicole R. Buitrago, Yamaha Motor Corporation, USA, 1270 Chastain Road, Kennesaw, Georgia 30144.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Chrysler Group Carco, LLC, dba Chrysler Group, LLC, intends to allow the establishment of Northside Dodge, Inc., as a dealership for the sale of automobiles manufactured by Chrysler Group Carco, LLC, dba Chrysler Group, LLC, (CHRY) at 7233 Blanding Boulevard, Jacksonville (Duval County), Florida 32244, on or after June 20, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Northside Dodge, Inc., are dealer operator(s): John Darvish, 11613 Highland Farm Road, Potomac, Maryland 20854, and Howard Rock, 7322 Blanding Boulevard, Jacksonville, Florida 32244; principal investor(s): John Darvish, 11613 Highland Farm Road, Potomac, Maryland 20854.

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-312M 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, dba Chrysler Group, 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.

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 Chrysler Group Carco, LLC, dba Chrysler Group, LLC, intends to allow the establishment of Northside Dodge, Inc., as a dealership for the sale of automobiles manufactured by Chrysler Group Carco, LLC, dba Chrysler Group, LLC (JEEP) at 7233 Blanding Boulevard, Jacksonville (Duval County), Florida 32244, on or after June 20, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Northside Dodge, Inc. are dealer operator(s): John Darvish, 11613 Highland Farm Road, Potomac, Maryland 20854, and Howard Rock, 7322 Blanding Boulevard, Jacksonville, Florida 32244; principal investor(s): John Darvish, 11613 Highland Farm Road, Potomac, Maryland 20854.

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: P R. Langley, Chrysler Group Carco LLC, dba Chrysler Group, 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.

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 Power Group International, LLC, intends to allow the establishment of P & D Motorcycles, Inc., dba Purcells Motorcycle and Marine World, as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co., Ltd., (GUNG) at 6407 Blanding Boulevard, Jacksonville (Duval County), Florida 32244, on or after May 8, 2010.

The name and address of the dealer operator(s) and principal investor(s) of P & D Motorcycles, Inc., dba Purcells Motorcycle and Marine World are dealer operator(s): Gary Purcell, 6407 Blanding Blvd., Jacksonville, Florida 32244; principal investor(s): Gary Purcell, 6407 Blanding Blvd., Jacksonville, Florida 32244.

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: Elinore Hollingsworth, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

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

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 Western Golf Car Manufacturing, Inc., intends to allow the establishment of Victory Lane, LLC, as a dealership for the sale of low-speed vehicles manufactured by Western Golf Car Manufacturing, Inc., (WSTN) at 10491 Corkscrew Commons Drive, Estero (Lee County), Florida 33928, on or after May 11, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Victory Lane, LLC, are dealer operator(s): David J. Parker, 21727 Helmsdale Run, Estero, Florida 33928; principal investor(s): David J. Parker, 21727 Helmsdale Run, Estero, Florida 33928.

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: Scott Stevens, Western Golf Car Manufacturing, Inc., 69-391 Dillon Road, Desert Hot Springs, California 92241.

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

GRACE PERIOD LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the May 19, 2010 application filing date for Other Beds and Programs batching cycle:

County: Orange	District: 7
Date Filed: 5/4/2010	LOI #: N1004020
Facility/Project: Florida Hospital	
Applicant: Adventist Health System/Sunbelt, Inc.	
Project Description: Establish a pediatric cardiac catheterization program	

County: Orange	District: 7
Date Filed: 5/4/2010	LOI #: N1004021
Facility/Project: Florida Hospital	
Applicant: Adventist Health System/Sunbelt, Inc.	
Project Description: Establish a pediatric open heart surgery program.	

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after June 23, 2010, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on June 4, 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), sub-subparagraph 62-4.242(2)(a)2.b., subsection 62-302.700(1) and paragraph 40C-4.301(1)(e), F.A.C., to the U.S. Navy, NAVSTA Mayport, Building 1966, Jacksonville, Florida 32228-0067, File No.: 0298451-002-BV to temporarily establish an expanded mixing zone that extends up to 600 meters down current from the dredge, and to establish a maximum allowable turbidity level of six (6) NTUs above background beyond the approved mixing zone for work within the Nassau River – St. John’s River Marshes Aquatic Preserve, Outstanding Florida Waters (OFW). The variance is in association with the project to deepen the Naval Station Mayport Entrance Channel and Turning Basin, and the Jacksonville Harbor Bar Cut 3 federal navigation channel. The Department’s file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 W. Tennessee St., Tallahassee, FL 32399-3000, (850)488-7708.

A person whose substantial interests are affected by the Department’s action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk): Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, F.S. is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department’s action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension

of time. Requests for extension of time must be filed with: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsections 28-106.111(2) and 62-110.106(3)(a), (4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person’s right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department’s action is based must contain the following information: (a) The name and address of each agency affected and each agency’s file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency’s proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency’s

proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with: The Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

**NOTICE OF AVAILABILITY
FLORIDA CATEGORICAL EXCLUSION NOTICE
CITY OF NICEVILLE, FLORIDA**

The Department of Environmental Protection has determined that Niceville's proposed project for the construction of a new wastewater pump station and connecting gravity sewer lines at City Hall will not have a significant adverse affect on the environment. The total project cost is estimated at \$1,134,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing: David P. O'Brien, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8367.

**NOTICE OF AVAILABILITY
ORANGE COUNTY, FLORIDA**

The Department of Environmental Protection has determined that Orange County's proposed wastewater management facilities will not have a significant adverse impact on the environment. The total construction cost is estimated at \$3,000,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Bryan Goff, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8358.

**NOTICE OF AVAILABILITY
CITY OF ST. PETERSBURG, FLORIDA**

The Department of Environmental Protection has determined that the City of St. Petersburg's proposed projects for improving the Water Reclamation Facility (WRF) pump stations, lift stations, installing a new odor control system, new emergency generators, and converting to a diffused aeration system will not have a significant adverse impact on the environment. The total project cost is estimated to be \$47,149,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing: Mahnaz Massoudi, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8358.

FLORIDA STATE CLEARINGHOUSE

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

DEPARTMENT OF HEALTH

On May 12, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of James R. Winters, L.M.T. License #MA 56880. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 5, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Steven Barry Brown, M.D. License #ME 60483. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and

welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 6, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Yves Nemours Jean-Baptiste, M.D. License #ME 89778. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 6, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Robert L. Ignasiak, Jr., M.D. License #ME 41271. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 7, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Willie Everett, C.N.A. License #CNA 46488. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 12, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Shavit Friedman, R.N. License #RN 9244063. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this

summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 7, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Steven Leslie Kaplan, M.D. License #ME 46745. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 7, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Brandy Elizabeth Medeiros, R.N. License #PN 5166543 and RN 9275469. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 7, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Deborah D. Pollard, C.N.A. License #CNA 154127. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 12, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Angela L. Pulliam, C.N.A. License #CNA 165922. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 12, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Nicole Marie Ruby, L.P.N. License #PN 5169050. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 7, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Marian Ann Ruis, L.P.N. License #PN 1158371. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 7, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Sheryl Lavender, D.O. License #OS 5565. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation, Division of Financial Institutions, has received a written withdrawal of the following application:

APPLICATION WITHDRAWN

Application to Acquire Control
 Financial Institution to be Acquired: EuroBank, Coral Gables, Florida
 Proposed Purchasers: Jose Pedro de Morais, Jr., Luanda, Angola, and Rui Ximenes Barata Guedes de Abreu, Lisbon, Portugal
 Received: March 25, 2009
 Withdrawn: May 5, 2010
 Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.flofr.com/banking/cufm.asp>. Comments may be submitted to: The Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., June 11, 2010):
 Name and Address of Applicant: Community Credit Union of Florida, 1030 South US Highway 1, Rockledge, FL 32955
 Expansion Includes: Geographic Area
 Received: May 11, 2010
 Name and Address of Applicant: City County Credit Union of Fort Lauderdale, 1982 North State Road 7, Margate, Florida 33063
 Expansion Includes: Geographic Area
 Received: May 10, 2010

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN May 3, 2010
 and May 7, 2010**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE

Division of Elections

1S-2.0095	5/5/10	5/25/10	36/13	
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

5C-3.001	5/4/10	5/24/10	35/52	36/12
5C-3.002	5/4/10	5/24/10	35/52	
5C-3.003	5/4/10	5/24/10	35/52	36/12
5C-3.004	5/4/10	5/24/10	35/52	
5C-3.005	5/4/10	5/24/10	35/52	
5C-3.007	5/4/10	5/24/10	35/52	36/12
5C-3.009	5/4/10	5/24/10	35/52	
5C-3.011	5/4/10	5/24/10	35/52	36/12
5C-3.012	5/4/10	5/24/10	35/52	
5C-30.001	5/4/10	5/24/10	35/52	36/12
5C-30.002	5/4/10	5/24/10	35/52	36/12
5C-30.003	5/4/10	5/24/10	35/52	36/12
5C-30.004	5/4/10	5/24/10	35/52	36/12

Division of Agricultural Environmental Services

5E-1.012	5/3/10	5/23/10	36/11	
5E-1.023	5/3/10	5/23/10	35/51	36/11

DEPARTMENT OF EDUCATION

State Board of Education

6A-4.02451	5/3/10	5/23/10	36/6	36/14
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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-2.091	5/6/10	5/26/10	35/52	36/5
40D-2.301	5/6/10	5/26/10	35/52	
40D-2.801	5/6/10	5/26/10	35/52	
40D-80.073	5/6/10	5/26/10	35/52	36/14

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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AGENCY FOR HEALTH CARE ADMINISTRATION
Office of Licensure and Certification

59A-24.006	5/5/10	5/25/10	35/26	36/12
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DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

60BB-10.001	5/6/10	5/26/10	36/5	
60BB-10.002	5/6/10	5/26/10	36/5	
60BB-10.003	5/6/10	5/26/10	36/5	36/14
60BB-10.004	5/6/10	5/26/10	36/5	
60BB-10.005	5/6/10	5/26/10	36/5	
60BB-10.006	5/6/10	5/26/10	36/5	
60BB-10.007	5/6/10	5/26/10	36/5	36/14
60BB-10.008	5/6/10	5/26/10	36/5	
60BB-10.009	5/6/10	5/26/10	36/5	36/14

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-17.510	5/4/10	5/24/10	35/38	
62-17.520	5/4/10	5/24/10	35/38	
62-17.535	5/4/10	5/24/10	35/38	36/10
62-17.540	5/4/10	5/24/10	35/38	35/45
62-17.543	5/4/10	5/24/10	35/38	
62-17.545	5/4/10	5/24/10	35/38	
62-17.570	5/4/10	5/24/10	35/38	
62-17.580	5/4/10	5/24/10	35/38	
62-17.590	5/4/10	5/24/10	35/38	36/10
62-17.600	5/4/10	5/24/10	35/38	35/45
62-17.610	5/4/10	5/24/10	35/38	
62-17.625	5/4/10	5/24/10	35/38	
62-17.660	5/4/10	5/24/10	35/38	36/10
62-17.665	5/4/10	5/24/10	35/38	35/45
62-17.680	5/4/10	5/24/10	35/38	35/45
62-17.695	5/4/10	5/24/10	35/38	
62-17.700	5/4/10	5/24/10	35/38	
62-17.710	5/4/10	5/24/10	35/38	
62-17.750	5/4/10	5/24/10	35/38	35/45
62-17.760	5/4/10	5/24/10	35/38	

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

64B10-11.011	5/3/10	5/23/10	36/12	
64B10-14.002	5/3/10	5/23/10	36/11	
64B10-14.004	5/3/10	5/23/10	36/11	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
Board of Pharmacy					Division of Emergency Medical Operations				
64B16-26.103	5/7/10	5/27/10	36/2	36/13	64J-1.001	5/7/10	5/27/10	35/52	36/13
64B16-26.2031	5/7/10	5/27/10	35/49	36/12	64J-1.004	5/7/10	5/27/10	35/52	36/13
64B16-26.2033	5/7/10	5/27/10	35/39	36/12	64J-1.008	5/7/10	5/27/10	35/52	
Board of Psychology					64J-1.009	5/7/10	5/27/10	35/52	
64B19-11.012	5/3/10	5/23/10	36/13		64J-1.0202	5/7/10	5/27/10	35/52	36/13
64B19-12.002	5/3/10	5/23/10	36/9		DEPARTMENT OF FINANCIAL SERVICES				
64B19-12.004	5/3/10	5/23/10	36/9		Division of State Fire Marshal				
64B19-12.0041	5/3/10	5/23/10	36/9		69A-51.020	5/6/10	5/26/10	36/6	36/12
Board of Athletic Training					<hr/>				
64B33-2.001	5/7/10	5/27/10	36/12						